

WAR AND IMPERIAL CAPITAL:
PUBLIC ORDER, CRIME AND PUNISHMENT IN ISTANBUL, 1914-1918

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ABSTRACT

WAR AND IMPERIAL CAPITAL: PUBLIC ORDER, CRIME AND PUNISHMENT IN ISTANBUL, 1914-1918

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The Great War was the last and the most important part of the series of wars that the Ottoman Empire had been involved in since 1911. This was also a total war, as the boundary between the front and home front became almost indistinguishable. Therefore, the Great War, which lasted four years, had a great impact on state-society relations in all belligerent countries.

This study aims to examine state-society relations in the Ottoman Empire by specifically addressing wartime policies related to public order, crime and punishment implemented in Istanbul. While doing this, there will be particular focus on issues such as the consolidation of modern state apparatus; the increasingly authoritarian rule of the Committee of Union and Progress (CUP); and the government's capability and/or incapability to penetrate into the society.

In order to make this analysis, the chapters of this dissertation focus on topics as follows: the structure of police and Criminal Code; travel documents, passports and reports of the Travel Office; policies implemented on vagrants, refugees, countrymen, foreigners and minorities; criminal policy of the CUP government against theft, profiteering and bribery; official attitude towards some crimes regarded as threat to the

survival of state and continuation of the CUP government; the practice of collecting arms; and amnesties.

Keywords: First World War, Istanbul, Public Order, Criminal Policy, Wartime State-Society Relations.

ÖZ

SAVAŞ VE İMPARATORLUK BAŞKENTİ: İSTANBUL'DA ASAYİŞ, SUÇ VE CEZA, 1914-1918

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Birinci Dünya Savaşı, Osmanlı İmparatorluğu'nun, 1911 yılından itibaren müdahil olduğu savaşlar silsilesinin sonuncusu ve en önemlisiydi. Topyekün bir savaş olan Büyük Savaş sırasında, cephe ile cephe gerisi arasındaki sınırlar neredeyse kaybolmuştu. Bu nedenle, dört yıl boyunca devam eden savaş, savaşa katılan tüm ülkelerde, devlet-toplum ilişkileri üzerinde son derece büyük bir dönüştürücü etkiye sahip oldu.

Bu çalışma, İstanbul'da savaş yıllarında uygulanan asayiş, suç ve cezalandırmaya dair politikalar üzerine yoğunlaşarak, Osmanlı İmparatorluğu'nun devlet-toplum ilişkilerini analiz etmeyi amaçlamaktadır. Bu analiz özellikle üç meseleye odaklanılarak yapılmıştır: modern devlet aygıtlarının konsolidasyonu; gittikçe otoriter bir yapıya kavuşan İttihat ve Terakki Cemiyeti (İTC) yönetimi; hükümetin topluma nüfuz edip edememe kapasitesi.

Bu doktora çalışmasının bölümleri şu başlıklar üzerine detaylı bir analiz içermektedir: polisin ve ceza kanununun yapısı; seyahat varakaları, pasaportlar ve Seyrüsefer Kalemi tarafından hazırlanan raporlar; serserilere, göçmenlere, taşralılara, yabancılara ve azınlıklara uygulanan denetim politikaları; hırsızlık, vurgunculuk ve rüşvet ile ilgili İTC hükümeti tarafından geliştirilen suç politikası; devletin bekasına ve

hükümetin devamlılığına tehdit olarak algılanan suçlara resmi yaklaşım; silah toplama pratiği; ve aflar.

Anahtar Kelimeler: Birinci Dünya Savaşı, İstanbul, Asayiş, Suç Politikası, Savaş Dönemi Devlet-Toplum İlişkisi.

To my parents, Duygu & Dođan Dölek
For their deep affection and belief in me throughout my life

&

To AYTEK
For every single moment we share together

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LIST OF ABBREVIATIONS

BOA	Başbakanlık Osmanlı Arşivi
CUP	Committee of Union and Progress
DH.EUM	Dahiliye Nezareti Emniyet-i Umumiye Müdüriyeti
DH.EUM.1.Şb Şube	Dahiliye Nezareti, Emniyet-i Umumiye Müdüriyeti, Birinci Şube
DH.EUM.2.Şb	Dahiliye Nezareti, Emniyet-i Umumiye Müdüriyeti, İkinci Şube
DH.EUM.3.Şb Şube	Dahiliye Nezareti, Emniyet-i Umumiye Müdüriyeti, Üçüncü Şube
DH.EUM.6.Şb Şube	Dahiliye Nezareti, Emniyet-i Umumiye Müdüriyeti, Altıncı Şube
DH.EUM.ADL	Dahiliye Nezareti, Emniyet-i Umumiye Müdüriyeti, Takibat-ı Adliye Kalem
DH.EUM.AYS	Dahiliye Nezareti, Emniyet-i Umumiye Müdüriyeti, Asayiş Kalem
DH.EUM.ECB	Dahiliye Nezareti, Emniyet-i Umumiye Müdüriyeti, Ecanib Kalem
DH.EUM.EMN	Dahiliye Nezareti, Emniyet-i Umumiye Müdüriyeti, Emniyet Kalem
DH.EUM.KLU	Dahiliye Nezareti, Emniyet-i Umumiye Müdüriyeti, Kalem-i Umumiye Müdüriyeti
DH.EUM.MEM	Dahiliye Nezareti, Emniyet-i Umumiye Müdüriyeti, Memurin Kalem
DH.EUM.MTK	Dahiliye Nezareti, Emniyet-i Umumiye Müdüriyeti, Muhaberat ve Tenkisat Müdüriyeti
DH.EUM.MH	Dahiliye Nezareti, Emniyet-i Umumiye Müdüriyeti, Muhasebe Kalem

DH.EUM.SSM	Dahiliye Nezareti, Emniyet-i Umumiye Mdriyeti, Seyrsefer Kalem
DH.MB..HPS	Dahiliye Nezareti, Mebani-i Emiriye Hapishaneler Mdriyeti
DH.MB..HPS.M...	Dahiliye Nezareti, Mebani-i Emiriye Hapishaneler Mdriyeti Mteferrik Evrakı
DH.ŞFR	Dahiliye Nezareti, Şifre Kalem
MAZC	Meclis-iAyan Zabıt Ceridesi
MMZC	Meclis-i Mebusan Zabıt Ceridesi
NARA	The US National Archives and Records Administration

CHAPTER 1

INTRODUCTION

The Great War had a considerable impact on state-society relations in all belligerent countries. States had to extend their role into the lives of individuals in order to maintain mass mobilization at the homefront as well as being effective on the battlefronts. In that respect, policies on internal order and security became instruments for belligerent states to restructure the society in accordance with their wartime political and socio-economic priorities. This study aims to analyze state-society relations in the Ottoman Empire by particularly focusing on wartime policies regarding public order, crime and punishment implemented in Istanbul.¹ While doing this, there will be specific focus on issues such as the consolidation of modern state apparatus; the increasingly authoritarian rule of the Committee of Union and Progress (CUP); and the government's capability and/or incapability to penetrate into the society.

When the Great War began, many people being not only ordinary people but also statesmen had certain predictions about it which were later to be proven wrong as the war proceeded. The war started with the declaration of war by Austria-Hungary to Serbia on July 28, 1914. First of all, it was thought that this was a local war that would be a Balkan issue.² Nevertheless, the political polarization in Europe had reached its peak in the early twentieth century. The Treaty of Triple Alliance was signed between Austria-Hungary, Germany and Italy in 1882. In fact, Italy would change her side in the following years of the war, but the alliance between Austria-Hungary and Germany

¹ Istanbul as the imperial capital is chosen as the object of this analysis. Therefore, this thesis does not make an overall evaluation of the policies related to public order, crime and punishment implemented in different regions of the Empire. It is clear that the implementation of such policies had radical differences in Anatolian provinces and Arab lands.

² Marc Ferro, *The Great War, 1914-1918*, (Boston, London and Henley: Routledge and Kegan Paul, 1973), p. 25, 40.

was one of the most long-lasting diplomatic relations in the late nineteenth century.³ On the other side, there was the Triple Entente, which was composed of France, Russia and Britain.⁴ Hobsbawm argues that international competition, imperialist expansion, conflicts and war became inevitable in the early twentieth century as a consequence of the rise of capitalism.⁵ To sum up, contrary to the initial predictions of a local European conflict, this war became a World War soon at the end of 1914, and its scope became greater after 1917 with the entrance of USA and China to the war.

At the initial phases of the war, all the states and their citizens believed in their own final victory. But as the war continued for four years, all the sources of the belligerents were exhausted. In other words, whether victorious or defeated, all the countries had lost a substantial part of their power and material means by the end of the war.⁶ One other inaccurate estimate was about the possible duration of the war. Since it was a modern war, according to many it would not last long. People were mobilized easily and, in general, voluntarily with regard to this estimation.⁷ However, in fact, the war lasted four years with all its “modern” destructive dimensions.

³ Eric Hobsbawm, *The Age of Empire, 1875-1914*, (New York: Vintage Books, 1989), pp. 312-313.

⁴ The relationship among the Triple Entente was much more complex than the relationship of the Allied Powers. France and Britain were historical rivals, and they were antagonists in European wars during the eighteenth century and in the early nineteenth century. However, the situation changed as a result of the rise of Germany as a rival force against Britain. Furthermore, France lost its economic power during the nineteenth century. Britain, therefore, began to evaluate Germany as her biggest rival in Europe. According to Hobsbawm, the roots of the World War can merely be understood through a correct comprehension of British-German antagonism. Hobsbawm, *The Age of Empire*, pp. 314-315. For detailed information about this issue, also see, Ferro, *The Great War*, pp. 18-21. James Joll, *The Origins of the First World War*, (London and New York: Longman, 1985), pp. 123-145.

⁵ Hobsbawm, *The Age of Empire*, p. 316.

⁶ Ferro, *The Great War*, pp. 127-128. European states and the Ottoman Empire had become worn out at the end of the war. The only exception which was not terribly affected from the war was the US. On the contrary, she became more powerful after the war and she consolidated her hegemony in the post-war era. Following the First World War, Britain lost her primary position in the world politics. Moreover, the golden years of Europe came to an end since the world politics and economy began to be dominated by the USA. For detailed information, see, Eric Hobsbawm, *Age of Extremes: The Short Twentieth Century*, (London: Abacus, 1995), pp. 28-29, 52.

⁷ Hobsbawm, *The Age of Empire*, p. 326, Ferro, *The Great War*, p. 27.

Certainly, the Great War of 1914-1918 was different from the wars of the previous eras. As a result of technological developments, especially improvements in communication and transportation, distances had become shorter. People from different regions of the world, could at that time easily be transferred to fight on the fronts which were quite distant from their homelands.⁸ Furthermore, it was the first total war in the history of the world. The number of states that were engaged in that conflict increased rapidly during its first year. Moreover, it was a total war for each belligerent state in the sense that they attempted to commit all their sources for such a long-lasting conflict.⁹ The wars of previous eras had been limited to frontlines where armed confrontation took place. Nevertheless, since the Great War's effects were not anymore limited to the armies and the fronts, a new terminology had to be produced. For instance 'home front', which meant the territory populated by the citizens of the belligerent state, became as important as the front lines.¹⁰ In other words, for the first time a war was so influential on the society in the 'home front' due to several reasons: development of modern and effective weapons; conscription of a large number of males as part of mandatory military service (an important element of modern state), an increasing relationship between the front and its hinterland; and mobilization of masses through nationalist discourse.¹¹

Moreover, the Great War was also an 'indirect war' unlike the previous 'direct wars'. Direct war means the destruction of enemy forces in a battle, whereas indirect

⁸ Canadians fought for France; units from Australia and New Zealand combatted on behalf of Britain in Turkey; a Chinese unit came to Europe, and Africans struggled on the French side. Hobsbawm, *Ages of Extremes*, p. 23.

⁹ Hobsbawm argues that the Great War was the first and the last total war in the history of the world which was based on consent during the world history. European armies were mobilized easily since most of the soldiers were volunteers, *Age of Empires*, p. 326. At the end of the war, however, most of the soldiers who returned their home were anti-militarists and they formed up a new class: the class of victims. Ferro, *The Great War*, p. 145. For mobilization experience of the Ottoman army, see Mehmet Başıkçı, *The Ottoman Mobilization of Manpower in the First World War: Between Voluntarism and Resistance*, (Leiden: Brill, 2012).

¹⁰ Murat Metinsoy, *İkinci Dünya Savaşında Türkiye: Savaş ve Gündelik Yaşam*, (Istanbul: Homer Kitabevi, 2007), p. 16.

¹¹ Metinsoy, *İkinci Dünya Savaşında Türkiye*, p. 16.

war indicates the struggle to gain advantage by disrupting enemy's morale and material resources.¹² In the latter, the civilians of the home front become direct targets for the enemy.¹³ In brief, the Great War, as a total and indirect war, which lasted four years and affected the entire world, promoted the importance of society and social life for historical studies.

Actually, as mentioned before, the Great War inevitably brought about profound changes in state-society relations for all belligerent countries. Since 'the survival of the state' became a major concern for states, policies implemented on the society were primarily shaped by this concern. Each state began to spend extra effort to maintain internal order and status quo.¹⁴ In fact, since the level of threat from "enemy within" and "enemy without" reached a peak, the support for increasing central control raised everywhere.¹⁵ Nevertheless, under the war conditions, the maintenance of internal order was not an easy task for governments. On the one hand, in every belligerent country, a large number of police and gendarme officers were enrolled in the army, thereby causing an overall institutional deterioration in security forces in terms of personnel. On the other hand, the war created its own context within which different dynamics of disorder and conflict came into play.

As a matter of fact, governments' success or failure in provisioning policies became a foremost issue with regard to "internal order" during the Great War. Especially, the feeding of capital cities became critical. Capital cities, with their big populations, demanded massive scales of food. In fact, the feeding sources of capital

¹² Ferro, *The Great War*, p. 98.

¹³ For instance, the Entente Powers tried to mobilize Arabs and Armenians against the Ottoman State through propaganda, whereas Germans used the same method in order to raise Russian minorities against the Tsarist state. Economic dimensions of indirect were also remarkable. The Entente Powers tried to dry up the Allied Powers' sources of supply in order to galvanize an economic crisis. For instance, Germany used submarines with the same intention, undermining the transportation of necessities. Ferro, *The Great War*, pp. 105-108.

¹⁴ Clive Emsley and Barbara Weinberger, "Introduction", *Policing Western Europe: Politics, Professionalism and Public Order, 1850-1940*, Clive Emsley and Barbara Weinberger (eds.), (New York, Westport, Connecticut, London: Greenwood Press, 1991), p. ix.

¹⁵ Emsley and Weinberger, "Introduction", p. xi.

cities had been different from each other before the Great War. For instance, while London had been largely dependent on international food-supply network, the feeding of Paris had been based on internal market. The situation of Berlin had been somewhere between the British case of dependency on overseas supply and the French self-sufficiency.¹⁶ Similar to London, Istanbul had been dependent on abroad in terms of agricultural products.¹⁷

When the war began, all countries encountered several problems of provisioning. First of all, the connections between exporting and importing countries were disrupted. Therefore, the Ottoman Empire, Germany and Britain experienced scarcity of food. Moreover, there were a number of problems even in the countries having self-sufficient agricultural production. Since, the majority of male population was conscripted to armies, the efficiency of agricultural production diminished to a great extent. Furthermore, the feeding of armies became the primary aim of all states for better warmaking. In fact, civilians did not initially oppose the fact that armies automatically became qualified for the biggest portion of available food.¹⁸ Yet, as war extended over time and governments began having troubles in the distribution of food, discontent began among civilians.

To sum up, there was a considerable degree of shortage alongside price increases for certain basic goods in all capital cities. Governments had to intervene in the market in order to provide better distribution of vital goods. Although market forces were controlled to an extent, in the end, they could not be totally eliminated.¹⁹ The crisis situation was more successfully handled in some cases, such as Britain and France, than it was in the cases of Germany and the Ottoman Empire. A direct consequence of rising prices and shortages was the development of ‘black markets’ in

¹⁶ Thierry Bonzon and Belinda Davis, “Feeding the Cities”, *Capital Cities at War: Paris, London, Berlin 1914-1919*, Jay Winter and Jean-Louis Robert (eds.), (Cambridge, New York: Cambridge University Press, 1997), p. 309.

¹⁷ Ahmet Emin Yalman, *Turkey in the World War*, (New Haven: Yale University Press, 1930), p. 270.

¹⁸ Bonzon and Davis, “Feeding the Cities”, p. 312.

¹⁹ Bonzon and Davis, “Feeding the Cities”, p. 316.

capital cities. Whereas there was black market in Paris and London, “it did not usually impinge directly on the daily struggle for survival.”²⁰ The majority of traders in London and Paris tried to comply with laws and regulations, and the reason for this was the success of state intervention in terms of proper price controls and efficient wartime emergency legislations.²¹ On the contrary, in Berlin, especially after 1916, most traders tended to circumvent the laws in order to make huge amounts of profits by supplying the basic necessities for the harried population.²² “The great complexity of regulations, and above all a lack of vertical integration between authorities at different levels led confusion’ and provided a broad field to profiteers for their illegal acts.”²³ As will be discussed in the second and sixth chapters, the case in Istanbul was similar to the case in Berlin. The existence of black market and inequalities in the distribution of food and other basic items resulted in discontent in the societies of all combatant countries.

As a matter of fact, the government of Britain was much more successful than the Central European states in alleviating the popular discontent. This ran parallel to the fact that there was relatively lower level of price increases and scarcity owing to the existence of better organized provisioning strategies in Britain.²⁴ On the contrary, in Germany, official authorities were far from managing provisioning needs which in turn led to a continuous social tension. Civilians inevitably blamed political authorities for their failure “whether through lack of leadership, lack of sufficiently focused attention or collision with profiteers.”²⁵ In Berlin corruption reached a peak as the war

²⁰ Jon Lawrence, “Material Pressures on the Middle Classes”, *Capital Cities at War: Paris, London, Berlin 1914-1919*, Jay Winter and Jean-Louis Robert (eds.), (Cambridge, New York: Cambridge University Press, 1997), p. 246.

²¹ Lawrence, “Material Pressures”, p. 246.

²² Lawrence, “Material Pressures”, p. 246.

²³ Bonzon and Davis, “Feeding the Cities”, p. 341.

²⁴ Bonzon and Davis, “Feeding the Cities”, p. 326.

²⁵ Bonzon and Davis, “Feeding the Cities”, p. 334.

continued. It became a part of the chain of unequal distribution of food and access to the black market. All these resulted in riots and street protests. The first serious food protests in Berlin took place in October 1915 in the districts mostly populated by the working class.²⁶ Similar to Germany, there were several food riots in Austria-Hungary. Hüseyin Cahit, a prominent journalist and member of the Committee of Union and Progress (hereafter CUP), witnessed one of these protests during his visit to Pilsen (Plzen).²⁷ A crowd mostly composed of workers and people from lower classes stoned the windows of the hotel Hüseyin Cahit was staying and pillaged a number of bakeries. According to his memoirs, the attitude of the police and soldiers was almost friendly to the protestors. Rather than harsh attacks on the protestors, police maneuvers resembled “a scene of opera”.²⁸ Probably, the government and security forces tried to avoid provoking the protestors further through violent attacks.

In London, different from other European capitals, almost no food protests took place despite the fact that there was a degree of food shortage.²⁹ The situation in Paris was a little bit different. Although there were no serious food protests in Paris, workers, particularly women, voiced out their anger through mass riots concerning the official abolishing of price controls and allowing prices to fluctuate in the spring of 1917.³⁰ Actually, whether it turned to mass protests and riots or not, problems in provisioning, emergence of black market and unequal opportunities of access to basic food resulted in rising social tension all over Europe.

The same was the case in Istanbul. Although according to memoirs and archival documents there was not any recorded mass protest or riot in the city during

²⁶ Bonzon and Davis, “Feeding the Cities”, p. 334.

²⁷ Hüseyin Cahit Yalçın, *Siyasi Anılar*, (İstanbul: İş Bankası Kültür Yayınları, 2000), p. 325.

²⁸ Yalçın, *Siyasi Anılar*, p. 325.

²⁹ Bonzon and Davis, “Feeding the Cities”, p. 308.

³⁰ The protests in Paris had a great impact on the government’s policy change. In March, first, sugar was rationed and it was followed by rationing of bread and coal. These policies lowered tension over vital supplies and reinforced the feeling of greater social justice. Bonzon and Davis, “Feeding the Cities”, p. 334.

the Great War, there was an unquestionable rising discontent among people as they found it even impossible to access the supply of basic food items such as bread. Charles Vinicombe, a British national living in Istanbul at that time, described the situation as follows: “[in August 1915] Bread awfully scarce, fights around the bakeries being of daily occurrence, we got a Police permit to purchase two loaves per day, but it was awful stuff, black with straw in it and God knows what else, sometimes it stank abominably and uneatable, as it produced stomach trouble and many people died.”³¹ As will be examined in the second chapter, after 1916, the CUP government felt the necessity of taking measures against rising food prices and unequal access to basic necessities. The rising tension in society probably had a certain impact on these policies. From time to time the CUP government, similar to the governments of other belligerent states, attempted to find remedies for the increasing social tension in order to prevent riots and mass protests.

Actually, worsening living conditions, rising inflation and impoverishment resulted in concerns about increasing crime. In fact, in majority of belligerent countries, the Great War initially caused a decline in crime and then promoted new waves of criminality.³² In England, the reason of decline in crime rates during the first years of the war was attributed to ‘first, the keeping of better hours, after the darkening of the streets and the early closing of public houses; second, the new consciousness of national duty and the impulse of patriotism; and third, the greatly increased prosperity

³¹ Charles Vinicombe was a British national who had been in the Ottoman service for forty-five years before the Great War. Although there is no information about his exact duty in the Ottoman Empire, it is clear that he had an important position because the Ottoman government did not let him leave the city when the Ottoman Empire entered the War. According to him, the main cause of the government’s decision for keeping him in Istanbul was that he had too much confidential information. His letter dated October 25, 1920 to a friend includes many details about wartime Istanbul. Vinicombe, Charles of Istanbul, *Letters Describing Wartime Life in Istanbul*, 99/9/1, (Located in Imperial War Museums, London, United Kingdom). Mrs. Marie Lyster, another British national living in wartime Istanbul, described in her diaries disputes taking place in front of bakeries as a result of scarcity of bread. Ian Lyster (ed.), *Among the Ottomans: Diaries from Turkey in World War I*, (London, New York: I.B. Tauris, 2011), p. 2.

³² Clive Emsley, *Crime, Police and Penal Policy: European Experiences, 1750-1940*, (Oxford, New York: Oxford University Press, 2007), p. 232.

of many of the poorer classes and the absence of unemployment.’³³ In France, the decline in crime rates was short-lived and also variational from offence to offence. In Russia, mobilization, alongside with prohibition of production, sale and consumption of alcoholic drinks, were argued as the main reasons of decline in offences. Nevertheless, as the war extended over time, crime rates increased in all belligerent countries.³⁴

In fact, there has been a considerable academic lacuna on the social dimensions of the Great War in Turkish historiography. There are several books and scholarly studies on the military and diplomatic dimensions of the war; however, social life during the war, despite its importance, was not sufficiently investigated.³⁵ For instance, a rare academic work concerning the social life in the Ottoman State during the war years is Ahmed Emin’s book entitled *Turkey in the World War*.³⁶ It was published in the US in 1930 and has not been translated into Turkish up to now. This situation is also an indicator of the academic lacuna on this issue. In fact, Zafer Toprak contributed to the socio-economic literature on the Ottoman Empire with his prominent books

³³ Emsley, *Crime, Police and Penal Policy*, p. 232.

³⁴ Emsley, *Crime, Police and Penal Policy*, p. 233.

³⁵ There are several studies about the political, diplomatic and military aspects of the Great War. One such study was written by Yusuf Hikmet Bayur. See, *Türk İnkılabı Tarihi, Vol. III: 1914-1918 Genel Savaşı*, (Ankara: Türk Tarih Kurumu Basımevi, 1991). There are also recent studies that aim at placing the Ottoman Empire in the Great War within a broader international context. Mustafa Aksakal provides an original perspective about the Ottoman Empire’s entry into the Great War in terms of international and internal political dynamics of the time. See *Ottoman Road to War in 1914: The Ottoman Empire and the First World War* (Cambridge: Cambridge University Press, 2008). Michael A. Reynolds argues that in order to understand the collapse of the Ottoman and Russian Empires, one should focus on geopolitical competition and the emergence of a new global international order. See *Shattering Empires: The Clash and Collapse of the Ottoman and Russian Empires, 1908-1918*, (Cambridge: Cambridge University Press, 2011). The economic dimensions of the Great War was also studied by several historians. Vedat Eldem’s work on wartime economics provides a large body of valuable descriptive information though with only limited social analysis. Vedat Eldem, *Harp ve Mütareke Yıllarında Osmanlı İmparatorluğu’nun Ekonomisi*, (Ankara: Türk Tarih Kurumu Yayınları, 1994). Gündüz Ökçün’s book about Ottoman Industry between 1913-1915 includes useful information about the industrial developments in the Ottoman Empire during the Great War. This book is mainly based on statistical data as well and contains little theoretical analysis. Gündüz Ökçün, *Osmanlı Sanayi: 1913-1915 Yılları Sanayi İstatistiki*, (Istanbul: Hil Yayınları, 1984).

³⁶ Ahmed Emin Yalman, *Turkey in the World War*, (New Haven: Yale University Press, 1930).

*Türkiye’de Milli İktisat, Milli Burjuvazi and İttihat Terakki ve Cihan Harbi.*³⁷ These books provide detailed information about wartime economic policies, development of a Muslim-Turkish bourgeois class, provisioning and economic problems of the Ottoman Empire during the Great War.

Concerning social aspects of the Great War in the Ottoman Empire, important studies have been made and published especially in the last ten years,. For example, Yiğit Akın’s PhD Dissertation entitled *The Ottoman Home Front during World War I: Everyday Politics, Society and Culture* is one of these.³⁸ He focuses on several topics having far-reaching repercussions on the Ottoman society such as conscription, state-controlled economy, provisioning, forced deportations and voluntary displacements. According to him, the extraordinary expansion of the state during the war years resulted in new sites of interaction between the Ottoman State and society. Mehmet Beşikçi is another historian evaluating state-society relations during the Great War in terms of the mobilization process.³⁹ His study contributes to the Ottoman historiography on the Great War a detailed analysis about different aspects of the mobilization process, particularly focusing on Muslim male population in Anatolia.

Erol Köroğlu provides us another aspect of the Great War. In his analysis about Turkish literature at that time, Köroğlu argues that the Ottoman State and intellectuals lacked necessary infrastructural instruments to influence the Ottoman society in depth through propaganda; but, despite that fact, the masterpieces of Turkish literature from that era served for the construction of national identity.⁴⁰

³⁷ Zafer Toprak, *Türkiye’de Milli İktisat Milli Burjuvazi*, (Istanbul: Tarih Vakfı Yayınları, 1996). Zafer Toprak *İttihat Terakki ve Cihan Harbi*, (Istanbul: Homer Kitabevi, 2003)

³⁸ Yiğit Akın, *The Ottoman Home Front during World War I: Everyday Politics, Society and Culture*, (unpublished PhD Dissertation), (Ohio: The Ohio State University, 2011).

³⁹ Mehmet Beşikçi, *The Ottoman Mobilization of Manpower in the First World War: Between Voluntarism and Resistance*, (Leiden: Brill, 2012); Mehmet Beşikçi, *Birinci Dünya Savaşı’nda Osmanlı Seferberliği*, (İstanbul: Türkiye İş Bankası Kültür Yayınları, 2015).

⁴⁰ Erol Köroğlu, *Türk Edebiyatı ve Birinci Dünya Savaşı, 1914-1918: Propagandanan Milli Kimlik İnşasına*, (İstanbul: İletişim Yayınları, 2004).

Although these studies provide plentiful information and new perspectives about different socio-economic and socio-political aspects of the war, internal security and criminality in that period has so far not been studied in detail. Actually, public order, crime and punishment in the late Ottoman Empire are topics that have recently started receiving scholarly attention. There are a number of valuable studies on these topics. Ferdan Ergut's PhD dissertation entitled *State and Social Control: The Police in the Late Ottoman Empire and the Early Republican Turkey, 1839-1939* and his book named as *Modern Devlet ve Polis, Osmanlı'dan Cumhuriyet'e Toplumsal Denetimin Diyalektiği* could be evaluated as a pioneer in that respect. These scholarly works provide detailed study of the rise and transformation of the police organization in the Ottoman State and afterwards. He analyzes the institutional evolution of the police force, its separation from military and the rise of public order policing, all being crucial elements of the modernization and centralization of the Ottoman Empire after 1839. In addition, he makes a thorough analysis of changes and continuities in the police organization during the Republican period up to 1939.⁴¹

Furthermore, the edited book entitled *Osmanlı'da Asayiş, Suç ve Ceza* includes a number of recent studies about the historiography on public order, crime, punishment and prisons.⁴² *Polis ve Jandarma: Fransız ve Osmanlı Tarihçiliğine Çapraz Bakışlar*, being another edited book, provides readers a general and comparative view about the institutional structure of police and gendarme in the Ottoman Empire and France.⁴³ İlkay Yılmaz's recent study is a detailed analysis on policing strategies during the reign of Abdülhamid II as part of modernization process.⁴⁴ She focuses on a number of

⁴¹ Ferdan Ergut, *State and Social Control: The Police in the Late Ottoman Empire and the Early Republican Turkey, 1839-1939*, (Unpublished PhD Dissertation), (New York: New School for Social Research, 1999) and Ferdan Ergut, *Modern Devlet ve Polis, Osmanlı'dan Cumhuriyet'e Toplumsal Denetimin Diyalektiği*, (İstanbul: İletişim, 2004). Also see, Ferdan Ergut, "Policing the Poor in the Late Ottoman Empire", *Middle East Studies*, Vol. 38, No.2, (2002), pp. 149-164.

⁴² Noémi Lévy and Alexandre Toumarkine (eds), *Osmanlı'da Asayiş, Suç ve Ceza, 18.-20. Yüzyıllar*, (İstanbul: Türkiye Ekonomik ve Toplumsal Tarih Vakfı, 2007).

⁴³ Noémi Lévy, Nadir Özbek and Alexandre Toumarkine (eds), *Jandarma ve Polis: Fransız ve Osmanlı Tarihçiliğine Çapraz Bakışlar*, (İstanbul: Tarih Vakfı Yurt Yayınları, 2009).

security policies implemented on seasonal and foreign workers, vagrants, and anarchists. According to the author, state elites' new perception of "internal threat" played a major role in shaping such policies, whereby geographical mobilization also became influential. Therefore, she made her analysis through focusing on the practices of passport and internal travel permits as well as hotel regulations.

Kent Schull's dissertation entitled *Penal Institutions, Nation State Construction and Modernity in the Late Ottoman Empire, 1908-1919* and his book *Prisons in the Late Ottoman Empire: Microcosms of Modernity* examines prisons during the second constitutional period with specific regard to prison statistics. He argues that prisons of the late Ottoman Empire should be evaluated as part of an institutional modernization.⁴⁵ Gültekin Yıldız also studies Ottoman Prisons. In his book named *Mağuşane: Osmanlı Hapishanelerinin Kuruluş Serüveni, 1839-1908*, he argues that "modern" prisons began to be established in the Ottoman Empire as a part of bureaucratization and modernization process, whereas the standardization of punishments and penalty institutions resulted in many unforeseen problems.⁴⁶

Despite the valuable contribution of these studies to the late Ottoman historiography on public order and criminality, none of them actually covers in detail the Great War Years. This dissertation intends to contribute to the existing literature by focusing on 'public order', 'crime' and 'punishment' in Istanbul at that time. Being aware of the limited number of scholarly works on wartime Istanbul,⁴⁷ as opposed to

⁴⁴ İlkay Yılmaz, *Serseri, Anarşist ve Fesadın Peşinde: II. Abdülhamid Dönemi Güvenlik Politikaları Ekseninde Mürur Tezkereleri, Pasaportlar ve Otel Kayıtları*, (Istanbul: Tarih Vakfı Yurt Yayınları, 2014).

⁴⁵ Kent Schull, *Penal Institutions, Nation State Construction and Modernity in the Late Ottoman Empire, 1908-1919*, (Unpublished PhD Dissertation), (Los Angeles: University of California, 2007); Kent Schull, *Prisons in the Late Ottoman Empire: Microcosms of Modernity*, (Edinburgh University Press, 2014).

⁴⁶ Gültekin Yıldız, *Mağuşane: Osmanlı Hapishanelerinin Kuruluş Serüveni, 1839-1908*, (İstanbul: Kitabevi Yayınları, 2012).

⁴⁷ The present literature consists mostly of articles. The edited book named *Istanbul, 1914-1923* includes a number of articles about wartime Istanbul. Stefanos Yerasimos (ed.), *Istanbul, 1914-1923*, (Istanbul: İletişim Yayınları, 1997). Lokman Erdemir in his article entitled "I. Dünya Harbi'nin İstanbul'da Sosyal

the broad wartime literature on European capital cities, this thesis aims to add material to the groundwork for more comprehensive and/or comparative studies regarding the social life in the Ottoman capital city to follow in the future.

Before presenting a summary on the content of the chapters, the conceptual framework and the problematic of this study will be propounded.

Conceptual Framework and Problematic

The Great War being in a comprehensive sense the first destructive war of the twentieth century involved modern states. Despite their differences and original characteristics, there were features common to all these states. In order to understand what we mean by ‘public order’, ‘crime’ and ‘punishment’ as the basic concepts of this research, first of all we need to have a useful conceptualization of modern state. Weber describes the modern state and its basic characteristics as follows:

The primary formal characteristics of the modern state are as follows: It possesses an administrative and legal order subject to change by legislation, to which the organized activities of the administrative staff, which are also controlled by regulations, are oriented. This system of order claims binding authority, not only over the members of the state, the citizens, most of whom have obtained membership by birth, but also to a very large extent over all action taking place in the area of its jurisdiction. It is thus a compulsory organization with a territorial basis. Furthermore, today, the use of force is regarded as legitimate only so far as it is either permitted by the state or prescribed by it...⁴⁸

Hayata Etkisi” studies the wartime Istanbul by focusing on provisioning, social relief and health services as well as education. Lokman Erdemir, “I. Dünya Harbi’nin İstanbul’da Sosyal Hayata Etkisi”, *Birinci Dünya Savaşı’nda Osmanlı Devleti*, Ali Arslan and Mustafa Selçuk (eds.), (Istanbul: Kitabevi, 2015), pp. 305-327. Apart from these, Yalman’s book titled *Turkey in the World War* provides information about Istanbul although its primary focus is not the imperial capital.

⁴⁸ Max Weber, *Economy and Society, An Outline of Interpretive Sociology*, Guenter Roth and Claus Wittich (eds.), (Berkeley, Los Angeles and London: University of California Press, 1978), p. 56.

The modern state description of Weber, which influenced a great number of social and political scientists, is very useful in understanding the main features of the modern state. According to Weber, there were four main characteristics of the modern state: administrative and legal order; administrative staff (bureaucracy); territorial basis; and legitimate use of force. Similar to Weber, Tilly describes modern nation states as “relatively centralized differentiated organizations the officials of which more or less successfully claim control over the chief concentrated means of violence within a population inhabiting a large, contiguous territory.”⁴⁹ In this sense, centralized structure was another distinctive feature of the modern state. In fact, during the eighteenth and nineteenth century, wars between the European states necessitated centralization. As populations increased, the existing lands of states began to be insufficient. In consequence, wars became inevitable, and in order to manage wars more centralized political structures were needed.⁵⁰ Centralization did not only relate to institutional structure. Monopoly on physical force as one of the most distinctive features of the modern state was also an essential component.

In order to monopolize legitimate use of force, the governments in modern states used the discourse of ‘protecting’ their citizens against enemies. At this point, Tilly makes an analogy between governments and racketeers. According to Tilly, governments, just as racketeers, stimulated or even constructed threats of external war, and monopolized violence in the name of protecting citizens. Therefore, although governments, with their repressive activities, often constituted an actual violent threat to the persons, they sought to legitimize their actions with the claim to provide

⁴⁹ Charles Tilly, “War Making and State Making as Organized Crime”, *Bringing the State Back In*, Peter Evans, Dietrich Rueschemeyer and Theda Skocpol (eds.), (Cambridge: Cambridge University Press, 1985), p. 170.

⁵⁰ Özkan Agtaş, *Ceza ve Adalet*, (İstanbul: Metis, 2013), p. 171. Also see, Norbert Elias, *The Civilizing Process: Sociogenetic and Psychogenetic Investigations*, Vol. 2, Translated by Edward Jephott, (Oxford, Malden, Mass.: Blackwell Publishers: 2000), pp. 268-277. According to Elias, central authority on financial resources and military force are inseparable from one another as important elements of modern state.

protection. What makes legitimate use of force by state more credible and more difficult to resist was that claim of protection.⁵¹

According to Weber, the monopolization of legitimate use of force by the modern state was related to domination. He claims that “modern state is a compulsory association which organizes domination... It [modern state] monopolizes the legitimate use of physical force as means of domination.”⁵² Domination, in general terms, refers to “modes of control, whereby some agents seek to achieve and maintain compliance of others.”⁵³ Therefore, domination is directly related with the power of the state.

Mann’s conceptualization of state power as ‘despotic’ and ‘infrastructural’ is useful for analyzing the control and domination mechanisms of the state. Despotic power is the empowerment of the state elites to use their authority without any routine and institutionalized negotiation with the society.⁵⁴ In other words, the state, which has despotic power, can act arbitrarily in all spheres of political life without the consent of citizens. Using arbitrary coercion is also a characteristic of this power. In majority of traditional states, rulers possessed this kind of power. Subjects have been presumed to ‘obey’ all commands as a result of coercion. Nevertheless, the capacity of these rulers for penetration to the society had been extremely low because the rulers having despotic power lacked the necessary instruments and mechanisms for influencing the daily lives of their subjects.⁵⁵ ‘Fear’, rather than ‘consent’, was actually the main motive behind obedience.

Unlike traditional states, modern states generally have infrastructural power referring to “the capacity of the state to actually penetrate civil society, and to

⁵¹ Tilly, “War Making and State Making”, pp. 171-172.

⁵² Max Weber, “Politics as Vocation”, *From Max Weber: Essays in Sociology, From Max Weber: Essays in Sociology*, H. H. Gerth and C. Wright Mills (eds.), (London: Routledge and Kegan Paul, 1978), pp. 82-83.

⁵³ Anthony Giddens, *The Nation State and Violence, Vol. Two A Contemporary Critique of Historical Materialism*, (Berkeley and Los Angeles: University of California Press, 1985), p. 9.

⁵⁴ Michael Mann, *States, War and Capitalism*, (Oxford, Cambridge: Blackwell, 1992), p. 5.

⁵⁵ Giddens, *The Nation State and Violence*, p. 10.

implement logistically political decisions throughout the realm.”⁵⁶ The modern state with greater infrastructural power possessed the following features: regular taxation; monopoly over military mobilization; permanent bureaucratic administration; and a monopoly of lawmaking and enforcement.⁵⁷ When these features are evaluated one by one, it is clear that modern state have a capability to regulate virtually every sphere of life. Above all, through regular tax collection, the state apparatus could manipulate economic life. Similarly, monopoly over military mobilization provides use of manpower. Furthermore, permanent bureaucratic administration allows for a great capacity to regulate socio-political life. Finally, the monopoly of lawmaking and enforcement, through which state virtually attempts to determine boundaries for all acts, certainly has special importance. In fact, ‘legality’ and functional ‘competence’ based on rationally created rules constitute the basis of justification for modern state dominance.⁵⁸ All these indicate that infrastructural power provides states a capability for penetration into the everyday life of the society more than did any historical state.⁵⁹ The modern state has its own means to achieve such in-depth penetration into daily life.

⁵⁶ Micheal Mann, “The Autonomous Power of the State: Its Origins, Mechanisms and Results”, *European Journal of Sociology*, Vol. 25, No. 2, (November, 1984), p. 189.

⁵⁷ Mann, “The Autonomous Power of the State”, p. 209. As a matter of fact, modern sates having infrastructural power did not necessarily possess all these features equally. It means that while some states could have greater capacity in collecting taxes, some others could have a better bureaucratic administrative system. Policies of a modern state through which it penetrated into society directly related to the features it possessed. At this point, Skocpol’s conceptualization of *unevenness* of state across policy areas can be helpful. According to her, different institutional patterns of states useful in explaining why different countries have different policy instruments for dealing with particular problems. She gives the following example: ‘...the Japanese and the French, which apply policies at particular instruments that enable them to apply policies at at the level of particular industrial sectors, and other states, such as the British and U.S., which must rely on aggregate macroeconomic manipulations of fiscal and monetary parameters.’ Theda Skocpol, “Bringing the State Back In: Strategies of Analysis in Current Research”, *Bringing the State Back In*, Peter B. Evans, Diethrich Rueschemeyer and Theda Skocbol (eds.), (Cambridge, New York: Cambridge University Press, 1985), pp. 17-18.

⁵⁸ Weber, “Politics as Vocation”, p. 79.

⁵⁹ Mann, “The Autonomous Power of the State”, p. 189.

First of all, different from pre-modern states, the modern state has a great ability to collect information about the society.⁶⁰ The most important and helpful means of collecting information is statistics. Foucault claims that statistics “is the science of the state.”⁶¹ Censuses and several records such as crime statistics, commercial statistics, prison statistics, *et cetera*. provide plentiful information related to different aspects of the population. Second, ‘surveillance’ is used as an effective means of penetration into the daily life of the society. Surveillance means control of information, and superintendence of the activities of some groups by others.⁶² In this sense, surveillance has two dimensions. On the one hand, governments store information and develop their policies in accordance with the knowledge (*savoir*) derived from statistics. Through these policies, that state has the ability to manipulate and also control society. This can be argued as an ‘indirect’ way of surveillance. Nevertheless, modern state has also the capability of direct supervision of the activities of persons pertaining to institutions such as schools, prisons and hospitals.⁶³ Therefore, through direct and indirect surveillance, the state has capability to penetrate the society in a profound way.

It is clear that population has gained a special importance for the modern state. In pre-modern states, population was regarded as a sovereign power especially in quantitative terms. Nevertheless, since rulers of the pre-modern states governed their subjects through ‘indirect rule’ of the intermediaries such as feudal lords, *ayans*, *et cetera*, they did not have enough infrastructural power to effectively and directly manipulate this population.⁶⁴ On the other hand, in modern state, population becomes the ultimate end of government. In other words, population is to be the main object in

⁶⁰ Giddens, *The Nation State and Violence*, p. 2.

⁶¹ Micheal Foucault, “Governmentality”, Colin Gordon and Peter Miller (eds.), *The Foucault Effect: Studies in Governmentality*, (Chicago: University of Chicago Press, 1991), p. 96.

⁶² Giddens, *The Nation State and Violence*, p. 2.

⁶³ Giddens, *The Nation State and Violence*, p. 14.

⁶⁴ Ergut, *Modern Devlet ve Polis*, p. 49.

the hands of government because government must take population into consideration “in all its observations and *savoir* in order to govern effectively.”⁶⁵ According to Foucault, a specific and very complex power structure has emerged to be dominant since the eighteenth century. He uses the term “governmentality” for this power structure. In fact, importance of population for the modern state mentioned above becomes clearer when the meaning of “governmentality” is taken into consideration. “Governmentality” refers to “the ensemble formed by the institutions, procedures, analyses and reflections, calculations and tactics that allow the exercise of this specific, albeit complex, power that has the population as its target, political economy as its major form of knowledge and apparatuses of security as its essential technical instrument.”⁶⁶ In this sense, the government must manage population, as its main target; but how? According to Foucault, the answer to this question rests in the term ‘discipline’. Discipline provides the means to manage a population in its depths and details.⁶⁷

Parallel to Foucault, Giddens pays specific attention to the disciplinary power of the modern state. Giddens coins the term ‘internal pacification’ which in its general aspects means the replacement of severe and overt punishments by discipline through collecting information, surveillance and modern policing.⁶⁸ In other words, governments of modern states manage population through various disciplinary methods and control mechanisms. Furthermore, modern state generally implements its discipline and control policies in accordance with an understanding of legitimacy. One

⁶⁵ Foucault, “Governmentality”, p. 100. Selçuk Dursun argues that since the early nineteenth century the Ottoman State began to pay special attention to population just like its counterparts in Europe. For detailed information about population policies of the Ottoman State during the *Tanzimat* era see Selçuk Dursun, “Procreation, Family and ‘Progress’: Administrative and Economic Aspects of Ottoman Policies in the 19th Century,” *The History of Family*, No. 16, (2011), pp. 160-171.

⁶⁶ Michel Foucault, *Security, Territory, Population : Lectures at the Collège de France, 1977-78*, Translated by Graham Burchell, (Basingstoke ; New York : Palgrave Macmillan : République Française, 2007), p. 144.

⁶⁷ Foucault, “Governmentality”, p. 102.

⁶⁸ Giddens, *The Nation State and Violence*, p. 187-190.

of the most useful discourses for such a justification of policies is ‘the maintenance of public order’.

Actually, ‘maintenance of public order’ along with ‘crime-prevention’ are two inseparable functions of modern policing. State fulfills these functions by benefiting from one of its indispensable characteristics: legitimate use of force. Since modern state reproduces a continuous perception of threat, it is in a position to easily legitimize its security policies, which are justified as aiming to eliminate this threat. Therefore, protection of its citizens against “threats” is a fundamental discourse for modern states. Moreover, modern state requires collection of detailed information to develop “efficient” security policies. Crime statistics, prison registers, travel documents and all kinds of reports prepared by security forces are a prerequisite for the establishment of security policies alongside with a set of surveillance and control mechanisms. Since, the understanding of the ‘maintenance of internal order’ is at the core of these policies, it is necessary to clarify what governments mean by ‘public order’.

In fact, ‘the maintenance of public order’ could be evaluated as the very essence of government as well as its defining activity.⁶⁹ Because, to a great extent, the legitimacy of the state relates to whether it maintains order. Furthermore, order ‘is a criteria for determining whether government can be said to exist at all.’⁷⁰ It is clear that the maintenance of public order is a crucial function for all governments for their ‘existence’; nevertheless how they actually perceive ‘public order’ is exactly not similar in all cases.

There are two basic approaches to ‘public order’. One of them is the Anglo-Saxon understanding of ‘public order’ led by Britain, and also shaping the ‘public order’ understanding of the United States. The second approach is the French model,

⁶⁹ A. R. Gillis, “Crime and State Surveillance in Nineteenth Century France”, *American Journal of Sociology*, Vol. 95, No. 2 (Sep 1989), p. 310.

⁷⁰ David H. Bayley, *Patterns of Policing: A Comparative International Analysis*, (New Brunswick, NJ: Rutgers University Press, 1985), p. 5.

also generally accepted by continental European states. The Ottoman State, which is our case, is also congruent with that type.⁷¹

In the Anglo-Saxon tradition, public order is the opposite of public disorder which is directly linked to the existence of crimes. The role of police as the main figure of maintaining public order in the name of government is directly fighting against crimes. Therefore, the prevention of crimes and apprehension of criminals is seen as the main purposes of policing in the Anglo-Saxon tradition.⁷² On the other hand, public order understanding in France goes beyond the prevention of crimes. In that respect, the security of the state was always considered an essential element of policing in France.⁷³ Thus, first of all, the policies for the maintenance of public order have been shaped on the basis of the security of the state. However, the activities against state, such as riots and uprisings, have not been the only targets of police for the maintenance of public order. ‘Public order’ in French tradition has corresponded to a wider concern for administration and ‘good order.’ In this sense, the maintenance of public order “means the regulation of society for the general purpose of assuring public order... [and] it covers the regulation of an extremely wide range of matters in social and economic fields as well.”⁷⁴ In this thesis, what we mean by public order is this broader meaning.

According to Neocleous, modern state has structured society through policing, which has conventionally meant the maintenance of ‘good order.’ In this sense, policing can be evaluated as a series of methods through which social order is

⁷¹ In the current literature of Ottoman historiography, Ferdan Ergut’s book entitled *Modern Devlet ve Polis* is the most comprehensive work about the development of public order policing in the Ottoman Empire. Actually, Ergut’s detailed conceptual analysis about public order policing, crime and modern state inspired the general approach of this thesis. See Ergut, *Modern Devlet ve Polis*, pp. 41-76.

⁷² Ferdan Ergut, “Policing the Poor in the Late Ottoman Empire”, *Middle East Studies*, Vol. 38, No.2, (2002), p. 150. George L. Kelling and Mark H. Moore, “The Evolving Strategy of Policing”, *Perspectives on Policing*, No. 4, (November 1988), p. 7.

⁷³ Gillis, “Crime and State Surveillance”, p. 333.

⁷⁴ F. Ridley and J. Blondel, *Public Administration in France*, (London: Routledge & Kegan Paul, 1969), p. 160.

constructed.⁷⁵ The ‘order’ expected to be maintained by police is the order of the state. Therefore, policing had to cover all spheres where state power takes part in social life.⁷⁶ Foucault states with the following words how the jurisdiction of policing is tremendous in a modern state: “[P]olice must take responsibility for all of this kind of sociality. So what police thus embraces is basically an immense domain that we could say goes from living to more than just living.”⁷⁷ It is clear that, alongside with public order, boundaries of policing are extremely ambiguous. The main reason for this is that ‘disorder’ is a condition, not an act that can be defined easily.⁷⁸ In fact, public order issues have been one of the most useful instruments through which security forces increase their discretionary power.⁷⁹ They determine specific acts, situations and groups as threatening for public order by using this discretionary power.

Since capitalism and state-making are two interrelated processes, the defining characteristics of public order have been shaped in accordance with the demands of the bourgeoisie as the dominant class. In other words, whatever the bourgeoisie regarded as a threat, the police have struggled against it.⁸⁰ Therefore, in modern state, although maintaining public order promises ‘good order’ for all, it is clear that government intentionally protects the interests of some particular groups or classes.⁸¹ In capitalist states, certainly the protected class is the upper class having economic and political power whereas lower classes are the main target of policing.

⁷⁵ Mark Neocleous, *The Fabrication of Social Order: A Critical Theory of Police Power*, (London, Sterling, Virginia: Pluto Press, 2000), p. 8.

⁷⁶ Neocleous, *The Fabrication of Social Order*, p. 8.

⁷⁷ Foucault, *Security, Territory, Population*, pp. 420-421.

⁷⁸ George Kelling L., “Acquiring a Taste for Order: The Community and Police”, *Crime and Delinquency*, Vol. 33, No. 90, (1987), p. 94.

⁷⁹ Ergut, “Policing the Poor”, p. 154.

⁸⁰ Neocleous, *The Fabrication of Social Order*, p. 16.

⁸¹ Mann, “The Autonomous Power of the State”, p. 196.

In early nineteenth century, as a result of industrialization and urbanization, cities became centers of attraction. As populations of industrialized cities increased, the city poor also increased. City administrators conceived that they could not manage the rise in the number of the poor. In order for the control, repression and even banishment of the city poor a new category called “dangerous classes” was conceptualized. In this regard, “dangerous classes” was a product of class antagonisms of early industrial society.⁸² The “dangerous class” as a ‘constructed threat’ composed of beggars, vagrants, and all other city poor that was identified with idleness. They were considered as distinct from pervasive criminality, because they generally were not actual criminals. However, their image constructed by the state was eventually related to criminality because according to state, they were “potential criminals.” Although, governments and security forces justified their repressive policies against the “dangerous classes” by using the claim that they were “potential criminals”, the actual cause of these policies was related to the existing economic and political system. The “dangerous classes” had to be repressed and controlled because their existence as ‘unproductive’ elements of society constituted a threat to the ‘prosperity and strength of the state depended on productive power of the labor force.’⁸³ Therefore, ‘idleness’ constituted the basis of the problem which was to be struggled against. At this point,

⁸² Allan Silver, “The Demand for Order in Civil Society: A Review of Some Themes in the History of Urban Crime, Police and Riot”, *The Police: Six Sociological Essays, The Police: Six Sociological Essays*, David J. Bordua (ed.), (New York, London, Sydney: John Wiley&Sons, Inc, 1967), p. 4. Karl Marx made an analysis about the historical and economic roots of the city poor and the transformation of these people to “potential criminals” in the eyes of state, argued as follows: ‘The proletariat created by the breaking up of the bands of feudal retainers and by the forcible expropriation of the people from the soil, this “free” proletariat could not possibly be absorbed by the nascent manufactures as fast as it was thrown upon the world. On the other hand, these men, suddenly dragged from their wonted mode of life, could not as suddenly adapt themselves to the discipline of their new condition. They were turned en masse into beggars, robbers, vagabonds, partly from inclination, in most cases from stress of circumstances. Hence at the end of the 15th and during the whole of the 16th century, throughout Western Europe a bloody legislation against vagabondage. The fathers of the present working class were chastised for their enforced transformation into vagabonds and paupers. Legislation treated them as “voluntary” criminals, and assumed that it depended on their own good will to go on working under the old conditions that no longer existed.’, *Capital: A Critique of Political Economy*, Vol. 1, Friedrich Engels (ed.), Translated by Samuel Moore and Edward Aveling, (Chicago: Charles H. Kerr and Co., 1906-1909), p. 515.

⁸³ Neocleous, *The Fabrication of Social Order*, p. 18.

for example, the imprisonment of a beggar or a vagrant did not mean anything on its own: the best punishment was to force her/him to working.⁸⁴

In accordance with this mentality, several laws were promulgated about the poor. In Britain, The Poor Law was enacted in 1834. Through this law, the government aimed at making the poor as much disciplined as possible through employment in workhouses in order to impose them a hardworking way of life. In other words, the workhouses were regarded as rehabilitation camps for the poor where they would become used to regular work.⁸⁵ In a different way but for the same end, the Vagrancy Act of 1824 was used against “suspected” characters, prostitutes, beggars and people selling in public areas in order to prevent alternative economic modes of life.⁸⁶ These laws had two main aims: first, controlling the city poor by transforming them into efficient labor force, and second, preventing all kinds of alternative economic modes of life that would constitute threat for existing economic system. With similar aims, the first regulation about vagrancy in the Ottoman Empire entitled the Regulation on Vagabonds and Suspected Criminals (*Serseri ve Mazanna-i Su-i olan Eşhas Hakkında Nizamname*) was promulgated in 1890.⁸⁷ Although the details of this regulation and its transformation over time will be examined in detail in the fifth chapter, here, we must note that it was the first legal text systematically regulating the official approach to the “dangerous classes” in the Ottoman Empire.

It is clear that the city poor have been an indispensable element of the “dangerous classes”; however, it can still be argued that the content of the “dangerous classes” was always subject to change as the context required. This means that the state was ready to add new elements to the “dangerous classes” in relevance with who were regarded as “threatening” in particular conditions. According to Gillis, political

⁸⁴ Michel Foucault, *Discipline and Punishment: The Birth of the Prison*, Translated by Alan Sheridan, (New York: Vintage Books, 1995), p. 106.

⁸⁵ Neocleous, *The Fabrication of Social Order*, p. 70.

⁸⁶ Neocleous, *The Fabrication of Social Order*, p. 75.

⁸⁷ Ergut, *Modern Devlet ve Polis*, p. 245; Yılmaz, *Serseri, Anarşist ve Fesadın Peşinde*, pp. 132-133.

threat generally results in expanded surveillance; and, parallel to this, state's interpretation of "dangerous" might bear more propensity to be influenced by political acts than criminal ones.⁸⁸ Despite the unquestionable importance of political considerations, criminality has at least at the discursive level been used by states to implement repressive and disciplinary policies.

This thesis work argues that in the Ottoman case 'public order policing' aimed at regulating the society has always gone hand in hand with 'preventive policing' concentrated on the struggle against crimes. In other words, for the state, although public order policing was one of the main strategies of regulating the society, 'preventing crime' has always been the strongest discursive justification for repressive and disciplinary policies for the maintenance of public order. Therefore, our analysis will take into consideration 'crime' as an important concept in security and public order issues.

There have been different approaches to 'crime' since the nineteenth century. According to a prominent social scientific approach in the nineteenth century, crime is constructed by society. The proponents of this approach argue that some 'wrong' acts and behaviors are regarded as violation of socially accepted norms. Due to the social disturbance they cause, some of these acts and behaviors are included within the scope of penal codes as offences and crimes.⁸⁹ Another approach tries to explain crime through the concept of 'anomie' first used by Émile Durkheim while describing the notion of suicide. According to Durkheim "in modern societies traditional norms and standards become undermined without being replaced by new ones. 'Anomie' exists when there are no clear standards to guide behavior in a given area of social life."⁹⁰ Therefore 'anomie' can be described as the situation of alienation and purposelessness experienced by a person or a social class as a result of lack of standards, values, or ideals. The proponents of this approach focus on the immigration movements towards

⁸⁸ Gillis, "Crime and State Surveillance", p. 334.

⁸⁹ Emsley, *Crime, Police and Penal Policy*, p. 1.

⁹⁰ Anthony Giddens, *Sociology*, (Oxford: Polity Press, 1997), p. 177.

industrialized cities in the nineteenth century to uncover how ‘anomie’ emerged among the masses of new comers lacking access to welfare assistance and traditional support networks in these cities.⁹¹ Therefore, according to this approach, crime has originated from ‘anomie’.

From a Marxist point of view, ‘crime’ must be analyzed on the basis of class conflict and economic relations. Interestingly enough, except a series of articles about wood theft, Karl Marx himself made very little reference to ‘crime’ in his studies.⁹² In 1939, George Ruche and Otto Kirchheimer published a book entitled *Punishment and Social Structure* as the first and the most comprehensive Marxist analysis of punishment. According to them, ‘every system of production tends to discover punishments which correspond to its productive relationships.’⁹³ In other words, social forces and, especially, economic and fiscal forces determine the intensity of penal practices.⁹⁴ Therefore, without examining these social forces, it is impossible to understand why some specific punishments are implemented while some others are intentionally avoided in a society. Ruche and Kirchheimer also made detailed analysis about the relationship between crime rates in different countries and respective severity in punishments. The conclusion they drew was that there is no direct correlation between the penal policy and the rate of crime. Instead, they argue rates of crime are closely dependent on economic developments.⁹⁵ In fact, the impact of economic system on the definition of what is criminal cannot be ignored. During the

⁹¹ Emsley, *Crime, Police and Penal Policy*, p. 5.

⁹² Emsley, *Crime, Police and Penal Policy...*, p. 4. The articles about Parliamentary debates on wood theft were published in *Rheinische Zeitung*, No. 298, 300, 303, 305 and 307 on October 25, 27 and 30, November 1 and 3 1842. For these articles see <https://marxists.anu.edu.au/archive/marx/works/1842/10/25.htm>.

⁹³ George Rusche and Otto Kirchheimer, *Punishment and Social Structure*, (New Brunswick, London: Transaction Publishers, 2005), p. 5.

⁹⁴ Rusche and Kirchheimer, *Punishment and Social Structure*, p. 5.

⁹⁵ Rusche and Kirchheimer, *Punishment and Social Structure*, p. 200.

twentieth century, many social scientists took this reality into account in their analysis. Nevertheless, the role of political authorities in this process must not be overlooked.

Foucault is a foremost social theorist who produced a large body of works on crime and punishment. Actually, his elaborate analysis about crime and punishment was predominantly based on power relations. According to him, through crime and delinquency, the totality of social sphere could be controlled by the state.⁹⁶ Therefore, ‘crime’ is something inherently political. Specifying what is criminal and delinquent is a consequence of a political process within which rules and regulations are produced.⁹⁷ Since ‘the bureaucracy created the laws and the law created the public view of the act, [then] government bureaucrats have a force of their own which increasingly influenced what is defined as criminal and delinquent.’⁹⁸ In capitalist society, needs, demands and concerns of the upper classes has directed governments in this process. There were two main components of upper classes’ security needs: first, social order and the continuation of status quo; second, the protection of private property.⁹⁹ Therefore, since the nineteenth century, protection of private property became one of the most important security concerns of the state. It is not a coincidence that theft and other crimes against private property have constituted the most important part of penal codes.¹⁰⁰ As a matter of fact, lower classes have been perceived as a threat to private property, and thus came to be identified with crimes against it. This has gone alongside with their being perceived as a threat to social order and status quo, and has in turn led to the repression of lower classes.¹⁰¹

⁹⁶ Foucault, *Discipline and Punishment*, p. 281.

⁹⁷ William J. Chambliss, “The State, the Law, and the Definition of Behavior as Criminal or Delinquent”, *Handbook of Criminology*, Daniel Glaser (ed.), (Chicago: Rand McNally College Publishing Company, 1974), p. 39.

⁹⁸ Chambliss, “The State, the Law”, pp. 27-28.

⁹⁹ Robert Reiner, *The Politics of the Police*, (New York, London, Toronto: Harvester Wheatsheaf, 1992), p. 27.

¹⁰⁰ Chambliss, “The State, the Law”, p. 25.

In fact, governments, lawmakers, and police have a great discretionary power in security issues. From the very beginning of the law-making process to its enforcement, at each level, state officials use discretionary power. For example, although there is a very comprehensive title as ‘crimes against private property’, the boundaries of these ‘crimes’ have been determined by the lawmakers using this discretionary power. While a petty theft case could be perceived as the biggest threat to private property, lawmakers and those who enforce them could in certain cases tolerate more serious crimes. Foucault pointed out the following about this issue:

[...] Are you not afraid that the poor man put into the dock for snatching a piece of bread from a baker’s stall will not, one day, become so enraged that stone by stone he will demolish the Stock Exchange, a wild den where the treasure of the state and the fortune of families are stolen with impunity. But this delinquency of wealth is tolerated by the laws, and, when it does find its way into the courts, it can depend upon the indulgence of the judges and discretion of press.¹⁰²

In fact, the biggest fear of government and upper classes is actually the ‘rage’ of this poor man who is imprisoned for years because of stealing a piece of bread while ‘big players’ of the capitalist system are ‘stealing’ big portions from state and society in a way ignored by official authorities. In that respect, according to the state, lower classes have to be controlled as much as possible. Constructing criminality served as one of the most efficient ways of achieving this end. Therefore, in modern states, behaviors perceived as a ‘threat’ to the existing political and economic system are criminalized, and people who tend to commit these ‘crimes’ are easily repressed. This argument might be helpful for understanding the penal system of modern state.

Governments and lawmakers do not only define what is criminal, but also decide on ‘proper’ punishments. Therefore, penal code “is first and foremost a reflection of the interests and ideologies of the governing class... Those who sit at the

¹⁰¹ Reiner, *The Politics of the Police*, p. 27.

¹⁰² Foucault, *Discipline and Punishment*, pp. 287-288.

top of the political and economic structure of the society can manipulate the criminal laws to suit their own purposes.”¹⁰³ In this sense, laws, and in particular, criminal laws could be evaluated as tactics used by governments to govern a society. In other words, governments use laws as tactics in order to achieve their specific ends.¹⁰⁴ Therefore, amendments to penal codes and promulgation of punitive regulations reflect needs of governments in particular periods. As will be discussed in the fifth chapter, the change of penal codes in the Ottoman Empire between 1840 to the end of the Empire might be evaluated from this perspective.

In sum, this thesis will examine ‘public order’, ‘preventive policing’, ‘crime’ and ‘punishment’ as elements of an ensemble defined as a system through which the ruling classes construct control over society. Since states justify and legitimize their control mechanisms and disciplinary activities through the use of all of these mechanisms, without going deeper into these issues one by one, it would be impossible to understand the total. The ultimate aim of the state is to penetrate into the society and provide continuous central political authority in all aspects regarding daily life.¹⁰⁵ In this way, governments have the opportunity to restructure society in accordance with specific aims and necessities.

This thesis work will focus on the attempts of the Ottoman government for the maintenance of public order; the attitude towards crimes; and relevant punishment strategies in a particular time period: the Great War years. It is a fact that examining these issues within the specific context of war will have its own connotations. As mentioned earlier, the Great War had a great impact on state-society relations. The belligerent states had to turn their face to internal order and status quo for better

¹⁰³ Chambliss, “The State, the Law”, p. 39.

¹⁰⁴ Foucault, “Governmentality”, p. 96.

¹⁰⁵ Silver, “The Demand for Order”, pp. 12-13. Reiner, *The Politics of the Police*, p. 34. Jennifer Davis, “Urban Policing and its Objects: Comparative Themes in England and France in the Second Half of the Nineteenth Century”, *Policing Western Europe: Politics, Professionalism, and Public Order, 1850-1940*, Clive Emsley and Barbara Weinberger (eds.), (New York, Westport, Connecticut, London: Greenwood Press, 1991), p. 2.

warfare; elimination of “enemy within”; and ensuring the ‘survival of the state’. Braudel examines the relationship between internal security and warfare as follows:

State violence and rough treatment guaranteed internal peace and, the safety of roads, the reliable provisioning of markets and towns, defense against outside enemies and effective conduct of wars, which succeeded each other indefinitely. Domestic peace was a jewel beyond compare.¹⁰⁶

This was exactly the case for the Ottoman State during the Great War. Since Istanbul was the political, economic and social center of the Empire, maintaining public order in the city was both a requirement for and indicator of domestic peace. Similarly, it was essential for better war-making. Nevertheless, under the war conditions, ‘maintaining public order’ was not easy for the government. Since at that time there was a perception of high “internal threat” from the state’s point of view, a series of extra-ordinary measures were put into practice. Groups of people who were not regarded as potentially dangerous during peacetime came to be seen as principal targets for state’s control. In this respect, the state made use of harsher punishment, oppression and control mechanisms in the name of the well-being of society. Thus, the state attempted at legitimizing its violence through the maintenance of public order for the sake of ‘public good’.

During war periods, governments and other state institutions begin exercising a high degree of discretionary authority. Here, discretion means the power and authority to define who is ‘deviant’ in any social context.¹⁰⁷ In this sense, during the Great War, in the Ottoman Empire, the Ministry of Interior and, under it, the General Directorate of Security assumed extraordinary power. These institutions especially attempted to use power of discretion to the utmost point possible in order to ‘maintain public security’ in Istanbul. Although the war provided advantages to the security forces of the belligerent states in terms of increasing their discretionary power, it also had an

¹⁰⁶ Fernand Braudel, *Civilization and Capitalism, 15th-18th Century: the Wheels of the Commerce*, Vol. II, Translated by Sian Reynolds, (London: Book Club Associates, 1983), p. 518.

¹⁰⁷ Neocleous, *The Fabrication of Social Order*, p. 99.

overall detrimental effect on police and *gendarme* organizations, especially in terms of qualified personnel.

The manpower need during the Great War resulted in the recruitment of policemen and gendarmes in the army. In continental Europe, police officers remaining at the home front were generally older men who were over the age of conscription.¹⁰⁸ It was also the case in England. Just a few months after the Great War began, eleven percent of the provincial security forces of England and Wales were recruited in the army or navy. The vacant positions were filled by pensioners of police and by temporary appointments of men over military age.¹⁰⁹ Consequently, for example in Britain, the lack of manpower led to the experiment of using women police officers during the war years.¹¹⁰

Alongside with deterioration of security forces in terms of personnel, the policing duties of security forces also changed in accordance with the requirements of the war. In England, during the war, some duties overtaken by the police were as follows: requisitioning of forage, registration of foreigners, enumeration of agricultural laborers, management of military and maintenance of their dependents, and the operation of liquor licensing controls.¹¹¹ During the war, these duties became part of routine policing activities also in other continental European countries. Furthermore, in France and Italy, it was a widespread opinion that both the Gendarmerie and Carabinieri (national military police of Italy) became spoiled because of their wartime roles that were restricted to ‘policing military transport, checking that that troops were not out of bounds, and arresting deserters and men accused of inflicting wounds upon themselves to avoid the front.’¹¹² Therefore, in all belligerent countries the duties of

¹⁰⁸ Emsley, *Crime, Police and Penal Policy*, p. 247.

¹⁰⁹ David Englander, “Police and Public Order in Britain 1914-1918”, *Policing Western Europe: Politics, Professionalism, and Public Order, 1850-1940*, Clive Emsley and Barbara Weinberger (eds.), (New York, Westport, Connecticut, London: Greenwood Press, 1991), p. 92.

¹¹⁰ Emsley, *Crime, Police and Penal Policy*, p. 248.

¹¹¹ Englander, “Police and Public Order”, p. 96.

security forces were more or less determined by military needs and the changing notion of 'security' during the Great War.

Actually, sources of 'disorder' also changed with the war. For instance, in every country, hostilities between the immigrants and locals already existing during peacetime became sharper and more explosive.¹¹³ Especially, immigrants being citizens of enemy states became direct target of anger and violence. In England, during 1915, anti-German riots occasionally turning into mass violence took place.¹¹⁴ In 1917, riots were directed against the Jews in England. The main cause of anti-Jewish campaign was about conscription. According to native population, the Jewish profiteers evaded military responsibility for securing unfair advantage in terms of economic gain within war conditions.¹¹⁵ Alongside with rising hostility against immigrants, disruption of food supply, rising food prices and unemployment were other sources of distress in England during the war.¹¹⁶ Similar things could also be said for the Ottoman case at that time. Economic hardships definitely led to higher crime rates. In those circumstances, in all belligerent states, governments had to create new formulas to provide remedies. Criminal policies also changed as the war conditions required.

There was an increasing need for manpower during the war. Therefore, criminals had to be taken into consideration. In 1916 and 1917, the Ministry of Justice in Germany published several decrees 'requesting the courts to take into consideration the possible usefulness of the convict in auxiliary war service before deciding to permit any sentence.'¹¹⁷ Similar policies were implemented in France, and as a result

¹¹² Emsley, *Crime, Police and Penal Policy*, pp. 246-247.

¹¹³ Englander, "Police and Public Order", p. 106.

¹¹⁴ In May 1915, an English ocean liner was sunk by a German torpedo with the loss of almost 1200 lives. This event was the starting point of anti-German campaigns in England. The riots with changing intensity continued during 1915. Englander, "Police and Public Order", p. 106.

¹¹⁵ Englander, "Police and Public Order", p. 113.

¹¹⁶ Englander, "Police and Public Order", pp. 100-104.

of these policies the total prisoner population remarkably diminished between the years 1913 and 1916.¹¹⁷ Likewise, the CUP government had to take war circumstances into consideration while developing crime policies. As will be examined in the seventh chapter, several decrees and amnesties were enacted during the war years so as to opt for using convicts as manpower in the army.

It is clear that the war conditions represented a new setting in terms of the understanding of ‘public order’ and ‘criminality’. Although policies concerning ‘public order’, ‘preventive policing’, ‘crime’ and ‘punishment’ remained as tools in the hands of the state to penetrate into the society and restructure it, their content was changed and adapted according to war conditions. In this regard, the chapters of this thesis intend to answer the following questions: What were the tools of the CUP government used for surveillance and control during the Great War? How were these tools utilized for ‘the maintenance of public order’ in Istanbul? Who were considered as “dangerous classes” in the Ottoman Empire during the Great War? What were the policies implemented concerning these groups in Istanbul? What were the sources providing basis for the legal definition of crimes in the late Ottoman Empire? What kind of changes did the Penal Code of 1858 which was the main legal text embodying the official understanding of crime and punishment undergo during the second constitutional era as part of modernization and centralization efforts? How was the Penal Code modified during the war years? What were the most important categories of crimes in Istanbul at that time? What was the attitude of the CUP government towards these crimes? Do the penal policy and the attitude of the CUP concerning different types of crimes provide us an idea about the general political and socio-economic inclinations of the governing party?

To answer these questions the following primary sources are taken into consideration in this study. The main source is Ottoman archival documents. First of all, documents of the General Directorate of Security (*Emniyet-i Umumiye Müdiriyeti*),

¹¹⁷ Rusche and Kirchheimer, *Punishment and Social Structure*, p. 161.

¹¹⁸ Rusche and Kirchheimer, *Punishment and Social Structure*, p. 161.

the Directorate of Prisons and Buildings Administration (*Mebani-i Emiriye ve Hapishaneler Müdiriyeti*) and Office of Code (*Şifre Kalemi*) under the Ministry of Interior are examined for this research. Furthermore, reference will be made to documents of Department of State, US National Archives. Morgenthau Papers located at the Library of Congress alongside with a number of documents from the National Archives of the United Kingdom constitute other primary sources. Codes of Laws (*Düsturs*) published between the years 1876-1918 are analyzed in order to see what kind of legal changes took place in ‘public order’ and ‘criminality’ issues. The Penal Code of 1858, which was in effect during the Great War, is another primary source used in this study. Debate Registers of Chamber of Deputies (*Meclis-i Mebusan Zabıt Ceridesi*) and Debate Registers of the Senate (*Meclis-i Ayan Zabıt Ceridesi*) including debates on some topics related to public order, and The Police Journal (*Polis Mecmuası*) providing regular crime tables for Istanbul were also checked. Memoirs and secondary sources have also been helpful for this research. To sum up, the bulk of data obtained from these primary and secondary sources are analyzed in accordance with the conceptual framework made clear above.

Outline of the Study

This study is composed of eight chapters aimed at answering the research questions above. The first chapter giving general information about the Great War, the current literature in the Ottoman historiography and the conceptual framework of this study will be followed by the second chapter that will be about the demographic, economic and social structure of Istanbul during the Great War. Since this dissertation is a study focusing on public security, crime and punishment in Istanbul, the overall demographic, economic and social features of the city must be examined in order to become familiar with the object of our analysis.

The population of Istanbul as the political and economic center of the Empire assumed specific significance for the Ottoman State beginning with the nineteenth

century. There were several reasons for that. For instance, there was particularly a remarkable change in the city population as a result of a series of wars and immigration following each of these. Therefore, faced with a different demographic structure, the Ottoman state elites had to develop new strategies and methods to control and govern the city population. Apart from this reason, in general terms, as Foucault argues, population became a particularly important factor for modern states with regard to the fact that ‘population becomes the object that the government must take into account in all its observations and *savoir* in order to be able to govern efficiently.’¹¹⁹ In the same manner, throughout the nineteenth century, in the Ottoman Empire population came to be perceived “as a source of wealth, as an economic resource from which the state obtained income for its treasury and conscripts for its armies,”¹²⁰ and, accordingly, it became a matter of topmost significance to collect regular and detailed information about population, especially that of Istanbul while formulating economic and social policies. Thus, an overview of the demographic characteristics of the Ottoman capital will correspond to an essential part in the second chapter.

Economic dynamics of the city is another topic that will be analyzed in the second chapter. As mentioned above, economic conditions of capital cities changed extensively during the Great War. Government policies to cope with the newly-emerging economic problems of capital cities had a great impact on their own success in the maintenance of public order. Furthermore, crimes such as theft, profiteering and bribery became direct or indirect consequences of wartime economic dynamic. Therefore, economic conditions of Istanbul will be analyzed in terms of issues such as provisioning, high inflation, speculative business and black market. Finally, the social life in the city will be discussed. Especially, understanding the changing social roles and worsening socio-economic inequalities are necessary to shed light on government policies in terms of maintaining public order and preventing crimes.

¹¹⁹ Foucault, “Governmentality”, p. 100.

¹²⁰ Dursun, “Procreation, Family and ‘Progress’”, p. 161.

In the third chapter, policing and criminal law will be held into analysis as two important realms of the formation of modern Ottoman State. This analysis will also constitute a basis to be able to uncover the CUP government's wartime security and crime policies. In this sense, first, the institutional structure of security forces as the main actors of policing will be examined. During the war years, in Istanbul, police and gendarme were cooperating for the maintenance of public order. In fact, the separation of police from military and its foundation as a new civilian security force was still a recent development in the Ottoman Empire at the time it entered the Great War. Therefore, first of all, the historical basis of the formation of police organization and gendarme as part of the modernization and centralization processes will briefly be analyzed. Then their cooperation during wartime as well as power struggle on issues concerning policing will be discussed. As mentioned earlier, in all combatant countries, the Great War caused a structural deterioration of security forces especially regarding loss of qualified personnel. The same situation in Istanbul will also be discussed in this part.

The second topic of the third chapter will be the Penal Codes of the Ottoman State. Initially, the evolution of Ottoman Penal Codes in terms of their content will be traced. Next, there will be an attempt to show how the Penal Code of 1858 became an instrument of the Constitutional Regime for a more effective penetration of the state to the society. The CUP government aimed at achieving that goal both by the way of virtually becoming the sole authority in lawmaking and by continuously restricting the scope of Islamic Law in criminal issues. Particularly, during the Great War years, the CUP government almost became the only political authority in the Empire. Therefore, its attitude towards crimes represents an important subject in considering crime and punishment during the war.

The maintenance of public order will be the topic of the following two chapters. In the fourth chapter, the reports of Travel Office (*Seyrüsefer Kalemi*) under the General Directorate of Security (*Emniyet-i Umumiyye Müdüriyeti*) as well as the implementation of a set of policies about travel documents and passports will be

analyzed as basic instruments of surveillance and control. The CUP government used these tools both to collect information about people who travelled to and departed from Istanbul, and to maintain strict control over the city population. Actually, some groups of people were regarded as “suspect” by the government and security forces. According to the ruling elites, these people were “threats” to public order. The CUP government and the security forces used instruments of surveillance to control and repress them.

Actually, the Great War brought about a new setting within which the content of “dangerous classes” changed remarkably. The city poor of Istanbul including countrymen, vagrants and refugees continued to be elements of “dangerous classes” as before. However, during the war, foreigners and minorities became the new elements of “dangerous classes”. As a result, these people were categorized under “suspected” in the Ottoman official records. In this thesis, being aware of the fact that the “suspected” actually corresponded to “dangerous classes” for the CUP government during the Great War, it will be accurate to use the original concept of the “suspected” elements or “suspects” instead of “dangerous classes”.

In the fifth chapter, the CUP policies concerning vagrants, countrymen, refugees, foreigners, and minorities will be discussed in detail. It is clear that the war enhanced the discretionary power of the CUP government in terms of determining who to be qualified as “threatening” for public order. Moreover, the government and security forces became able to implement harsher and more repressive policies on “suspected” elements. These policies were generally justified on the grounds of maintaining public order. In that respect, the “suspected” were “potential criminals” in the eyes of the government. Therefore, prevention of crimes became another source of legitimacy for repressive official practices.

The sixth chapter will be on three types of crimes directly related to the realities of war conditions. First, ‘theft’ as an essential element of crime tables and statistics will be examined in detail. According to the tables in the Polis Journal (*Polis Mecmuası*) petty theft was the most frequent crime at that time. Especially during the

last two years of the war, the rate of this crime increased strikingly. The worsening living conditions during the war probably led to the rise of petty theft rates. Nevertheless, as Gillis states ‘although these accounts [official records on incidents, arrests, charges and etc.] may give a generally accurate portrait of visible crime, their validity as a measure of hidden crime and actual levels of criminality is uncertain.’¹²¹ Therefore, it is clear that the government consciously made petty theft a publicly visible crime with the possible intention to legitimize its repressive policies directed to lower classes.

On the other hand, while profiteering was an obvious crime exacerbating socio-economic inequalities, neither the crime statistics nor the crime tables included this category. Thus, profiteering will be analyzed in the sixth chapter as an ‘ignored crime’ by the government. Neocleous states that “the institutions of the criminal justice system are geared to conceal rather than reveal the crimes of the powerful.”¹²² It can be argued that not only the institutions of criminal justice system but also governments and lawmakers have tended to ignore crimes of the propertied classes.

Bribery is another crime to be examined in the sixth chapter. Despite the fact that this crime was included in crime tables and statistics, the numbers presented for this crime was far from being convincing. According to a number of memoirs of that time, bribery became widespread throughout the war. Especially considering the economic conditions of the time, it was inevitable that bribery became a frequent crime among state officials whose fixed income became devalued as inflation rates soared. Yet crime tables only reflected a small fraction of that as if there were occasional individual cases of bribery. Thus, the reasons behind such distorted statistics require due attention. It must be kept in mind that theft, profiteering and bribery were crimes closely related to the economic dynamics of the war years, implying that the official attitude towards each of these promises to provide us hints about the priorities of the government regarding criminality.

¹²¹ Gillis, “Crime and State Surveillance”, p. 311.

¹²² Neocleous, *The Fabrication of the Social Order*, p. 83.

As a matter of fact, the survival of the state and, particularly, the continuation of the CUP regime became the foremost concern for state elites during the Great War. Therefore, two specific crimes, one being the exercise of battery or insulting remarks against state officials during office, and the other being opposition to the decisions and regulations of the government, were included in the crime tables in 1916. In the seventh chapter, these crimes will be analyzed in detail with respect to their implications for the CUP government. In addition, the seventh chapter will also focus on two other topics about which the CUP government made a series of legal amendments and addenda, also publishing a number of regulations. One such regulation is about firearms. This relates directly to the interest of the state in monopolizing legitimate use of force. In this regard the realities of wartime provided much more room compared to earlier periods, such as in the case of collecting arms from civilians. Another similar issue was about the imitation or alteration of official documents, which also led the government to enact a number of legal amendments.

As mentioned above, in all belligerent states, criminal policy remarkably changed during the Great War. The final issue to be analyzed in the seventh chapter will be about amnesties and provisional laws aimed at making use of criminals as manpower for the military. This was a two-sided policy in the sense that it also presented a remedy for the problem of overcrowd in prisons. In fact, there is no exact data about the number of criminals conscripted as such; but in some indirect way, rising criminal rates could be accepted as an indicator of the effect of convicted persons reappearing in social life after their release. Therefore, it might be argued that although the CUP government justified its repressive policies for ‘the maintenance of public order’ and ‘preventing crimes’, the criminal policy it implemented caused a vicious circle of criminality in Istanbul during the war years.

Finally, the Chapter 8 of the thesis will present concluding remarks.

CHAPTER 2

ISTANBUL AT THE BEGINNING OF THE TWENTIETH CENTURY

Istanbul, as the capital of the Ottoman Empire, witnessed wide-encompassing demographic, economic and social transformations during the nineteenth century. Since it is quite difficult to analyze public order, crime and punishment in Istanbul during the war years without reference to the socio-economic and demographic aspects of the city, this chapter aims to make a detailed analysis of these.

As will be discussed in the following chapters, during the Great War, the CUP government developed a number of surveillance mechanisms for controlling the population of Istanbul. In the following section population characteristics of the city will be analyzed with respect to the wide-encompassing transformations of the nineteenth century. In this way, there will be an attempt to become familiar with the demographic structure the CUP government faced during the war years.

2.1 Demography

Istanbul was the city that had the largest and most heterogeneous population in the Ottoman Empire just before the Great War. It was the city of Muslims, non-Muslims, Levantines and foreigners. This heterogeneous population characteristic made the city special. Although the population had begun to change in favor of the Muslims after the second half of the nineteenth century, there was still a considerable non-Muslim population in the city before the Great War. In this part the demographic characteristics of Istanbul will be evaluated in detail.

2. 1. 1 Nineteenth Century

The nineteenth century brought about great social, economic and physical transformations in Istanbul. This made the city a center of attraction for the people who were living in other parts of the empire, as well as for foreigners.¹²³ People began migrating to Istanbul in order to find new jobs, especially during the second half of the nineteenth century. In addition, Ottoman armies had been defeated in several wars and the Empire had lost vast territories during the second half of the nineteenth century. Istanbul was one of the centers where refugees came after these wars.

One of the most important immigration waves from Caucasia to Anatolia took place following the Crimean War (1853-1856). Especially after 1859, when general resistance of Muslims to the Russian Empire came to an end, big mass immigrations began.¹²⁴ Istanbul was one of the temporary settlement centers for refugees. Actually, to send these refugees to the settlement centers in Anatolia as soon as possible was the main target of the Istanbul government. However, it took some time and many refugees stayed in the city for years. In 1860, even though most of the refugees were sent to other cities, there were 14,000 Circassian and Noyan refugees in Istanbul. In December 1863, a thousand more refugees came to the city according to records.¹²⁵ Unfortunately, health problems became widespread among the refugees. Since the population density was rapidly increasing in Istanbul and the city's infrastructural conditions were not sufficient for the rising population, the city administration tried to send these refugees to Anatolia. The mayor (*Şehremini*) was responsible for the issues of refugees until 1860. When the number of the refugees increased rapidly, Commission for Refugees (*Muhacirin Komisyonu*) was established in January 1860.

¹²³ Kemal Karpat, "The Population and the Social and Economic Transformation of Istanbul: The Ottoman Microcosm", *Ottoman Population, 1830-1914: Demographic and Social Characteristics*, Kemal Karpat, Madison: The University of Wisconsin Press, 1986, p. 102.

¹²⁴ Nedim İpek, *İmparatorluktan Ulus Devlete Göçler*, (Trabzon: Serander, 2007), p. 29.

¹²⁵ İpek, *İmparatorluktan Ulus Devlete Göçler*, p. 42.

At the end of 1865, two thirds of the refugees were sent to other settlement centers from Istanbul and mass immigrations came to an end. As a result, Commission for Refugees was abolished.¹²⁶ However, it was a fact that one third of these refugees remained in Istanbul.

1877-1878 Ottoman-Russian War was another important incident that had great impact on demographic characteristics of Istanbul. As a result of this war, refugees began pouring in from Russia and the Balkans. Istanbul was not a center for permanent settlement but a great number of refugees came to the city in order to be sent other regions. Due to the malfunction of sending the refugees to other parts of Anatolia, most of the refugees coming from Russia and Balkans settled in Istanbul.¹²⁷ According to several official sources, the number of refugees in Istanbul increased from 30,000 in 1880 to 200,000 in 1906.¹²⁸

The refugees caused several security problems in Istanbul. For instance, in November 1883, Istanbul administration received intelligence about the Circassian refugees in Istanbul that they would involve in some illegal acts against the security of the Sublime Porte (*Bab-ı Ali*). As a result of this information, Circassians were forbidden to ramble in groups of 3-5 people. The decision of sending them to Anatolia was expedited and until the end of this process, the military forces were mobilized to protect the security of the city.¹²⁹

2. 1. 2 The Balkan Wars & The Great War

Wars and immigration were important causes of demographic change in Istanbul at the beginning of the century. The Balkan Wars (1912-1913) resulted in mass immigration movements from the Balkans to Anatolia. Istanbul was the first

¹²⁶ İpek, *İmparatorluktan Ulus Devlete Göçler*, p. 43.

¹²⁷ Karpat, "The Population and the Social", p. 103.

¹²⁸ Karpat, "The Population and the Social", p. 104.

¹²⁹ İpek, *İmparatorluktan Ulus Devlete*, p. 61-62.

station for these refugees. In fact, the government tried to keep them outside Istanbul and instead directed them to some shipping centers (*sevkiyat merkezi*) away from the city center such as Ayastefanos (Yeşilköy). However, many refugees somehow succeeded in entering the city.¹³⁰ These refugees generally stayed in mosques, *mescids* (small mosques and prayer rooms), *medreses* (religious schools), empty houses and *hans* (inns).¹³¹ Although it is known that hundreds of thousands of refugees came to Istanbul during the Balkan Wars and afterwards, there is no exact number for these. Most of them were intended to be sent to Anatolia immediately. The Red Crescent Organization included to a detailed table about refugees in the institution's yearbook of 1913-1915. According to this, 3,709 families (14,856 refugees) were staying in several mosques, *hamams* (public baths) and *medreses* in various districts of Istanbul.¹³²

Certainly, these immigration waves had great impacts on the socio-economic and cultural life of the city. The population of the city changed in favor of the Muslims. Turkish nationalism rose following the Balkan Wars. The rise of Turkish-Muslim population certainly prepared a convenient population base for Turkish Nationalism. When the Ottoman Empire entered the Great War, the population figure of Istanbul was as follows:

¹³⁰ Ahmet Halaçoğlu, *Balkan Harbi Sırasında Rumeli'den Türk Göçleri (1912-1913)*, (Ankara: Türk Tarih Kurumu Basımevi, 1995), p. 69.

¹³¹ Halaçoğlu, *Balkan Harbi Sırasında Rumeli'den Türk Göçleri*, p. 70.

¹³² The refugees were staying in Koca Mustafa Paşa, Zincirlikuyu, Karagümruk, Şehremini, Edirne Kapı, Üsküdar, Sultanahmet, Aksaray, Topkapı, Eyüp, Unkapanı, Yedikule, Cerrahpaşa, Fatih, Kumkapı, Defterdar, Küçük Mustafa Paşa, Göksu, Kartal, Alibeyköy, Çarşamba, Kadırga, Eğrikapı, Silivrikapı and Mahmut Paşa. For example only in Sultan Ahmed Camii, there were 1334 refugees (346 families). Halaçoğlu, *Balkan Harbi Sırasında Rumeli'den Türk Göçleri*, pp. 72-76.

Table 1: Population of Istanbul in 1914

	Istanbul Şehri	Makriköy (Bakırköy) Kazası	Adalar (Islands) Kazası	Beyoğlu ve Boğaziçi Rumeli Ciheti	Üsküdar ve Boğaziçi Anadolu Ciheti	Gebze (Gebze) Kazası	Kartal Kazası	Beykoz Kazası	Şile Kazası	Total
Muslims	279,056	28,967	1,586	117,267	70,447	26,22	8,257	14,466	14,168	560,434
Greeks	64,287	11,221	8,725	75,971	19,832	5,856	6,862	3,708	8,913	205,375
Armenians	22,575	5,734	596	22,18	13,296	47	3,209	325		72,962
Jews	13,441	364	79	31,08	6,836	21	13	292		52,126
Greek Catholics	32	46	5	272	31					387
Armenian Catholics	520	220	56	8,462	653		7			9,918
Protestants	221	6	6	739	240			1		1,213
Latins	139		8	2,669	89					2,905
Suryani	18	5	5	511	23					562
Chaldeans				476						476
Gypsies		280								280
Serbians	1,603	52	21	1,467	196					3,339
Total	386,892	46,896	11,087	261,095	111,643	32,144	18,348	18,792	23,081	909,978

Source: *Memalik-i Osmaniyye'nin 1330 Senesi Nüfus İstatistiği*, (Dersaadet: Hilal Matbaası, 1336), pp. 8-9.¹³³

When this data is compared with Ottoman General Census of 1881/82-1893, it is clear that Muslim population increased significantly. According to the General Census of 1881/82-1893, the Muslim population in Istanbul was 425.365, the Greek population was 188.012 and the Armenian population was 152.399.¹³⁴ The growth in Muslim population was more than 100.000 according this data. This rise was probably related to the immigration wave following the Balkan Wars. According to the present data, the Armenian population in 1914 seems to have reduced to nearly its half in 1893.¹³⁵ Although there is no exact information explaining that significant change,

¹³³ According to this statistics there was also one Wallacian living in Bakırköy.

¹³⁴ Karpat, "The Population and the Social", pp. 148-149.

there are two possible explanations. First, since the General Census of 1893 was not reliable enough, the number given for the Armenian population might be incorrect.¹³⁶ Second, presuming both numbers to be correct, this decrease might be related to the migration to the United States and/or European countries after the Armenian incidents and massacres during 1890's. However, there is no exact data to explain the difference between the numbers given in the General Census of 1881/82-1893 and the Population Statistics of 1914.

From 1914 to 1921 there is no data about Istanbul population. In 1921, *İhsaiyyat Mecmuası* (Journal of Statistics) published the population of Istanbul by reference to the Directorate of Population: 661.649 male and 468.006 female, being in total 1.129.655. According to Toprak, this data is suspicious. First, the number of foreigners in this statistics was exactly the same as the number of 1914. Furthermore, the number of children increased to 25.046 since 1914 and reached 104.438. This rise was not logical because during the war years there was a grave problem of provisioning as well as outbreaks of epidemics. Therefore, a lot of children had died during the war. Moreover, the male population reduced making an increase as specified in the tables impossible. Therefore, the data was not reliable.¹³⁷

There is one more data about the population of Istanbul after the Great War. This was a kind of census, which was prepared by police stations during 1922. By the order of Miralay Esad Bey, Chief of Police, police stations divided Istanbul's population into '*millets*' and registered the people neighborhood by neighborhood.

¹³⁵ According to Talat Pasha's registers, Armenian population living in Istanbul in 1915-1916 was 80,000. Murat Bardakçı, *Talat Paşa'nın Emval-i Metrukesi*, (Istanbul: Everest Yayınları, 2009), pp. 108-109. This number is close to the number specified as 72,962 in the Population Statistics of 1914.

¹³⁶ According to Karpat, the Ottoman General Census of 1881/1882-1893 was the first comprehensive Ottoman census being relatively more sophisticated compared to earlier ones. Nevertheless, it suffered from some deficiencies. For instance, Karpat states that even for the population results of more developed areas the margin of error ranged between 2 and 5 percent, whereas this margin became 6 and 12 percent for remote areas. Kemal Karpat, *Ottoman Population: 1830-1914: Demographic and Social Characteristics*, (Madison: The University of Wisconsin Press, 1986), p. 34.

¹³⁷ Zafer Toprak, "Nüfus", *Dünden Bugüne İstanbul Ansiklopedisi*, Vol. VI, (Istanbul: Tarih Vakfı Yayınları ve Kültür Bakanlığı Yayınları, 1994), p. 110.

According to this census, 373.124 Muslims, 158.219 Greeks, 87.919 Armenians, 40.018 Jews and 51.006 people from other *millet*s, totally 710.286 people were living in Istanbul in 1922. Male population was 48.6 percent of the total population whereas the female population was 51.4 percent of it. Toprak argues that this census result seems more reasonable than the numbers given by *İhsaiyyat Mecmuası*.¹³⁸ Population decreased nearly 200.000 people from 1914 to 1922 as a result of famines, epidemics and scarce living conditions during the war years. Furthermore, the male population became lower than the female population as a result of losses in war. The Greek population also decreased nearly 50.000. This might be because of the migrations during the war years. Armenian population rose nearly 15.000. This rise might be due to the immigrations from Anatolia to Istanbul, especially following the end of the war. Although the Ottoman government tried to prevent any kind of migration from deportation areas to Istanbul, after 1918, a great number of Armenians began coming to into the city.

Up to here, the population change in Istanbul has evaluated from the second half of the nineteenth century to early of 1920's. It is clear that wars were the most influential socio-political events that effected in the city population. Especially as a result of the Crimean War, 1877-78 Ottoman-Russian War and Balkan Wars, a large number of Muslim population immigrated to Istanbul and changed the population of the city in favor of the Muslims. Furthermore, the economic, social and physical transformation of Istanbul during the nineteenth century made the city one of the most favorite destinations in the Empire. Therefore, not only the refugees but also people looking for new jobs came to Istanbul. The following table shows the percentage of new comers in Istanbul at the end of the nineteenth century:

¹³⁸ Toprak, "Nüfus", p. 110.

Table 2: Population of Istanbul in 1885: Natives and New Comers

Religioius Group	Those born in Istanbul					Those born outside Istanbul				
	Total	Male		Female		Total	Male		Female	
		No	%	No	%		No	%	No	%
Muslim	143,586	55,300	27.5	88,286	48.1	241,324	146,039	72.5	95,285	51.9
Greek Orthodox	68,764	23,292	25.3*	45,472	74.6	83,977	68,512	74.7*	15,465	25.4
Armenian Orthodox	78,679	24,995	29.8*	53,684	81.7	70,911	58,875	70.2*	12,036	18.3
Bulgarian	46	22	0.6*	24	6.0*	4,331	3,955	99.4*	376	94.0
Catholic	3,722	1,533	47.8	2,189	67.7*	2,720	1,676	52.2	1,044	32.3
Jewish	42,363	21,029	94.0*	21,334	97.1	1,998	1,365	6.0*	633	2.9
Protestant	225	118	24.2	107	30.5*	594	370	75.8	224	69.5*
Latin	609	261	48.5	348	62.9	473	267	51.5	206	37.1
Total	337,994	126,550		211,444		406,328	281,059		125,269	

Source: Karpat, “The Population and the Social”, p. 105.

According to this data, new comers were more than the natives of Istanbul in 1885. Especially Muslim male population coming from outside became strikingly high compared to the population of native Muslim males born in Istanbul. As will be seen in the following chapters, these new comers were regarded as “a threat for public order” during the war years. As a security measure, a great number of people would either be sent to their homelands or other parts of Anatolia just because they had come from outside Istanbul.

The economic life of Istanbul, as a city with large and dynamic population, will be examined in the following chapter. Especially, the economic conditions of the city during the war years will be focused on. These economic conditions were certainly the main cause of many crimes during the Great War.

2.2 Economic Life

Istanbul was a major port city in the Ottoman Empire therefore and became a center of socio-economic transformation during the nineteenth century.¹³⁹ Parallel to

economic developments, Pera witnessed a remarkable rise in importance the second half of the nineteenth century. It was not only the symbol of a Europeanized Istanbul, but also the center for the rising non-Muslim commercial bourgeoisie.¹⁴⁰ According to Karpas, the contrast between the shops in Pera –modern, full of attractive display on the windows–, and the bazaar in the old city –traditional, no displays on the windows or anything else for attracting the attention of costumers– was an indicator of the mode of transformation during the nineteenth century. Thus Karpas argues that there were two faces of Istanbul in terms of socio-economic life: on the one hand there was a district where modern shops, amusement places, modern schools were present; on the other hand, there was a region where economic and social life was continuing in the same rhythm as it already was since long time ago.¹⁴¹

When the Ottoman Empire entered the Great War the economic dynamics of Istanbul changed rapidly. As a result of commercial treaties, European States had gained economic concessions in the Ottoman lands in the second half of the nineteenth century. The Ottoman Empire had turned into an open market for European goods, and the CUP aimed at was putting an end to this situation. The war provided convenient conditions for the Ottoman State to abolish the capitulations unilaterally. This was an important attempt to overturn the semi-colonial situation of the Ottoman Empire.¹⁴² The CUP government also began implementing national economic policies during the war years.

Implementation of nationalist economic policies had two aspects. First, in a nationalistic way, the element of Turkishness gained a heightened importance because the CUP aimed at creating a national identity from a multi-national and multi-religious

¹³⁹ Karpas, “The Population and the Social”, p. 95.

¹⁴⁰ Karpas, “The Population and the Social”, p. 99-100.

¹⁴¹ Karpas, “The Population and the Social”, p. 100.

¹⁴² Eric Jan Zürcher, *Modernleşen Türkiye'nin Tarihi*, (Istanbul: İletişim, 2003), pp. 179-183.

imperial one.¹⁴³ As stated in the previous part, the demographic structure of the empire had changed for the favor of the Muslim-Turkish element after the second half of the nineteenth century. This new demographic structure provided a convenient environment for the implementation of national economic policies. Second, a Turkish bourgeoisie had to be created both in order to improve the economic conditions of the Empire and to render this group the capacity to act as the conveyor of the national identity.¹⁴⁴ From the CUP's point of view, in order to save the Empire, the creation of a bourgeois class composed of Muslim-Turkish elements was necessary. In short, nationalist economic policies, already in effect prior to the Great War, became the appropriate economic strategy within war conditions. During this long and comprehensive war, there came about profound structural changes in the Ottoman economy.

There were mainly two important issues related to the economic situation of Istanbul during the Great War years. These were the provisioning of the city and price speculations as well as high inflation rates.

2.2.1 Provisioning

In 1914, the level of harvest was high in many parts of the Empire. However, the Istanbul government did not show due prudence in storing crops and efficiently using them. The reason was because neither politicians nor ordinary people expected the war to last long. At the time the Ottoman Empire entered the Great War, the state conscripted almost all the male population between 20 and 45 years old. Therefore, old men, women and the children were left to do the harvest work, which eventually resulted in the wasting of the plentiful harvest of 1914.¹⁴⁵

¹⁴³ Zafer Toprak, *Türkiye'de Milli İktisat Milli Burjuvazi*, (Istanbul: Tarih Vakfı Yayınları, 1996), p.25.

¹⁴⁴ Toprak, *Türkiye'de Milli İktisat*, p. 33.

¹⁴⁵ Ahmet Emin Yalman, *Yakın Tarihte Gördüklerim Geçirdiklerim*, Vol. 1, (Istanbul: Yenilik Basımevi, 1970), p. 270.

Actually, even in normal times the Ottoman Empire, although being an agricultural country, was unable to feed itself sufficiently. It was dependent on other countries, especially Ukraine, Romania and Russia, in agricultural products. Istanbul was an enormous consumption center and almost all provisioning of the city was dependent on agricultural imports, especially flour coming from other countries. When the war began, transportation between the countries selling agricultural products and the Ottoman Empire totally closed down.¹⁴⁶ Different from other provinces of the empire, Istanbul became unable to get sufficient food supply from hinterland, whereas there was self-sufficient agricultural production in most provinces in Anatolia. The traditional ways of producing and distributing hindered Istanbul from receiving adequate supply from the interior.¹⁴⁷ In this sense, entrance to the Great War without any preparation for the provisioning of Istanbul would prove to be disastrous.

A critical food shortage began in Istanbul already at the beginning of the war. According to Yalman, food shortage was not the real trouble for Istanbul; the crucial point was the problem of distribution.¹⁴⁸ The CUP established several commissions in order to make distribution efficient; however, it was soon understood that the CUP lacked the capacity to govern economic life in such a crisis situation. At the beginning of the war, the Commission for Essential Needs (*Havaic-i Zaruriye Komisyonu*) was founded under the directorate of the Ministry of Interior. The function of this commission was to deal with provisioning issues and provide necessary consumer goods to the people and the army. Moreover, the commission was responsible for determining the goods to be stocked and collecting them in case it was necessary in order to prevent price increases.¹⁴⁹

However, the failure of this commission led to the removal of basic necessities from the market by the traders. In 1915 the Central Commission of the CUP took the

¹⁴⁶ Yalman, *Turkey in the World War*, p. 270.

¹⁴⁷ Yalman, *Turkey in the World War*, p. 270.

¹⁴⁸ Yalman, *Turkey in the World War*, p. 121.

¹⁴⁹ Toprak, *İttihat Terakki ve Cihan Harbi*, p. 128.

responsibility. Then, the Trade Commission (*Heyet-i Mahsusa-i Ticariye*) was established under the directorate of İzzet Bey who was the secretary of the Bakery Commission (*Ekmekçiler Cemiyeti*).¹⁵⁰ Kara Kemal, the leader of the local party organization in Istanbul, had a great influence on the commission, being in fact the only person responsible for the provisioning of Istanbul.¹⁵¹ Kara Kemal was a very important political figure during the war years. Having strengthened the craft organization in the city, he had a strong network among the grocers (*bakkallar*), porters (*hamal*) and the bakers (*fırıncılar*). In addition, he appointed someone loyal to him as the leader of craft organizations (*esnaf teşkilatı*). Especially, the porter organization became extremely powerful as a result of Kara Kemal's support. According to Yalman, the porters began to act as the 'commando' force of Kara Kemal while he threatened the CUP to provoke an uprising among the craftsmen and other people that were loyal to him in case the CUP did not accept his demands.¹⁵²

However, when the memoirs of Talat Pasha are taken into consideration, it is clear that the CUP leaders were not highly critical of craft organizations. On the contrary, Talat Pasha described these organizations and their leaders as committed elements of the national economic policy. According to Talat Pasha, "the leaders of these craft organizations were studying kindheartedly like fathers and none of them thought of obtaining even the slightest interest for themselves."¹⁵³ It is clear that according to the CUP leaders there was a direct relationship between the craft organizations and the national economic policy. In fact, when the ethno-religious compositions of craft organizations are taken into consideration, this relationship

¹⁵⁰ Zafer Toprak, "Birinci Dünya Savaşı'nda İstanbul", *Dünden Bugüne İstanbul Ansiklopedisi*, Vol. 2, (İstanbul: Tarih Vakfı Yayınları, 1993-1994) p. 240.

¹⁵¹ Toprak, *İttihat Terakki Cemiyeti ve Cihan Harbi*, p. 129.

¹⁵² Yalman, *Yakın Tarihte Gördüklerim*, p. 268.

¹⁵³ Nevertheless, Talat Pasha also accepted the fact that although the aim for foundation of craft organizations was to serve for national economic policies, a great number of people being close to the leaders of craft organizations made eventually huge profits thanks to such connections. Alpay Kabacalı (ed.), *Talat Paşa'nın Anıları*, (İstanbul: İş Bankası Kültür Yayınları, 2009), p. 35.

becomes much clearer. The craft organizations were exclusively composed of Muslim-Turkish elements, meaning that their institutional structure deliberately left out non-Muslim craftsmen and tradesmen.¹⁵⁴ Thus, becoming indispensable members of economic life during the war years, these organizations served for the formation of a Muslim-Turkish commercial bourgeoisie. Yet they were not the only elements of the national economic policy. During the first war year, a considerable number of national companies were founded in Istanbul and Anatolia as the first corporate organizations of national economy. Kara Kemal was once again a prominent figure in the foundation of these.

In the first years of the war, Kara Kemal was only responsible for the provisioning of Istanbul, whereas through time he became involved in regulating all the economic life in the city, especially using his network in craft organizations. This actually meant that he was the foremost figure at the top of a huge body of money circulation. He used most of the cash endowments of national companies in support of national economic policies.¹⁵⁵ On 23 September 1915, Anatolia National Crops Ottoman Incorporated Company (*Anadolu Milli Mahsulat Osmanlı Anonim Şirketi*) was founded in Istanbul. It was the first national company that was established under the leadership of Kara Kemal.¹⁵⁶ In 1916, the second national company National Importation Scale Incorporated Company (*Milli İthalat Kantariyye Anonim Şirketi*), half of whose capital was provided by the Trade Commission, was founded in Istanbul for importation and distribution of bread and sugar.¹⁵⁷

The facilities of national companies, the Trade Commission under the leadership of Kara Kemal, and the monopoly of the CUP on the provisioning of Istanbul were in a strict sense only criticized by a few members of the Senate. There

¹⁵⁴ Tarık Zafer Tunaya, *Türkiye'de Siyasal Partiler: İttihat ve Terakki*, Vol. 3, (Istanbul: Hürriyet Vakfı Yayınları, 1989), p. 336.

¹⁵⁵ Yalman, *Yakın Tarihte Gördüklerim*, p. 268.

¹⁵⁶ Toprak, *İttihat Terakki ve Cihan Harbi*, p. 130.

¹⁵⁷ Other goods that were imported and distributed/sold by *Heyet-i Mahsusa-i Ticariye* were gas, wheat, barley, olive oil and soap Toprak, *İttihat Terakki ve Cihan Harbi*, p. 132.

was the general opinion that some people close to the CUP were becoming rich as a result of the CUP's monopoly on provisioning. Similarly, the national companies mentioned above had privileges in using transportation facilities thanks to their relations with the CUP government working on their own advantage.¹⁵⁸ Thus they could easily transport their goods, whereas other tradesmen did not benefit from such advantages of transportation. This fact led to unfair competitive advantages for some companies, allowing them to set a monopoly in the market. Therefore, they would be able to determine the prices and earn huge profits.

In short, national companies, the Trade Commission and craft organizations were regulating the provisioning of Istanbul. Kara Kemal as the head of the local party organization had enormous influence over each of these organizations. In fact, Kara Kemal as well as other CUP members denied the fact that the former had engaged in these facilities capitalizing on his political identity. However, especially the foundation of national companies was widely considered an outcome of his personal endeavour.¹⁵⁹ The capital accumulation used in the establishment of national companies was in any case achieved through the interests gained from provisioning.¹⁶⁰ There was a network in provisioning facilities in the city while the CUP government had an indirect monopoly over these. According to Yalman, "the monopoly was little interested in the actual provisioning of the people in wartime. The possibilities of future trade that could be Turkified, and considerations of personal and party interest were more dominant."¹⁶¹

In fact, ordinary people were not satisfied with the distribution facilities which were insufficient to solve the provisioning problem of Istanbul. As a result of rising opposition, the CUP included the problem to the agenda of the Party Congress in

¹⁵⁸ Vahakn N. Dadrian and Taner Akçam, 'Tehcir ve Taktik' *Divan-ı Harb-i Örfî Zabıtları: İttihat ve Terakki'nin Yargılanması, 1919-1922*, (İstanbul: İstanbul Bilgi Üniversitesi Yayınları, 2008), p. 297.

¹⁵⁹ Dadrian and Akçam, 'Tehcir ve Taktik', p. 295, 303, 315. Osman Selim Kocahanoğlu, *İttihat-Terakki'nin Sorgulanması ve Yargılanması*, (İstanbul: Temel Yayınları, 1998), p. 457.

¹⁶⁰ Toprak, *İttihat Terakki ve Cihan Harbi*, p. 132.

¹⁶¹ Yalman, *Turkey in the World War*, p. 123.

1916 for discussion.¹⁶² In order to make clear the commercial activities of the CUP, Kara Kemal presented a report about the provisioning work for the last three months, intended to be a justification of the activities of the Trade Commission.¹⁶³ In this party congress, the CUP tried to justify all economic undertakings of the Trade Commission related to the provisioning of Istanbul with reference to the necessity of establishing a national economy. It was overtly stated that “as a result of the activities of this Commission [Trade Commission], not only some basic goods were properly provided, but also a number of national companies were founded with national capital. Moreover, within the last two years all economic facilities of the country had been transferred from non-national hands to national hands.”¹⁶⁴ This is in a sense an acknowledgement of the fact that the CUP government had deliberately used the profits of the Trade Commission as founding capital for the first national companies.

Although the CUP government supported the provisioning facilities of the Trade Commission, this did not prevent discontent among people about the distribution of basic goods. In the face of rising opposition and complaints, the duty of provisioning was assigned to the city municipality (*Şehremaneti*) in March 1916. Nevertheless, İsmail Hakkı (Canbulat), the mayor of Istanbul, was not successful in managing the issue. There emerged a serious shortage of food in the city. Hereupon, the Central Provisioning Commission (*Merkez İaşe Heyeti*) was formed on 23 July, 1916 taking as its model the German Provisioning Organization.¹⁶⁵ The main idea here was to recognize provisioning by dividing the country into regions and precluding any

¹⁶² The debates of CUP Congress in 1916 was published as a booklet by *Tanin Matbaası*. For full text translation see, Mete Tunçay, *Cihatve Tehcir: 1915-1916 Yazıları*, (İstanbul: Afa Yayıncılık, 1991), pp. 56-112. For debates on provisioning of Istanbul, national companies and Trade Commission see *Cihat ve Tehcir*, pp. 71-72, 83, 99-103.

¹⁶³ For detailed information about the content of this report, See, Toprak, *İttihat Terakki ve Cihan Harbi*, p. 134.

¹⁶⁴ “Sırf bu heyetin [*Heyet-i Mahsusa-i Ticariyye*] faaliyeti sayesinde bir takım havayic pek iyi denecek bir surette temin edilmiş olduktan başka meydana tamamen milli bir sermaye ve milli bir idare ve gaye ile birkaç büyük ve kuvvetli şirketler çıktığı gibi iki seneden beri memleketin bütün faaliyet-i iktisadiyyesi gayr-i milli ellerden milli ellere intikal etmiştir.” Tunçay, *Cihat ve Tehcir*, pp. 101-102.

¹⁶⁵ Toprak, "Birinci Dünya Savaşı'nda İstanbul", p. 240.

kind of food trade among these. Istanbul was in the first provisioning region and continued to occupy primary place in the provisioning issue. It was a fact that the capital city was the most influential center in determining the price movements all over the Empire. Kara Kemal became the director of the First Provisioning Region.¹⁶⁶

In 1917, the war still continued. Although the government had applied different methods and had found a variety of commissions in order to solve the provisioning problem of Istanbul, the city was still suffering from food shortage. In August 1917, the General Directorate of Provisioning (*İaşe Umum Müdürlüğü*) was established as affiliated to the Ministry of War. All the vehicles necessary for trade were in the hands of the Ministry of War. Therefore, the Ministry of War was considered as the most appropriate government institution for solving the problem of food supply.¹⁶⁷ The General Directorate of Provisioning banned the trade of grains that were used for bread and as forage. This institution was collecting wheat, sugar, flour, olive oil and other food from the depots and shops of tradesmen and shopkeepers, meaning that free trade of these items in open market was prohibited.¹⁶⁸

Although the activities of General Directorate of Provisioning solved the provisioning problem of Istanbul to a certain extent, the government was compelled to establish the Ministry of Provisioning (*İaşe Nezareti*) in July 1918.¹⁶⁹ Not surprisingly, Kara Kemal became the Minister of Provisioning.¹⁷⁰ This Ministry would be responsible for the regulation of provisioning until the end of the war.

¹⁶⁶ For detailed information about the Provisioning Regions and the administration of these regions see, Toprak, *İttihat Terakki ve Cihan Harbi*, pp. 139-143.

¹⁶⁷ Toprak, "Birinci Dünya Savaşı'nda İstanbul", p. 240.

¹⁶⁸ Toprak, *İttihat Terakki ve Cihan Harbi*, p. 144.

¹⁶⁹ "İaşe Nezareti hakkında kararname, 11 Şevval 1336/30 Temmuz 1334 (July 30, 1918)", *Düstur*, II/10, (Istanbul: Evkaf Matbaası, 1928), pp. 558-563. In fact, Ahmed Rıza, who was a prominent member of the *Meclis-i Ayan* (Ottoman Senate) and one of the founders of the CUP, had recommended the foundation of the Ministry of Provisioning in early 1917. However, the government rejected his proposal, claiming that existing commissions dealing with provisioning were successful enough. MAZC, 3/3, 31, 6 Şubat 1332 (February 19, 1917), pp. 488-490; 497-502. For detailed information see, Chapter 6, pp. 238-239.

It is clear that the CUP government attempted to solve the provisioning problems of Istanbul, in particular, and the Ottoman Empire, in general, through the foundation a number of institutions. However, it is quite difficult to argue that effective provisioning could be achieved in Istanbul. Considering all the policies about provisioning during the war years, the CUP had inarguably failed to be effective. Yalman noted that:

... During the War, production decreased and the means of transport became more inadequate. The elements of the mismanagement, abuses and waste vastly complicated the situation. As a consequence more or less acute state of famine existed during the last two years of the War in all parts of the country. The high death rate during the War can, in part, be directly attributed to the famine.¹⁷¹

Due to the mismanagement of provisioning in Istanbul, the city witnessed some other economic problems during the war years such as inflation, black-market and speculation.

2.2.2 Inflation, Black-Market and Speculation

Belligerent states of the World War used mainly two different ways to finance the war expenses. The first was the most preferable one: financing the war by extraordinary taxes. However, as the war lengthened, people became reluctant to pay taxes. Nevertheless, this option remained as the most desirable one, and continued to be practiced in Britain. Since people were persuaded that the Great War was a matter of life and death, and that every segment of society had to sacrifice something for the sake of victory, mobilizing people and collecting taxes seemed as necessary strategies. Extraordinary taxes imposed the mentality of sacrifice. Taxpayers were mostly the

¹⁷⁰ Tunaya, *Türkiye'de Siyasal Partiler: İttihat ve Terakki*, p. 337.

¹⁷¹ Yalman, *Turkey in the World War*, p. 134.

entrepreneurs of war industry who made huge profits at that time. Thus, this also served to alleviate deepening social inequalities.¹⁷²

The second way was domestic borrowing, which was mainly followed by Germany during the Great War. This was not a healthy option due to two reasons. First, this did not allow the state to infuse people with the mentality of sacrifice. Second, when defeated at the end of the war, states such as Germany would not be able to repay their debts, thereby being forced to descending into an economic crisis as well as having losing their legitimacy in the eyes of their citizens.¹⁷³

Ottoman Empire did not have the necessary financial infrastructure neither for collecting extraordinary taxes nor for internal borrowing. From the beginning of the war, the Ottoman State issued money to cover the war expenses. This strategy resulted in rapidly rising inflation rates and, accordingly, black-market and speculation in a short period of time.¹⁷⁴ The cost of living in the Ottoman Empire during the war years was as follows:

Table 3: Cost of Living Index in the Ottoman Empire During the Great War

Year	Cost of living index (cost of living in 1914 is assumed as 100)
1914	100
1915	130
1916	212
1917	846
1918	1823

Source: Toprak, "Birinci Dünya Savaşı'nda İstanbul", p. 242.

¹⁷² Toprak, *İttihat Terakki ve Cihan Harbi*, p. 152.

¹⁷³ Toprak, *İttihat Terakki ve Cihan Harbi*, p. 152.

¹⁷⁴ Toprak, *İttihat Terakki ve Cihan Harbi*, pp. 151-152.

The prices of basic consumption goods increased while wages were not rising. Besides, in the beginning of the war, the Ottoman government decided to cut half of civil servants' salary, in order to reduce expenses. Purchasing power of the people, especially those living on fixed income, diminished rapidly. Consequently, civil servants became instant losers of the Great War in the Ottoman Empire, becoming poorer and poorer as the war lengthened. Although, the State decided to make a salary increase of 10 to 20 percent, in 1916 and 1918, as the cost of living was rising, the salary increase proved to be futile. For instance, the monthly salary of an ordinary teacher in Istanbul was 840 *kuruş* (piastre) in 1918, whereas the total price of necessary consuming goods according to the cost of living index was 4.594 *kuruş*.¹⁷⁵ Therefore, the salary of a teacher was enough to afford only a small part of his/her cost of living. Workers' daily wage increase was much better than the salary increase of civil servants. However, the salary of the workers was still far from meeting the cost of living.¹⁷⁶

Increase in prices (*kıyye*/kuruş*) in Istanbul during the war years is as follows:

¹⁷⁵ Toprak, *İttihat Terakki ve Cihan Harbi*, p. 153. Also see the table that indicated the salaries of civil servants and officers in the Great War, p. 156.

¹⁷⁶ For detailed information about daily wages increase of workers see Vedat Eldem, *Harp ve Mütareke Yıllarında Osmanlı İmparatorluğu'nun Ekonomisi*, (Ankara: Türk Tarih Kurumu Yayınları), 1994 pp. 54-55.

* *Kıyye* is an Ottoman weight unit equivalent to 1.282 kilograms.

Table 4: Increase of Retail Prices in Istanbul during the War Years

	1914	1915	1916	1917	1918	1919
Bread (free)	1.25	1.65	9.5	18	34	13
Bread(distributed with fixed price)	-	-	1.6	2.5	2.5	-
Flour	1.75	2.3	12	30	45	20
Pasta	3.0	4.5	12	30	45	20
Rice	3.0	5.0	20	45	92	45
Sugar (free)	3.0	7.5	30	112	195	46
Sugar (distributed with fixed price)	-	-	-	20	30	-
Coffee	12.0	25.0	110	300	800	105
Tea	60	120	250	400	500	250
Onion	0.5	1.0	4	8	15	7
Beans (free)	4.0	7.0	15	40	65	35
Beans (distributed with fixed price)	-	-	-	10	15	-
Potato	1.0	1.6	3	14	27	16
Milk	2.0	3.5	7	15	45	40
Cheese	12.0	20.0	40	100	210	120
Clarified butter	10.0	18.0	30	85	170	130
Butter	20.0	50.0	90	155	350	300
Olive Oil	8.0	14.5	25	88	160	115
Eggs (per unit)	0.5	0.8	1.2	3	6	4.5
Salt	1.5	1.5	2	2.5	4.5	12
Mutton (sheep meat [?]) (for free)	7.0	8.5	16	35	125	70
Mutton (distributed with fixed price)	-	-	-	30	50	-
Soap	7.0	12.6	20	53	140	70
Gas oil	1.5	3.0	50	80	140	22
Firewood (<i>çeki</i> , weight of 250 kilos)	45	70	150	235	540	500
Wood coal	0.5	1	2	4	11	7
Shoes	70	130	230	350	1,100	700
Cloth (male)	450	625	900	2,000	6,000	3,000
Coal (ton)	115	126	200	420	975	3,000
Cigarette (per package)	2.5	2.5	5	10	15	20

Source: Eldem compiled this information from the data of *Düyun-i Umumiye İdaresi* (Public Debt Administration), *İaşe Teşkilatı* (Provisioning Organization) and *İstanbul Belediyesi* (Municipality of Istanbul). Eldem, *Harp ve Mütareke Yıllarında*, pp. 50-51

In order to prevent price increases, the government began to set fixed prices on some basic consumption goods after 1916. However, this practice resulted in speculation. While entering the war, the Ottoman politicians made a miscalculation, predicting that the war would end latest in the second half of 1915. From the table above, it is clear that the prices did not increase much until 1916. However, as war

lengthened and the stocks began to exhaust, the prices began to rise rapidly. Furthermore, merchants were over-sensitive to the news from the fronts, which also became influential on price rises.¹⁷⁷ Merchants began stocking consumption goods because they realized that the prices would rise in the following months and years. They sold these goods with high prices when there was a scarcity in the market. As a result, the gap between the prices determined by the state and the actual market prices grew dramatically. Black-market became an important part of economic life in Istanbul. Speculative entrepreneurs gained huge profits, and there emerged a new class called ‘profiteers’. The new riches were generally merchants and bureaucrats who were close to the CUP.¹⁷⁸ The CUP policies towards profiteering as an ‘ignored crime’ will be analyzed in the sixth chapter. Nevertheless, here, it can be argued that the traditional social structure almost totally changed. Civil servants, who had constructed a respectable class until the war, became the ‘new poor’. On the other hand, the merchants who engaged in speculative enterprise became the ‘new rich’.

Therefore, in many aspects, the economic policies of the CUP were unsuccessful. First, the provisioning problem of Istanbul could not have been solved until the end of the war, although the government tried many different ways and established various institutions to deal with this problem. Besides, the Ottoman State was deprived of the financial and economic ability to improve successful projects to finance a long war. The Ottoman government issued paper money during the war in order to finance the war expenses. Actually, most of the belligerent states issued money; however, for other states, this was only one way among others such as collecting taxes, internal and external borrowing. Since the government used this as the primary way of financing the war, there was inevitable hyperinflation during the war years, and the cost of living increased tremendously.

¹⁷⁷ Toprak, *İttihat Terakki ve Cihan Harbi*, pp. 162-163.

¹⁷⁸ François Georgeon, "Gülüşün ve Gözyaşlarının Kıyısında", *Istanbul, 1914-1923*, Stefanos Yerasimos (ed), (Istanbul: İletişim Yayınları, 1997), p. 82.

The state was also unprepared for a long war in terms of food stocks. Different from many other provinces of the Ottoman Empire, Istanbul was historically fed by agricultural products coming from Romania, Ukraine and Russia. When trade routes were closed down during the war and the food stock finished, a shortage of food began in Istanbul in the late 1915. This, in turn, caused the boom of speculative enterprise and black-market. On the one hand, merchants engaging in speculative enterprise earned huge amounts of money and began living in luxury; on the other hand, the majority of Istanbul population was struggling with hunger and high costs of living.

The next section will deal with the dramatically changing social relations and other social dynamics of wartime Istanbul.

2.3 Social Life

Demographic and economic changes in the late nineteenth century and during the war years examined in the previous parts had great impact on the social life in Istanbul. This part will analyze the social life in Istanbul mainly in two parts. Initially, the social structure of the city in the second half of the nineteenth century will be examined in terms of the settlement organization of city-dwellers and the rising classes in city life. Then, social life during the Great War will be analyzed with regard to changing social relations as a result of emergence of new classes (new poors and new riches); the situation of the women; and the problems of the city, as well as reforms attempts.

2.3.1 Nineteenth Century

Istanbul, as the capital of the Ottoman Empire, had a dynamic and heterogeneous population. The city became a center of attraction through the economic and social transformations of the second half of the nineteenth century. Although there was no clear-cut ethno-religious separation in the boroughs of the city, the

concentration of population in terms of ethno-religious identity displayed certain characteristics: Eyüp, Kasımpaşa, Şehremini, Fatih, Unkapanı, Eminönü, Aksaray and Beyazid were boroughs of the Old City mostly concentrated by Muslim-Turkish population. Jews were predominantly living in Hasköy, across the Golden Horn, and Balat. Pera, several neighborhoods and villages across the Golden Horn, and Fener were the boroughs where Ottoman Greeks had a visible concentration. Armenians were living mostly in Samatya and Kumkapı. The Armenian Patriarchate was located in Kumkapı whereas the Greek patriarchate was in Fener.¹⁷⁹ Pera and Galata, as the most westernized and modernized part of Istanbul, were predominantly inhabited by Europeans.¹⁸⁰

Istanbul was one of the most important port cities of the Ottoman Empire. Especially, during the second half of the nineteenth century, trade increased and economic opportunities expanded. This was the main reason of internal immigration to the city until 1880's. Most of the immigrants had a dream of finding new opportunities in this lively city. Half of the Istanbul population was composed of non-Muslims between the years 1844-1880.¹⁸¹ However as a result of immigrations, which intensified especially following the Ottoman-Russian War (1877/1878), the demographic structure of the city changed in favor of the Muslim-Turkish population.¹⁸²

Bureaucracy had risen as a powerful social group throughout Ottoman modernization.¹⁸³ These were predominantly graduates of the modern schools. Having

¹⁷⁹ Criss, *Istanbul under Allied Occupation*, p. 21.

¹⁸⁰ Karpaz, "The Population and Social", p. 86.

¹⁸¹ Karpaz, "The Population and Social", p. 86.

¹⁸² Karpaz, "The Population and Social", p. 86.

¹⁸³ Karpaz makes a detailed evaluation about the rise of the bureaucracy in Istanbul during the second half of the nineteenth century. See "The Population and Social", pp. 92-95. Fatma Müge Göçek also deals with the rise of bureaucracy as a part of bourgeois class in the Ottoman Empire. See, *Rise of Bourgeoisie, Demise of Empire*, New York Oxford:Oxford University Press, 1996.

official posts, they had regular salaries from the state. Their consumption tendencies had a great impact on Istanbul's socio-economic life, as their purchasing power was enough to affect changes in three main sectors in the city's economy: food, clothing and housing.¹⁸⁴ For instance, when this group began to prefer buying European goods, and demanded a European way of life, alongside with foreigners whose number had increased during the nineteenth century, Pera became the rising commercial district of Istanbul, with its modern shops, new banks and European-style buildings. Bureaucrats became regular visitors of Pera, as the district became dominated by the foreigners and non-Muslim Ottomans.¹⁸⁵

Merchants as another important social group in Istanbul were mainly divided into two parts in the nineteenth century. On the one hand, as indicated earlier, a modern commercial life began to arise in Pera. Merchants there, most of whom were non-Muslim Ottomans and Levantines, were a rising commercial bourgeois class. These had close ties with European capitalist centers. The language of communication in Pera and Galata was French, although almost all of the merchants had a different native language, especially Greek and Armenian. Moreover, most of them knew Turkish.¹⁸⁶ However, the European impact in Pera as well as in Galata was not limited to language. Pera was different from all other parts of Istanbul, in the sense that it reflected a Europeanized side of the Ottoman Empire.¹⁸⁷ After 1850, merchants of Galata and Pera began to buy big houses in Pera and live there, becoming neighbors to European missions. According to Karpat, as a result of this close relationship, a considerable number of Greek and Armenian merchants converted into Protestant and Catholic.¹⁸⁸ Besides, European way of life made these merchants much more secular

¹⁸⁴ Karpat, "The Population and Social", p. 93.

¹⁸⁵ Karpat, "The Population and Social", p. 101.

¹⁸⁶ Karpat, "The Population and Social", p. 98.

¹⁸⁷For physical change of Pera and Galata see İlber Ortaylı, *Istanbul'dan Sayfalar*, (Istanbul: Alkım Yayınları, 2006), pp. 295-296.

¹⁸⁸ Karpat, "The Population and Social", p. 99.

compared to earlier generations. Consequently, the influence of the clergy on the newly emerging commercial bourgeoisie was limited.¹⁸⁹

On the other hand, traditional commercial life continued in the bazaar, especially in the Old City. Here, shops here were humble. They were selling relatively cheap commodities to the lower classes of Istanbul. There were over a thousand shops owned by Muslims, Greeks, Armenians and Jews in the central bazaar of Istanbul. Turkish-Muslim merchants in the grand bazaar were selling furs, clothing, books, perfumes and engravings. Greeks were specialized in cotton goods. They also worked as tailors and leather workers. Jewelry, watch making/repairing and embroideries were the main fields that Armenians were active in. The Jews were specialized in a variety of occupations.¹⁹⁰

Other commercial activities outside that of the bazaar were in the hands of *bekars* (single men, bachelors). Most of them were immigrants and worked as porters (*hamals*), water distributors (*saka*), candy makers (*helvacı, şekerçi*), sellers of fried liver (*ciğerci*), and in other small occupations.¹⁹¹ The number of *bekars* in Istanbul was approximately 75.000 in 1853. Two fifth of these were Muslim-Turkish men and the rest were Greeks, Armenians and men from other nationalities. Porters were the most powerful group among the *bekars*. As the streets in Istanbul were narrow and downslope, containing many steps, porters were an important part of transportation.¹⁹² Their importance and power increased during the Great War years under the leadership of Kara Kemal.

As indicated in the previous part on demographic changes, nineteenth century Istanbul witnessed an influx of immigration from the Balkans, Caucasia and Anatolia. These immigrants began to establish the first slum areas in Istanbul, in neighborhoods of Eyüp, Kasımpaşa, Hasköy and Üsküdar. Such slum areas were close to more

¹⁸⁹ Karpas, "The Population and Social", p. 99.

¹⁹⁰ Karpas, "The Population and Social", pp. 94-95.

¹⁹¹ Karpas, "The Population and Social", pp. 94-95.

¹⁹² Karpas, "The Population and Social", pp. 94-95.

developed parts of the city. For instance, Kasımpaşa, Okmeydanı and Hasköy were near Pera and the life in these slum areas was totally different from the life in Pera. The same thing was the case for Üsküdar and the slum areas nearby.¹⁹³

In conclusion, just before the Great War, Istanbul was a transforming and vibrant city in terms of modernization and burgeoning capitalist life. There was the rising class of bureaucrats. In addition, the merchants in Pera were an other rising class. Throughout the nineteenth century, Pera and Galata changed physically, socially and economically. However, the rest of the city continued traditional ways of living. Certainly, this situation resulted in a cultural and social dichotomy in the city. Besides, there emerged slum areas close to historical parts of the city as a result of immigration waves. When the Ottoman Empire entered the Great War, still more changes were to come.

2.3.2 The Great War

As indicated in the previous part, economic difficulties during the war years resulted in the emergence of new class structures. This left its mark on many dimensions of social life. For instance, officials and bureaucrats who had been as well-educated, European-minded and prestigious classes during the nineteenth century became losers of the war, as a result of their impoverishment in the face of high inflation. Istanbul, as the capital, had a large number of officials and civil servants, which further increased through the immigration of provincial administrative cadres from Anatolia during the war and afterwards.¹⁹⁴ However, in the meantime, the purchasing power of officials in Istanbul decreased 60-80 percent.

On the other side, there emerged ‘new riches’ acquiring tremendous wealth through speculative enterprise in a short period of time. Most of them were Muslim-Turkish merchants, including some officials close to the CUP. Because these

¹⁹³ Ortaylı, *Istanbul'dan Sayfalar*, p. 297-298.

¹⁹⁴ Georgeon, "Gülüştün ve Gözyaşlarının Kıyısında", p. 85.

merchants made use of war conditions, they had an interest in being in a state of war.¹⁹⁵ As a result their consumption patterns were also contradictory with the war conditions. They were living in luxury whereas common people including civil servants suffering from poverty.

Whereas the new rich indulged in expensive food in luxurious hotels and restaurants, the regular meal of an upper-middle class family was a moderate one composed of bread, *tarhana* (a kind of traditional soup made of yoghurt, flour and mint) and *kapuska* (cabbage stew).¹⁹⁶ The situation of lower classes was even worse, as most lower class families fed only on bread –if they were lucky enough to find it– which was produced by a kind of flour that was a mixture of wheat and broom seeds.¹⁹⁷ The inequalities in the society further exacerbated towards the end of the war. There was widespread discontent about the economic policies of the CUP. In 1917, the CUP loosened tight censorship and left room for journalists to criticize economic policies, intended to be a kind of buffer for the government against the anger among people. *Sabah* and *Vakit* were the main newspapers including such critiques.

In the later years of the war and during the occupation period, nightlife gained a momentum especially around Pera. This was closely related with the emergence of the new riches. Immigration of Russians added further dimension to that. In a short period of time, Russians became dominant in different branches of nightlife such as in restaurants, pubs, cabarets, casinos and prostitution, especially in Pera.¹⁹⁸ The following words of Mazhar Osman, the head physician of Haseki Psychiatric Hospital during the war years, serve as a testimony to the impact of Russian immigrants:

¹⁹⁵ Georgeon, "Gölüşün ve Gözyaşlarının Kıyısında", pp. 82-83.

¹⁹⁶ Adnan Ergeneli, *Çocukluğumun Savaş Yılları Anıları*, (Istanbul: İletişim, 1993), p. 56.

¹⁹⁷ Cemil Filmer, *Hatıralar: Türk Sinemasında 65 Yıl*, (Istanbul: Emek, 1984), p. 65.

¹⁹⁸ Zafer Toprak, "Önsöz", *Istanbul 1920*, Clarence Richard and Johnson, M. A. (eds.), Sönmez Taner (trans.), (Istanbul: Tarih Vakfı Yurt Yayınları, 2008), p. xi.

[...] Istanbul was in a mess (*allahlıktı*), every government was interfering and none of them could do anything. The people were lost. Forty countries of the world could not have oppressed Istanbul through artillery, rifle, airplane and bombs, but [now] the city surrendered to cocaine and prostitution. Istanbul, which had resisted against the Tsarist armies for 600 years, was defeated to the Russian prostitutes.¹⁹⁹

As a matter of fact, prostitution became also widespread also among Muslim women.²⁰⁰ The main reason was the changing living conditions. On the one hand, war conditions allowed women to become economically independent as they were compelled to earn money and look after their families in the absence of males. On the other hand, war conditions meant though living conditions and scarcity of proper jobs, which were actually more difficult for women as they had not been active parts of public life before the Great War. Many had been deprived of education and training to acquire necessary qualities for technical jobs. Therefore, for many women, prostitution became a way of earning money.

From the beginning of the Second Constitutional Era, there emerged a certain awareness and inclination toward activism among intellectual women about the subordinate position of women in the Ottoman society. However, prejudices inherited from the Hamidian Era affecting women and the public opinion about the place of women in the society were so strong. Most of the time “the Young Turks felt themselves obliged to issue police orders regarding the changing dress of women, and remind both women and their male guardians that carelessness in veiling constituted a grave religious offence.”²⁰¹ In fact, the issue of veiling had become a class-based one especially during the second half of the nineteenth century. In big cities, especially in Istanbul, upper class women followed new trends and created their own lines of fashion. Once in a while a style of veiling became famous for a day and totally

¹⁹⁹Toprak, “Önsöz,” p. xii.

²⁰⁰ Zafer Toprak, “Fuhuş: Osmanlı Dönemi”, *Dünden Bugüne İstanbul Ansiklopedisi*, Vol. 3, (İstanbul: Tarih Vakfı ve Kültür Bakanlığı, 1999), p. 343.

²⁰¹ Yalman, *Turkey in the World War*, p. 233.

disappeared after a short time. Women from poorer classes were disturbed by this situation, blaming women from upper classes as the cause of curse on the country that was sent from heaven as a punishment.²⁰² Thus, when the Constitutional Regime was restored in 1908, despite the rising feminist ideology among intellectual women in Istanbul, neither the state nor the public opinion was ready to make radical changes about women's place in the society. Nevertheless, the Great War conditions brought about broad structural changes in everyday life and prepared a concrete base for women emancipation.

New social and economic needs emerged during the wartime. Especially, after 1916, nearly all the male population of Istanbul was conscripted. Many business sectors suffered as a result of lack of labor force. Thus, for the first time, women were hired in diverse vacancies. In August 1916, the CUP founded the Ottoman Islamic Association for the Employment of Women (*Osmanlı Kadınları Çalıştırma Cemiyet-i İslamiyesi*).²⁰³ In four months, 14,000 Muslim women living in Istanbul applied to the Association for a job.²⁰⁴ Thousands of women were employed in state offices and factories. Women became street cleaners and volunteers in charitable organizations and hospitals.²⁰⁵ The facilities of the Association were not limited to finding jobs for women. As a result of numerous pleas, the Association opened up soup kitchens to provide regular meal to women and their children suffering from poverty.²⁰⁶ Furthermore, the first labor battalion, composed entirely of women, was founded

²⁰² Yalman, *Turkey in the World War*, p. 232.

²⁰³ This society was not only providing jobs to women, but also functioned as a matchmaking organization. On December 14, 1917, the society made it compulsory that all its single employees should marry. The list of eligible members was published in local papers. This was in fact a part of the CUP's policies on family at that time. Zafer Toprak, "The Family, Feminism and the State During the Young Turk Period, 1908-1918", *Première Rencontre Internationale sur L'Empire Ottoman et la Turquie Moderne*, (Istanbul, Paris: Éditions ISIS, 1991), pp. 447-450.

²⁰⁴ Alan Duben, Cem Behar, *Istanbul Households: Marriage, Family and Fertility, 1880-1940*, (Cambridge, New York: Cambridge University Press, 2002), p. 44.

²⁰⁵ Yalman, *Yakın Tarihte Gördüklerim ve Geçirdiklerim*, p. 280.

²⁰⁶ Duben and Behar, *Istanbul Households.*, p. 44.

through the mediation of this society on February 9, 1918.²⁰⁷ Alongside with the facilities of this Association, the School of Commerce organized special courses for girls who wanted to have education on business. As a result, educated men and women began meeting in public life more frequently than before.²⁰⁸

Emancipation of women led to the rise of women organizations and publications. In the major cities of the Ottoman Empire, nearly forty different women's journals were published between the years 1867 and 1927. The journals before 1913 conventionally agreed that the primary responsibilities of women were motherhood and wifehood. Eventually, by 1913 and afterwards, there were women had become radical enough to declare themselves as feminists and demand social change. Their voice became even louder during the war years.²⁰⁹ The leading feminist organization, Association for the Defence of the Women's Rights (*Müdafaa-i Hukuk-u Nisvan Cemiyeti*), was established on 28 May 1913 in Istanbul. The journal of this association, *Kadınlar Dünyası*, began publishing on 4 April 1913, actually before the foundation of the Association.²¹⁰

This journal aimed at raising awareness about women's identity as well as problems. It also struggled to stimulate changes in social roles of women while contributing to the momentum of the feminist movement in the Ottoman Empire.²¹¹ The emergence of this association and its continuation during the war years was a direct consequence of changing social relations. In turn, the facilities of the Association and publication of the *Kadınlar Dünyası* also contributed to these changes. There were many other women's organizations of which women became members or volunteers. The Ottoman Association for the Protection of Women (*Osmanlı Himaye-i Nisvan Cemiyeti*), Ottoman Association for the Employment of Women (*Osmanlı*

²⁰⁷ Yalman, *Turkey in the World War*, p. 236.

²⁰⁸ Yalman, *Turkey in the World War*, p. 237.

²⁰⁹ Criss, *Istanbul under Allied Occupation*, p. 24.

²¹⁰ Serpil Çakır, *Osmanlı Kadın Hareketi*, (Istanbul: Metis Yayınları, 1996), p. 57, 80.

²¹¹ Çakır, *Osmanlı Kadın Hareketi*, p. 57.

Kadınları Çalıştırma Cemiyeti) and several charity organizations worked actively during the war years. The difference between these organizations and the Association for the Defence of the Women's Rights was that the latter was not a state-sponsored organization,²¹² whereas the others were state-sponsored organizations and instruments of mobilization. Nevertheless, they were still noteworthy regarding their contribution to the promotion of women in public sphere.

The change of women's place in the society was also influential on the resistance movement during the occupation years. Women's resistance began with Reunion for the Martyrs at Fatih Tomb in March 1919. It was followed by the famous Fatih Demonstration that was organized by women on 19 May, 1919.²¹³ Halide Edip Adivar, a prominent feminist, journalist, novelist and intellectual, was the leader of the demonstration. These were remarkable developments in the Ottoman society. Women, who had been mostly inactive elements of public sphere and political life before the war, became active contributors to the political movements as well as economic life during the War years.

The participants of the demonstrations were women who had lost their husbands, sons and/or fathers in the war. It is a fact that the life of women was very difficult from the beginning of the war and afterwards. They had to look after their family. The economic and social conditions of women were similar to each other regardless of ethnicity and religion. Many Turkish-Muslim women who had lost their husbands were living in mosques, *medreses* or their own places at that time. Most of these had children. The women who stayed in their own places generally lived in a single room with their children.²¹⁴ The most common job among the Turkish-Muslim

²¹² Criss, *Istanbul under Allied Occupation*, p. 26.

²¹³ Toprak, "Önsöz," p. xiii.

²¹⁴ C. Marbelle Phillips, "Dul Kadınlar", *Istanbul 1920*, Clarence Richard and Johnson, M. A. (eds.), Translated by Sönmez Taner, (Istanbul: Tarih Vakfı Yurt Yayınları, 2008), p. 250. This article is the outcome of a survey conducted on 400 widows in 1920. A hundred widows were chosen as sample from each of Turkish-Muslim, Armenian, Greek and Jewish communities. Although the research included the lives of only four hundred women, it provides a general idea about women's life in the aftermath of the

women was laundering. They also worked as housekeepers and tailors.²¹⁵ Due to lack of sufficient income, most of these women were probably attending the soup houses of the Red Crescent Organizations.

The situation of Armenian women was not much different. They were mostly living in the European part of Istanbul. Galata, Pera, Şişli, Gedikpaşa, and Makriköy were the regions where Armenian women resided. A small number of Armenian women were living on the hills around the Golden Horn.²¹⁶ Most of these women were not accustomed to work; however under the war conditions they had no other option. A great number of these became launderers and house workers.²¹⁷ They earned a minimum wage barely sufficient for subsistence.²¹⁸ Therefore, they probably received support from the Near East Relief Agency.

Greek women were mostly living in villages around the Golden Horn. There were also Greek women in Gedikpaşa, Balat, Valino, Balat, Fener and Üsküdar. The population living in the villages had a rural way of life, cultivating their own gardens and dealing with husbandry. Thus, they had fewer problems in finding food compared to Greeks living in the city center. The latter generally worked as house workers and launderers.²¹⁹ Their economic situation was only slightly better than their Turkish and Armenian counterparts.

Jewish women were living in Hasköy, Balat and Kasımpaşa along the Golden Horn and in Sirkeci inside the city walls (*Sur İçi*), as well as in three Jewish villages, Kuzguncuk, Dağhamamı and Haydarpaşa, on the Anatolian side of the Bosphorus. Their situation was much worse than the others in terms of work opportunities, as they

war. Probably, during the war years, lower class women had similar living conditions described in this article.

²¹⁵ Phillips, “Dul Kadınlar”, p. 256.

²¹⁶ Phillips, “Dul Kadınlar”, p. 257.

²¹⁷ Phillips, “Dul Kadınlar”, p. 261.

²¹⁸ Phillips, “Dul Kadınlar”, p. 269-270.

²¹⁹ Phillips, “Dul Kadınlar”, pp. 262-265.

were living in the most crowded regions of the city and worked twice harder in order to gain money.²²⁰ In addition, they were paying less rent than the other three ethnic groups probably because the living conditions of their accommodation were much worse.²²¹ In conclusion, all widows were living in poverty, and heavy living conditions compelled some of them to prostitution in order to earn money.

Before the war, the rate of non-Muslim prostitutions was higher than the Muslim one because prostitution was “officially” tolerated only to non-Muslim women.²²² As a matter of fact, in the early twentieth century, Istanbul became one of the biggest centers of prostitution and white slave trade in Europe and Asia.²²³ In March 1914, the Ottoman government, together with a number of ambassadors, took decision to struggle against the white slave trafficking in Istanbul. The leader of this attempt was Henry Morgenthau, the ambassador of America. As a result of a meeting on March 12, 1914, the foundation of a Committee for struggle against white slave trafficking was agreed upon.²²⁴ Thus the ambassadors and representatives of a number

²²⁰ Phillips, “Dul Kadınlar”, p. 266.

²²¹ Phillips, “Dul Kadınlar”, pp. 269-270.

²²² Yalman, *Turkey in the World*, p. 243; Rıfat Bali, “Yirminci Yüzyılın Başlarında İstanbul’un Fuhuş Aleminde Yahudilerin Yeri,” <http://www.rifatbali.com/images/stories/dokumanlar/mahrem3.pdf> [accessed May 25, 2012], pp. 10-11. During the nineteenth century, although Muslim women could not openly have been prostitutes, there were a number of Muslim prostitutes working at the neighborhoods dominantly populated by Muslims such as Aksaray. Aydın Yetkin, “II. Meşrutiyet Dönemi’nde Toplumsal Ahlak Bunalımı: Fuhuş Meselesi,” *Tarihin Peşinde Uluslararası Tarih ve Sosyal Araştırmalar Dergisi*, Issue: 6, (2011), p. 28.

²²³ Until the Great War, owners of brothels and women working therein were under the protection of Capitulations as long as they held foreign passports, meaning that the Ottoman State did not have any right for legal prosecution on prostitution performed by persons having foreign passports. Therefore, most of the brothel owners alongside with prostitutes in Istanbul were predominantly non-Muslims holding foreign passports. Mark David Wyers, “*Wicked*” *Istanbul: The Regulation of Prostitution in the Early Turkish Republic*, (Istanbul: Libra Kitapçılık ve Yayıncılık, 2013), p. 12, 88. Actually, the existence of Capitulations and lack of routine legal prosecution added to the difficulty of controlling prostitution in Istanbul during the nineteenth century.

²²⁴ Alongside with Morgenthau, the ambassadors of Britain, Italy, Germany and the representatives of Belgium and Romania attended the meeting. Reşad Bey, the minister of Commerce and Agriculture, and Oksan Efendi, the minister of Posts, Telegraphs and Telephone were the representatives of the Ottoman Government. Bedri Bey, the Chief of Istanbul Police Directorate would be the executor of the process. NARA, Department of State, 867.1152, RG 59, March 13, 1914.

of foreign countries and the Ottoman government would perform a combined struggle. Although there were committed steps in that direction after March 1914, “the war unfortunately prevented the effective continuation of that work.”²²⁵ Between March 1914 and April 1915, a total of 168 white slave traders were expelled from Istanbul.²²⁶ Nevertheless, there are no registers about organized struggle against the white slave trafficking after April 1915.

In fact, prostitution increasing as a result of poverty remained as an issue to be tackled during the Great War and afterwards.²²⁷ For the control of prostitution and prevention of venereal diseases, on October 18, 1915, the Ottoman government published a regulation entitled By-Law Appended to the Published_Regulation on the Prevention of the Spread of Venereal Diseases (*Emraz-ı Zühreviyyenin Men-i Sirayeti Hakkında Nizamname*).²²⁸ For the first time, this regulation included the legal definition for prostitute in the modern Ottoman legal system. According to this regulation “a prostitute is a woman who offers herself for the pleasure of others and in this way has relations with numerous men, for the purpose of monetary profit.”²²⁹ Actually, the main aim of this regulation was not to criminalize prostitution but to regulate and control it in order to prevent the spread of venereal diseases.²³⁰ Therefore,

²²⁵ NARA, Department of State, 867.1152/3, RG 59, March 24, 1915.

²²⁶ Morgenthau sent a report to Washington DC including photographs as well as a list of the personal information of white slave traders expelled from Istanbul. According to the report, white slave traders being Ottoman subjects were banished to somewhere inside the Ottoman Empire whereas persons holding foreign passports were expelled abroad. Out of 168 white slave traders 18 were Ottoman, 100 were Russian, 23 were Romanian and 10 were Austrian. There were also a small number of white slave traders from Greece, Persia, England, Italy, Brasil, France and Argentina. NARA, Department of State, 867.1152/3, RG 59, March 24, 1915; NARA Department of State, 867.1152/2, RG 59, April 6, 1915. For photos of nine white slave traders out of 195, see Appendix B, pp. 338-339.

²²⁷ Wyers, “*Wicked*” *Istanbul*, p. 91.

²²⁸ Wyers, “*Wicked*” *Istanbul*, p. 68.

²²⁹ Wyers, “*Wicked*” *Istanbul*, p. 67-68.

²³⁰ The regulation made routine health controls obligatory for all registered prostitutes. This was because venereal diseases became widespread in Istanbul during the war years. For instance, cases of syphilis, which had not been widespread in the Empire, reached a peak during the war. Toprak, “The Family, Feminism and the State”, p. 449. Therefore, the regulation of 1915 was an important step for the

the government demanded all prostitutes and brothels to be registered. Accordingly, brothels could only be opened in the districts determined by the Directorate of Police, and through official application.²³¹ In this way, brothels and prostitutes would be under state control.

There were three main regions of brothels on the European side of Istanbul during the war years: Abanoz and Zibah districts (at Beyoğlu), and Galata. Actually, Galata had historically been the largest prostitution area in Istanbul, and this situation continued during the war years. There were two districts of prostitution on the Asian side of Istanbul: Bülbülderesi at Üsküdar, and a region composed of five to six houses in Kadıköy. Non-Muslim prostitutes were mostly working at the brothels in Beyoğlu and Galata, whereas Muslim prostitutes were mostly in the brothels located on the Asian side.²³²

Unfortunately, there is no exact information about the number of registered prostitutes in Istanbul during the war years. After the Great War, there were 2,126 registered prostitutes in Istanbul. Interestingly, this time, the registered Muslim prostitutes were placed at the top of the list with a total number of 774, followed by Ottoman Greeks (691), Armenians (194), Jews (124), Russians (171) and Greeks (90).²³³ This indicates that prostitution became widespread among Muslim women as opposed to the situation before the war. According to Toprak, there were 979 non-registered prostitutes in Istanbul in the post-war years. Furthermore, 1,000 women

prevention of the spread of venereal diseases. Before the war there had not been a specific hospital for venereal diseases. Forty beds of Haseki Hospital had been allocated for patients having venereal diseases. Following the publication of regulation about venereal diseases in 1915, a hospital was opened at Galata. However, since the venereal diseases became extremely widespread, this hospital became inefficient to meet the need. In 1917, the Bulgarian Boy School at Şişli was transformed into a hospital for venereal diseases with 600 beds. Toprak, *Türkiye’de Kadın Özgürlüğü*, p. 138.

²³¹ Zafer Toprak, *Türkiye’de Kadın Özgürlüğü ve Feminizm (1908-1935)*, (Istanbul: Tarih Vakfı Yurt Yayınları, 2015), pp. 133-135; Wyers, “*Wicked*” *Istanbul*, pp. 68-71.

²³² Toprak, *Türkiye’de Kadın Özgürlüğü*, p. 127.

²³³ There were also 81 registered prostitutes, being from different nations. Yetkin, “II. Meşrutiyet Dönemi’nde Toplumsal Ahlak”, p. 42.

were occasionally working as prostitutes. When all of these numbers are taken into consideration, there were about 4,500-5,000 prostitutes in Istanbul just after the war.²³⁴

As mentioned above, the aim of the regulation was not to criminalize prostitution, but it still had some punitive sanctions for persons acting against the requirements. For example, the owners of brothels allowing unhealthy prostitutes to work would be punished in accordance with the Article 99 of the Penal Code.²³⁵ Another sanction specified in the regulation of 1915 in case of non-compliance with rules and regulations was banishment from Istanbul to abroad the wrongdoers who were foreigners, and to other parts of the Empire those who were Ottoman subjects.²³⁶

According to a report prepared by the General Directorate of Security, between March 1916 and April 1917, 54 prostitutes, one white slave trader, two procurers and two owners of brothels were banished from Istanbul.²³⁷ Contrary to the regulation of 1915, almost all of these people were banished to other provinces of the Ottoman Empire even in case they were foreigners. Bursa was the main area where prostitutes and procurers were sent.²³⁸ Although there is no exact explanation as to why these people were banished, it seems probable that they had acted against the rules determined in the regulation of 1915.

Although the CUP government tried to develop further control on women's sexuality through the regulation of 1915 and succeeded in the registration of a great number of prostitutes, secret prostitution also increased during the war years. According to Yalman, secret prostitution became much more common than the registered one. New riches began to keep Turkish-Muslim mistresses and showed them

²³⁴ Toprak, *Türkiye'de Kadın Özgürlüğü*, p. 145.

²³⁵ Yetkin, "II. Meşrutiyet Dönemi'nde Toplumsal Ahlak", p. 38.

²³⁶ Toprak, *Türkiye'de Kadın Özgürlüğü*, p. 138.

²³⁷ Out of 54 prostitutes, 15 were Muslim and 39 were non-Muslim. Most of the non-Muslim prostitutes were Russians. BOA.DH.EUM.1.Şb.8/15, 19 Muharrem 1336 (November 4, 1917).

²³⁸ Ankara and Kastamonu were the other cities where prostitutes and procurers were expelled. BOA.DH.EUM.1.Şb.8/15, 19 Muharrem 1336 (November 4, 1917).

off in public, which was unusual before the war.²³⁹ Some stories written about that period provide similar evidence. For example, in a story written by Hüseyin Rahmi Gürpınar, a young bride named Düriye *Hanım* who had lost her husband at the Great War became the mistress of a *bulgur* (a kind of cracked wheat grains) merchant. Her mother-in-law had to accept whatever she brought to them for the sake of saving the life of Düriye's daughter. The following words of the mother-in-law project the socio-economic conditions of the war years:

[...] Today nobody can subsist without committing sin. Did not all journalists, grocers and merchants do the same?...Everybody sells whatever makes money. [The family in this story also sold all their valuables.] We do not have sons and sons-in-law anymore [because they died at the fronts]; you [the old husband of the speaker] cannot earn anything; I cannot work; [so] if our daughters and daughter-in-law do not bring money, we would all die starving... What matter of indecency while we are at the hands of hunger... Most people are like us, [so] feel free and comfortable...²⁴⁰

It is clear that the war caused the dissolution of traditional social structures in the Ottoman society. In fact, such changes were considered by the state as moral deterioration. Hence state policies for the establishment of a new social structure were mostly based on this perception and at a discursive level it served as an instrument for legitimacy concerning policies intended to penetrate into the society.

This chapter aimed at examining the socio-economic and demographic characteristics of the Ottoman capital after the second half of the nineteenth century, specifically focusing on the Great War years. It is clear that the Ottoman State faced a series of socio-economic problems as other belligerent states did during the war. The

²³⁹ Yalman, *Turkey in World War*, pp. 244-245.

²⁴⁰ "...Şimdi günah işlemeyen kimsenin karnı doymuyor. Gazetecisi, bakkalı çakkalı, tüccarı, bulgurusu hep böyle yapmadılar mı? Herkes nesi para ederse onu satıyor. Damadımız, oğlumuz kalmadı, sen kazanamazsın, ben çalışmam, kızlarımız da para getirmezse açlıktan ölüyoruz...Bu açlıkla namus sorunu...Çokları bizim gibi oldular, keyfine bak..." Hüseyin Rahmi Gürpınar, *Açlıkla Namus Meselesi*, (Istanbul: Atlas Kitabevi, 1972), p. 13.

severeness of these problems was evident in a report, which was submitted by Mustafa Kemal to Enver Pasha on September 20, 1917. According to that:

The relationship between the government and the people has totally dissolved. Today, what we call as the people is composed of women, disabled men and children. In the eyes of all these people, the government is a power that pushes them towards hunger and death. Administrative mechanism has lost its authority. Public life is in anarchy. Each step of the government caused further hatred of the people. All officials are corrupt and are ready to involve in all kinds of wrongdoings. The mechanism of justice has totally stopped. The security forces are out of order. Economic life is rapidly going towards depression. Neither the people nor the officials have hope about the future...²⁴¹

The government did not take effective action against these problems. Instead of ensuring proper provision, authoritarian policies continued to be implemented until the end of the war. Worsening socio-economic problems made public life chaotic. This situation was not only threatening ordinary people but also became a menace for the state.²⁴² Although the maintenance of public order constituted the most important part of government's discourse for the implementation of security policies, it is quite difficult to argue that the CUP government could achieve this target. In the following chapters, the maintenance of public order which became a critical issue for the Ottoman State and for the society will be examined in terms of government policies and their repercussions on the society. However, before making this analysis the structure of the police and criminal law will be the topic of the next chapter.

²⁴¹ Yalman, *Yakın Tarihte Gördüklerim*, p. 290.

²⁴² Yalman, *Yakın Tarihte Gördüklerim*, p. 292.

CHAPTER 3

STRUCTURES: THE POLICE AND CRIMINAL LAW

Modernization process of the Ottoman State began in the early nineteenth century. Actually, centralization was equally important component of that modernization process. Replacement of traditional institutions with new ones; establishment of a centralized bureaucratic structure; involvement of the state into the daily life of the society through surveillance and security policies; and restructuring of the society through centrally made and implemented rules, regulations and laws were the main indicators of a modern state in the Ottoman Empire. When the CUP came to power as a result of the Constitutional Revolution in 1908, it inherited the accumulation of almost a hundred year's modernization efforts. With changes and continuities, the CUP maintained the process. It is a striking fact that from 1911 to 1918, the Ottoman Empire was in a continuous state of war. Therefore, the contribution of the CUP to the modernization process was radically shaped by war conditions.

In this chapter, structures of policing and criminal law will be analyzed in terms of their evolution beginning from the early nineteenth century up to the end of the Great War. Such analysis will intend to clarify the structural basis of the CUP government's security and criminal policies. Thus, the following sections will focus on security forces acting as the representatives of the Ottoman State for the maintenance of internal order.

3.1 Policing in Istanbul: An Institutional Transformation as a Part of Ottoman Modernization and Centralization

The maintenance of order and security in Istanbul, as the capital and one of the most populous cities of the Ottoman Empire, became an important issue during the Great War years. Actually, public order of the city had historically been important. Since Istanbul was the administrative, political and economic center of the Empire, the order therein had always been a symbol of legitimate power and authority.

Furthermore, Istanbul was one of the most important port cities that had strong relations with the external world. Parallel to it, foreign population of the city was extremely high. In other words, Istanbul was the mirror of the Ottoman Empire to the external world, especially to Europe. The image on this mirror had to be well enough in order to convince the European countries that the Ottoman Empire was a “strong” state. Internal order was one of the most crucial indicators of strength in the international arena.

Police and gendarme were responsible for security issues in Istanbul during the war years. The institutional formation of security forces will be analyzed in the following parts from a historical point of view.

3.1.1 Brief Historical Background: From *Janissaries* to Ministry of Police (*Zabtiye Nezareti*)

Before the Tanzimat era, several different forces were responsible for the maintenance of security in Istanbul. *Sadrizam* (grand vizier) was the highest level of security hierarchy in Istanbul. There were many other positions and groups of people, who were attached to *Sadrizam*, in security issues. The *Janissary kethudasi* (the steward of janissaries), who was dealing with security, was responsible for selecting the *kullukcular*, the janissaries that were only responsible for maintenance of order in

Istanbul. The local people were paying the salary of the *kullukcular*.²⁴³ These janissaries were engaging in security issues at the *karakulhanes* (what we call today *karakol*, the police station). Apart from *kullukcular*, there were *ases* (night watchman) and *bekçi* (watchman) who were providing security during the nights. *Bostancıbası*, the commander of the *Bostancı* guards, was responsible for protecting the Sultan.²⁴⁴ *Kadı* (Muslim judge) was the key figure of public order. He had administrative, judicial as well as policing functions.²⁴⁵

The abolishment of the Janissaries in 1826 was an important turning point in security issues because the Janissaries, which had been historically the most important institution of security, disappeared. Following the abolishment of the Janissaries, the new army named as Victorious Soldiers of Islam (*Asakir-i Mansure-i Muhammediye*) became the main figure for maintenance of public order in Istanbul. Two corpses, each of which was composed of 1.500 soldiers, were responsible for providing security in Istanbul during the daytime and nights. However, maintenance of public order preserved its complex and unstructured features in Istanbul until 1846.

Although, this new army was the main security force in Istanbul, some former institutions also continued to provide security in the city through insignificant institutional and legal arrangements. For instance, the Guild of Artillery (*Topcu Ocagi*) remained with the same name until 1832 and continued its security functions under the name of Field Marshall of Artillery (*Topçu Müşiriyeti*) after 1832. The main duty of this institution was maintenance public order in Galata and Beyoğlu.²⁴⁶ The Chiefdom of Dues (*Ihtisab Agaligi*), which was turned into Ministry of Dues (*Ihtisab Nezareti*) after 1826, was another traditional public security institution that continued its

²⁴³ Ferdan Ergut, *Modern Devlet ve Polis, Osmanlı'dan Cumhuriyet'e Toplumsal Denetimin Diyalektiği*, (İstanbul: İletişim, 2004), p. 97.

²⁴⁴ Zafer Toprak, "Güvenlik Hizmetleri", *Dünden Bugüne İstanbul Ansiklopedisi*, Vol. 3, (İstanbul: Ratih Vakfı ve Kültür Bakanlığı, 1999), p. 457.

²⁴⁵ Ergut, , *Modern Devlet ve Polis*, p. 97.

²⁴⁶ Nadir Özbek, "Osmanlı İmparatorluğu'nda İç Güvenlik, Siyaset, Devlet, 1876-1909", *Türklük Araştırmaları Dergisi*, Vol. 16, (2004), p. 66

functions under a new name. It contributed to the maintenance of public order in Istanbul until the foundation of Field Marshall of Policing (*Zabtiye Müşiriyeti*) in 1846.²⁴⁷ It is clear that following the abolishment of the Janissaries the security forces in Istanbul were still unstructured. There were several security forces and each of them was attached to different offices. In order to prevent this fragmented structure, Police Organization was found in Istanbul in 1845. A memorandum was sent to the embassies in Istanbul informing them about the new organization. Police Statute was enacted on April 10, 1845. This Statute indicated that a police force was established in Istanbul in order to maintain security and public order in the city.²⁴⁸

Main obligations of the police force according to this Statute were controlling the entrance and exit of the city, the passports and places of entertainment as well as houses of the *bekars*; preparing documents of travel; controlling beggars; preventing strikes and protests that would be organized by workers.²⁴⁹ Actually, the main aim of the newly emerging police organization was the maintenance of public order through providing direct control over urban poor and new comers – especially that were from lower classes, and workers. They had the potential for crime in the eyes of statesmen. As a result the police was responsible for providing control over the places where these people were living or working.²⁵⁰ Although the Police Organization did not live long, it was the first attempt to establish a ‘civil’ security force that was separated from

²⁴⁷ *Ihtisab Agaligi* and then *Ihtisab Nezareti* had an extremely important place in security of Istanbul. In 1820's the officials of this institution was controlling who were entering the city. It was the top office of signing *Mürur Tezkiresi* (Permit for Travel). After 1826, they began to travel in Istanbul and to collect information about who were not fasting or performing daily prayer from the *imams* (Muslim religious leaders at mosques). Furthermore, they were controlling commercial activities of the tradesmen. They had the right to punish people, who were performing against the rules and regulations, through *falaka* (bastinado). For detailed information about the duties of this institution see Necdet Sakaoğlu, “İhtisab”, *Dünden Bugüne İstanbul Ansiklopedisi*, Vol. 4, (İstanbul: Tarih Vakfı Yayınları ve Kültür Bakanlığı, 1994), pp. 147-148.

²⁴⁸ Toprak, “Güvenlik Hizmetleri”, p. 458.

²⁴⁹ Ergut, *Modern Devlet ve Polis*, p. 123.

²⁵⁰ Ergut, *Modern Devlet ve Polis*, p. 123.

military. Furthermore, the understanding of ‘preventive policing’²⁵¹, which was explicit in the Statute, would be the main maxim of the following security forces.

In 1846, the Field Marshall of Policing (*Zabtiye Müşiriyeti*) was founded in Istanbul. By the foundation of this institution, military and civil security forces were combined under the same organization. Due to this characteristic of the institution and ongoing institutional regulations about public order, the period between the years 1846-1879 was called as Unity of Policing (*Tevhid-i Zabtiye*). In the foundation statute of the Field Marshall of Policing, it was explicitly claimed that the military forces could not have focused on their own duty –defense of the country against foreign threats- due to their internal security functions.²⁵² Therefore, this new institution would totally deal with the internal security of the Ottoman Empire while the army would deal with external security of the country. Although, the military and civil security forces would be functioning under the same organization, there emerged a differentiation among the army and internal security forces by the foundation of the Field Marshall of Policing.²⁵³ It was an important development in the institutionalization of security forces.

Zabtiye officers, the personnel of the Field Marshall of Policing, were responsible for the maintenance of public order. They were the unique security force that undertook to fulfill the duties of both the gendarme and the police.²⁵⁴ In 1851, Ministry of Dues (*İhtisab Nezareti*) was abolished and its functions were delegated to Field Marshall of Policing. Furthermore, a new institution that was called Assembly of Fixed Price (*Esar Meclisi*) was established under the Field Marshall of Policing. The main duty of Assembly of Fixed Price was controlling the fixed prices.²⁵⁵ In this way,

²⁵¹ As examined in the Chapter 1, preventive policing means to prevent emergence of crimes before they caused any material loss. This understanding was an important part of the CUP’s struggle with vagrancy and its policies on oppression of lower classes. See, Ergut, *Modern Devlet ve Polis*, p. 243.

²⁵² Toprak, , “Güvenlik Hizmetleri”, p. 458.

²⁵³ Özbek, “Osmanlı İmparatorluğu’nda İç Güvenlik”, p. 68.

²⁵⁴ Özbek, “Osmanlı İmparatorluğu’nda İç Güvenlik”, p. 71.

all the duties about public order and security were to be monopolized under a single institution. However, it was not so easy to dissolve the traditional relations between the security forces and the local authorities. According to Ergut, the institutionalized police force under the Field Marshall of Policing was an instrument to articulate the local authorities to the State.²⁵⁶ In other words, monopolization of security forces under the Field Marshall of Policing can be evaluated as a strategy of centralization. Nevertheless, the relationship between the *zabtiye* officers and the local elites caused some complaints among the people. In order to prevent these complaints and to provide efficiency in maintenance of public order, a separate civil police force was found named as Investigation Officers (*Teftis Memurlari*) in 1867 under the Field Marshall of Policing. They were the predecessors of the modern police force in Turkey. The organization of Investigation Officers was also short-lived and it was replaced by Military Police (*Asakir-i Zabtiye*) in 1869.²⁵⁷ Interestingly enough, the Military Police was the predecessor of the gendarme in terms of its duties and institutional structure.²⁵⁸ Nevertheless, the foundation statute of the Military Police of 1869 explicitly indicated that they would be attached to administrative authority in the provinces and towns rather than having been dependent on the military authority. In this sense the Military Police was a mixture of civil and military security forces. This dichotomy in security forces would come to an end in 1879.

Following the Ottoman defeat in the Ottoman-Russian War of 1877-78, the Ottoman statesmen and the Sultan perceived the importance of the internal security as well as the vitality of a much more professionalized army that would provide integrity of the country.²⁵⁹ In 1879, a separate office, the Gendarme, was found in the army. The personnel of Military Police were employed under the Commander in Chief

²⁵⁵ Ergut, *Modern Devlet ve Polis*, p. 101.

²⁵⁶ Ergut, *Modern Devlet ve Polis*, p. 112.

²⁵⁷ Ergut, *Modern Devlet ve Polis*, p. 112.

²⁵⁸ Özbek, “Osmanlı İmparatorluğu’nda İç Güvenlik”, p. 70.

²⁵⁹ Ergut, *Modern Devlet ve Polis*, p. 140.

(*Serasker*) as the gendarme.²⁶⁰ In this manner, the military security forces were separated from the civil security forces and they formed a distinct office in military that was totally responsible for internal security. This specialization in military also constituted the convenient bases for establishment of civil security forces. The Field Marshall of Policing was abolished and the *Zabtiye Nezareti* (Ministry of Police) was established in 1879 as the head institution of civil security forces. Ministry of Police was responsible for maintenance of public order in Istanbul.²⁶¹ Furthermore, there would be a Gendarme Regiment in Istanbul in order to maintain public order.²⁶² Institutional separation of the military and civil security forces was an important development in the professionalization of the internal security services.

Foreign influence in the emergence of professional police organization was explicit especially in terms of the organizational structure and statutes. There were two basic models for police organizations in the nineteenth century: British model and French model. The difference between these models was that the French police was much more oppressive and centralized than the British police. The main characteristic of the British police was its reconciliatory manner, which provided the organization the capacity to penetrate to the society. One more difference was about the security of the rural areas. In the French model, the gendarme was responsible for the maintenance of security in the rural areas, whereas in Britain, the county police was providing security services in the rural areas.²⁶³ Since 1845, the Ottoman State preferred to follow French model of internal security forces in terms of organizational structure.

The main cause of the acceptance of French police organization as a model was related to the general French influence on Ottoman modernization. During the

²⁶⁰ Özbek, “Osmanlı İmparatorluğu’nda İç Güvenlik”, p. 68.

²⁶¹ Toprak, “Güvenlik Hizmetleri”, p. 458.

²⁶² Özbek, “Osmanlı İmparatorluğu’nda İç Güvenlik”, p. 75.

²⁶³ Noémi Levy, “Polislikle İlgili Bilgilerin Dolaşım Tarzları: Osmanlı Polisi İçin Fransız Modeli mi?”, *Osmanlı’da Asayiş, Suç ve Ceza, 18.-20. Yüzyıllar*, Noémi Lévy and Alexandre Toumarkine (eds), (İstanbul: Türkiye Ekonomik ve Toplumsal Tarih Vakfı, 2007), p. 162.

Tanzimat Reform Era (1839-1876), French influence was clear in many areas from cultural and educational modernization to administrative and legal transformation.²⁶⁴

During the reign of Abdulhamid II, although in some fields such as army, German organizational structure was accepted as a model of modernization due to the tensions between the Ottoman State and France in international affairs, French Police Organization remained as a role model for modernization of internal security forces.

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Actually, the Police Organization of Paris was much more developed than the police organizations of other European capitals. The special attention of Paris Polis Organization for the maintenance of public order was attractive for the Ottoman statesmen for whom the survival of the State was closely related to the public order of Istanbul.²⁶⁶ In France and in other countries that followed the French model, the police power went beyond arresting criminals and preventing crimes. Police power meant good order in the society. While fighting against crimes was the main target of the British police, it was a subcategory of the maintenance of public order and administration for the French police.²⁶⁷ Therefore, the Ottoman understanding of public order as the main issue of the security forces was convenient to French point of view about public order. The Ottoman State did not only benefit from the organizational structure of the French police, but it also received support of French experts.

The first expert who came to Istanbul in order to make reforms in the police organization was Inspector Bonnin. Security Directorate of Paris sent him to the service in the Ottoman Empire in 1884. Inspector Lefoulon assisted him beginning with mid 1890's and became the main figure of reform process following the resignation of Inspector Bonnin in 1900. Inspector Lefounon had specialized in

²⁶⁴ Levy, "Polislikle İlgili Bilgilerin Dolaşım Tarzları", p. 161.

²⁶⁵ Levy, "Polislikle İlgili Bilgilerin Dolaşım Tarzları", p. 161.

²⁶⁶ Levy, "Polislikle İlgili Bilgilerin Dolaşım Tarzları", p. 163.

²⁶⁷ Ergut, *Modern Devlet ve Polis*, p. 42-43.

struggling against the revolutionaries in Paris. He might have attracted the attention of Abdulhamid II, who perceived the revolutionaries as the main threat for the Ottoman State. He became the General Inspector of Police of the Ottoman Empire (*Osmanlı İmparatorluğu Polis Müfettiş-i Umumisi*) and Counselor of Ministry of Police (*Zaptiye Nezareti Müşaviri*) during his term of office.²⁶⁸ According to the French experts, the existing police officers and commissioners were incapable in terms of their requirements and they had some condemned behaviors. In order to increase the efficiency of newly-formed police organization, the personnel might have been selected from more educated or at least among the literate men. Ex-officers and dismissed sergeants would be given priority for becoming police officer or commissioner. Furthermore, French experts made some regulations for regular payment of salary to the security forces. This would also help rise of efficiency.²⁶⁹

These regulations were incorporated into the Police Statute of 1907 (*Polis Nizamnamesi of 1907*). According to this Statute, police candidates would be subjected to an examination. Furthermore, the age range for being a police officer was specified as 25 to 40.²⁷⁰ Apart from these, Istanbul Police Organization was divided into three offices in accordance with this statute: ‘Administrative police’ (*idari polis*) would provide preservation of public order and would control population movements in Istanbul. ‘Political police’ (*siyasi polis*) would protect the interests of the regime and would struggle against its political enemies. Finally ‘criminal polis’ (*adli polis*) would deal with crimes and guilt.²⁷¹ This separation was crucial because it indicated the ‘security’ understanding of the Hamidian Regime. First two offices would directly deal with the ‘survival of the state and the regime’ therefore policing was perceived as something more than struggling against crimes. There was only one office dealing with

²⁶⁸ Levy, “Polislikle İlgili Bilgilerin Dolaşım Tarzları”, p. 153-154.

²⁶⁹ Levy, “Polislikle İlgili Bilgilerin Dolaşım Tarzları”, p. 155-156.

²⁷⁰ Halim Alyot, *Türkiyede Zabıta: Tarihî Gelişim ve Bugünkü Durum*, (Ankara : İçişleri Bakanlığı Yayınları, 1947), p. 197.

²⁷¹ Levy, “Polislikle İlgili Bilgilerin Dolaşım Tarzları”, p. 156.

crimes and criminals. Actually this understanding, which gave priority to the ‘survival of the state and the regime’ through “maintenance of public order”, would inherit to the Second Constitutional Regime.

During the Hamidian era, control of the elites in Istanbul was an important part of policing. Therefore, apart from the official police organization, an undercover police organization was founded in Istanbul with its 4.000 agents. These agents were collecting necessary information for the Sultan and controlling the houses and private life of the pashas, bureaucrats and big merchants.²⁷² Although, the surveillance system of the Hamidian Regime was successful in controlling the elite, it failed to control popular movements and actions of ordinary people. Failure of the Police Organization during the 1908 Revolution was an indicator of this argument.²⁷³ Probably, this deficiency of the Hamidian Regime constituted a lesson for the CUP politicians. They were much more alert to the social opposition. As a result, the policing activities during the Second Constitutional Regime aimed at penetrating into the society.

3.1.2 Security Forces of the Constitutional Regime

Following the Constitutional Revolution in 1908, the issue of internal security was one of the most important topics for the new regime. The existing Ministry of Police remained through some improvement efforts until 1909.²⁷⁴ However, it was one of the state institutions on which the old regime had strong influence. Ministry of Police became an institution of surveillance rather than security organization. Most of its cadre was composed of the officials who were loyal to Hamidian Regime. 31 March Incident (*31 Mart Vakası*), which was the first anti-revolutionary movement, proved that Ministry of Police was not capable of protecting the new regime. On the contrary, Istanbul Police explicitly showed tolerance to the demonstrators.

²⁷² Ergut, *Modern Devlet ve Polis*, p. 143-144.

²⁷³ Ergut, *Modern Devlet ve Polis*, p. 144.

²⁷⁴ Toprak, “Güvenlik Hizmetleri”, p. 458.

It was not the Istanbul Police that suppressed the uprising. The uprising had been suppressed by the Action Army (*Hareket Ordusu*), which came from Macedonia only for this aim.²⁷⁵ Following the suppression of the Incident, the government abolished the Ministry of Police. Galip Bey, one of the commanders of the Action Army, was appointed as the General Inspector of Police and Gendarme (*Polis ve Jandarma Müfettiş-i Umumisi*). He was in charge of policing activities in Istanbul as well as in the whole country until the foundation of General Directorate of Security (*Emniyet-i Umumiye Müdiriyeti*) on August 4, 1909 through the Law on Istanbul Province and Organization of General Directorate of Security (*Istanbul Vilayeti ve Emniyet-i Umumiye Müdiriyeti Teşkilatına Dair Kanun*). Galip Bey became the Head of General Directorate of Security.²⁷⁶ This new organization was directly attached to the Ministry of Interior. Actually, General Directorate of Security would form the roots of modern police organization today.

After Galip Bey became the Head of General Directorate of Security, he made his first visit to London in order to see and discover the Police Organization of Britain. It was clear that the Constitutional Regime began to search new organizational models for the police rather than the French model. Probably, in accordance with the characteristics of the Constitutional Regime, a more liberal model of security forces was sought. Another dimension of this effort was the need for clear-cut detachment from the Hamidian Regime, which had accepted the French Police Organization as a model.²⁷⁷ Nevertheless, the pursuit of liberal model of security forces did not live long. Due to the rising social and political threats, the new regime had to turn its face to the French model, which was more convenient to the centralized and increasingly oppressive governance of the CUP.²⁷⁸ Consequently, the General Directorate of

²⁷⁵ Ergut, *Modern Devlet ve Polis*, p. 194.

²⁷⁶ Toprak, , “Güvenlik Hizmetleri”, p. 458.

²⁷⁷ Levy, “Polislikle İlgili Bilgilerin Dolaşım Tarzları”, p. 164, 167.

²⁷⁸ Levy, “Polislikle İlgili Bilgilerin Dolaşım Tarzları”, p. 167.

Security was administered and organized in accordance with the Statute of Police of 1907. In 1913 a new Statute of Police was enacted.

When the General Directorate of Security was founded, a separate Directorate was established for Istanbul. Different from the security forces of other provinces, which were under the General Directorate of Security, the General Police Directorate of Istanbul was subject to governor of the city.²⁷⁹ Actually, Istanbul had a special place in the maintenance of public order. It was the capital city of the Empire. It was the center for all the state institutions and political groups. If public order in Istanbul were not maintained, it would have disastrous consequences for the new regime. Being aware of this reality, the government paid special attention to the city.

The number of police officers in Istanbul was an explicit indicator of Istanbul's importance compared to other provinces. In 1910, there were 2.350 police officers in Istanbul while the number of police officers in some other provinces was as in the following: 135 in Syria, 138 in Beirut, 149 in Sivas, 189 in Manastır, 318 in Salonika, 210 in Edirne, 355 in Aydın, 116 in Aleppo.²⁸⁰ Nevertheless, some deputies were still unsatisfied with the number of police officers in Istanbul. In 1911, the number of police officers in Istanbul increased 2.500 but according to Halil Bey, the Minister of Interior, this number was under the average of the number of police officers (5.000-8.000) in European capitals. He claimed that Istanbul was a dispersed city in terms of its geographical structure. Furthermore, the streets of the city were not in good condition and lighting was not enough. In this sense, he argued that the number of police officers in Istanbul might have been more than the number of police officers in the European capitals.²⁸¹ Actually, Istanbul as the cultural and socio-economic center of the Empire was the first place where the CUP wanted to consolidate its power. Therefore, the politicians demanded more police forces in Istanbul in order to maintain

²⁷⁹ Alyot, *Türkiyede Zabıta*, pp. 493-494.

²⁸⁰ Ergut, *Modern Devlet ve Polis*, p. 198.

²⁸¹ Levy, "Polislikle İlgili Bilgilerin Dolaşım Tarzları", p. 165.

public order. By this way they might control the oppositional movements that would threaten the survival of the regime.

In 1911, General Police Directorate of Istanbul was directly attached to the Ministry of Interior.²⁸² It was clear that there was deliberate centralization of the security forces, especially in Istanbul. 1911 was the year when the CUP faced first organized opposition. Freedom and Accord Party (*Hürriyet ve İtilaf Partisi*) was founded in November 1911.²⁸³ Several books and handbooks about the security forces were published in 1910 and 1911. It was also an indicator that the CUP tried to shape the security forces in accordance with the contemporary needs.²⁸⁴ Centralization of the police organization in Istanbul and monopolization of CUP's power over this organization would continue in the following years. On February 10, 1912, the undercover police organization was established under the name of Committee of Intelligence (*Heyet-i İstihbariyye*). In Istanbul, vacant cadres of 250 were assigned to the undercover police organization.²⁸⁵ In this way, the CUP created another channel to consolidate its power.

The Police Statute of 1907 was in force until 1913. A new statute was enacted in 1913. According to Ergut, it was one of the most crucial attempts of centralization and penetration to the society. Especially, the article about weapons was noteworthy. Through this Statute the State tried to strengthen its monopoly of violence. Ergut indicates that:

²⁸² Since the General Police Directorate of Istanbul was under the governorship of Istanbul, there emerged conflicts of authority. In order to prevent these, Istanbul Police Directorate was attached to the Ministry of Interior on May 22, 1911. Alyot, *Türkiyede Zabıta*, p. 494.

²⁸³ Ergut, *Modern Devlet ve Polis*, pp. 201-202.

²⁸⁴ Ahmed Refik, *Jandarma Karakol Kumandanlarına Mahsus Malumat-ı Adliye* (Selanik: Asr Matbaası, 1326 (1910)), İbrahim Feridun, *Polis Efendilere Mahsus Terbiye ve Muamelat-ı Meslekiye*, (Cağaloğlu: Matbua-i Hayriye ve Şürekası, 1910), Tevfik Tarık, *Zabıtaya Malumat-ı Kanuniye*, (Istanbul: Şems Matbaası, 1326 (1910)), Osman Vefik, *Rehber-i Muamelat-ı Zabıta* (Dersaadet: Bekir Efendi Matbaası, 1327 (1911)), Hüseyin Hakkı, *Polis ve Jandarmalara Rehber*, (Dersaadet: Sancakçıyan Matbaası, 1327 (1911)), Hasan Neşet, *Meşrutiyette Polis*, (Dersaadet: Mahmud Bey Matbaası, 1327 (1911)).

²⁸⁵ Ergut, *Modern Devlet ve Polis*, p. 206.

[...] The police reached their goal with a regulation promulgated in 1913 which restricted the use of weapons such as daggers, wedges, or big knives, which had previously been allowed. The reason for their restriction was stated as that these were mostly used in crimes that violated personal security. They were licensed by police stations. Arms seizure was a prerequisite for the CUP in their effort to curb the power of the societal forces; it went hand in hand with the centralization attempts in the administration system of the Empire.²⁸⁶

In conclusion, the CUP had important attempts for the centralization of security forces in Istanbul since 1908. Just before the war, Istanbul Police Organization was responsible for the maintenance of public order in the city. Although, it was directly attached to the Ministry of Interior since 1911, it was also in relation with the General Directorate of Security and General Commandery of Gendarme during the war years.

3.1.3 Security Forces during the Great War

During the war years discussion about the police organization left its place to the understanding that public order might have been provided in a militarist way.²⁸⁷ As a matter of fact, there was martial law (*idare-i örfiyye*)²⁸⁸ in Istanbul similar to the other parts of the Empire during the Great War. However, the implementation of martial law in Istanbul did not start within the war years. Actually, the situation of martial law in Istanbul began with the Incident of 31 March (*31 Mart Vakası*) and

²⁸⁶ Ferdan Ergut, *State and Social Control: The Police in the Late Ottoman Empire and the Early Republican Turkey, 1839-1939*, Unpublished PhD Dissertation, (New York: New School for Social Research, 1999), p. 172.

²⁸⁷ Levy, "Polislikle İlgili Bilgilerin Dolaşım Tarzları", p. 167.

²⁸⁸ The first regulation about *idare-i örfiyye* (martial law) was made in 1877 following the Ottoman-Russian War. According to *İdare-i Örfiye Kanunu* (Law of Martial Law), conditions for declaration of martial law at a certain location were determined as follows: war, rebellions and several situations resulting in the deterioration of internal and external security. For the first time, martial law was declared in Istanbul on May 24, 1877 following Ottoman defeat in Ottoman-Russian War to be followed by a series of other then on. Osman Köksal, "Osmanlı Devletinde Sıkıyönetim ile İlgili Mevzuat Üzerine Bir Deneme", AÜ, Osmanlı Tarihi Araştırma ve Uygulama Merkezi Dergisi, Vol. 12, (2001), pp. 159-161.

continued till the end of the Great War except a three-month period between July-September 1912.²⁸⁹ Therefore, in practice, military forces became an actual part of the maintenance of public order in Istanbul after 1909. Nevertheless, it can be argued that the CUP as a civilian power never totally delegated its authority to military forces in issues of security. On the contrary, from 1909 to the end of the war, the existence of martial law became an instrument for the CUP to justify repressive and authoritarian policies. Therefore, the Ministry of Interior and under it the General Directorate of Security and the General Security Directorate of Istanbul preserved their primary role in the implementation of policies related to order and security. However, the importance of the Gendarme should not be underestimated.

Even before the Ottoman Empire entered the war, the Gendarme as a part of internal security forces, had played a crucial role in the maintenance of public order in Istanbul. In January 1914, the Gendarme cadres of Istanbul had been sent to Anatolia in order to fulfill the vacancy. According to the Chief of Istanbul Police Organization, as a result of this transfer, there emerged a deficit of 211 infantries and 205 cavalries in Istanbul. He indicated that during the previous year, a great number of police officers had been employed in the police organization therefore there was no vacancy in the police organization. Nevertheless, it was still impossible to maintain public order without support of the Gendarme in Istanbul.²⁹⁰

It is a fact that, although the police needed the support of the gendarme for the maintenance of order in Istanbul, already before the war, the police organization was also disturbed by the dominance of the gendarme patrols in the streets of the city. According to the police organization, this scene gave the impression of the lack of public order to city inhabitants as well as to foreign states. Nevertheless, the gendarme

²⁸⁹ Tarık Zafer Tunaya, *Türkiye'de Siyasal Partiler: II. Meşrutiyet Dönemi*, Cilt 1 (İstanbul: İletişim Yayınları, 1998), pp. 346-348.

²⁹⁰ This document is composed of several reports sent from the Istanbul Police Organization to the Ministry of Interior. The initial complaints about inadequacy were dated as January 1914. The final complaint was dated as 1 April 1330 (14 Nisan 1914). It was clear that within the period from January to April, necessary regulations did not take place. BOA.DH.EUM.EMN.47/9, 16. Safer. 1332 (January 13, 1914).

was an important part of the security forces and the decrease in their number resulted in security problems.²⁹¹ In April 1914, the Province of Trabzon demanded reinforcement of the gendarme from Istanbul. The Ministry of Interior refused this demand due to the security conditions in Istanbul.²⁹² Eventually, the gendarme, whose area of jurisdiction was theoretically rural areas, was an important figure for the maintenance of public order in Istanbul, as an auxiliary force of the police. The number of the security forces –approximately 2.500 police officers²⁹³ and 2.098 gendarmeries²⁹⁴ - was still not enough to provide public order in Istanbul.

When the Ottoman Empire entered the Great War, most of the qualified personnel of the Istanbul Police Organization had to be recruited to the army. According to the information given by Ahmet Rıza Bey, during the initial years of the war, 1.600 of 2.500 police officers in Istanbul were composed of the literate ex-soldiers who had been wounded in the fronts whereas a great number of well-educated police officers were recruited to the army.²⁹⁵ Unfortunately, this situation affected the quality of the organization negatively. It was certainly the case for the Gendarme. In October 1917, a by-law was enacted about the Gendarme.²⁹⁶ According to the Article 9 of the by-law, as long as mobilization continued, two thirds of the soldiers and half of the officers of the Gendarmerie would be recruited in the army. The vacancies emerging as a result of the recruitment of the gendarmes in the army would be filled by

²⁹¹ BOA.DH.EUM.EMN.47/9, 16.Safer.1332 (January 13, 1914).

²⁹²BOA.DH.EUM.EMN.114/84, 9.Receb.1332 (June 3, 1914).

²⁹³ NARA, Department of State, 810/5, RG 84, February 13, 1914.

²⁹⁴ Infantries constituted the majority of the gendarmeries in Istanbul. 1801 of 2098 gendarmeries were infantries whereas there were 297 cavalries and 75 officers. Although, total number of the gendarmeries in Istanbul was 2173 when the number of the cavalries, infantries and officers were taken into consideration, the document indicated total number of the gendarme as 2098. Probably, there was a calculation error. In any case, there were more than 2.000 gendarmeries in Istanbul in 1914. BOA.DH.EUM.EMN.52/19, 16 Rebiulevvel. 1332, (February 12, 1914).

²⁹⁵ Ergut, *Modern Devlet ve Polis*, p. 212.

²⁹⁶ “Kavanin ve Nizam: Jandarmanın vezaif ve teşkilat-ı esasiyesiyle cihet-i merbutiyyeti hakkında Kararname”, *Polis Mecmuası*, No. 95, 16 Muharrem 1335/ 1 Teşrinisani 1333 (November 1, 1917), pp. 209-210.

ex-officers and ex-soldiers over the age of 40.²⁹⁷ Thus, the requirements of the Great War resulted in the deterioration of the security forces in terms of personnel.

Although there was a remarkable scarcity in professional security cadres, in July 1915, new security units were founded, entitled as Inspectorship of Security (*Emniyet Müfettişliği*), for the purpose of tightening control at docks, harbored stations and entry on the Ottoman frontiers.²⁹⁸ Since, Istanbul was one of the most important entrance points, Istanbul Inspectorship of Security (*Istanbul Emniyet Müfettişliği*) was found there. The Inspectorships of Security were directly subordinate to Ministry of Interior. There was one inspector and, if necessary, one deputy inspector in each Inspectorship of Security. Deputy inspector, passport officials, police commissioners, assistant police commissioners and policemen were responsible for their duties to the Inspector of Security. Furthermore, all the security forces that assigned to the train service were also subject to the Inspector of Security. They had to perform in accordance with the orders of Inspector of Security and in conformity the law and regulations.²⁹⁹

The sphere of authority of these security forces were limited to railroad stations, the stations and its yards to the end of last switch, the frontier points of entry where there is no railroad, the place reserved for the customs and on docks to the space allotted to travelers.³⁰⁰ Railroad employees and ship captains had the obligation to inform the inspectors about illegal acts of the travelers while in transport. They also had to inform and alert the security forces, which were subject to the Inspectorship of

²⁹⁷ “Kavanin ve Nizamât: Jandarmanın vezâif”, *Polis Mecmuası*, No. 95, p. 210.

²⁹⁸ “Hudud kapılarıyla demiryolu mevkufelerinde ve iskelelerde emniyet müfettişliği teşkilat ve vezaifi hakkında nizamname, 22 Şaban 1333/22 Haziran 1331 (July, 5, 1915)”, *Düstur*, II/7, (Dersaadet: Matba-i Amire, 1336), pp. 639-641. The full text translation of this regulation also exists at the National Archives of the United States, see NARA, Department of State, 867.10/1, RG 59, July 12, 1915.

²⁹⁹ NARA, Department of State, 867.10/1, RG 59, July 12, 1915. “Hudud kapılarıyla demiryolu mevkufelerinde”, *Düstur*, II/3, p. 639-641.

³⁰⁰ NARA, Department of State, 867.10/1, RG 59, July 12, 1915. “Hudud kapılarıyla demiryolu mevkufelerinde”, *Düstur*, II/3, p. 639-641.

Security, at the stations and docks, about any people on their vehicles suspicious of constituting direct or indirect threat to public security.³⁰¹ Furthermore, the customs examiner had to inform the inspector of security, if he found newspaper or any kind of printed material whose entrance to the Ottoman Empire or sale within the borders of the county was prohibited due to political or moral reasons.³⁰² Certainly, the foundation of the Inspectorship of Security was closely related to the “security requirements” of the wartime. The government intended to increase control over travelers as a security measure. The next chapter will examine this issue in detail.

Alongside with the foundation of new security units, the responsibilities of existing security forces was also adapted to the requirements of the war. From that point on, the gendarme was not only responsible for the maintenance of security and public order but also dealt with provisioning and agricultural issues.³⁰³ Although responsibilities of security forces expanded, the number of qualified personnel in the units decreased during the war years. Another problem was the wages of the staff. According to the report prepared by the General Commander of Gendarme, wages paid to the security forces was extremely low with respect to their efforts.³⁰⁴ Thus low wages, increasing responsibilities and heavy economic conditions of the war might have caused the rise of abuse and bribery among the security forces.

As a matter of fact, bribery and abuse were notoriously the main problems of the security forces in Istanbul. After the Constitutional Revolution in 1908, the government tried to prevent corruption as much as possible. As will be examined in the sixth chapter, almost all articles of the Penal Code related to bribery were modified

³⁰¹ “Hudud kapılarıyla demiryolu mevkufelerinde”, *Düstur*, II/3, p. 639-641, NARA, Department of State, 867.10/1, July 12, 1915.

³⁰² “Hudud kapılarıyla demiryolu mevkufelerinde”, *Düstur*, II/3, p. 639-641. Actually, entrance and sale of printed documents, deemed as misguiding the thoughts of the public, was prohibited just a few days before the Ottoman Empire entered the war. BOA.DH.EUM.MTK. 55/13, 12 Zilhicce 1332 (November 1, 1914). Probably, restrictions in that sense increasingly continued during the war years.

³⁰³ BOA.DH.EUM.6.Şb.15/61, 29 Receb 1335 (May 21, 1917).

³⁰⁴ BOA.DH.EUM.6.Şb.15/61, 29 Receb 1335 (May 21, 1917).

by the CUP government. Just before the War, Ravndal, the Consul General in Istanbul, indicated that the bribery among the police organization was decisively decreasing.³⁰⁵ Nevertheless, during the War years and after the War, bribery became widespread in the dealings with the police organization. For instance, in 1916, the inspectors (*muayene memuru*) of the Bosphorus permitted the pass of young men, who were at the age of conscription and did not pay *bedel-i nakdi* (the money paid to the state in order to be excluded from military service), to Romania in exchange for an amount of money.³⁰⁶ In 1917, officers from Central Commandery (*Merkez Kumandanlık*) of Istanbul began to interfere the jurisdiction of the police organization. The Istanbul Police Organization had warned the Central Commandery due to the malpractices of its personnel; however corrupted practice of the officers did not come to an end. For instance, an official of Beyoğlu Telegraph Office was arrested because he had prepared an illegitimate petition. The officers of the Central Commandery took six liras as a penalty fine from him. Chief of Istanbul Police Organization indicated that these kinds of practices were out of the jurisdiction of the military.³⁰⁷ As we see in the second chapter, the rise of inflation rate especially after 1916 resulted in decrease of purchasing power of the officials. Probably, bribery and abuse became a way of earning money for the security forces. As will be discussed in the sixth chapter, during the war years, the government did not struggle against bribery and abuse in a committed manner.

To sum up, during the nineteenth century there were important steps for the professionalization, centralization and modernization of security forces. When the Ottoman Empire entered the Great War, there was, at least on paper, a ‘division of labor’ among the police officers and the gendarmeries in issues related to public order in Istanbul. In fact, the police organization as the civil part of internal security forces of the city was not pleased with the existence of gendarmeries in the city.

³⁰⁵ NARA, Department of State, 810.5, RG 84, February 13, 1914.

³⁰⁶ BOA.DH.EUM.6.Şb. 54/39, 29. Muharrem. 1335 (November 26, 1916).

³⁰⁷ BOA.DH.EUM.6.Şb. 17/1, 1 Ramazan 1335 (June 26, 1917).

Nevertheless, they could not have maintained public order without the support of the gendarme. Furthermore, under the martial law, the presence of military forces inside the civilian life of Istanbul became an everyday reality. According to Ahmed Rıza and Osman Paşa, duties of the police and gendarme became exactly the same after the beginning of the war.³⁰⁸ It means that the war caused a blurring of the division between the functions of the civilian and military security forces. However, from the documents above, it is possible to argue that some problems still emerged between the police and gendarme because they interfered the realm of authority of each other.

Actually, the security forces were the government's agents in the implementation of security policies. In this respect they were the "law enforcement bodies". The Penal Code was the main legal text that the criminal policy was based on. In the next part will be examined in detail.

3.2 Legal Structure of Crime and Punishment: An Overview of Penal Code as a Tool of Administrative Authority

The war as a 'crisis situation' provided the CUP government further discretionary power, not only for determining who to be qualified as "threatening" for internal order, and which acts to be accepted as criminal and delinquent, but also for putting into practice extra ordinary rules and regulations. During the Great War, the Empire was administered through provisional laws which were the products of a group of CUP ministers rather than being parliamentary decisions.³⁰⁹ However, the Penal

³⁰⁸ MAZC, 3/2, 2, 2 Teşrinisani 1331 (November 15, 1915), p. 10.

³⁰⁹ As a matter of fact, *kanun-ı muvakkat* (provisional law) became a foremost legal and political element of the CUP administration. According to the Article 36 of the Ottoman Constitution, promulgation of provisional law was an exceptional case. Nevertheless, when the number of provisional laws enacted is taken into consideration, it is quite difficult to argue that these laws were exceptional during the Constitutional Regime. Between the years 1908-1918, 1061 provisional laws were promulgated. Tarık Zafer, Tunaya, *Türkiye'de Siyasal Partiler, Vol I: İkinci Meşrutiyet Dönemi*, (Istanbul: Hürriyet Vakfı Yayınları, 1988), pp. 8-9.

Code of 1858, which was in effect during the Great War, was still the main legal document embodying official understanding of crime and punishment.

This part will deal with the Penal Code of 1858 in detail. Actually, this Penal Code has to be evaluated as part of a longer process of legal modernization and centralization in the Ottoman Empire. Therefore, first, the formation of the earlier penal codes of 1840 and 1851 will be analyzed. Next, promulgation of the Penal Code of 1858 will be examined with regard to its main characteristics making it distinct from the others. As mentioned in the first chapter, penal codes stand as the main legal documents reflecting official ideologies. In this sense, the state elites having political and economic power intended to manipulate penal codes in accordance with their own purposes.³¹⁰ Actually, the CUP government made remarkable changes in the Penal Code of 1858 so as to adapt it to its political and ideological agenda. Lastly, the amendments of the CUP government in the Penal Code of 1858 will be examined.

3.2.1 Legal Regulations on Crimes: Transition from Islamic Law to a Modern Penal Code

The declaration of *Tanzimat Fermanı* (*Gülhane* Decree) on November 3, 1839 was a turning point in terms of transition to a modern penal code in the Ottoman Empire. It was the first official document that emphasized the security of honor, life and property of all the Empire's subjects.³¹¹ Nevertheless, the realization of this goal was not possible all-at-once under the existing Ottoman legal system. Before declaration of this Decree, the Ottoman legal system was based on Islamic Law to a great extent especially in terms of criminal issues.³¹² In fact, *örfi hukuk* (customary

³¹⁰ Chambliss, "The State, the Law", p. 39.

³¹¹ Gabriel Baer, "The Transition from Traditional to Western Criminal Law in Turkey and Egypt", *Studia Islamica*, No. 45, (1977), p. 142.

³¹² In Islamic Law, crimes and their punishments are separated into three categories. First, *had* (the punishment in canonical manner) punishments are implemented for crimes which are explicitly mentioned in Quran and *sunna*. Adultery, theft, slander of adultery are some of these crimes, their

law) was also an important part of the Ottoman legal system, however, its jurisdiction area was limited with administrative law. The Sultans had no legislative power on private law that regulated the relationship between persons.³¹³

The legal status of the non-Muslim subjects of the Ottoman Empire was also determined according to the Islamic Law. In Islamic Law, the non-Muslim subjects of a Muslim ruler were called as *dhimmi* (protected people). Whereas in terms of private law, each *dhimmi* group was subject to the legal principles of their respective religious rules and regulations nevertheless in the public issues they were subject to the rules of the Islamic Law.³¹⁴ Thus, despite the religious, cultural and social freedom allowed for *dhimmis*, there were still restricted by the scope of Islamic Law. As a result, for instance, they could not work in state service and they were not conscripted in the army.³¹⁵ However, these restrictions had come to be perceived as problematic during the nineteenth century when the understanding of equal citizenship began to rise in the Ottoman Empire.

In the early nineteenth century the legal system of the Ottoman Empire was composed of four elements: the Islamic Law; the laws, rules and regulations that were implemented to the non-Muslim elements; customary law based on regulations that were made by the Sultan; and several concessionary legal rules and regulations based

punishments being clear in terms of magnitude and application methods. Second, there are *kisas* (the application of the law of talion) punishments. These punishments are identical to offenses such as the execution death penalty in return for an act of murder. Third, *tazir* (a term used in the Islamic Law for punishments about which there is no specific religious statement) punishments are applied to crimes whose punishments could change according to time and space. Therefore, the determination of *tazir* punishments is left to judges or legislative bodies in the Islamic Law. Although, the judges, legislative bodies and/or the Sultan have a kind of power for deciding on the *tazir* punishments, these still had to derive from Islamic Law. In this sense, penal law, different from administrative law, was strictly within the boundaries of Islamic Law in the Ottoman Empire. Ahmet Akgündüz, *Mukayeseli İslam ve Osmanlı Hukuku Külliyyatı*, (Diyarbakır: Dicle Üniversitesi Yayınları, 1986), p. 804.

³¹³ Günihal Bozkurt, *Batı Hukukunun Türkiye’de Benimsenmesi*, (Ankara: Türk Tarih Kurumu, 1996), p. 39.

³¹⁴ Günihal Bozkurt, “The Reception of Western European Law in Turkey (From the Tanzimat to the Turkish Republic, 1839-1939),” *Der Islam*, 75/2 (1998), p. 283.

³¹⁵ Bozkurt, *Batı Hukukunun Türkiye’de Benimsenmesi*, p. 283.

on capitulations that the foreign population living in the Empire were subject to.³¹⁶ This multiple structure of the legal system was an obstacle beyond achievement of the ideals of the *Gülhane* Decree. The Islamic Law, which regulated the relationship between the persons, could not be implemented to the non-Muslim subjects. Therefore, the issue of securing honor, life and property of all subjects regardless of religious affiliation stood as an unresolved challenge. The need of making a penal code applicable to all of the subjects of the Empire came into question within this context.

Just six months after the proclamation of the *Gülhane* Decree, the first Penal Code of the Ottoman Empire was issued in May 1840. It was clear that this law was prepared in great haste; therefore, it was incomplete and limited in scope.³¹⁷ A legislative body composed of forty-five members including those from the *ulema* (the body of scholars who were authorities on Muslim religion and law), as well as officials and military officers made the Code of 1840.³¹⁸ The Code included thirteen parts, forty-three articles and an epilogue.³¹⁹ It was in effect both for the Muslim and non-Muslim subjects of the Empire.

According to Kırılı, a foremost distinctive characteristic of the Penal Code of 1840 was its emphasis on bribery. For the first time, bribery and corresponding punishments were specified in detail in accordance with the understanding on ‘equality’ regarding state officials. In this sense, Kırılı argues that *Tanzimat* bureaucrats gained opportunity to accomplish their aims through political and hegemonic functions of law.³²⁰ One of the most important aims of this Penal Code was to gain central

³¹⁶ Bozkurt, *Batı Hukukunun Türkiye’de Benimsenmesi*, pp. 39-40.

³¹⁷ Baer, “The Transition from Traditional”, p. 142. In the epilogue part of the Penal Code, it was explicitly claimed that this law was open to necessary addenda. Akgündüz, *Mukayeseli İslam ve Osmanlı Hukuku*, p. 819. In this book, there exist full text transcriptions of the Penal Codes of 1840, 1851 and 1858.

³¹⁸ Baer, “The Transition from Traditional”, p. 154.

³¹⁹ Akgündüz, *Mukayeseli İslam ve Osmanlı Hukuku*, pp. 809-820.

³²⁰ Cengiz Kırılı, “Yolsuzluğun İcadı: 1840 Ceza Kanunu, İktidar ve Bürokrasi”, *Tarih ve Toplum Yeni Yaklaşımlar*, Vol. 4, (Güz 2006), p. 51.

control over bureaucrats. In other words, this Penal Code must be evaluated as an attempt towards centralization.³²¹ Apart from this importance, the Penal Code of 1840 had several deficiencies.

The thirteen parts had no specific topics and some of the parts included articles for irrelevant crimes. Furthermore, some deeds requiring punishment were mentioned in the Code without their punishments being specified. The crimes that were indicated with their punishments were as follows: opposition to the law, crimes against the Sultan and State, rebellion, battery, vituperation, insulting, bribery, draw a weapon, brigandage, and etc. The Code of 1840 narrowed down the crimes to be punished by death sentence. Moreover, death sentence was left to the approval of the Sultan. Other punishments were *kürek* (hard labor punishment), imprisonment, exile and removal of public office.³²² The Penal Code of 1840 regulated only *tazir* punishments while addressing to the Islamic Law for *had* and *kisas* punishments.³²³ In short, this Penal Code was not sufficient to meet the expectations and necessities. Thus, on February 17, 1851 a new Penal Code was declared.³²⁴

The Penal Code of 1851 was composed of three parts and forty-three articles. The three parts were for the three different issues –security of life, property and honor– that the *Gülhane* Decree had previously mentioned. The first part of the Penal Code of 1851 was about crimes against lives and individual security; second part dealt with crimes against honor and dignity; and the last part was about crimes against property.³²⁵ Some new crimes added to the Code of 1851 such as drunkenness,

³²¹ Kırılı, “Yolsuzluğun İcadı”, p. 116.

³²² Bozkurt, *Batı Hukukunun Türkiye’de Benimsenmesi*, pp. 96-98.

³²³ Akgündüz, *Mukayeseli İslam ve Osmanlı Hukuku*, p. 805. For detailed information for *had*, *kisas* and *tazir* punishments see footnote 312 in this chapter, pp. 97-98.

³²⁴ Baer, “The Transition from Traditional”, p. 142.

³²⁵ Bozkurt, “The Reception of Western”, p. 287. In the preface, this categorization and its relation with the *Gülhane* Decree was explicitly mentioned. Akgündüz, *Mukayeseli İslam ve Osmanlı Hukuku*, pp. 821-822.

gaming, abduction of a girl, fraud and forgery.³²⁶ In fact, both the Penal Code of 1840 and 1851 were substantially based on Islamic Law.³²⁷ For instance, *falaka* (bastinado), as a wide spread traditional punishment, remained in place in both of the Codes.³²⁸ Nevertheless, there was still Western influence in these legal documents. For instance, a legal commission, not the Sultan himself, prepared these Penal Codes. Furthermore, these Codes did not discriminate between Muslims and non-Muslims.³²⁹ Another sign of change was the attitude towards punishment. Some traditional punishments in Islamic Law were extremely heavy. For example, previously, the punishment for theft, forgery of decrees or legal certificates and clipping coins had been the mutilation of hands. With the Penal Codes of 1840 and 1851, the punishments for these crimes were determined as exile, hard labor, imprisonment and bastinado. Similarly, before *Tanzimat*, any person abducting a girl was to be punished by castration. The same crime began to be punished by imprisonment according to the Penal Codes of 1840 and 1851.³³⁰ Another important feature of these Penal Codes was the development of the understanding of ‘public case’ (*kamu davası*). According to the Article 11 of the Penal Code of 1851, even in case when a person was remitted of punishment for a crime in accordance with Islamic Law, she/he could still be punished for the relevant deed through a public case.³³¹ Although the Penal Code of 1840 and 1851 were the first steps toward a modern criminal law, they were still largely based on Islamic Law. Furthermore, they were limited in terms of their categorization of crimes and punishments. In short, they were inadequate to meet the needs of the time.

³²⁶ Bozkurt, *Batı Hukukunun Türkiye’de Benimsenmesi*, p. 99.

³²⁷ Bozkurt, *Batı Hukukunun Türkiye’de Benimsenmesi*, p. 99.

³²⁸ Baer, “The Transition from Traditional”, p. 147

³²⁹ Baer, “The Transition from Traditional”, pp. 154-155.

³³⁰ Baer, “The Transition from Traditional”, pp. 155-157.

³³¹ Bozkurt, *Batı Hukukunun Türkiye’de Benimsenmesi*, p. 100.

In 1856, another important decree named as *Islahat Fermanı* (The Reform Edict of 1856) was declared. The Reform Edict was to affirm once again that the non-Muslim subjects of the Empire would live according to the principles of *Tanzimat*. Nevertheless, this document went further than the previous decree by guaranteeing the historical privileges of the non-Muslim subjects.³³² In this sense, the Reform Edict of 1856 had a contradictory character. On the one hand, it accepted and affirmed the understanding of equality before the law; on the other hand, it guaranteed the legal privileges of the non-Muslim subjects, which were principally against the understanding of equality.³³³ This document also incorporated the idea of many reforms including reforms in the Penal Code. One of the earliest results of the Edict was the preparation of a totally new Penal Code on August 2, 1858.³³⁴ This Penal Code would be in force till the end of the Ottoman Empire.

3.2.2 The Penal Code of 1858

The Penal Code of 1858³³⁵ was based on the French Criminal Law of 1810.³³⁶ One of the most important characteristics of the Penal Code was ‘the principle of punishment by the state of persons committing crimes against the public order, even in the absence of the filing of a complaint against the person’.³³⁷ It means that the

³³² Bozkurt, *Batı Hukukunun Türkiye’de Benimsenmesi*, pp. 49-50.

³³³ Bozkurt, *Batı Hukukunun Türkiye’de Benimsenmesi*, p.50.

³³⁴ John A. Strachey Bucknill and Haig Apisoghom S. Utidjian, *The Imperial Ottoman Penal Code: A Translation from the Turkish Text*, (London: Oxford University Press, 1913), p. xiii.

³³⁵ For the original text of the Penal Code of 1858 see “Ceza Kanunname-i Hümayunu”, *Düstur*, I/1, (Dersaadet: Matba-i amire, 1289), pp. 537-597. For the transcription of the whole text of the Penal Code of 1858 from Ottoman Turkish to Turkish, see Akgündüz, *Mukayeseli İslam ve Osmanlı Hukuku*, pp. 834-877. For English translation of the Penal Code of 1858, see Bucknill and Utidjian, *The Imperial Ottoman Penal Code*. This is a useful work because it comprehends all changes and addenda to the Penal Code until 1913, the publication date of the book. Furthermore, for a great number of articles, it makes a comparison between the Penal Code of 1858 and The French Criminal Law of 1810.

³³⁶ Bozkurt, *Batı Hukukunun Türkiye’de Benimsenmesi*, p. 100.

understanding of ‘public case’ in the criminal issues, which had entered to the legal life of the Ottoman Empire with the Penal Code of 1851, went a step further. In that respect even when there was not any complain about a person who committed a crime against public order, she/he could possibly be punished by the state.

Although the Penal Code of 1858 was based on the French Criminal Law of 1810, the first article clearly stated that there would be no contradiction between the new Penal Code and Islamic Law. The first article of the Penal Code of 1858 was as follows:

Article 1: Whereas the punishment of offences taking place directly against the Government lies with the State, and the consideration that offences taking place against a person disturb the public tranquility likewise concerns the State, this Code also guarantees and secures the determination of the degrees of the punishment the fixing and execution of which the Sacred Law of Islam; without prejudice, however, in any case to the personal rights prescribed by the Sacred Law of Islam.³³⁸

It is clear that the lawmakers tried to state that the publication of a new Penal Code did not mean an entire rupture from the Islamic Law. On the contrary, the first article mentioned that the Penal Code of 1858 would fix certain *tazir* punishments and would guarantee their execution. Therefore, despite the promulgation of a new Penal Code, since Islamic Law continued to be a legal source for criminal cases, a dualism within the Ottoman legal system stayed in place. In fact, this point indicated the continuity between the Penal Code of 1858 and the previous Penal Codes of the Ottoman Empire. Nevertheless, there were still very important differences among these legal texts.

³³⁷ Bozkurt, “The Reception of Western”, p. 287.

³³⁸ Bucknill and Utidjian, *The Imperial Ottoman Penal Code*, p. 1. *Birinci Madde: Doğrudan doğruya hükümet aleyhine vuku bulan ceriamin icra-yı mücazâtı devlete ait olduğu gibi bir şahıs aleyhinde vuku bulan cerayimin asayiş-i umumiye ihlal eylemesi ciheti dahi kezalik devlete ait olduğundan, tayin ve icrası şeran emr-i ulül-emre ait olan tazirin tayin-i derecatını dahi işbu Kanunname mütekeffil ve muntazammın olup ancak herhalde şeran muayyen olan hukuk-ı şahsiyeye halel gelmeyecektir.* Akgündüz, *Mukayeseli İslam ve Osmanlı Hukuku*, p. 834.

The Penal Code of 1858 was much more detailed and well-established than the Penal Code of 1840 and 1851. Therein, crimes and punishments were categorized in an order. There were four main sections and 264 articles in the Penal Code of 1858. The preliminary section was composed of four parts and forty-seven articles. This section made an analysis of crimes and punishments in general terms. According to the Penal Code of 1858, there were three kinds of crimes: *cinayet* (felony), *cünha* (misdemeanor) and *kabahat* (police offence).³³⁹ *Cinayet* was the general term for crimes requiring heavy penalties such as execution (*idam*), perpetual or temporary imprisonment with hard labor (*müebbeden ve muvakkaten kürek*), confinement in a fortress (*kalabend olmak*), perpetual exile (*nefy-i ebed*), perpetual deprivation of rank and office (*müebbeden rütbe ve memuriyetten mahrumiyet*), and loss of civil rights (*hukuk-ı medeniyeden ıskat*).³⁴⁰

Most of the crimes that were considered as against the external and internal security of the Ottoman State were those categorized as *cinayet*. In this regard, some of the *cinayet* crimes that endangered the external security of the Ottoman Empire were collaboration with the enemy states through taking up arms with them against the Ottoman State; making communication or intrigues with them resulting in hostile movements or war against the Ottoman State; and facilitating their entrance to the

³³⁹ In the full text translation of the Penal Code of 1858 in English, there is a long discussion about English terms that would be used for *cinayet*, *cünha* and *kabahat*. Charles George Walpole, who translated the Penal Code of 1858 from French to English in 1888, used the following three words respectively: felony, misdemeanor and police offence. According to Bucknill and Utidjian, these terms would cause confusion, "for, although they may popularly indicate some idea of degree in the gravity of offences, their use is from a legal point of view open to rather serious objection". Redhouse translations of these words were as follows: *cinayet*: a wrong, offence, crime, especially an offence against the person resulting in a wound or mutilation. *Cünha*: a crime, offence, fault. *Kabahat*: a fault, offence, a sin, guilt. According to Bucknill and Utidjian, felony, misdemeanor and police offence did not correspond to the meaning of *cinayet*, *cünha* and *kabahat*, or their French equivalents *crime*, *délit* and *contravention*. Therefore, the authors decided to retain the terms *cinayet*, *cünha* and *kabahat* throughout the text. Bucknill and Utidjian, *The Imperial Ottoman Penal Code*, p. 5. Likewise, in this dissertation, original Ottoman Turkish terms *cinayet*, *cünha* and *kabahat* will be used since there is no appropriate single set of English terms for these words.

³⁴⁰ Akgündüz, *Mukayeseli İslam ve Osmanlı Hukuku*, p. 835, Bucknill and Utidjian, *The Imperial Ottoman Penal Code*, p. 6.

Ottoman dominions or delivering to them a city, fortress, fortified places, harbor, storehouse, dock-yard or vessel of the Ottoman Empire.³⁴¹

Among the crimes that were against the internal security of the Ottoman State, the following were among instances of *cinayet*: inciting the Ottoman subjects to revolt; making inhabitants arm themselves against each other and/or provoking them to commit mutual slaughter; manufacturing, hiding or using dynamite, bombs or other destructive instruments for a revolutionary object; mischievously burning or demolishing buildings or any kind of storehouses belonging to the government; and being the leader of an armed band of ruffians whose purpose was seizing, pillaging or raiding the assets, properties and cash of the government.³⁴² According to the Penal Code of 1858, stealing State properties and goods;³⁴³ diminishing the value of the coins that legally circulated within the Ottoman Empire;³⁴⁴ imitating or altering of official *damga* (official seal) bearing *tuğra* (the Imperial Cypher);³⁴⁵ homicide;³⁴⁶ causing miscarriage of a pregnant woman by beating;³⁴⁷ forced indecent sexual

³⁴¹ Articles 48, 49, 50, 51, 53, and 54 were related with external security of the Ottoman Empire. Akgündüz, *Mukayeseli İslam ve Osmanlı Hukuku*, pp. 841-842. Bucknill and Utidjian, *The Imperial Ottoman Penal Code*, pp. 37-40.

³⁴² Articles 55, 56, 61 and 62, see Bucknill and Utidjian, *The Imperial Ottoman Penal Code*, pp. 45-48, 55-56. Also see, Akgündüz, *Mukayeseli İslam ve Osmanlı Hukuku*, pp. 842-844.

³⁴³ Article 82, Bucknill and Utidjian, *The Imperial Ottoman Penal Code*, p. 69. Akgündüz, *Mukayeseli İslam ve Osmanlı Hukuku*, p. 847.

³⁴⁴ Article 143, Bucknill and Utidjian, *The Imperial Ottoman Penal Code*, p. 107. Akgündüz, *Mukayeseli İslam ve Osmanlı Hukuku*, p. 857.

³⁴⁵ Article 149, Bucknill and Utidjian, *The Imperial Ottoman Penal Code*, p. 110-111. Akgündüz, *Mukayeseli İslam ve Osmanlı Hukuku*, p. 858.

³⁴⁶ Article 168, Bucknill and Utidjian, *The Imperial Ottoman Penal Code*, p. 124. Akgündüz, *Mukayeseli İslam ve Osmanlı Hukuku*, p. 861.

³⁴⁷ Article 192, Bucknill and Utidjian, *The Imperial Ottoman Penal Code*, p. 146. Akgündüz, *Mukayeseli İslam ve Osmanlı Hukuku*, p. 192.

behavior/rape;³⁴⁸ and committing theft with several people on a public road at night³⁴⁹ were among some other instances of *cinayet* crimes that required heavy penalties.

The second category of crimes were *cünha* that were ‘acts which call for corrective/educative punishments (*mücazat-ı tedibiyye*). Corrective punishments are imprisonment for more than one week; temporary exile (*muvakkaten nefy*); dismissal from office (*memuriyetten tard*); and fine or cash penalty (*ceza-yı nakdi*).³⁵⁰ A great number of crimes were categorized as *cünha* within the Penal Code of 1858. For example, most of the cases related to oppression and/or ill-treatment of the government officials towards individuals;³⁵¹ assuming official capacity without having the right or authority to do so;³⁵² interference to the rites and religious ceremonies which were officially authorized;³⁵³ causing forged names to be written in travel permits and passports;³⁵⁴ and drawing a weapon on one for frightening³⁵⁵ were only some of the crimes which could be categorized as *cünha*.

Kabahat were the acts that required reprimanding and admonitory treatment (*muamele-i tekdiriye*). Admonitory treatment was imprisonment for from twenty-four

³⁴⁸ Article 198, Bucknill and Utidjian translated the phrase ‘*cebren fül-i şeni*’ as ‘abdominal act’; however in this Article, it clearly meant “rape” therefore forced indecent sexual behavior or rape was more appropriate. Bucknill and Utidjian, *The Imperial Ottoman Penal Code* pp. 150-151, Akgündüz, *Mukayeseli İslam ve Osmanlı Hukuku*, p. 865.

³⁴⁹ Article 219, Bucknill and Utidjian, *The Imperial Ottoman Penal Code*, pp. 173-174, Akgündüz, *Mukayeseli İslam ve Osmanlı Hukuku*, p. 869,

³⁵⁰ Article 3, Bucknill and Utidjian, *The Imperial Ottoman Penal Code*, p. 6, Akgündüz, *Mukayeseli İslam ve Osmanlı Hukuku*, p. 835.

³⁵¹ Articles 104-111, Bucknill and Utidjian, *The Imperial Ottoman Penal Code*, pp. 80-86, Akgündüz, *Mukayeseli İslam ve Osmanlı Hukuku*, pp. 850-852.

³⁵² Articles 130-131, Bucknill and Utidjian, *The Imperial Ottoman Penal Code*, pp. 99-100, Akgündüz, *Mukayeseli İslam ve Osmanlı Hukuku*, p. 855.

³⁵³ Article 132, Bucknill and Utidjian, *The Imperial Ottoman Penal Code*, p. 101, Akgündüz, *Mukayeseli İslam ve Osmanlı Hukuku*, p. 855.

³⁵⁴ Article 156, Bucknill and Utidjian, *The Imperial Ottoman Penal Code*, pp. 114-115 Akgündüz, *Mukayeseli İslam ve Osmanlı Hukuku*, p. 859.

³⁵⁵ Article 179, Bucknill and Utidjian, *The Imperial Ottoman Penal Code*, pp. 134-135, Akgündüz, *Mukayeseli İslam ve Osmanlı Hukuku*, p. 862.

hours to one week or a cash penalty up to one hundred piastres (*kuruş*).³⁵⁶ The crimes that could be categorized as *kabahat* were generally indicated in the last chapter of the Penal Code of 1858. For instance, not complying to the administrative regulations or to the regulations published by the municipal authorities;³⁵⁷ firing pistols or guns inside the cities, towns and villages;³⁵⁸ false or improper registration of the arrivals to the inns, hotels or lodging-houses and/or not submitting the registers to the authorities in due time;³⁵⁹ causing injury to the movable properties of other;³⁶⁰ and making noise and uproar in a manner to disturb others without cause³⁶¹ are some of the *kabahats* according to the Penal Code of 1858. In the preliminary section of the Penal Code, after a brief introduction about the crimes in terms of definition of *cinayet*, *cünha* and *kabahat*, details of the punishments were examined. Furthermore, the circumstances serving as grounds for excuse or responsibility were mentioned in the last part of this section.³⁶²

The first chapter was entitled as ‘sets forth the *cinayets* and *cünhas* of which the injury is general [public] and the punishments provided thereof’.³⁶³ There were

³⁵⁶ Article 5, Bucknill and Utidjian, *The Imperial Ottoman Penal Code*, p. 7, Akgündüz, *Mukayeseli İslam ve Osmanlı Hukuku*, p. 835.

³⁵⁷ Article 254, Bucknill and Utidjian, *The Imperial Ottoman Penal Code*, p. 199, Akgündüz, *Mukayeseli İslam ve Osmanlı Hukuku*, p. 875.

³⁵⁸ Article 255, Bucknill and Utidjian, *The Imperial Ottoman Penal Code*, p. 220, Akgündüz, *Mukayeseli İslam ve Osmanlı Hukuku*, p. 875.

³⁵⁹ Article 256, Bucknill and Utidjian, *The Imperial Ottoman Penal Code*, p. 221, Akgündüz, *Mukayeseli İslam ve Osmanlı Hukuku*, p. 875.

³⁶⁰ Article 259, Bucknill and Utidjian, *The Imperial Ottoman Penal Code*, p. 243, Akgündüz, *Mukayeseli İslam ve Osmanlı Hukuku*, p. 876.

³⁶¹ Article 260, Bucknill and Utidjian, *The Imperial Ottoman Penal Code*, p. 204, Akgündüz, *Mukayeseli İslam ve Osmanlı Hukuku*, p. 876.

³⁶² Bucknill and Utidjian, *The Imperial Ottoman Penal Code*, pp. 15-36.

³⁶³ Bucknill and Utidjian translated the word ‘amm’ as ‘general’. Nevertheless, when the content of the crimes are taken into consideration, it is clear that this word had to be translated in English as ‘public’. *The Imperial Ottoman Penal Code*, p. 37. *Birinci Bab: Zarar-ı Amm Olan Cinayet ve Cünha ile Mücazat-ı Müterettibeleri Beyanıdır*. Akgündüz, *Mukayeseli İslam ve Osmanlı Hukuku ...*, p. 841.

sixteen parts and one hundred and twenty one articles. This chapter included the following crimes: disturbing internal and external security of the state; theft of state properties; abuse the influence of the office and not fulfillment of official duties; oppression and ill-treatment of the government officials towards individuals; opposition, disobedience and/or insulting the government officials; helping escape of prisoners or hiding criminals; breaking seals; assuming official capacity without having the right or authority to do so; interfering with religious privileges or destroying and damaging certain ancient monuments; deranging telegraphic communication; opening printing house without permission; counterfeiting (*kalpazanlık*); forgery (*sahtekarlık*) and arson (*kundakçılık*).³⁶⁴ This chapter regulating the punishments for the crimes against public order was the most comprehensive part of the Penal Code.

The second chapter named as ‘*cinayets* and *cünhas* against persons and the punishments provided thereof’³⁶⁵ was composed of twelve parts and eighty-six articles. This chapter regulated punishments for the crimes that took place between the individuals. Actually, this part had a distinct importance in the history of law in the Ottoman Empire. There was not a separate section for ‘crimes and offences against private persons’ in the previous Ottoman Penal Codes (1840 and 1851). It is a fact that the previous Penal Codes concerned primarily with the crimes and punishments related to public order and security, and tyranny and corruption of state officials.³⁶⁶ Although the first chapter of the Penal Code of 1858 dealt with these issues in a detailed manner, the presence of a separate chapter about the crimes and offenses against private persons was significant. It was the first legal document comprehensively dealing with

³⁶⁴ Bucknill and Utidjian, *The Imperial Ottoman Penal Code*, pp. 37-122, Akgündüz, *Mukayeseli İslam ve Osmanlı Hukuku*, pp. 841-861

³⁶⁵ Bucknill and Utidjian, *The Imperial Ottoman Penal Code*, p. 124, *Bab-ı sani: Eşhas hakkında vuku bulan cinayet ve cünhalarda mücazat-ı müterettibeleri*, Akgündüz, *Mukayeseli İslam ve Osmanlı Hukuku*, p. 861.

³⁶⁶ Baer, “The Transition from Traditional”, p. 144.

the criminal issues which previously had almost been entirely under the realm of the Islamic Law.

The crimes in the second chapter were as follows: homicide, wounding, beating and threatening; abortion, selling adulterated drinks or poisons; violation of honor (*hetk-i irz*) including rape and adultery; imprisoning or detaining persons contrary to rules, stealing infants and abduction of girls; giving false testimony and swearing falsely; calumny, vituperation and divulgence of secrets; theft; abuse of confidence; bankruptcy and swindling; fraud in auction and commercial affairs; gambling; and destruction of property and causing loss to people.³⁶⁷ This chapter was followed by the last chapter entitled as ‘sets forth the punishments for persons guilty of *kabahats* against matters of sanitation, cleanliness and police’.³⁶⁸ It was the shortest section of the Penal Code. There were eleven articles about petty crimes.³⁶⁹

In conclusion, there were some distinctive characteristics of the Penal Code of 1858 from the previous Penal Codes of the Ottoman Empire. In fact, we are talking about a story of less than two decades. The first Penal Code that was published in 1840 was a “naïve” attempt to meet the requirements of the *Gülhane* Decree. When it became clear that this attempt was insufficient, another Penal Code was published in 1851. Nevertheless, the second attempt in 1851, similar to the Penal Code of 1840, was far from being a well-organized criminal law that regulated all issues about the crimes and punishments. They were both extremely short in size and they did not cover most of the crimes, which were in the realm of Islamic Law. Actually, a wholesale and all-at-once break from the traditional Ottoman legal system that had been in force for centuries was not possible. Therefore, the importance of the first Penal Codes should

³⁶⁷ Bucknill and Utidjian, *The Imperial Ottoman Penal Code*, pp. 123-198, Akgündüz, *Mukayeseli İslam ve Osmanlı Hukuku*, pp. 861-875.

³⁶⁸ Bucknill and Utidjian, *The Imperial Ottoman Penal Code*, p. 200. *Bab-ı Salis: Umur-ı tahaffuziye ve tanzifiye ve zabıtaya muhalif hareket eden ashab-ı kabayihin cezaları beyanındadır* Akgündüz, *Mukayeseli İslam ve Osmanlı Hukuku*, p. 875.

³⁶⁹ Bucknill and Utidjian, *The Imperial Ottoman Penal Code*, pp. 200-208, Akgündüz, *Mukayeseli İslam ve Osmanlı Hukuku*, pp. 875-876. For detailed information about the *kabahats* see p. 9.

not be underestimated. Despite their deficiencies, they opened up a way for the Penal Code of 1858.

In fact, the publication of the Penal Code of 1858 was the result of a series of factors. European Powers, particularly France and Britain, which supported the Ottoman Empire against Russia in the Crimean War (1853-1856), recognized the territorial integrity of the Ottoman Empire at the end of the war.³⁷⁰ In return, they insisted on some reforms through which non-Muslim subjects would be protected in the Ottoman Empire. Actually, Ottoman bureaucrats were also aware of the need for reforms because otherwise European states could interfere the internal affairs of the Ottoman Empire capitalizing on its economic and administrative weaknesses. As a result, the Reform Edict of 1856 was declared. The publication of a new Penal Code was one of the practical requirements for the legal reforms promised in the Reform Edict of 1856.³⁷¹

Despite the great impact of the Reform Edict of 1856 on the promulgation of a new Penal Code, the new code was no means solely a product of external pressure coming from the European States. On the contrary, internal developments since the early nineteenth century in terms of modernization and centralization of the Ottoman State led to the promulgation of the Penal Code of 1858. In other words, the promulgation of a totally new Penal Code reflecting the official understanding of crime and punishment from the perspective of an increasingly modernizing and centralizing Ottoman State was inevitable. The Penal Code of 1858 was promulgated within this national and international context. With a long series of amendments and addenda, the code would be in effect till the final collapse of the Empire. It must also be noted that the most comprehensive changes in the Penal Code took place during the Second Constitutional period.

³⁷⁰ Erik J. Zürcher, *Turkey: A Modern History*, (London: I. B. Tauris, 2004), p. 54.

³⁷¹ Gültekin Yıldız, *Mapushane: Osmanlı Hapishanelerinin Kuruluş Serüveni, 1839-1908*, (İstanbul: Kitabevi Yayınları, 2012), p. 192.

3.2.3 The Constitutional Regime and the Penal Code of 1858: Amendments

The Penal Code was one of the realms where the Constitutional Regime could reproduce its ideological and political aims. In this sense, there were two options for the CUP: on the one hand, they might continue the existing Penal Code and, in accordance with their aims, make necessary amendments on it; on the other hand, they might promulgate a totally new Penal Code. The CUP preferred the first option. In fact, during the Constitutional Regime, the CUP made most of the amendments and reforms about the Penal Code as a part of a broader political project aiming to ‘reform the Empire by creating a centralized, efficient, progressive, and rational administrative system so as to expand and centralize the state power over society’.³⁷² The most important wave of changes took place on June 4, 1911. In total, sixty-nine changes were made as in follows:

Table 5: The Changes in the Penal Code of 1858 on June 4, 1911

	Repeal of an article by substituting a new one	Abolition of an article and/or an addendum	Addendum to an article	Promulgation of a new article	Total
Preliminary	9	-	1	-	10
First Chapter	15	7	6	-	28
Second Chapter	22	1	6	-	29
Third Chapter	1	-	-	1	2
Total	47	8	13	1	69

Source: This information is compiled from “28 Zilhicce 1274 Tarihli Kanun-ı Cezanın bazı mevadını muaddel kanun, 6 Cemaziyelahir 1329/22 Mayıs 1327 (June 4, 1911)”, *Düstur*, II/3 (Dersaadet: Matba-i Osmaniye, 1330), pp. 436-460.³⁷³

³⁷² Kent Schull, *Penal Institutions, Nation State Construction and Modernity in the Late Ottoman Empire, 1908-1919*, (Unpublished PhD Dissertation), (Los Angeles: University of California, 2007), p. 121.

³⁷³ The changes were also included in Bucknill and Utidjian, *The Imperial Ottoman Penal Code*. In the Preliminary section, the repealed articles by substituting new articles are as follows: 8, 11, 12, 37, 39,

This table indicates that sixty-nine changes took place in the Penal Code that was composed of 264 articles. It means that the CUP government changed almost a 25 percent in itself of the Penal Code in accordance with its policies and ideology. Most of the changes were in the way of repealing the old article and substituting a new one. Therefore, rather than making addenda to old articles, which was the traditional way of making changes, the CUP preferred to substitute totally new articles. In this part, rather than focusing on the changes one by one, they will be evaluated in a general way. In the next chapters, when the crime rates will be examined, the articles related to specific crimes will be analyzed in a detailed way.

The changes in the Preliminary section of the Penal Code reflected that the CUP agreed on the existing categorization of crimes and punishments as well as circumstances for excuse to a great extent. It is a fact that most of the articles in this section remained as they had been. Only seven articles out of forty-seven articles were substituted by new ones. The changes in the Preliminary section could be summarized as follows: much clearer and more detailed punishments for the repetitive crimes; abolishment of the use of physical pressure which had been accepted as a way for extracting fine, stolen properties, compensation and other expenses; new regulations about the seizure of materials prepared or used for committing a crime; standardization of “pecuniary fines” and the use of incarceration for unpaid fines; regulations about crimes committed by children; implementation of punishments for the crimes

40, 45, 46 and 47. In this section there is only one addendum to the article 42. In the First Chapter there were fifteen new articles that were replaced by the older ones. These articles are as follows: 55,67, 68, 69, 76, 102, 105, 106, 113, 114, 115, 116, 130, 134, 135 and 136. There were six addenda to the following articles: 55, 99 (two addenda), 130, 155 and 166. Furthermore, the government repealed 6 articles and one addendum of an article in this chapter. Article 70,71,72,73,74 and 75 were totally abolished and addendum of the Article 67 was also repealed. In the Second Chapter twenty-two articles were substituted by new ones. These articles were the Articles 170, 174, 175, 177, 178, 179, 180, 188, 189, 190,191,192, 197, 206, 213, 214, 220, 222, 224, 225, 226 and 253. There were seven addenda to several articles: 179, 201, 202 (two addenda), 230 and 252. Furthermore, the Article 186 was abrogated on June 4, 1911. There were only two changes in the Third Chapter: the Article 255 was repealed and replaced by a new article; a totally new article was added to the end of the Penal Code as the Article 265.

committed in the case of self defense; the procedure for collectively committed crimes; and new applications about mitigation of punishments.³⁷⁴

The aim of the amendments in this section was to standardize and specify punishments without making any changes about the understanding of crime in the Penal Code. Especially, some points related to crimes committed collectively or those committed in the case of self-defense, which had not been precise enough in the Penal Code of 1858, were clarified. Nevertheless, main points such as the categorization of crimes in three groups (*cinayet*, *cünha* and *kabahat*) and punishments in accordance with the crimes remained as they were. Probably, the government preferred to make changes about topics that continuously created problems. For example, the payment of pecuniary fine was one of these topics.

Fifteen new articles were substituted in the First Chapter that was about crimes against public order. The changes in this chapter concentrated on some parts. For instance, there was no change in the first part related to crimes against the external security of the Ottoman State. Nevertheless, the first article of the second part (Article 55) was substituted by a new article corresponding to the crimes against internal security of the Ottoman State. The last paragraph of the new article was as follows: ‘The person whose forcible attempt to alter, change or destroy the Constitution, or the shape of form of the Government, or the system of succession of the Ottoman Empire is to be put to death.’³⁷⁵ According to this article, the government perceived any attempt to alter, change or destroy the Constitutional Regime as the primary and the most important threat to internal security. The CUP tried to guarantee the survival of the Constitutional Regime with this new article.

In the First Chapter, another topic about which the CUP regime made many arrangements was bribery. There were fifteen articles about bribery in the Penal Code

³⁷⁴ Bucknill and Utidjian, *The Imperial Ottoman Penal Code*, pp. 10-11, 12, 13, 24-26, 29-30, 31, 32-33, 36. Schull made a list of changes in the Penal Code, see, Schull, *Penal Institutions, Nation State*, p. 122-123.

³⁷⁵ Bucknill and Utidjian, *The Imperial Ottoman Penal Code*, p. 47. *Kanun-ı Esasiyi ve hükümetin şekil ve heyetini veya saltanat-ı seniyyenin usul-i verasetini tagyir ve tebdil veya imhaya cebren teşebbüsü sabit olan şahıs idam olunur*. “28 Zilhicce 1274 Tarihli Kanun-ı Cezanın”, *Düstur*, II/3, p. 443.

of 1858. The CUP government changed four of the articles totally and abolished six articles on June 4, 1911.³⁷⁶ For the sake of our analysis, ‘bribery’ will be one of the topics of the next chapter and it will be discussed in detail. However, here, it must be stated that the CUP government tried to shape the issue of ‘bribery’, which had been an important problem during the Hamidian Regime, in accordance with its own understanding of administration.

Furthermore, almost all articles of the part about opposition, disobedience and/or insulting government officials were changed.³⁷⁷ Deranging telegraphic communication was another topic in which all of the articles about the issue were repealed to be substituted by new articles.³⁷⁸ Other topics that the government amended in the First Chapter were as follows: abuse office and neglect of official duties; oppression and ill-treatment by government officials of individuals, especially unlawful entry to houses of persons, and torture or bodily harm; assuming official capacity without having the right or authority to do so; forgery; and arson.³⁷⁹ Although all of these changes had importance for the CUP government, it is clear that the most critical changes were about bribery and situations of disobedience, opposition and/or insulting government officials. Both of these issues will be analyzed in detail in the following chapters.

The greatest number of changes was in the Second Chapter related to the crimes against persons. Out of eighty-six articles, twenty-two articles were repealed and new articles were placed instead in this Chapter. As mentioned earlier, the crimes

³⁷⁶ Bucknill and Utidjian, *The Imperial Ottoman Penal Code*, pp. 62-66. “28 Zilhicce 1274 Tarihli Kanun-ı Cezanın”, *Düstur*, II/3, pp. 443-444.

³⁷⁷ This part was originally composed of five articles. Four articles out of five were changed on June 4, 1911. For the new versions of Article 113,114,115 and 116 see “28 Zilhicce 1274 Tarihli Kanun-ı Cezanın”, *Düstur*, II/3, pp. 445-447, Bucknill and Utidjian, *The Imperial Ottoman Penal Code*, pp. 88-92.

³⁷⁸ “28 Zilhicce 1274 Tarihli Kanun-ı Cezanın”, *Düstur*, II/3, pp. 447-448, Bucknill and Utidjian, *The Imperial Ottoman Penal Code*, pp. 102-104.

³⁷⁹ “28 Zilhicce 1274 Tarihli Kanun-ı Cezanın”, *Düstur*, II/3, pp. 444-445, 447-448, Bucknill and Utidjian, *The Imperial Ottoman Penal Code*, pp. 77, 79, 81-83, 100,114, 123.

and offenses in the second chapter were historically under the realm of Islamic Law. Therefore, it can be argued that the CUP increasingly tried to restrict the jurisdiction and the primacy of Islamic Law in criminal cases. Another meaning of the changes made on the Second Chapter was that the CUP tried to institute a legal system in which the *tazir* punishments were increasingly systematized and standardized.³⁸⁰ There were minor or comprehensive changes in almost in all parts of the Second Chapter.

On May 11, 1914, there was another wave of reform in the Penal Code of 1858. Nevertheless, it was a less comprehensive reform attempt. There were twelve changes in different parts of the Penal Code: seven articles were repealed to be substituted by new articles; one article corresponding to the theft of state property was abolished; three articles were modified; and an addendum was made to an article about the abuse of office.³⁸¹ Six of the articles which were repealed to be substituted by new articles belonged to the part about giving false testimony and swearing falsely. Actually, this part was composed of six articles; therefore, all the articles were changed with this law. The new articles gave in detailed the conditions that could be regarded as false testimony and swearing. Similarly, the punishments were also determined in an elaborate way.

The reforms in the Penal Code during the Constitutional Period indicated that the new regime tried to monopolize its power over criminal issues. The CUP government attempted to expand penetration power to the society through a centralized, efficient, progressive and rational administrative system.³⁸² Actually, the criminal law was one of the most important realms to realize this aim. At this point, it was not a coincidence that the greatest changes were made in the first and especially in the second chapters of the Penal Code of 1858. The CUP revisions in the Penal Code could be summarized as follows:

³⁸⁰ Schull, *Penal Institutions, Nation State*, p. 121.

³⁸¹ “28 Zilhicce 1274 tarihli Ceza Kanununun bazı mevadını muaddel kanun-ı muvakkat, 15 Cemaziyelahir 1332/ 28 Nisan 1330 (11 Mayıs 1914)”, *Düstur*, II/6, (Dersaadet: Matba-i Amire, 1334), pp. 644-651.

³⁸² Schull, *Penal Institutions, Nation State*, p. 121.

[...] Rationalizing punishments and criminal proceedings; expanding and centralizing governmental power to determine and adjudicate criminal activity at the expense of Islamic law; gaining greater monopoly over the use of force by assuming sole authority in exacting, determining and imposing punishments; and eliminating intermediaries between the state centralized power and criminals.³⁸³

In this way, the CUP gained the chance of a greater penetration to the society and to daily lives of persons. As a matter of fact, before the Great War, at least in theory, the CUP achieved this aim to a great extent through revisions in the Penal Code.

There were a number of adjustments in the Penal Code during the War years. Actually, some of these were slight and ordinary changes.³⁸⁴ However, there were also reflecting on the one hand, government's attempts of penetration to and control of the social life, and, on the other hand, wartime needs and concerns. For instance, an addendum to the Article 200 stand as a good example of government's attempts of further penetration to the social life. This article was about seducing a virgin with a false promise of marriage.³⁸⁵ Therefore, the article regulated punishments for the offenders that seduced a virgin and did not keep promise of marriage. On March 4,

³⁸³ Schull, *Penal Institutions, Nation State*, p. 121.

³⁸⁴ On December 12, 1914, Article 261, which was about the grazing of animals at plantation areas belonging to other persons, was replaced by a new Article. "28 Zilhicce 1274 tarihli Kanun-ı Ceza'nın 261. Maddesini muaddel kanun-ı muvakkat, 24 Muharrem 1330/30 Teşrinisani 1328 (December 12, 1914)", *Düstur*, II/7, p. 132. This article was modified once again on March 13, 1916. "28 Zilhicce 1274 tarihli Kanun-ı Ceza'nın 261. Maddesini muaddel kanun, 8 Cemaziyelevvel 1334/29 Şubat 1331 (March 13, 1916)", *Düstur*, II/8, p. 674. During the War years, battery and wounding were two other elements about which modifications were made. The addendum to Article 179 indicated that if battery and wounding did not cause a bodily injury for more than ten days, legal proceeding could be enacted through the submission of an indictment (*şikayetname*). Furthermore, the withdrawal of the lawsuit for perpetrators of such battery and wounding cases would necessitate the abatement of Common Law (*Hukuk-i Umumi*) case. "Kanun-ı Ceza'nın 179. Maddesinin 6 Cemaziyelahir 1329 tarihli ilavesini muaddel kanun, 18 Rebiülahir 1334, 9 Şubat 1331 (23 Şubat 1916)", *Düstur*, II/8, p. 398. An addendum was made to Article 264 about the use of places allocated to public use in March 1916. "28 Zilhicce 1274 tarihli Kanun-ı Ceza'nın 264. Maddesine müzeyyel fıkra hakkında kanun, 20 Cemaziyelevvel 1334/ 12 Mart 1332 (March 25, 1916)", *Düstur*, II/8, p. 867.

³⁸⁵ Akgündüz, *Mukayeseli İslam ve Osmanlı Hukuku*, p. 865; Bucknill and Utidjian, *The Imperial Ottoman Penal Code*, p. 152.

1914, the article was amended with an addendum regulating the conditions in the case that the woman's side could prove the promise for marriage.³⁸⁶

This amendment was replaced by a new addendum specifying the conditions for marriage in this case on October 24, 1917.³⁸⁷ According to the amendment, marriage had to take place in front of judges through official legal ceremony (*merasim-i kanuniyye*). People who violate this rule would be imprisoned for one month to six months and their witnesses would also be imprisoned. Furthermore, the judges and delegated judges (*naib*) executing and endorsing the marriage agreement without proper legal ceremony; or religious leaders such as *imam* or priest who made religious marriage agreement in the absence of judges would be imprisoned for one month to six months. This addendum was a crucial attempt to increase control over social life. It is clear that the CUP aimed at monopolizing its power in controlling issues about 'marriage and family'. Standardization of procedures and registration of proceedings were instruments to achieve this aim. Especially, there was intention to bring under state control the marriages taking place as a result of sex-related crimes.

Alongside with such adjustments aiming at further penetration to social life, there were also some changes reflecting the wartime concerns of the government. For instance, three articles about the sale of unhealthy, decayed and poisonous nutriments and medicines changed remarkably. Through the addendum and enactment of new articles, the crimes related to public health were specified, while relevant punishments also became stricter.³⁸⁸ Therefore, it can be argued that the CUP government felt the need of making some revisions to protect public health. Probably, feeding which was a major concern of the state elites during the war turned to be even more problematic as

³⁸⁶ "Kanun-ı Ceza'nın 200. maddesinin 26 Cemaziyelahir 1277 tarihli zeyl-i evveliyle 11 Ramazan 1331 tarihli zeyl-i sanisini muaddel kanun-ı muvakkat, 19 Rebiülahir 1332/4 Mart 1330 (March 17,1914)", *Düstur*, II/6, p. 316.

³⁸⁷ "Kanun-ı Ceza'nın 200. Maddesinin 19 Rebiülahir 1332 tarihli zeyl-i sanisi ber-vech-i ati tadil edilmiştir, 8 Muharrem 1336/24 Teşrinievvel 1333 (October 24, 1917)", *Düstur*, II/9, p. 782.

³⁸⁸ "28 Zilhicce 1274 tarihli Kanun-ı Ceza'nın 194. Maddesine müzeyyel fikirat ile 196 ve 257. Mevadd-ı muaddelesi hakkında kanun, 9 Rebiülevvel 1336/24 Kanunuevvel 1333 (December 23, 1917)", *Düstur*, II/10, pp. 49-51.

a result of the sale of unhealthful, decayed and poisonous products. Thus, the relevant articles related articles of the Penal Code might be considered as a direct outcome of wartime sanitation policies.

The addenda made to the Article 206 also reflected wartime concerns of the CUP government.³⁸⁹ The addendum put into effect on September 16, 1915 stated that ‘During mobilization, as long as martial law continues, whoever commits sexual assault (*cebren fiil-i şeni*) to spouses, daughters of soldiers or other women in their families would be punished with death penalty’.³⁹⁰ This was a radical change for punishments given to offenders of sexual assault. In fact, according to the Penal Code, although sexual assault was a crime requiring heavy penalties –generally, incarceration with hard labor for two to seven years- death penalty was never taken into account as a punishment for that type of crime.³⁹¹ Therefore, this addendum could only be explained with regard to the war conditions. Actually, the government made this provisional law in order to motivate males to conscription and war making. When they were fighting on the fronts, the state would “protect” their women by implementing heaviest punishments against whoever dared to harm them.

Alongside with these revisions in the Penal Code, there were a group of other amendments reflecting another major concern of the CUP government during the Great War: the survival of the state and the continuation of the CUP administration. In that respect, a number of adjustments in the Penal Code about firearms, and the crime

³⁸⁹ The Article 206 was in the fourth part was entitled as ‘*Hilaf-ı Usul Hapis ve Tevkif-i Eşhas ve Sabi ve Mürahik Sirkati ve Kız Kaçırarak Fezahati*’ (The Shameful Act of Imprisoning or Detaining Persons Contrary to Rule, of Stealing Infants or Murahiqs and of Abduction of Girls). Akgündüz, *Mukayeseli İslam ve Osmanlı Hukuku*, p. 867; Bucknill and Utidjian, *The Imperial Ottoman Penal Code*, p. 161.

³⁹⁰ ‘*Seferberlikte, idare-i örfiyyenin ilanı ve devamı müddetince asker zevce ve evlatlarıyla ailelerinde bulunan sair maharime cebren fiil-i şeni icra edenler idam olunurlar.*’ “Kanun-ı Cezanın 206’ıncı maddesine müzeyyel fıkra hakkında kanun-ı muvakkat”, *Düstur*, II/7, p. 725.

³⁹¹ In the Penal Code of 1858, there was a separate part on sex-related crimes and corresponding punishments in the Second Chapter. The third part entitled *Hetk-i Irz Edenlerin Mücazatu Beyanındadır* (Sets forth the Punishment for Persons Who Violate Honor) included six articles about indecent sexual behavior, adultery and sexual assault. Akgündüz, *Mukayeseli İslam ve Osmanlı Hukuku*, pp. 864-866; Bucknill and Utidjian, *The Imperial Ottoman Penal Code*, pp. 149-157.

of imitating and altering official documents, will be discussed in the seventh chapter in detail.

In this chapter the formation of the modern Ottoman State has analyzed in terms of developments in policing and criminal law. As a matter of fact, for a better evaluation of security and criminal policies of the CUP government during the war years, it is necessary to analyze the transformation of these realms in the nineteenth century and early twentieth century. The transformation in policing and criminal law provided necessary assets to the CUP government for the implementation of its policies on public order and security. Surveillance and gathering information about the city population became an issue of foremost importance for the CUP government in this sense. In the next chapter, travel documents, passports and regular reports prepared by the General Directorate of Security will be evaluated as means of surveillance and control.

CHAPTER 4

INSTRUMENTS OF SURVEILLANCE & CONTROL: TRAVEL DOCUMENTS, PASSPORTS AND REGISTERS OF THE TRAVEL OFFICE

One of the main targets of modern state has been to get information about its population. According to Foucault, since the eighteenth century, “the art of government requires a set of analysis and forms of knowledge.”³⁹² Certainly what Foucault means by ‘knowledge’ is the ‘knowledge of population’. By using this knowledge, governments of modern states do not only develop administrative policies but also gain important ‘assets’ for the surveillance and control of their citizens. Giddens argues that surveillance for modern states refer to the storage and unification of information for administrative objectives.³⁹³ Therefore, getting detailed and regular information about population has become a prerequisite for modern state to develop administrative policies aimed at restructuring the society.

For modern states there are a number of ways of collecting information about the population. Statistics, censuses, travel documents, identity cards and all kinds of registers about population are instruments of collecting regular data about people. By using these instruments, modern state makes its population ‘legible’.³⁹⁴ In this way, it could manage this ‘legible population’ in depth and detail. Another advantage of

³⁹² Foucault, “Governmentality”, p. 96.

³⁹³ Giddens, *The Nation State and Violence*, p. 46.

³⁹⁴ James Scott uses the concept of ‘creation a legible people’ to account for the invention of permanent and inherited surnames. According to him it is an inevitable part of modern statecraft. See, James Scott, *Seeing like a State: How Certain Schemes to Improve the Human Condition Have Failed*, (New Haven and London: Yale University Press, 1998), p. 65. Cengiz Kırılı benefits from the same metaphor, ‘creation of a legible people’ in his analysis about the surveillance understanding of the Ottoman State. Cengiz Kırılı, “Surveillance and Constituting the Public in the Ottoman Empire”, *Publics, Politics and Participation: Locating the Public Sphere in the Middle East and North Africa*, Seteney Shami (ed.), (New York: Social Science Research Council, 2009).

creating a ‘legible population’ is to develop much more appropriate policies of surveillance and control. In this sense, the creation of ‘legible people’ could be regarded as a hallmark of modern statehood through which people become open to the scrutiny of officialdom.³⁹⁵

In this chapter three types of instruments related to travel will be analyzed in this context: travel documents (*seyahat varakası*), passports and reports of the Travel Office (*Seyrüsefer Kalemi*). By using these documents the CUP government could collect detailed and regular information about people intending to travel to and from Istanbul. Furthermore, during the Great War, these documents became effective surveillance instruments of the CUP government to control city inhabitants and new comers. The main discourse of the government was to ‘maintain public order’ when the issue was to implement such control mechanisms.

The maintenance of public order in Istanbul always had a symbolic meaning as well as its practical importance for the Ottoman State. The public order of the capital city meant the public order of the country in a broader. Therefore, when several rebellions or disorders broke out in Istanbul, its possible repercussions in other parts of the Empire was always worrying for statesmen. Furthermore, since Istanbul was the administrative center of the Empire, the public order of the city provided a “secure” atmosphere for taking important administrative decisions. Besides, Istanbul was the first place where these decisions were initially applied. In order for these decisions to be implemented in the city, there was a prerequisite for public order from the perspective of the governments. Therefore, public order was one of the most important realms for the structuring and restructuring of state-society relations.

The Ottoman governments and state elites historically argued that as well as the daily acts and interactions of the city population, mass migration movements and individual migration to Istanbul had to be under control in order to provide public order. According to them, newcomers generally brought with them lots of problems to

³⁹⁵ Jane Caplan and John Torpey, “Introduction”, *Documenting Individual Identity*, Jane Caplan and John Torpey (eds.), (Princeton, Oxford: Princeton University Press, 2001), p. 1.

the city. Unemployment, lack of proper accommodation and as a result of these, a vagrant way of life were grave threats for public security. From the state's point of view these people tended to crime since they did not have regular jobs and salaries. In other words, the state elites argued that these people sooner or later engaged in several crimes such as pick pocketing and theft in order to survive. In this sense, poverty itself constituted a problem from the perspective of the state. Therefore, the governmental policies shaped in accordance with the idea that "whether they were newcomers or inhabitants of the city, the poor had to be kept under control or even be banished from the city if necessary." For the state, ex-convicts (*sabıkalı*) were by themselves a potential problem for public security therefore they had to be under the surveillance of the state. In case of a crisis they constituted the first group of people that would be exiled all at once from the city. The main aim behind the foundation of separate security forces, their institutionalization and professionalization and the enactment of new laws and regulations while exploring new and more effective ways of control was to eliminate or at least suppress "potential criminals".

During periods of crisis, such as the situation of war, maintenance of internal order became much more essential for the states. Accordingly, during the Great War, the maintenance of internal security had a special meaning for the government. The Great War, as mentioned in the introduction chapter, was the most destructive war in the history of Ottoman State. It continued for four years and the Ottoman State had to mobilize people for this duration. Public order in the home front was necessary for better warfare. Particularly, the government aimed at providing order in Istanbul as much as possible. Actually, the issue of public order in Istanbul had historically been a major concern for Ottoman statesmen and therefore, there were already some policies on surveillance and control of the city population dating back to centuries ago.

Since the second half of the sixteenth century, the state had begun to control the people, who came to Istanbul for purposes such as immigration, searching temporary jobs, doing trade or travelling. Especially, curbing individual and family immigrations to Istanbul became an important issue for providing public order. As a

matter of fact, the following factors resulted in immigration from rural areas to urban centers in the late sixteenth century: “the weakness of the central government; financial difficulties; the undesirable practices of government officials; the burden of heavy taxes; the increasing rate of unemployment; lack of sufficient arable land; epidemics and natural diseases...”³⁹⁶ The migrations that began due to these reasons in the second half of the sixteenth century reached a peak in the end of the century as a result of Jelali Revolts (*Celali Revolts*).³⁹⁷ Istanbul, as the capital of the Empire was an attractive city for individual and family immigration.³⁹⁸ The rise of population in Istanbul during the second half of the sixteenth century and during the seventeenth century caused economic and social problems. Therefore, the Ottoman State began to develop strategies to control the city population.

As a means to prevent population rise in Istanbul, immigration from Rumelia and Anatolia to the city was prohibited. Furthermore, the people, who had come to city immediately before this decision, were sent back to their hometowns. Similarly, sponsorship (*kefalet*) was required from the people who came to Istanbul to find jobs. Apart from these, a struggle began against beggars, thieves and vagabonds.³⁹⁹ In this respect, application of several travel documents was to become the most useful way of control. From sixteenth century to the nineteenth century several travel documents such as *il-can-name*, *hük-m-i şerif*, *izn-i şerif* (travel permits with different names) were

³⁹⁶ Osman Gümüşçü, “Internal migrations in sixteenth century Anatolia”, *Journal of Historical Geography*, Vol. 30, (2004), p. 236.

³⁹⁷ The most intensive migrations in Anatolia were between the years 1593 and 1610 during the Jelali Revolts. This migrations were called the ‘great flight’. Gümüşçü, “Internal migrations... ”, p. 243. In fact, Jelali Revolts caused by a number of economic problems as well as demographic and climatic changes had important consequences. According to Oktay Özel the most important consequence of these revolts was that “violence became the underlying at all levels of seventeenth-century politics and society, both in the provinces and in Istanbul.” Oktay Özel, “The Reign of Violence: The *Celalis*, 1550-1700 ”, *The Ottoman World*, Christine Woodhead (ed.), (London and New York: Routledge Press, 2012), p. 191.

³⁹⁸ The variety of jobs and professions as well as better public services made big cities attractive for migrations. Gümüşçü, “Internal migrations”, p. 238.

³⁹⁹ Mehmet Demirtaş, “XIX. Yy.da İstanbul’a Göçü Engellemek için Alınan Tedbirler: Menn-i Mürur Uygulaması ve Karşılaşılan Güçlükler”, *Belleten* LXXII, no. 68, (Aralık, 2009), p. 723.

used.⁴⁰⁰ The main idea behind the use of these travel documents was to prevent the entrance of “undesirable elements” to Istanbul.

Despite these measures, migrations to Istanbul continued during the eighteenth century. According to the state elites, unstoppable immigrations to Istanbul constituted the main cause of chaos and social instability in the city.⁴⁰¹ Therefore, two basic methods were used in order to provide internal order in Istanbul in the end of the eighteenth century. On the one hand, security forces tried to prevent the entry of persons to Istanbul if they did not have any meaningful reasons for their presence in the city. For that, traditional methods were used such as acceptance to the city of only persons having sponsorship (*kefalet*). On the other hand, strict scrutiny and control were in place for persons who could make it into the city.⁴⁰² *Kefalet* registers prepared for six-month intervals and including detailed information about specific segments of the society became one of the most efficient tools of surveillance in Istanbul during the late eighteenth century.⁴⁰³ The main targets of surveillance and control were vagrants and single males who were officially regarded as “potential criminals”.⁴⁰⁴

In the nineteenth century, standardization of travel documents became an important part of control policies. Travel permit (*Mürur tezkeresi*) was the main travel document used during the nineteenth century all over the Empire. It was a more standardized travel document than the travel documents of the previous centuries. The need of a more standardized control over the population in the nineteenth century was

⁴⁰⁰ Nalan Turna, *19. YY'dan 20. YY'a Seyahat, Göç ve Asayiş Belgeleri: Mürur Tezkereleri*, (Istanbul: Kaknüs, 2013), p. 13.

⁴⁰¹ Betül Başaran, *Selim III, Social Control and Policing in Istanbul at the End of the Eighteenth Century*, (Leiden, Boston: Brill, 2014), p. 4.

⁴⁰² Başaran, *Selim III, Social Control and Policing*, p. 4; Betül Başaran, “III. Selim ve İstanbul Şehir Siyaseti, 1789-1792”, *Osmanlı'da Asayiş, Suç ve Ceza, 18.-20. Yüzyıllar*, Noémi Lévy and Alexandre Toumarkine (eds), (Istanbul: Türkiye Ekonomik ve Toplumsal Tarih Vakfı, 2007), p. 117.

⁴⁰³ Başaran, *Selim III, Social Control and Policing* pp. 110-117.

⁴⁰⁴ Başaran, “III. Selim ve İstanbul Şehir Siyaseti”, p. 121.

related to several dynamics of the period.⁴⁰⁵ Especially, the rise of rebellions in the nineteenth century caused a chaotic situation in the cities. The control over population movements became a prerequisite for the maintenance of public order.

Apart from many other dynamics of the nineteenth century, according to Turna, there were two significant events which increased the need of a much more strict scrutiny over the population in Istanbul.⁴⁰⁶ The first event was the Mora Revolt of 1821. According to Zürcher, the Greek insurrection was one of the most important events that took place in the early nineteenth century. As a result of the Greek insurrection, the Ottoman state elites argued that most of the Greek leaders would struggle for full independence.⁴⁰⁷ Based on this assumption, the state elites lost their trust to the Ottoman Greek population that had a crucial role in diplomatic and economic international relations of the Ottoman Empire. As a result, the Greek population living in Istanbul began to be scrutinized. For example, the number of Greeks in the *hans* (inns) and neighborhoods were surveyed. Furthermore, entry to the city without travel permits was prohibited for both Muslims and non-Muslims.⁴⁰⁸

The abolishment of the janissary corps in 1826 was another noticeable incident that negatively affected the public order in Istanbul.⁴⁰⁹ Actually, the janissaries had lost their military character many years before their abolishment. They had become an

⁴⁰⁵ The issue of control over population through travel documents is generally considered as a security issue. In addition to that being a security measure, widespread and compulsory usage of travel documents by people tells us a lot about modern state practices. Fatmanur Samastı examined the travel permit as an instrument of identification and she links it to practices of modern state. See, Fatmanur Samastı, *History of Identification in the Ottoman Lands: From the Security of the Person to the Security of the State: Implementation of Mürur Tezkeresi in the Nineteenth Century*, (unpublished Master Thesis), (Istanbul: Boğaziçi Üniversitesi, 2010). Nalan Turna evaluates travel permit as a useful instrument of surveillance. According to her, the application of *mürur tezkeresi* inholds several important elements such as regulating the migration movements, maintenance of security and collecting taxes, which are different practices of surveillance. See, Turna, Nalan, *19. YY'dan 20. YY'a Seyahat, Göç ve Asayiş Belgeleri: Mürur Tezkereleri*, (Istanbul: Kaknüs, 2013).

⁴⁰⁶ Turna, *19. YY'dan 20. YY'a Seyahat, Göç ve Asayiş Belgeleri*, pp. 60-61.

⁴⁰⁷ Zürcher, *Turkey: A Modern History*, p. 31.

⁴⁰⁸ Turna, *19. YY'dan 20. YY'a Seyahat, Göç ve Asayiş Belgeleri*, p. 60.

⁴⁰⁹ Turna, *19. YY'dan 20. YY'a Seyahat, Göç ve Asayiş Belgeleri*, p. 61.

important power in social and economic life.⁴¹⁰ A lot of people, whether, they were janissaries or not, had begun to use the power of this title. Groups such as grocers (*bakkallar*), boatmen (*kayıkçılar*), porters (*hamals*), middlemen (*d/tellaks*) and greengrocers (*manavs*) paid tribute to the janissaries in order to be protected by them.⁴¹¹ Moreover, these tradesmen who were not janissaries in reality, had used the title to gain some kind of prestige and tax exemption. In the eyes of state elites, janissaries were problematic group rather than being a military power.⁴¹² Furthermore, they caused many criminal acts within the city and proved difficult to control. The janissaries also acted on many occasions as the most important opposition group within the city, especially when the attempts of formation of a modern army began. In 1826, Mahmud II abolished the janissary corps. Many janissaries were massacred or exiled. A number of tradesmen, who had not been involved in any crimes, were exiled to the other parts of the Empire just because of their ties with the janissaries.⁴¹³ Following the abolishment of the janissary corps, the security of the city gained further importance.

Applications such as travel permit (*mürur tezkeresi*)⁴¹⁴ and travel bans (*men-i mürur*) actualized within this context. Security of Istanbul was extremely important for

⁴¹⁰ Mehmet Mert Sunar, “When grocers, porters and other riff-raff become soldiers: Janissary Artisans and Laborers in the Nineteenth Century Istanbul and Edirne”, *Kocaeli Üniversitesi Sosyal Bilimler Enstitü Dergisi*, No. 17, (2009), p. 185.

⁴¹¹ For detailed information about the relationship between the Janissaries, tradesmen and immigrants in Istanbul see, Sunar, “When grocers, porters and other”, pp. 186-187; Başaran, “III. Selim ve İstanbul Şehir Siyaseti”, pp. 124-125; Mehmet Mert Sunar, “XIX. Yüzyıl Başları İstanbul’unda Esnaf Yeniçeriler”, *Güneydoğu Avrupa Araştırmaları Dergisi*, No. 18, (2010), p. 79.

⁴¹² Turna, *19. YY’dan 20. YY’a Seyahat, Göç ve Asayiş Belgeleri*, pp. 61-62.

⁴¹³ Turna, *19. YY’dan 20. YY’a Seyahat, Göç ve Asayiş Belgeleri*, pp. 61-62.

⁴¹⁴ Travel permit (*Mürur tezkeresi*) was a kind of internal passport. Regulation of Chiefdom of Dues dated 1826 (*İhtisab Ağalığı Nizamnamesi*) was the first legal document that included several articles about travelling and travel permits. This document formulated measures about travel and regulation of travel permits in terms of security. Mainly, the articles about travel reflected discomfort about the security of Istanbul. According to the Regulation, drifters and vagabonds had flooded in Istanbul and this situation had remedied. For this purpose, solution was to register the inhabitants of Istanbul neighborhoods. As such, the regulations prohibiting travel had to be strictly applied where as travel permits of newcomers had to contain information about intention of these people in coming to Istanbul. In 1841, a more detailed regulation was enacted. The first article of Regulation of Prohibition of Travel

the government. In order to provide security, there began a strict control to the entrance of people who were “suspected of having ambiguous criminal intentions” through several precautions.⁴¹⁵ The practice of requiring personal reference from newcomers continued during the nineteenth century. Furthermore, people who applied for travel permits had to convince officials that they had valid reasons for travelling to Istanbul. In spite of all these measures, the State was not successful in completely controlling the population of the city during the nineteenth century.⁴¹⁶ As a matter of fact, during the reign of Abdülhamid II, policies related to surveillance and control continued to be implemented in a committed manner.

A number of events taking place during 1890’s in Istanbul such as March of *Bab-ı Ali* (*Bab-ı Ali Yürüyüşü*), Demonstration of Kumkapı (*Kumkapı Nümayişi*), Occupation of the Ottoman Bank (*Osmanlı Bankası Baskını*) and the unsuccessful assassination attempt against Abdülhamid II in 1905 largely contributed to the “internal threat” perception of the Sultan and state elites. Especially after 1880’s, repressive policies in the name of ‘maintenance of public order and security’ were applied.⁴¹⁷ Actually, the main target of these policies was vagrants, anarchists and

(*Men-i Mürur Nizamnamesi*) was about the procedure for people who would arrive in Istanbul or depart from the city. Furthermore, it specified what kind of information would be included in a travel permit. According to this regulation, name, title (*ünvan*), age, occupation, appearance (*eşkal*), city of birth, city of residence, place(s) of destinations, country of citizenship and issue date had to be indicated in a well-ordered travel permit. Legal sanctions also clarified the case of traveling without a travel permit and/or with a forged travel permit. The Regulation of 1844 named as Travel and Transit in the Ottoman Empire (*Memalik-i Mahsure-i Şahane’de Mürur ve Ubur*) covered some articles about passports different from the previous regulations. The final Regulation about travel permits was enacted in 1887. This was the most comprehensive Regulation about travel. This Regulation was composed of three chapters and fifteen articles. As a result, rules and regulations about travel became more standardized through the Regulation of 1887. Turna, *19. YY’dan 20. YY’a Seyahat, Göç ve Asayiş Belgeleri*, pp. 64-89.

⁴¹⁵ *Mazanne-i su* (suspected criminal), *serseri* (vagrant) and *mechul-ül-ahval eşhas* (nondescript and dubious persons) were the suspected people who had to be kept out of the city. Demirtaş, “XIX. Yy.da İstanbul’a göçü engellemek”, p. 747.

⁴¹⁶ Demirtaş, “XIX. Yy.da İstanbul’a göçü engellemek”, p. 753. Turna also gives many samples of how people resisted to the travel measures. For detailed information see, Turna, *19. YY’dan 20. YY’a Seyahat, Göç ve Asayiş Belgeleri*, pp. 175-183.

immigrant workers in Istanbul. Since the Armenians were the main actors in the events mentioned above, they also came under the close scrutiny of the state.⁴¹⁸ According to Yılmaz, during the reign of Abdülhamid II, the control of geographic mobilization was shaped in accordance with the understanding of ‘public order’ greatly influenced by the perception of “‘internal threat’”.⁴¹⁹ Therefore travel permits and passports continued to be in place as efficient instruments of surveillance and control.

The practice of travel permits came to an end when the Second Constitutional Regime was founded after the Revolution of 1908. Travel permits and other scrutiny mechanisms were considered as being against the understanding of freedom in the Constitution. Accordingly travel permit was to be abolished in 1910. Ottoman identity card (*Tezkere-i Osmaniye*) would substitute passport and travel permit.⁴²⁰ Nevertheless, the Great War brought about an eclipse to the atmosphere of freedom in terms of travel.

During the War years, control over travel became crucial for the government to maintain public order. Between the years 1914-1918, travel was the issue about which regulations were most frequently made. Furthermore, in 1915, a separate office, Travel Office (*Seyrüsefer Kalemî*), dealing with travel issues was founded under the General Directorate of Security.⁴²¹ The foundation of the Travel Office within the war conditions was remarkable for two reasons. First, since the security perception of all belligerent states became more radical during the war, the CUP government felt the

⁴¹⁷ İlkyay Yılmaz, *Serseri, Anarşist ve Fesadın Peşinde: II. Abdülhamid Dönemi Güvenlik Politikaları Ekseninde Mürur Tezkereleri, Pasaportlar ve Otel Kayıtları*, (Istanbul: Tarih Vakfı Yurt Yayınları, 2014), pp. 69-77.

⁴¹⁸ Yılmaz, *Serseri, Anarşist ve Fesadın Peşinde*, pp. 88-89.

⁴¹⁹ Yılmaz, *Serseri, Anarşist ve Fesadın Peşinde*, p. 77.

⁴²⁰ Turna, *19. YY'dan 20. YY'a Seyahat, Göç ve Asayiş Belgeleri*, pp. 99-101.

⁴²¹ Main duty of the Travel Office was to control entrance into and departure from the country and internal travels. Requests for *seyahat varakası* (travel document), lists of the passengers travelling inside the country and going abroad and reports (including identities, nationalities and numbers) about travelers. Yusuf İhsan Genç (eds. al), *Başbakanlık Osmanlı Arşivi Rehberi*, (Istanbul: Başbakanlık Arşivi, 2010), p. 374. Therefore, this office provided plentiful information to the State for controlling the population.

necessity to control the movements of its citizens as well as foreigners travelling to and inside the Ottoman Empire in a more systematic manner. The second reason making the foundation of the Travel Office remarkable is about the broader requirements of modern statehood. Since all issues about travel would be under the control of this office, it was once more a centralization attempt in line with modern statecraft. Similarly, the foundation of the Travel Office could be seen a step of the Ottoman State toward to the ‘monopolization of legitimate means of movement’. According to Torpey, use of passports and internal travel documents has been a requirement of modern statecraft for achieving the following objectives:

[E]xtraction of military service, taxes, and labor; the facilitation of law enforcement; the control of “brain drain”...the restriction of access to areas deemed “off-limits” by the state, whether for security reasons or to protect people from unexpected or unacknowledged harms; the exclusion, surveillance, and containment of “undesirable elements,” whether these are ethnic, national, racial, economic, religious, ideological, or medical character; and social composition of populations within their territories.⁴²²

These objectives, which have also been the basic motives for modern state in various policies, have necessitated the ‘monopoly of legitimate means of movement’. Therefore, by the foundation of the Travel Office in 1915, the CUP government took an important step.

Along with the regular reports prepared by the Travel Office, travel documents and passports provided the CUP government crucial information storage about Ottoman citizens as well as foreigners. By using this information, the CUP government developed further surveillance and control mechanisms during the Great War.

⁴²² John Torpey, *The Invention of the Passport: Surveillance, Citizenship and the State*, (Cambridge, New York: Cambridge University Press, 2000), p. 7.

4.1 The Revival of Travel Permits: *Seyahat Varakası* (Travel Document)

On March 16, 1915, through a provisional law, the travel document was enacted as compulsory for everyone who would travel inside the borders of the Ottoman Empire.⁴²³ This law explicitly claimed “subjects of the Ottoman Empire and foreigners, who would travel in the regions and parts of the Ottoman Empire determined by the government, were required to get travel document as long as the war continued as a precautionary measure of military and security.” On March 18, 1915, an ordinance (*talimatname*) about travel documents and passports was enacted. According to this ordinance, travelers would take the travel document from the highest-rank police officer in the place of their departure. In the districts (*kazas*) where there was no police office, the district governor (*kaymakam*) would issue the travel document. Later, upon arrival in the place written on the travel document, people had to submit their travel documents to the highest-rank police officer therein. In the districts where police station did not exist, the district governor was to be the authority for submission. The companions (kith and kin, servants) of a person had the right to travel with in the scope of a single travel document.⁴²⁴

Istanbul was also an entrance point to the Ottoman State through sea route. People entering the Ottoman Empire from Çirmen and Mandıra [through land route or railroad] and proceeding to Istanbul, were allowed to use their passports until their arrival to Istanbul. If thereon they would pass to another province, they were compelled to take a travel document.⁴²⁵ The provisional law also mentioned the

⁴²³ “Hal-i harb dolayısıyla dahilde geşt ü güzar edeceklere verilecek seyahat varakası hakkında kanun-ı muvakkat, 29 Rebiülahir 1333/3 Mart 1331 (16 Mart 1915)”, *Düstur*, II/7, (Dersaadet: Matba-i Amire, 1336), p. 493.

⁴²⁴ BOA.DH.EUM.3.Şb.15/23, 7 Zilkade 1334 (September 6, 1916), “Seyahat varakasına mütedair 29 Rebiülahir 133 tarihli kanunu-ı muvakkat ahkamıyla 28 Rebiülevvel 1333 tarihli pasaport kanunu-ı muvakkatın beşinci maddesine tevfikân müttehiz mukarrerat-ı mutazammın talimatname, 2 Cemaziyelevvel 1333/5 Mart 1331 (18 Mart 1915)”, *Düstur*, II/7, (Dersaadet: Matba-i Amire, 1336), p. 525.

⁴²⁵ BOA.DH.EUM.3.Şb.15/23, 7 Zilkade 1334 (September 6, 1916), “Seyahat varakasına mütedair 29 Rebiülahir 1333 tarihli”, *Düstur*, II/7, p. 525.

exceptions of travel permit. For example, people who would travel between the provinces of Hicaz, Yemen and the Guards unit of Medine (*Medine Muhafizliđi*) and Zor, Urfa and Asir were not required to obtain travel documents unless they would pass any other provinces and districts. Furthermore, people not exit the borders of a province or *sanjak* were left free to travel without a travel document.⁴²⁶ The Ordinance included only one short article regarding who had no right to obtain the travel document. According to that “people, whom the government prohibited from obtaining travel document due to military and political reasons, were not allowed to take travel document.”⁴²⁷ However, this explanation was too broad and open-ended. As will be seen in the following sections, a lot of people were included in this description and especially due to political reasons many people found it impossible to get the travel document.

The initial version of the provisional law of the travel document did not have any regulation about higher-level officials. It was at the end of 1915 that the imperial decree (*irade-i seniyye*) was enacted (November 30, 1915) about senators and deputies specifying that those who possessed the identity card (*hüviyet varakası*) did not need to take the travel document for their journey.⁴²⁸ Apart from deputies and senators, all other officials including security forces had to get the travel document. However, there was still a kind of differentiation among the ordinary people and the elites. There were two kinds of travel document being temporary or permanent. The temporary travel document, which was given only for a limited period of time, was more common than the permanent travel document. It was given for a round trip as well as one-way. If the travel document was for a round trip, the person submitted the travel document to the

⁴²⁶ “Seyahat varakasına mütedair 29 Rebiülahir 1333 tarihli kanun-ı muvakkat”, *Düstur*, II/7, p. 525.

⁴²⁷ “Seyahat varakasına mütedair 29 Rebiülahir 1333 tarihli kanun-ı muvakkat” *Düstur*, II/7, p. 525.

⁴²⁸ “Seyahat varakasına mütedair kanun-ı muvakkat ahkamıyla pasaport kanun-ı muvakkatın beşinci maddesine tevfikân müttehiz 2 Cemaziyevevvel 1333 tarihli talimatnamenin altıncı maddesine müzeyyel fıkra hakkında irade-i seniyye, 22 Muharrem 1334/17 Teşrinisani 1331 (30 Kasım 1915)”, *Düstur*, II/8, (Istanbul: Evkaf Matbaası, 1928), p. 176.

police and the police signed the document indicating the validity of the same travel document for return.

There was an interesting detail in this regulation. Veiled Muslim women (*muhadderat-ı İslamiyye*) were exceptional to get travel documents.⁴²⁹ Turna argues that this implementation was a consequence of the problems caused by difficulties in specifying the facial features (*eşkal*) of veiled Muslim women.⁴³⁰ Since the CUP government could not formulate a solution to this problem, veiled Muslim women were exempted from the implementation of travel documents. It means that the CUP government did not want to disturb the ‘privacy’ (*mahremiyet*) realm of the Muslim women.⁴³¹ It can be argued that this situation left a more room for Muslim women in terms of travelling. Nevertheless, some documents indicate that travel documents became compulsory for even veiled Muslim women in the following war years.⁴³²

Permanent travel documents were given to the civil servants that traveled with official duties and also to the well-known notable people in the case of a valid necessity. These travel documents would be valid till the end of the War.⁴³³ In other words, they were designated for an indefinite scope of time. Different from temporary travel documents, these were issued by the Ministry of Interior. The person who demanded permanent travel document would submit a file to the Ministry including information about their identity, age, nationality, address of residence, appearance, intended places to go as well as a photograph. The Ministry of Interior issued the

⁴²⁹ “Evamir ve Mukarrerat: Memalik-i Osmaniye dahilinde seyahate mahsus sayahat varakalarının suret-i it’â ve isti’mali hususunda teshilat-ı atiyeye dahi icrası takdir eylemiştir”, *Polis Mecmuası*, 15 Mayıs 1331 (May 28, 1915), No. 45, p. 134.

⁴³⁰ Turna, *19. YY’dan 20. YY’a Seyahat, Göç ve Asayiş Belgeleri*, p. 107.

⁴³¹ Nalan Turna, “Son Dönem Osmanlı İmparatorluğu’nda Seyahat ve Kadın”, (Unpublished Conference Paper), *First International Conference on Empire, Nation and Gender: Perspectives from World History*, (Nov 26, 2014).

⁴³² BOA.DH.EUM.SSM.10/101, 24 Recep 1335 (May 16, 1917).

⁴³³ “Evamir ve Mukarrerat: Memalik-i Osmaniye dahilinde seyahate”, *Polis Mecmuası*, No. 45, p. 134.

permanent travel document after due investigation.⁴³⁴ It is highly probable that to get this advantageous permanent travel document was quite difficult and only a limited number of people were allowed to obtain this type of travel document during the war years.

At the end of 1916, an ordinance about the travel document was published once again. Actually, this ordinance composed of almost exactly the same articles of the ordinance of March 18, 1915. There were small additions such as time duration of a travel document. This new ordinance explicitly claimed that the travel document was given for one-way or for round-trip. If it was given for a round-trip, the time duration of the travel document was to be one month. Furthermore, the ordinance indicated that travelers had to show their travel permits to the officials if demanded.⁴³⁵ The provisional law about the travel document became a law on March 1, 1917.⁴³⁶ To the end of the war the travel document was used in accordance with this law.

The travel document, which can be evaluated as a kind of internal passport, was a useful instrument for the Ottoman State to provide control over population during the Great War years. Nevertheless, this document was only used for internal travels. During the war years, scrutiny on international travel also gained importance. In the following part, legal developments about passports as international travel documents will be examined.

⁴³⁴ “Evamir ve Mukarrerat: Memalik-i Osmaniye dahilinde seyahate”, *Polis Mecmuası*, No. 45, p. 134.

⁴³⁵ “Seyahat varakası hakkında Talimatname, 20 Safer 1335/3 Kanunuevvel 1332 (December 16, 1916)”, *Düstur*, II/9, (Istanbul: Evkaf Matbaası, 1928), pp. 10-12 .

⁴³⁶ “Hal-i Harb dolayısıyla dahilde geşt ü güzar edeceklere verilecek seyahat varakası hakkında kanun [1], 7 Cemaziyelevvel 1335/1 Mart 1333 (March 1, 1917)”, *Düstur*, II/9, (Istanbul: Evkaf Matbaası, 1928), pp. 241-242.

4.2 Legal Regulations about the Passport

Similar to internal travel documents, passports became important documents used by modern states for information storage and surveillance during the nineteenth century. In 1792, the first regulations about modern passport were made in revolutionary France.⁴³⁷ After that, many other European countries began to promulgate laws and regulations for international travel and passport. Thus, passports came to a number of functions in modern states: providing information about persons as being certificates of identity; allowing state officials to differentiate citizens from foreigners and to implement legislations particularly about foreigners; and controlling travel of citizens and foreigners.⁴³⁸ As mentioned earlier, these functions were in a broader sense directly related to the requirements of modern states.

Parallel to the developments about international travel in Europe, the Ottoman government felt the need of making new regulations about national and international travel. Actually, the first regulation of passport was enacted on February 14, 1867.⁴³⁹ This was followed by the Passport Laws of 1884, 1894 and 1911.⁴⁴⁰ The Passport Law of 1911, which was in force until the publication of a new Passport Law during the War years, was a comprehensive one.⁴⁴¹ Nevertheless, the regulations of this law were

⁴³⁷ Andreas Fahrmeir, “Governments and Forgers: Passports in Nineteenth-Century Europe”, *Documenting Individual Identity*, Jane Caplan and John Torpey (eds.), (Princeton, Oxford: Princeton University Press, 2001), p. 219.

⁴³⁸ Fahrmeir, “Governments and Forgers”, pp. 119-120.

⁴³⁹ The regulation named as *Pasaport Odası Nizamnamesi* (Regulation of Passport Office) was the first legal document which regulated the processes of issuing passport. It was composed of seventeen articles. “Pasaport Odası Nizamnamesi, 9 Şevval 1283 (February 14, 1867)”, *Düstur*, I/1, (Dersaadet: Matba-i amire, 1289), pp. 776-779.

⁴⁴⁰ For detailed information about these laws of passport see, Rona Aybay, “Son Dönem Osmanlı, TBMM Hükümetleri ve Erken Cumhuriyet Dönemlerinde Pasaportlar”, *Tarih ve Toplum*, Vol. 3/13, (Ocak 1985), pp. 46-53. For regulations about passports and their meaning for the formation of modern state in terms of surveillance and control during the reign of Abdülhamid II see, Yılmaz, *Serseri, Anarşist ve Fesadın Peşinde*, pp. 202-247.

⁴⁴¹ The Passport Law of 1911 was composed of four parts and nineteen articles. It was a detailed law compared to the previous laws however it was still less complicated than the Passport Law of 1915.

still not sufficiently detailed and only reflected the understanding of freedom of travel in general terms. Actually, just before the Great War, many countries in Europe began to abolish or at least loosen regulations about passports. The following words of a German student of passport controls reflect the ‘liberal’ atmosphere in terms of international travel just before the Great War:

[B]ecause in recent times the position of foreigners has grown much different from before...most modern states have, with a few exceptions, abolished their passport laws or at least neutralized them through non-enforcement... [Foreigners] are no longer viewed by states with suspicion and mistrust but rather, in recognition of the tremendous value that can be derived from trade and exchange, welcomed with open arms, and for this reason, hindrances are removed from their path to the greatest extent possible.⁴⁴²

However, the Great War changed this situation to the contrary and effective system of controls on travel once again became “inevitable” for all belligerent states. Especially, since “external threat” perception of the belligerent states reached a peak, the war governments aimed at restricting movements of foreigners within their territories. Actually, not only foreigners but also nationals were subjected to strict documentary surveillance through regulations on passport.⁴⁴³ For the governments of the belligerent states, there had to be strict controls on international travels of their own citizens. As a consequence, new regulations were made and new passport laws were promulgated in all European countries as well as in the USA.⁴⁴⁴

First of all, considering the language of this document, it was clearly a product of peacetime. The sanctions were smoother. There were exactly fewer and less certain restrictions for the entrance to the Ottoman Empire. For the full text of the law see “Pasaport Kanunu, 6 Cemaziyelahir 1329, 22 Mayıs 1327 (June 4, 1911)”, *Düstur*, II/3 (Dersaadet: Matba-i Osmaniye, 1330), pp.462-467.

⁴⁴² Cited from John Torpey, “The Great War and the Birth of the Modern Passport System”, *Documenting Individual Identity*, Jane Caplan and John Torpey (eds.), (Princeton, Oxford: Princeton University Press, 2001), p. 256.

⁴⁴³ Torpey, “The Great War and the Birth”, p. 257.

⁴⁴⁴ For detailed information about regulations and laws related to passport in France, Britain, Germany, Italy and USA see Torpey, *The Invention of the Passport*, pp. 112-121.

In the first war year and only one day before the publication of the Provisional Law of Travel Document, the Provisional Law of Passport had been enacted on March 15, 1915.⁴⁴⁵ As mentioned above, the Passport Law of 1911, which was in effect when the Ottoman Empire entered the Great War, had some deficiencies. Furthermore, according to the CUP government, as a product of peacetime, the Passport Law of 1911 was far from meeting the requirements of the Great War in terms of international travel.

Different from the previous regulations of passport, the new provisional law indicated a group of people whose entrance to the Ottoman Empire were totally forbidden even when they had proper passports. According to the third article of the provisional law, first, beggars and vagabonds; second, people who were exiled out of the Empire for an uncertain period of time, or people who did not fulfill their exile punishment yet; third, people who were suspected for their actions threatening internal security; next, the immigrants who tried to migrate to the Ottoman Empire illegally; and finally, people who were expelled from Ottoman citizenship were prohibited from entrance to the country.⁴⁴⁶

This article and following two articles gave the government broad authority to control the people who entered the Empire during the Great War years. Especially, the description of the third group of people who were forbidden to enter the Ottoman Empire was so ambiguous that everyone might be subjected to be labeled as a “threat” to the internal security. In that sense the decision authority were the security forces controlling passports at checkpoints. Thus if they viewed a person as suspect, there

⁴⁴⁵ This provisional law was much more detailed compared to earlier passport laws. It was composed of four parts and thirty articles. The first part included general rules and regulations about passports. The second part was composed of articles that regulated content, issuance conditions and expiration dates of passports. Third part was about fee of passports and visas. The articles of the last part were related to the punishments in case of using or issuing a fake passport. “Pasaport Kanun-ı Muvakkatı, 28 Rebiülevvel 1333/2 Mart 1331 (March 15, 1915)”, *Düstur*, II/7, pp. 486-491.

⁴⁴⁶ Apart from the prohibition of such people’s entrance into the Empire, the provisional law gave broad authority to the government to make new regulations about restrictions due to the war conditions. See, the fourth and fifth articles of the provisional law. “Pasaport Kanun-ı Muvakkatı, 28 Rebiülevvel 1333/2 Mart 1331 (March 15, 1915)”, *Düstur*, II/7, pp. 486-491.

seemed no way left to enter the Empire legally. Nevertheless, very harsh and detailed punishments for the illegal activities about passports were also determined under this provisional law.

For instance, the people who used or issued passports in fake names or those who used a passport that had been prepared for another person would be punished with imprisonment from six months to two years in accordance with the 156th article of the Penal Code. Furthermore, people who used or issued fake passports would be imprisoned for one to three years in conformity with the 157th article of the Penal Code. Even a foreigner, who used a fake passport issued by a foreign state, would also be subjected to the same punishment processes. An Ottoman citizen, who used such a fake passport abroad, would be penalized in the Ottoman Empire. Furthermore, an Ottoman citizen who used a passport of a foreign state in the Ottoman Empire would be sentenced to imprisonment from six months to two years.⁴⁴⁷ Moreover, the provisional law also regulated punishments for the captains, drivers, carters and all the people who transferred passengers to the Ottoman Empire through places without designated checkpoints. According to the provisional law, these people would be imprisoned for one month to two years; and if they committed such acts repetitively, they would be imprisoned for six months to three years.⁴⁴⁸ For instance, the Passport Law of 1911 had only set punishment of fine (from 10 Ottoman gold to 50 Ottoman gold) and a trifling prison sentence for three days to ten days.⁴⁴⁹ Such great difference between the degrees of punishments determined for the same crime underlines the distinction between the need of governmental control over passengers during wartime and peacetime. In order to provide maximum control over travel, punishments became much harsher and more detailed during the Great War.

⁴⁴⁷ “Pasaport Kanun-ı Muvakkatı, 18 Rebiülevvel 1333/2 Mart 1331 (March 15, 1915)”, *Düstur*, II/7, pp. 486-491.

⁴⁴⁸ “Pasaport Kanun-ı Muvakkatı”, *Düstur*, II/7, pp. 486-491.

⁴⁴⁹ “Pasaport Kanunu, 6 Cemaziyelahir 1329, 22 Mayıs 1327 (June 4, 1911)”, *Düstur*, II/3 (Dersaadet: Matba-i Osmaniye, 1330), pp.462-467.

As a result of increasing need of control, the CUP government decided to found new security corps dealing with passport controls at entry points. On July 5, 1915, security units were formed named as Inspectorship of Security (*Emniyet Müfettişliği*) for the purpose of tightening control at docks, harbored stations and entry on the Ottoman frontiers.⁴⁵⁰ Since, Istanbul was one of the most important entrance points, Istanbul Inspectorship of Security (*Istanbul Emniyet Müfettişliği*) was found there.⁴⁵¹ As mentioned earlier, internal security gained additional importance for the CUP government during the war years. One of the most effective ways to provide public order was to control newcomers and thus, for the state elites, to intervene beforehand in any situation deemed necessary to prevent the entry of suspected people the country. The foundation of new security units has to be evaluated with reference to the ‘security’ perception of the government during the war years.

It was clear that the local security forces, which had fulfilled duty of the Inspectorship of Security until the foundation of these new corps, were insufficient to provide necessary control at the stations, docks and entry points at the frontiers. Just a few days after the publication of the regulation of Inspectorship of Security, the Police Journal (*Polis Mecmuası*) published a proposal about this issue.⁴⁵² According to the journal, controlling the passengers, who travelled to or from a country, was a natural right of every state. Therefore, the employees were definitely qualified to question travelers in terms of their destination, purpose of travel and general personal information in order to evaluate the appropriateness of their travel according to the actual political and security conditions of the country. Nevertheless, although these control measures and their importance were indicated in the Passport Law, local

⁴⁵⁰ “Hudud kapılarıyla demiryolu mevkufelerinde ve iskelelerde emniyet müfettişliği teşkilat ve vezaifi hakkında nizamname, 22 Şaban 1333/22 Haziran 1331 (July, 5, 1915)”, *Düstur*, II/7, (Dersaadet: Matba-i Amire, 1336), pp. 639-641. The full text translation of this regulation also exists at the National Archives of the United States, see NARA, Department of State, 867.10/1, RG 59, July 12, 1915.

⁴⁵¹ For detailed information about Inspectorships of Security see Chapter 3, pp. 93-94.

⁴⁵² “Hudud kapılarıyla demiryolu mevkıflarında ve iskelelerde emniyet müfettişliği teşkilat ve vezaifi hakkındaki nizamnamenin esbab-ı mucibi layihası”, *Polis Mecmuası*, No. 49, 15 Ramazan 1333/15 Temmuz 1331 (July 15, 1915), pp. 231-233.

security forces responsible for this duty were generally inefficient. Therefore, according to the proposal, the foundation of new security corps was a clear necessity. The proposal also commented on the 3rd article of the Provisional Law of Passport that was about people whose entrance to the Ottoman Empire was totally forbidden even if they had proper passports. It was pointed out that the number of this kind of people had reached to thousands and making it extremely difficult for ordinary passport officers to deal with the control, registration and prevention of their entrance. In this regard, it was proposed that a separate and professionalized security corps be formed to cope with this situation.⁴⁵³ Although, the foundation of the Inspectorship of Security was highly related to the wartime necessities, it remained in existence after the War. However, consolidation of its institutional structure seemed incomplete even after the war.⁴⁵⁴

On November 20, 1918, the Provisional Law of Passport undergoing slight changes became an effectual law.⁴⁵⁵ Nevertheless, in the application of the law there emerged some problems. According to the Istanbul Police Directorate, issuing passports had to be in their capacity. In accordance with the Passport Law and some other regulations, passports were obtained from the passport office under the Ministry of Interior. However in that case, the police would be not informed about incoming travelers and this situation would constitute security problems.⁴⁵⁶ In spite of this fact, the government did not change the procedure and the passports continued to be issued by the passport office under the Ministry of Interior.

According to Kurt, one of the main aims of the Passport Law of 1918, as well as the Provisional Law of Passport promulgated in 1915 and remaining in effect during

⁴⁵³ “Hudud kaplılarıyla demiryolu mevkiîlarında”, *Polis Mecmuası*, No. 49, pp. 231-233.

⁴⁵⁴ BOA.DH.EUM.SSM.40/4, 5 Rebiülahir 1338 (December 28, 1919).

⁴⁵⁵ For instance, the duration of imprisonment for the people who issued or used fake passports, was abolished from the last version of the Passport Law. Instead, the new law declared that these people would be punished in accordance with the Penal Code. “Pasaport Kanunu, 15 Safer 1337/20 Teşrinisani 1334 (November 15, 1918)”, *Düstur*, II/11, (Istanbul: Evkaf Matbaası, 1928), pp. 53-59.

⁴⁵⁶ BOA.DH.EUM.SSM. 40/4, 5 Rebiülahir 1338 (December 28, 1919).

the war years, was to regulate and to restrict travels of the Ottoman Armenians having foreign passports.⁴⁵⁷ According to the 23rd Article of the Provisional Law of Passport, the Ottoman subjects having foreign passports would be imprisoned from six months to two years, in case of their attempt to enter the Ottoman Empire.⁴⁵⁸ Kurt argues that this article of the Passport Laws was deliberately used for preventing the return to the Ottoman Empire the Armenians who had to leave the country after 1915.⁴⁵⁹ As mentioned above, the third article of the passport law also forbade the entrance of several groups of people to the Ottoman Empire. Along with the third article, the twenty-third article of the passport law indicated that passport as an international travel document served as an instrument for surveillance as well as for exclusion of “undesirable elements” during the Great War.

After the evaluation of travel documents and passports as means of control and surveillance, the next section will be dedicated to the analysis of the regular reports of the Travel Office. These reports, which provided detailed information about newcomers to the city, must be evaluated as a complementary means of scrutiny. Furthermore, general regulations about controls over travel documents will be examined alongside the sanctions applied to people who traveled without travel documents or with forged ones.

⁴⁵⁷ Ümit Kurt, “Varlık ve Yokluk Kısı kacında Ermeniler: 1915 Ermeni Kırımının Ekonomik Şiddet Boyutu”, *Türkiye’de Siyasal Şiddetin Boyutları*, Güney Çe ğin and İbrahim Şirin (eds.) (İstanbul: İletişim Yayınları, 2014), pp. 98-99, 117.

⁴⁵⁸ *Madde 23: Ecnebi pasaportunu hamil olarak Memalik-i Osmaniyyeye dahil olan tebaa-i Osmaniyye altı aydan iki seneye kadar habs edilir. “Pasaport Kanun-ı Muvakkatı”, Düstur, II/7, p. 490.* The same article existed in the Passport Law of 1918 with slight changes. To the beginning of the article a phrase was added claiming that “without any compulsory reasons”. *Madde 23: Tebaa-i Osmaniyyeden birisi zaruret-i mübrime müstenid olmaksızın ecnebi pasaprtunu hamilen memalik-i Osmaniyyeye dahil olursa altı aydan iki seneye kadar habs olunur. “Pasaport Kanunu”, Düstur, II/11, p. 58.*

⁴⁵⁹ Kurt, “Varlık ve Yokluk Kısı kacında Ermeniler”, pp. 98-99.

4.3 Reports of Travel Office and General Measures for Controlling Travel

The Travel Office, founded in the initial year of the Great War, became the main office of the state dealing with all movements of Ottoman subjects as well as foreigners that traveled to or from the Ottoman Empire. The reports of the Travel Office were mainly composed of tables including information about travelers. The frequency of the tables varied through time. We may find daily⁴⁶⁰ reports as well as tables that were prepared weekly⁴⁶¹ or monthly⁴⁶².

The tables of passengers traveling to or from Istanbul can be categorized as following: table of travelers who travel to and/or from Istanbul by ship; table of the travelers who came to Istanbul through the road of Dimetoka⁴⁶³, Selanik and Dedeğaç; the table of travelers who travel to and from foreign countries; travelers who went to the Trace from Istanbul by train; table of travelers coming to Istanbul from Konya and Eskişehir; table of the travelers going to the several regions of the Ottoman Empire. Generally, these reports included name, age, nationality, occupation and hometown information of the traveler as well as his/her destination and information about where she/he would stay in Istanbul. Some tables were much more detailed than the others.

For instance, the tables of April 1915 indicate different characteristics. There were four tables including above-mentioned information of one hundred thirty-seven

⁴⁶⁰ For instance, a document gave information about the passengers that came to Istanbul on November 16, 17 and 19, 1915. BOA.DH.EUM.SSM. 8/72, 22 Muharrem 1334 (November 30, 1915). Another table indicated the information of the passengers who went to Istanbul by mail train on February 13, 1916. BOA.DH.EUM.SSM. 4/7, 8 Rebiülahir 1334 (February 23, 1916). For similar tables see BOA.DH.EUM.SSM. 65/24, 17 Şaban 1334 (June 19, 1916), BOA.DH.EUM.SSM. 5/6, 6 Cemaziyelahir 1334 (April 10, 1916), BOA.DH.EUM.SSM. 12/15, 25 Şevval 1335 (August 14, 1917). There are also other documents under the catalogue of the Travel Office that contain daily reports about passengers who travel to and from Istanbul.

⁴⁶¹ Weekly reports were less frequent than daily and monthly reports. For instance, a table was prepared for the passengers who travelled from Istanbul to the Thrace through railway between the dates August 18, 1915 and August 25, 1915. See BOA.DH.EUM.SSM.53/73A, 14 Şevval 1333 (August 25, 1915).

⁴⁶² Monthly reports were the most frequently prepared ones between the years 1914 and 1920.

⁴⁶³ A district of Bulgaria on the frontier of the Edirne Province.

passengers in a file.⁴⁶⁴ Nevertheless, in the same file there was a separate table composed of four passengers about whom there was detailed information. These passengers came to Istanbul on April 30, 1915. Actually, it is difficult to uncover what made these four passengers different from other travelers that came to Istanbul approximately in the same days. They were all subjects of different states: an Austrian, a Greek, an Italian and a Spanish. The occupations of the passengers were also different from each other: an employee in a factory, a farmer, a forger and a clerk. Therefore, there were no common points for these people. However, although there was no explanation in the document, it can be inferred that these people were “suspects” in the eyes of the government. In contrast with the other travelers, detailed appearance information was given about these people: their length, hair, eye, beard, moustache and any other distinguishing characteristics.⁴⁶⁵ It must be noted here that this kind of information was rare in the traveler tables of the Travel Office.

The Istanbul Inspector of Security and the Istanbul Investigation Officer prepared traveler tables and sent them to the Travel Office. Detailed tables were compiled until the end of the War. Although, general information was similar in each table, there were some differences from one to the other. For instance, tables showing the passengers who travelled to Istanbul in January, February and May 1918 indicated the code number of travel document and its date whereas it did not specify the temporary residence address of the traveler in Istanbul.⁴⁶⁶ However, in the last column of the table, named as explanation, temporary residence address of some passengers was noted down. Furthermore, at the end of each table the number of Ottoman subjects was categorized in terms of Muslims, Greeks and Jews. As such, the number of men and women was indicated separately. The majority of passengers were Muslim men,

⁴⁶⁴ Most of the passengers in the tables were Ottoman subjects however there were also some passengers from Italy, America, Germany and Austria. Therefore, the passengers who were not the Ottoman subjects were subjects of whether cobelligerent states or neutral states. BOA.DH.EUM.SSM. 1/24, 17 Cemaziyelahir 1333 (May 2, 1915).

⁴⁶⁵ BOA.DH.EUM.SSM.1/24, 17 Cemaziyelahir 1333 (May 2, 1915).

⁴⁶⁶ BOA.DH.EUM.SSM.21/17A, 4 Şaban 1334 (May 15, 1918).

whereas there was a small number of Greeks and Jews. However, there were no Armenian passengers in the tables. The probable reasons of this situation will be examined in the next chapter in details.

There were hundreds of tables and reports about the passengers who traveled to and from Istanbul. Especially during the last two years of the War, such reports were compiled almost everyday. Although, these reports were composed of tables without any detailed interpretation, it was clear that the control over population was tightened as the War continued. These tables provided a plentiful source of demographic information about newcomers and leavers to and from Istanbul.

Well, why did the government need so detailed demographic information about travelers? One of the most important reasons is implied in the phrase ‘public security’. Living conditions in Istanbul became worse and worse especially after late 1916. As the population of the city increased, the government’s ability to overcome problems of provision became more difficult. Furthermore, for the CUP government, the importance of the maintenance of public order increased year by year. Istanbul, as the capital city and administrative center, had to be administered with control. If public security in the city had been under threat, the government would lose its credibility of governing and its ability of warfare. Thus, the government was forced to take more strict measures to control the population. Regulations about travel permits and passports, foundation of Inspectorship of Security and data storage through the travel reports and tables of the Travel Office were the main instruments of state’s control mechanism. Nevertheless, up to now only legal procedures and regulations about the control mechanisms have been taken into consideration. The next section will attempt to investigate the reflection of these aspects to the daily life in the city.

4.4 Practice of the Policies related to Surveillance and Control

The application of scrutiny mechanisms on travel had always been problematic for the Ottoman State.⁴⁶⁷ When considering the Great War conditions, it is easy to guess how difficult it was to control people's movements within the country. Actually, the government regarded the control over travel as a necessity to maintain the public order particularly in Istanbul and generally in whole country. The frequency of introducing new rules and regulations, the revival of the travel permits and the foundation of new security units under the Inspectorship of Security were indicators of this tendency. As a matter of fact, it can be argued that since Istanbul was the capital of the Empire, it was the city where these regulations were exercised most ambitiously. Nevertheless, there were still lots of problems about the lack of application of these rules and regulations.

For instance, there were frequent cases of travel with invalid travel documents or even without having one. Actually, there were mobile security forces on the trains making routine and random controls for travel documents. When they caught someone who had invalid travel document or no travel document, they made the person get off the train at the nearest station and surrendered her/him to the security forces there.⁴⁶⁸ Then the security forces at the station sent an informative note about this kind of travelers to the relevant officials at the station where the train departed from and would go to. In such a case, the police officer at the station of departure would fall under suspect of complicity as well as the passenger her/himself. For instance, on May 15, 1917, the mobile police officers detected three people having invalid travel documents

⁴⁶⁷ Despite enactment of several laws and establishment of various rules and regulations, the travels to and from Istanbul could not have brought under control during the nineteenth century. See, Turna, *19. YY'dan 20. YY'a Seyahat, Göç ve Asayiş Belgeleri*, pp. 175-180. Demirtaş, "XIX. Yy.da İstanbul'a göçü engellemek", pp. 753-754.

⁴⁶⁸ For example, on May 7, 1917, there were several passengers on the Eskişehir-Istanbul train who did not have travel documents. These people were forced to get off the train at the nearest station and their travel to Istanbul was prevented this way. BOA.DH.EUM.SSM. 10/101, 24 Recep 1335 (May 16, 1917).

for Istanbul.⁴⁶⁹ They had got on the train from the Muradlı Station. The mobile police officers took their invalid travel documents and submitted them to the Istanbul Vice-Security Commissioner (*Istanbul Emniyet Komiser Muavinliği*). The Istanbul Vice-Security Commissioner put a marginal note (*derkenar*) to this correspondence. According to him, the police officer of the Muradlı Station, who approved the travel document by signing the underside of the document as ‘checked’, was responsible in this case.

This instance indicates that there were several phases of control. Furthermore, it was clear that there was no national or religious discrimination in the control mechanism. Both Muslim-Turkish subjects and Christian subjects (in this incident they were Greeks) were subject to the same strict control procedures in case they were travelling with invalid travel documents. Looking at this example, one may argue that despite the absence of any nationality or religion based discrimination, the rules and procedures were applied more strictly to lower classes because the persons in this case were all as such. However, other documents indicate that there actually was not a huge class-based distinction in terms of application of control measures. To illustrate, Şazimend *Hanım*, the wife of Ali Rıza Bey, the Director of the Kefken Harbour, and her Greek servant were detained on the Eskişehir-Istanbul train with invalid travel documents.⁴⁷⁰ They were surrendered to the Derince Gendarmerie Station Command for necessary investigation, and, this way, their travel to Istanbul was prevented. This is an instance showing that even people from upper classes were applied the same procedures if they acted against the rules. Therefore, even though it can still be argued that people from upper classes had some advantages in receiving their travel documents it was a fact that in case of any breach of rules and regulation, almost everybody faced the same legal procedures.

From those control measures covering the whole duration of travel from departure up to destination can be understood that some groups of people were

⁴⁶⁹ BOA.DH.EUM.SSM.10/101, 24 Recep 1335 (May 16, 1917).

⁴⁷⁰ BOA.DH.EUM.SSM.10/101, 24 Recep 1335 (May 16, 1917).

‘unwelcomed’ within the capital’s borders. Who were these people? Who were labeled as “threatening for public security” during the Great War years? For instance, beggars, vagabonds or city poor had always been undesirable elements of Istanbul.⁴⁷¹ Certainly, as the living conditions worsened because of the War, the presence of these people in Istanbul came to stand as a serious problem for the government. On January 20, 1915, the Ministry of Interior published a notification about this issue.⁴⁷² The notification stated that the number of the beggars had been increasing day by day in Istanbul and this was causing disturbance. According to the notification, although most of these people were able to work, they preferred begging. Therefore, those people were considered as “potential criminals” having no reason to refrain from committing wrongful acts. Moreover, according to the official view, these people also damaged the moral life of the city only by their presence in Istanbul. As a result, viewed officially, on the one hand entrance of this kind of people had to be prevented, while on the other hand necessary measures had to be taken “to clean” the city from beggars.⁴⁷³

During the war years, another group of people who “threatened the public security” in Istanbul were orphans coming from other regions. The number of the orphans in Istanbul increased especially during 1917. As it was discussed in the second chapter, war conditions became graver in 1917. Therefore, even the children of families who found it hard to subsist in smaller towns and cities, felt compelled to try

⁴⁷¹ Nadir Özbek made a detailed study of the beggars and vagabonds in Istanbul. Until the eighteenth century, although the inhabitants of the city were sometimes irritated by the existence of beggars and vagabonds in streets, these people were not totally excluded from the city life. Especially, the disabled and old beggars had a certain kind of legitimacy. However, this approach to beggars began to change during the eighteenth century. During this century, people’s capacity of production gained importance. Furthermore, discipline as measure of punishment began to take the place of physical punishments. Moreover, people who were disabled or too old to work became the main target of social welfare programs of the state. In the last quarter of the nineteenth century, during the Hamidian Regime, vagabonds and beggars came to be seen as a general social and moral problem. The *Serseri ve Mazanna-i Su olan Eşhas Hakkında Nizamname* (Regulation on Vagabonds and Suspected Criminals) of 1890 was the first legal document evaluating the poverty as a criminal issue. For detailed information see, Nadir Özbek, *Osmanlı İmparatorluğu'nda Sosyal Devlet, Siyaset, İktidar ve Meşruiyet, 1876-1914*, (Istanbul: İletişim Yayınları, 2002), pp. 65-92.

⁴⁷² BOA.DH.MB..HPS.M...19.19, 10 Rebiülevvel 1333 (January 26, 1915).

⁴⁷³ BOA.DH.MB..HPS.M...19.19, 10 Rebiülevvel 1333 (January 26, 1915).

their luck in the capital. However, the situation in Istanbul was already not good enough to welcome incoming people. In this respect, on August 7, 1917, the general police director of Istanbul sent a correspondence to the Ministry of Interior about this issue.⁴⁷⁴ In this letter, the polis director complained about the rise in the number of orphans in the city. According to him, some of these children came to the city for education, and some others for treatment. Most of them were children of War martyrs. He particularly emphasized that the children who came for treatment had to be immediately sent back to their hometown as soon their treatment finished. Nevertheless, since this required local governments to meet their travel expenditures, most of these children remained in Istanbul, and mostly lived in streets due to lack of proper accommodation.⁴⁷⁵ Besides, under the War conditions, the government had reduced its social welfare expenditures. The general police director of Istanbul stated explicitly this situation in his complaint. First of all, the orphanages in Istanbul were completely full. In addition to that, a part of the Hospital of Wounded (*Yaralı Hastanesi*) under the Ministry of War had been transformed into an orphanage and its capacity had already been reached. In this sense, the number of orphans roaming about the streets was increasing continuously. According to him, this situation was a threat for public security as well as for the provision of the city.⁴⁷⁶ He demanded from the Ministry of Interior that they send notifications to local governors in order for them to prevent sending such children to Istanbul– even in the case that they were children of War martyrs.

The Ministry of Interior took into consideration the complaints of the Istanbul Police Directorate. A notification was published dated as September 20, 1917.⁴⁷⁷ This document claimed that “the number of orphans in Istanbul living in bad conditions was increasing day by day and that they had no chance to find jobs to work or/and places to

⁴⁷⁴ BOA.DH.EUM.6. Şb.18/60, 18 Şevval 1335 (August 7, 1917).

⁴⁷⁵ BOA.DH.EUM.6. Şb.18/60, 18 Şevval 1335 (August 7, 1917).

⁴⁷⁶ BOA.DH.EUM.6. Şb.18/60, 18 Şevval 1335 (August 7, 1917)..

⁴⁷⁷ BOA.DH.EUM.KLU.16/41, 30 Zilhicce 1335 (October 17, 1917).

stay. Furthermore, these orphans were not children of refugees; and even if the case had been so, they still should not be allowed to stay in Istanbul. Since there was not sufficient means of accommodation for them in Istanbul, those children who had come to the city without any official permission had to be sent back to their hometown.”⁴⁷⁸ In the given conditions, the Ministry of Interior nominated the Istanbul Police Directorate to send these children back to their hometowns. Furthermore, local governors were informed about the issue with a warning about not allowing the travel of orphans to Istanbul.⁴⁷⁹ There is no exact information about whether these precautions were successful. However, the implementation of some other methods such as the banishment of “undesirable elements”, including orphans, from Istanbul indicate that the government was not effective in establishing control over the movement of people during the war period.

In the Ottoman Empire, the exclusion of “undesirable elements” out of the capital city was historically called *tebid* (banishment).⁴⁸⁰ Actually, banishment was a penal sanction (*cezai müeyyide*). Since crime and penalty will be examined in the

⁴⁷⁸ BOA.DH.EUM.KLU.16/41, 30 Zilhicce 1335 (October 17, 1917).

⁴⁷⁹ BOA.DH.EUM.KLU.16/41, 30 Zilhicce 1335 (October 17, 1917).

⁴⁸⁰ As a matter of fact, *tebid* and *nefy* were two words used to define the act of exile in Ottoman official documents. Generally, these two words were used interchangeably in the documents. Nevertheless in the Penal Code of 1858, the punishment of exile was named as *nefy* rather than *tebid*. *Nefy-i muvakkat* (temporary exile) and *nefy-i müebbed* (perpetual exile) were two important categories in the Penal Code. Actually, exile had historically been one of the most frequently used ways of punishment in the Ottoman Empire. There had been a variety of crimes that were punished by exile, in the seventeenth century, such as involvement in banditry activities; causing harm to public order; disobedience to laws, rules and regulations; insulting and threatening; abducting (a girl); fraud and corruption; adultery and prostitution and running a brothel; slander and bearing false witness and theft. Then, exile became a part of the Penal Code as a punishment for similar crimes. For detailed information see Kemal Daşcıoğlu, *Osmanlı Devleti'nde Sürgün Siyaseti (XVIII. Yüzyıl)*, (Istanbul: Yeditepe Yayınevi, 2007), pp. 29, 66-91. Although, the meanings of *tebid* and exile are close to each other, in this chapter, the term ‘banishment’ will be used for ‘*tebid*’. The main reason of using ‘banishment’ and ‘to banish’ instead of exile is related to the nature of *tebid* during the Great War years. The dictionary meaning of ‘to banish’ is ‘to expel from or relegate to a country or a place by authoritative decree’ whereas exile means ‘expulsion from one’s native land’. In the documents the act of banishment called as *tebid* rather than *nefy*. As a matter of fact, the people who were banished from Istanbul were generally not natives of Istanbul. There was a great number of people who were from other parts of the Empire or even from other countries. Therefore, these people were not exiled from their homeland, they were banished from a place to another because they were either suspected persons or criminals.

following chapter, here, banishment will not be evaluated in details. In accordance with the content of this chapter, banishment will be examined as a security measure especially exercised against “undesirables”.

Most of the banishment decisions in Istanbul during the War period were made by the administrative authorities rather than by the courts. Therefore, banishment as a penal sanction was applied by the government during the war period as a measure of the “maintenance public order”. According to a document dated as November 4, 1917, five hundred and eighty eight people were banished out of Istanbul between March 1916 and April 1917.⁴⁸¹ There was a variety among these according to their reasons of banishment: among them were suspected people, vagabonds, immigrants, criminals, ex-convicts and people without any networks in Dersaadet.

For instance, seven people were expelled from Istanbul since they had no legitimate reason to stay there, meaning that these people did not have any relatives or occupations in Istanbul.⁴⁸² It is interesting in this case that the reason of banishment was indicated as ‘travel to Istanbul without travel document’ for only one person. From the other documents that were evaluated in the previous paragraphs, it was shown that the number of people who had travelled to Istanbul, without travel documents was not little. Even the children could go to Istanbul without any official documents. This contradiction might have stemmed from the phrase that was used for reason of the banishment. For instance, thirteen children were expelled by the decision of court-martial (*idareten*) to be submitted to their families. There were seventeen

⁴⁸¹ BOA.DH.EUM.1.Şb.8/15, 19 Muharrem 1336 (November 4, 1917). Additionally there is one more document in the same character. Both of the documents were composed of tables about banishments out of Istanbul. The information that these tables included is as the following: name, hometown, nationality, occupation, age of the person, date, place and reason of banishment, and the office giving the decision to banish. Moreover, another document included banishment information of sixteen people. BOA.DH.EUM.ADL.47/35, 5 Şevval 1334 (August 5, 1916). Compared to the former document, this one provides information about a limited number of people. Ten of the sixteen people were banished because of one of the following reasons: not having a relationship with Dersaadet, being vagabond, homeless and unemployed.

⁴⁸² On the document there is a phrase as ‘*alakasız*’ (unrelated) or ‘*iş ve alakası olmamasından*’ (unrelated with no occupations). BOA.DH.EUM.1. Şb.8/15, 19 Muharrem 1336 (November 4, 1917).

vagabonds among five hundred eighty eight people.⁴⁸³ Probably, most of these people entered to Istanbul without travel documents however this situation was not explicitly indicated on the tables.

During the War years, one of the most frequent reasons for banishment was being identified as “*şüpheli*” (suspect). For instance, according to a document, between March 1916 and April 1917, there were one hundred and nine “suspected” people that were expelled from Istanbul.⁴⁸⁴ Seventy-five of the suspected were foreigners; twenty-three were Ottoman subjects and the origin of eleven being unknown. There was no explanation for the definition of being “suspect”. As a matter of fact, this category was extremely ambiguous. Everybody could be identified as “suspect” under the war conditions. In fact, the category of “suspect” brought espionage to mind in case of war. However, it must be noted here that “suspects” did not refer to espionage because in this table there was also a category for the banished people as being spy, which made up a small part of all banishments.

The Ministry of Interior gave most of the banishments decisions for those identified as “suspect”.⁴⁸⁵ Majority of these were foreigners. This is no coincidence considering the fact that within the war conditions central governments tended to be more cautious against everybody, especially those who are foreign elements. Naturally, among these the citizens of hostile countries were perceived as the principal threat. Of course there were also “suspected” Ottoman subjects who were banished out of Istanbul. These “suspected” Ottoman subjects were generally from other provinces.

⁴⁸³ BOA.DH.EUM.1. Şb. 8/15,19 Muharrem 1336 (November 4, 1917).

⁴⁸⁴ BOA.DH.EUM.1. Şb. 8/15,19 Muharrem 1336 (November 4, 1917).

⁴⁸⁵ Seven out of one hundred and nine people were expelled as a result of the Ministry of Justice’s decision. Twenty-one people were expelled from Istanbul as a result of decision taken by court-martial (*idareten*). Therefore, twenty-eight people were banished from Istanbul as a result of court decision whether military or civilian. It is clear that majority of the suspected people were exiled from the capital as a result of administrative decisions. Twenty-three people were banished through the decision of military government (*hükümet-i askeriye*). The rest of the suspected (almost sixty people) were dismissed through the decision of the Ministry of Interior. BOA.DH.EUM.1. Şb.8/15, 19 Muharrem 1336 (November 4, 1917).

In this table, among the “suspected” people, there was only one Istanbulite person.⁴⁸⁶ Fifteen of twenty-three Ottoman suspected people were Muslims and the rest eight people were non-Muslims. Furthermore, the eleven suspected people, whose nationality was not indicated in the table, had non-Muslim names.

This table indicates that the government evaluated some people as “threat” to the public order during the war years. Although, these people were not criminals and/or ex-convicts, their presence at the capital was perceived as a problem on its own for the government. These groups of people had to be expelled from the city or even had to be under control in order to prevent their ‘probable’ harmful acts. Next chapter will examine three groups of people in terms of ‘policing the demographic structure’: the refugees, countrymen (*taşralı*) and vagabonds;⁴⁸⁷ the foreigners; and finally the non-Muslim elements.

⁴⁸⁶ BOA.DH.EUM.1. Şb.8/15, 19 Muharrem 1336 (November 4, 1917).

⁴⁸⁷ The refugees, countrymen and vagabonds will be evaluated together because during the war period these three categories were closely related to each other. For instance, if a person migrated to Istanbul and failed to find a job, then she/he would be categorized as vagabond. Or a vagabond would be sent to his hometown being categorized as a countryman.

CHAPTER 5

POLICING THE POPULATION: “SUSPECTS” AS “DANGEROUS CLASSES”

Discretionary power of security forces and administrative authorities provides them a broad space to decide on who to be considered as “threatening” for internal order. At this point, the priorities of state elites and administrators become the main factor in specifying particular groups of people as “suspect”. Different from ordinary time periods, during war periods, state elites’ perception of “enemy within” becomes especially influential in specifying “suspect”.

This was exactly the case for the Ottoman State during the Great War. According to the CUP government, since Istanbul was the political, economic and social center of the Empire, maintaining public order in the city was certainly a prerequisite for better warfare. Groups of people, who were not regarded as potentially dangerous during peacetime, came to be seen as elements of “enemy within”. In this respect, the government and security forces began to implement harsher punishments as well as to develop extraordinary mechanisms of surveillance and control for repressing “enemy within”. The typical discourse of the government in justifying this was the maintenance of public order for the sake of ‘public good’.

The discretionary power of the government and under it, the Ministry of Interior and the General Directorate of Security increased remarkably during the war years. Therefore, being the authority to define “enemy within”, they could accordingly label some groups of people as dangerous. Furthermore, within the war conditions, they easily found “appropriate” basis for the implementation of radical measures to control these people.

In fact, labeling some socio-economic groups as “threatening” to internal order was not a case specific to war periods. In nineteenth century, as a result of socio-economic changes in the big cities of Europe, some groups of people came to be

categorized as “dangerous classes” since, from the perspective of ruling elites, these people were threatening to disrupt the existing economic and political system. Beggars, vagrants, prostitutes and other city poor were typically among such elements. Likewise, similar social groups also became a target for the governments in the Ottoman Empire throughout the nineteenth century. In the Ottoman archival documents these people were generally categorized as “suspect”.

During the war, refugees, countrymen and vagrants were as usual regarded as “suspects”. However, there was inevitably a change in the content of “dangerous classes” as the war conditions required. For instance, foreigners not being a part of “suspects” during peacetime came under close scrutiny. Similarly, minorities including Ottoman Greeks and Armenians became the target of strict state surveillance. Although they had already been regarded as potentially “dangerous” during the nineteenth century, the government had never been able to implement far-reaching policing strategies as were later possible during the Great War.

Whereas foreigners and minorities were considered as a threat in the sense of being “potential political criminals”, refugees, countrymen and vagrants were predominantly treated as “non-political potential criminals”. However, such demarcation was in practice never so clear-cut. Furthermore, as will be analyzed in the sixth and seventh chapters, crime is a ‘politically defined’ and ‘contextually constructed’ socio-economic phenomenon meaning that ‘criminalization’ is by itself ‘political’. As will be examined in the next section, most of the countrymen were banished from Istanbul just because they were Armenians. Thus, it can be argued that although the apparent reason for scrutinizing certain groups of people was non-political, in reality the whole process turned to be political. The next section will focus on the surveillance and scrutiny of refugees, countrymen and vagrants.

5.1 Refugees, Countrymen and Vagrants: “Probable Criminals” and “Usual Suspects”

There were mainly two types of migration to Istanbul during the nineteenth century. On the one hand, Anatolian single men (*bekars*) came to Istanbul in large numbers for finding jobs. On the other hand, the inhabitants of the lost lands of the Empire began migrating to Istanbul.⁴⁸⁸ As discussed in the second chapter, Istanbul was one of the centers where refugees⁴⁸⁹ from the Balkans and Caucasia came to. The main target of the state was to send these refugees from Istanbul to other parts of the Empire as soon as possible. Nevertheless, as Istanbul had always been a centre of attraction, the refugees somehow tried to stay in the city. Furthermore, even if the state had settled them down in other parts of the Ottoman Empire, they tried to migrate back to Istanbul again. This situation became a massive problem after the Great War broke out. Along with problems regarding the provisioning of the city, public security assumed utmost importance during the war for the state elites, and newcomers came to be regarded as “threatening” from both aspects.

In 1915, the Ministry of Interior published an ordinance about the issue.⁴⁹⁰ According to this ordinance refugees who migrated to any other region in the Ottoman

⁴⁸⁸ For detailed information about migrations to Istanbul, see Chapter 2, pp. 40-42.

⁴⁸⁹ In the Ottoman documents *muhacir* (refugee, immigrant) was used as a general term for the people coming from lost parts of the Empire. Besides, the number of documents in which there was a distinction between *muhacir* and *mülteci* (refugee) was few. As a matter of fact, there was confusion at this point in the minds of the Ottoman statesmen. On January 3, 1918, at a parliamentary debate, there were questions about what the difference between *muhacir* and *mülteci* was. Hamdi Bey, the director of the General Directorate of Tribes and Refugees, explained the difference between *muhacir* and *mülteci* as the following: “we call all the people without any restriction of nation and religion as *mülteci* who took refuge to the inside of the Ottoman borders due to the invasion of their cities and towns by the enemy states. The people, who were called as *muhacir*, migrated to the Ottoman Empire from the lands which were left to other states by agreement.” Fuat Dündar, *İttihat ve Terakki'nin Müslümanları İskan Politikası, 1913-1918*, (Istanbul: İletişim Yayınları, 2002), pp. 227-228. Nevertheless, most of the time, *muhacir* was used in the documents to denote *mülteci*. In English, the word ‘refugee’ corresponds to both of these words. In the Ottoman documents, the people coming from Anatolia or other parts of the Ottoman Empire to Istanbul were called as *taşralı* (countryman). Therefore, in this thesis *taşralı* (countryman) and *muhacir* (refugee) will be used in the same way as in the Ottoman documents.

⁴⁹⁰ BOA.DH.MB..HPS.154/80, 17 Şaban 1333 (June 30, 1915).

Empire would not be allowed to stop in Istanbul. On the other hand, these refugees would be allowed to go their destinations without travel documents, as their passports⁴⁹¹ would be considered as sufficient for their internal travel up to their final places of settlement. Probably, this regulation was put in force in order to prevent the accumulation of refugees in Istanbul.

In May 1914, there was a series of correspondence among the Ministry of Interior, Ministry of Foreign Affairs and Istanbul Police Directorate about Albanian refugees. According to the correspondence, Albanian refugees were trying to go to Mudanya, Istanbul and its vicinity without any official permission. Actually, despite the fact that Ottoman authorities had given an order to prevent their migration to Mudanya, Istanbul and its vicinity these refugees still tried every opportunity to migrate to Istanbul by colluding with agents. The Ministry of Interior indicated that Dersaadet (Istanbul), İzmir, Edirne, Hüdavendigâr (Bursa), Çatalca, Karesi, Kale-i Sultaniye (Biga), İzmit and Mentеше were forbidden for the entry of Albanians and Bosnians. Instead, these refugees were to be directed to Syria and Sivas.⁴⁹²

Yet, the problem of Albanian refugees continued in the following months. In November 1914, the General Directorate of Tribes and Refugees sent an order to Edirne Province stating that Albanian refugees would be kept there whereas other refugees would be permitted to travel to Istanbul.⁴⁹³ There was no explanation for the reason of this selection – accepting refugees other than those being Albanians – but it is clear that the migration of Albanian refugees to Istanbul constituted a problem for the government. It was certainly related to the Albanian Revolt of 1912, as a result of

⁴⁹¹ The ordinance provides detailed information about the passports of the refugees. There were two kinds of passports that the refugees carried: travel passports and immigration passports. If a refugee came with immigration passport, she/he would be directly registered and settled down without any additional procedures. There would be additional procedures for the owners of the travel passports. If a refugee with travel passport had been expelled from the citizenship of the country where s/he came from and requested Ottoman citizenship, the government would make an inquiry about the refugee. If s/he qualified as eligible for the citizenship, the procedures of the *Muhacirin Nizamnamesi* (Regulation of Refugees) would be applied. BOA.DH.MB..HPS.154/80, 17 Şaban 1333 (June 30, 1915).

⁴⁹² BOA.DH.EUM.6.Şb.23/14-H, 22 Cemaziyelahir 1332 (May 18, 1914).

⁴⁹³ BOA.DH.ŞFR.46/261, 20 Zilhicce 1332 (November 9, 1914).

which the government had lost its confidence towards the Albanians.⁴⁹⁴ Thus, the migration of Albanians to the Ottoman capital in great numbers was considered as a potential threat. As a matter of fact, during the nineteenth century, the Albanian refugees, especially those having rural origin, were associated with crime and violence by the Ottoman state elites. This strong bias was later to constitute the basis for the justification of migration and settlement policies regarding these refugees during the war years.⁴⁹⁵ In 1917, the CUP government tried to regulate Albanian entrance and settlement in the Ottoman Empire through an ordinance including six main guidelines. This ordinance once again repeated the official decision to preclude Albanians from travelling to and settling in Istanbul.⁴⁹⁶

Actually, Albanians were not the only group of refugees trying to migrate to Istanbul. When the Ottoman Empire entered the Great War, additional refugees started coming to Istanbul from invaded lands. These newcomers were regarded as a burden over the existing economic circumstances of the city. Thus, for instance, if a refugee did not have any relative or/and job in Istanbul, the Istanbul Police Directorate was inclined to send this person to other parts of Anatolia. For example, in March 1915, Istanbul Police Directorate sent a correspondence to the Ministry of Interior about a refugee from Prizen.⁴⁹⁷ According to this correspondence, Halil bin Bayram was a refugee from invaded lands, having no relative and job in Istanbul; thus his presence in the city was not appropriate. However, the Ministry of Interior declined the demand for his banishment stating that the reasons were not sufficient. Besides, other probable places where he might be sent to were already not available for refugees. Therefore, it

⁴⁹⁴ Ryan Gingeras, *Sorrowful Shores: Violence, Ethnicity, and the End of the Ottoman Empire, 1912-1923*, (Oxford, New York: Oxford University Press, 2009), p. 48.

⁴⁹⁵ For instance, Albanian refugees were recruited in the Special Organization (*Teşkilat-ı Mahsusa*) operating as paramilitary forces of the Ottoman Army, meaning that the CUP government made use of the “crime and violence tendencies” of the Albanians. Gingeras, *Sorrowful Shores*,” pp. 49-51.

⁴⁹⁶ Other locations forbidden for Albanian settlement were the provinces of Aydın, Edirne and Hüdavendigâr and the *livas* of Çatalca, Kale-i Sutaniye, İzmit and Gelibolu. For detailed information, see Gingeras, *Sorrowful Shores*,” p. 47.

⁴⁹⁷ BOA.DH.EUM.ADL.2/37, 13 Cemaziyelahir 1333 (April 28, 1915).

would be more appropriate to allow Halil bin Bayram and others in similar situation to stay in the city as long as they did not commit any wrong doings against public order.⁴⁹⁸ Despite that, Istanbul Police Directorate continued regarding the existence of this kind of people in the city as a security problem on its own even in case they were not involved in any illegal doings. Thus, the attitude compared to the Ministry of Interior was stricter during the initial years of the war.

In any case, the Ministry of Interior was interested in maintaining control over refugees coming Istanbul. For instance, in February 1915, some refugees came to Istanbul with unsealed or improperly sealed travel documents. The Ministry of Interior fearing an increase in the number of such refugees felt the necessity of an official order about the issue. The order stated that any person without solid and officially approved reasons should be denied from travelling to Istanbul. Moreover, even in cases of compulsory migrations, it was the duty of officials to declare and recommend whatever was required from people for official travel documents.⁴⁹⁹ Therefore, although, these documents indicate that the number of refugees trying to settle in Istanbul increased during the war, there is no exact statistics for that. Probably the number of refugees in Istanbul became higher and higher during the following years of the Great War.

In 1917, when the war conditions became graver, an imperial decree for the maintenance of security and order was promulgated.⁵⁰⁰ The first article of the decree stated that people, who wanted to be tenants at the bedsitter (*bekar odası*), hotels, apartment buildings etc, had to present a proper notification of identity to landlords, including information about their names and titles; religion and citizenship; the place and date of birth; date and reason of their arrival; proposed duration of their stay; name and title of their fathers; and finally, name, citizenship, religion and age of women,

⁴⁹⁸ BOA.DH.EUM.ADL.2/37, 13 Cemaziyelahir 1333 (April 28, 1915).

⁴⁹⁹ BOA.DH.MB..HPS.M... 19/65, 24 Rebiülahir 1333 (March 3, 1915).

⁵⁰⁰ “Takrir-i emin ve inzibata müteallik bazı tedabiri havi mukarreratı hakkında irade-i seniyye, 11 Zilkade 1335/ 30 Ağustos 1333 (August 30, 1917)”, *Düstur*, II/9, (Istanbul: Evkaf Matbaası, 1928), pp. 717-719.

daughters and wives accompanying them. Accordingly, landlords would have to submit notifications to police stations within 24 hours. If tenants did not present information of their identity, then, landlords would refuse to accept these people as tenants to their places. Furthermore, male persons up to the age of eighteen had to present separate notification of identity even when they were under the care of their families.⁵⁰¹ In this way, the security forces were supposed to have on hand detailed records about the newcomers.

The third article of the decree was also an indicator of strict control mechanism over “suspected” persons, criminals and ex-convicts. According to this article, security forces were authorized to take the fingerprints and photos of the following: those who committed an offense that violated the public order and security (theft, fraud, pick-pocketing, gambling, deterioration of public order, debauching especially young people and seduction); those highly suspected of committing the crimes mentioned above; vagrants, runaways from foreign countries to the Ottoman Empire, refugees, beggars; people banished from one place to another within the Ottoman Empire or to out of the country; persons who made false declaration of their names to security forces when they were detained; persons whose fingerprints and photos were requested by courts and prosecutors; gypsies evaluated as suspect by security forces; persons habitually involved in prostitution.⁵⁰² The fifth article was about punishment in case of opposition to this decree. Accordingly, people who did not respect the requirements of the decree would be punished in compliance with the third addition to the 99th article of the Penal Code.⁵⁰³

⁵⁰¹ “Takrir-i emin ve inzibata müteallik bazı tedabir”, *Düstur*, II/9, pp. 718-719.

⁵⁰² “Takrir-i emin ve inzibata müteallik bazı tedabir”, *Düstur*, II/9, pp. 718-719.

⁵⁰³ “Takrir-i emin ve inzibata müteallik bazı tedabir”, *Düstur*, II/9, p. 719. According to the third addition to the 99th article of the Penal Code, the people who opposed to the regulations, decrees and rules of the state for maintenance public order and general morality would be imposed a fine from one to fifteen liras or be sentenced to imprisonment from 24 hours to one month. “28 Zilhicce 1274 tarihli Kanun-ı Cezanın bazı mevadını muaddel kanun, 6 Cemaziyelahir 1329/22 Mayıs 1327 (June 4, 1911)”, *Düstur* II/3, (Dersaadet: Matba-i Osmaniyye, 1330), p. 444.

This decree, with its punitive sanctions, indicated how the authority of security forces became broader in scope through legal regulations during the war years. In this respect, anyone considered as “suspect” by security forces were treated as probable criminals and received similar treatment as actual criminals. The government increased the surveillance power in the name of maintaining public order. One of the main reasons of publication of the imperial decree was probably maintaining control over countrymen in the Istanbul because countrymen, who migrated to Istanbul from smaller Anatolian provinces, were immediately regarded as “suspect”.

From March 1916 to April 1917, six people were banished from Istanbul on the grounds that they were from other provinces.⁵⁰⁴ Four of these were Muslims and two of them were non-Muslims. They were either sent back to their homelands or expelled to other provinces. Although, the numbers are in case not big enough to make generalizations, there were many other individual instances of banishment from the capital on grounds of being a countryman. As a matter of fact, Mustafa Reşat [Mimaroglu], the director of the political section (*siyasi kısım*) of Istanbul Police Directorate, stated in his memoirs that during the war there was a deliberate policy of sending single countrymen – whether Muslim or non-Muslim – to their homelands in order to prevent probable security and provisioning problems in Istanbul.⁵⁰⁵ Therefore, by reference to this official policy, it can be argued that the number of Muslim and non-Muslim countrymen banished from Istanbul was probably higher than actually stated.

In fact, most of the time being a countryman was the apparent reason for banishment decision whereas in the base there might be other reasons. In this sense, especially following the Armenian deportation, Armenians from other provinces were forbidden to travel to Istanbul. Nevertheless, in the documents the reason of their banishment was denoted as ‘being a countryman’ rather than being an Armenian. In

⁵⁰⁴ BOA.DH.EUM.1. Şb. 8/15, 19 Muharrem 1336 (November 4, 1917).

⁵⁰⁵ Mustafa Reşat Mimaroglu, *Gördüklerim ve Geçirdiklerim'den Memurluk Hayatımın Hatıraları*, (Ankara: T.C. Ziraat Bankası Matbaası, 1946), p. 56.

one instance, in June 1917, an Armenian from Edirne, who had been relieved of military duty by the way of redemption payment (*bedel-i nakdi*), came to Istanbul.⁵⁰⁶ Then a series of correspondence took place between the Ministry of Interior, Istanbul Police Directorate, Istanbul Central Commander (*Merkez Kumandanı*) and the Edirne Police Directorate about Armenians in similar situation. According to these correspondences, similar Armenian countrymen that had been discharged from military duty in exchange for redemption payment or through sick leave were trying to go to Istanbul. Talat Bey, the Minister of Interior, indicated that such Armenians being countrymen and having no relation with Istanbul must be banned from traveling there. Furthermore, according to the comment of Talat Bey, such Armenians in Istanbul must have expelled from the city and led to settle in Koçhisar and Tuzgözü regions of the Konya province.⁵⁰⁷

As a matter of fact, the migration of countrymen to Istanbul was considered as problematic by the government due to existing provisioning problems. However, the migration of Armenian countrymen to Istanbul must have had other implications for the government. Since, Armenian subjects in Istanbul had not been obliged to mass deportation, Armenians in general considered the capital as a relatively safer place. Yet, the government aimed at deporting the Armenians in provinces and towns within the close vicinity of Istanbul. Therefore, Armenians who had recently arrived in Istanbul from other places were subjected to banishment from the city and generally sent to Anatolia and Zor where native Armenians had been deported. For instance, an Armenian from İzmit who had come to Istanbul in 1912 and had been working there for four years was deported to Anatolia in 1916. The reason of his deportation was indicated as having been identified as “suspect” in addition to being a single countryman.⁵⁰⁸ Therefore, as this example demonstrates, not only having been a

⁵⁰⁶ BOA.DH.EUM.2.Sb.24/42, 19 Ramazan 1334 (July 20, 1916).

⁵⁰⁷ BOA.DH.EUM.2.Sb.24/42, 19 Ramazan 1334 (July 20, 1916).

⁵⁰⁸ BOA.DH.EUM.2.Şb.30/49, 22 Muharrem 1335 (November 18, 1916) Another instance was an Armenian woman from Adapazarı. Since her family in Adapazarı was deported, her application for

countryman but also being a ‘single countryman’ could be considered as a valid reason for banishment from the official perspective.

In August 1915, a fifteen years old Armenian boy called Nazaret was deported to Konya.⁵⁰⁹ On December 15, 1915, his mother wrote a petition to the General Directorate of Security, Ministry of Interior indicating that Nazaret had been detained while he was returning home from his school in Kadıköy on August 21, 1915. According to the petition, security forces had identified him as an orphan despite the fact that he was living together with his mother and sisters in Kadıköy. He had been deported to Konya on August 22. The mother requested the return of her son to Istanbul since all his family was living there. The General Directorate of Security sent a correspondence to the Istanbul Police Directorate conveying the petition and requesting the reason of his deportation. According to the response of the Istanbul Police Directorate, Nazaret had been deported on grounds of being among the people who were countrymen and single.⁵¹⁰

As this case shows, there were instances of abuses and mistreatments. Nazaret was a schoolboy at the age of fifteen living with his family in Istanbul. Therefore, his identification as a ‘single countryman’ had no valid basis. However, he was forcefully deported to Konya with no right of objection and made to remain there for more than three months. Although, there is no exact information about the frequency of such mistreatments, it is not difficult to guess that the number of such cases had not been low, as in war conditions the government and security forces gained extreme power in the name of maintaining public order.

Another suspected group were the people who did not have any occupation in Istanbul. Generally, in the documents two words, *serseri* (tramp or vagrant/vagabond) and *işsiz güçsüz* (jobless and idle), were used for describing these people. In sum,

registration to the Istanbul Population Registry (Dersaadet Sicil-i Nüfus) was denied. BOA.DH.EUM.2.Şb. 32/4, 02 Rebiülevvel 1335 (December 27, 1916)

⁵⁰⁹ BOA.DH.EUM.2.Şb.15/16, 20 Safer 1334 (December 28, 1915).

⁵¹⁰ BOA.DH.EUM.2.Şb.15/16, 20 Safer 1334 (December 28, 1915).

vagabond/vagrant suffices to meet the meaning of these words. Actually, vagrants had historically been undesired elements in Istanbul. Especially during the nineteenth century their number had increased. Since they had been evaluated as “potential criminals”, their existence in Istanbul had been regarded as a problem on its own by officials.⁵¹¹ The first legal document about controlling vagabonds entitled Regulation on Vagabonds and Suspected Criminals (*Serseri ve Mazanna-i Su-i olan Eşhas Hakkında Nizamname*) published in 1890.⁵¹² Following the Constitutional Revolution of 1908, on May 10, 1909, the same regulation was reformulated as a law named as ‘Law on Vagabonds and Suspected Criminals’ (*Serseri ve Mazanna-i Sui olan Eşhas Hakkında Kanun*).⁵¹³ This law was in force during the war years and afterwards.

According to the fourth article of the law, any person, whose vagrancy was ascertained by security forces and a prosecutor, would be employed in the municipality or other public works for a period of two to four months. In the case when there were no appropriate positions in the city for that, he would be sent to his homeland or any other place for similar employment. Such decision of a court would be closed to appeal and became effectual immediately.⁵¹⁴ Vagrants who assumed the public duty assigned to him or who found a permanent job during in the meantime would be allowed free. According to the eighth article, if a vagrant absconded from public work or failed to work properly or was arrested for a second time as a vagabond during the same year, then in any of these cases, he would be banished for a period of three months to one

⁵¹¹ For detailed information about surveillance and control mechanisms implemented on vagrants during the reign of Abdülhamid II, see Yılmaz, *Serseri, Anarşist ve Fesadın Peşinde*, pp. 126-134.

⁵¹² Ergut, *Modern Devlet ve Polis*, p. 245.

⁵¹³ This law was composed of three parts and twenty-two articles. The first part was about the vagabonds. The first article was about the description of vagrant: a person having had no job for two months and not seeking any permanent job in the meantime. A person who had made beggary the means to earn his living despite being eligible for work was also counted as vagabond. The second part was about the suspected. The third part was composed of joint provisions for vagabonds and suspected criminals. “Serseri ve mazanna-i su-i eşhas hakkında kanun, 19 Rebiülahir 1327, 27 Nisan 1325 (May 10, 1909)”, *Düstur*, II/1, (Dersaadet: Matbaa-i Osmaniyye, 1329), pp. 169-173.

⁵¹⁴ “Serseri ve mazanna-i su-i eşhas hakkında kanun”, *Düstur*, II/1, p.170.

year.⁵¹⁵ Security forces were authorized to arrest and send to prosecutors the vagrants who made a habit of rambling around places prohibited for that or who displayed other suspicious behavior. These vagabonds would be imprisoned for one week to six months or would be exiled for three months to two years.⁵¹⁶

Although being a vagabond had some punitive conclusions for these people, vagrancy was not a part of the Penal Code. On the contrary, the state made a separate regulation for vagrancy and determined its punishments in a separate law. Actually, the mentality behind this regulation was to prevent crimes before they were committed. Therefore, the punishments for vagabonds were actually for crimeful acts that had not been committed yet.⁵¹⁷ There were two aspects of the regulation about vagrants. On the one hand, there was an attempt to put people who were idle into working life by employing them in public works. This way, these people would be “harmless” to public life and become “productive” elements of the society. Instead, on the other hand, vagabonds who were “incorrigible” would be kept away from city life and be banished to the other places.

Certainly, in war conditions, employing vagrants in public works was challenging for the government. In any case, it was also impossible to keep vagrants in Istanbul. Therefore, starting with the first year of the war, there was a policy of banishing vagabonds from Istanbul. For instance, in February 1915, a person from İzmit was sent out of Istanbul since he had no job or any connection with the city.⁵¹⁸ The reason of sending him out of the city was indicated as a ‘security measure’. In another instance, a vagrant of Greek origin was banished to Ankara. While the court decision about him stated that he would either be employed in public work or sent to

⁵¹⁵ “Serseri ve mazanna-i su-i eşhas hakkında kanun”, *Düstur*, II/1, pp. 170-171.

⁵¹⁶ “Serseri ve mazanna-i su-i eşhas hakkında kanun”, *Düstur*, II/1, p. 171.

⁵¹⁷ Ergut, , *Modern Devlet ve Polis*, p. 250.

⁵¹⁸ BOA.DH.EUM.3.Şb.4/5, 5 Rebiülahir 1333 (February 20, 1915).

another place to find a job,⁵¹⁹ the Istanbul Police Directorate preferred to banish him out of Istanbul just as many other vagabonds.

Actually, the number of vagrants sent to other provinces was not small. In March 1915, a correspondence was sent from the Ministry of Interior to the Hüdavendigâr province and İzmit and Kütahya *sanjaks* about vagrants sent there from Istanbul.⁵²⁰ According to this correspondence, governors at these localities had to transfer the persons sent as vagabonds to appropriate places within the *sanjak* or province with regard to their nationalities. Thus the banishment of vagabonds was a regular process in which nationality was a decisive attribute.

The government regarded the banishment of vagrants from the capital city as essential for the maintenance of public security. Nevertheless, officials also had to take into account the security of other places. For instance, ninety-nine vagabonds were sent from Istanbul to Balıkesir in April 1915.⁵²¹ The officials transferred these persons to Soma that was on a military route. Since the security forces there were insufficient, the local governor wrote to the Ministry of Interior requiring that they did not send any other groups of vagrants to the province. Hereupon, the General Directorate of Security warned the Istanbul Police Directorate about the issue. The General Directorate of Security indicated that people classified as vagabonds would be separated into three groups by the Istanbul Police Directorate and then would be banished from Istanbul in a specific order. First, some would be sent to other regions of the Empire and would be left free to settle therein. Second, some others would be transferred to their hometowns. Finally, some would be banished to pre-determined destinations where they would be directed to settle in precise locations. Hence, probable disorder would be minimized.⁵²²

⁵¹⁹ BOA.DH.EUM.MH.269/32, 3 Recep 1334 (May 6, 1916).

⁵²⁰ BOA.DH.ŞFR.50/194, 20 Rebiülahir 1333 (March 7, 1915).

⁵²¹ BOA.DH.EUM.KLU.8/38, 19 Cemaziyel 1333 (April 4, 1915).

⁵²² BOA.DH.EUM.KLU. 8/38, 19 Cemaziyel 1333 (April 4, 1915).

The banishment of vagrants continued during 1916 and 1917. The table from these dates summarizing people banished from Istanbul to other regions or even out of borders of the Empire also included those banishments as vagrants. Seventeen vagabonds were expelled from Istanbul according to this table.⁵²³ Six of these were women. Most of them were sent to Ankara. Only three were sent to their hometowns. One Iranian vagabond was exiled outside the Empire. This table, as well as other documents, specifies Ankara as one of the centers for the banishment of vagrants. Konya and Kütahya were among other cities of exile. It is likely that these places were selected according to their distance from the fronts and military routes due to security concerns.

Although the government tried to get rid of vagrants in Istanbul during the war years it is not clear to what extent the policy was successful. Probably, the regulations about travel and the rise of the *de facto* power of administrative mechanism on controlling the city population resulted in the banishment of a large number of vagrants from the city. However, this time, the local administrative authorities complained about increasing security problems in the regions where vagrants were sent. Nevertheless, because under the war conditions the government's priority was to control the capital city, the Istanbul Police Directorate neglected the situation of other regions to an extent.

The next section will be on foreigners constituting an other group of "suspects" not being identified as "potential threat" to internal order in peacetime, they came to be seen as such and became targets for scrutiny policies and policing measures during the war.

⁵²³ BOA.DH.EUM.1. Şb.8/15, 19 Muharrem 1336 (November 4, 1917).

5.2 Foreigners

Istanbul had a notable foreign population when the Great War broke out. Actually, Istanbul historically had been one of the Ottoman cities with the highest foreign population. This fact had stemmed from several features of the city. First, it had been the administrative and political center of the Ottoman Empire. Therefore, a great number of people working at the consulates, embassies and other diplomatic institutions had been living in the city with their families. Next, Istanbul had been one of the biggest harbor cities of the Ottoman Empire with a dynamic commercial life. Thus a great number of foreign tradesmen had been living in Istanbul or visiting the city from time to time. Finally, Istanbul had been the financial center of the Ottoman Empire where considerable number of foreign banks and international corporations were present.

The legal status of foreigners in the Ottoman Empire had been determined by the capitulations since 1650.⁵²⁴ Foreigners had several privileges in their entrance to and residence in Istanbul, as well as other parts of the country. Ottoman governments had tried to change this situation from time to time however they had never succeeded in bringing the legal status of the foreigners within the scope of the Ottoman laws.⁵²⁵ When the Great War began, an opportunity for the elimination of capitulations appeared for the Ottoman Empire. The capitulations were abolished unilaterally in September 1914. This development also provided the government a chance to reorganize the legal status of foreigners in terms of their travel and residence in the country.

In 1914, the foreign population in Istanbul was 129.927. The majority of this population was composed of males. The male foreign population was 101.554 whereas

⁵²⁴ Nejdett Bilgi, "Osmanlı Devleti'nin 1917 Yılı Yabancı Nüfusu", *Tarih İncelemeleri Dergisi*, Vol. XXV, No. 1, (July 2010), p. 102.

⁵²⁵ Bilgi, "Osmanlı Devleti'nin 1917 Yılı", p. 103.

the female foreign population was 28.373.⁵²⁶ There is no exact information about distribution of this number in terms of nationalities. Nevertheless, when the city population, which was 909.978 according to the Population Statistics of 1914, is taken into consideration, the number of the foreign population was remarkable.⁵²⁷

When the Ottoman Empire entered the Great War, the CUP government felt the necessity for new regulations regarding the scrutiny of foreign population living in the Empire. Charles Vinicombe, a British national living in Istanbul during the war years, stated that following the Ottoman Empire's entry to the Great War, the first implementation of the government regarding foreigners was to make their registry to the police stations compulsory.⁵²⁸ In addition, foreigners were prohibited from staying out later than 9 pm in the evenings, therefore being subjected to a curfew in a sense.⁵²⁹ As a matter of fact, similar to the situation of foreigners living in other belligerent states, the Ottoman Empire's entry to the Great War became a turning point for the foreigners living in Istanbul.

Following the declaration of *jihad* on November 14, 1914, a great number of Muslims joined mass demonstrations in Istanbul against enemy states.⁵³⁰ During these demonstrations, several places owned or run by foreigners being citizens of enemy states – France, Britain and Russia – were attacked. The famous hotel of Tokatlıyan located at Pera became the target of such an attack due to being owned by a Russian-Armenian. Another such attack targeted the Russian monument located in Ayastefanos (San Stefano), in which a group of demonstrators occupied and damaged the

⁵²⁶ Bilgi, "Osmanlı Devleti'nin 1917 Yılı", p. 110.

⁵²⁷ *Memalik-i Osmaniyye'nin 1330 Senesi Nüfus İstatistiği*, pp. 8-9. Actually, these statistics did not include the number of foreigners. Therefore, total population number 909.978 did not include foreign population.

⁵²⁸ Vinicombe, Charles of Istanbul, *Letters Describing Wartime Life in Istanbul*, 99/9/1, (Located in Imperial War Museums, London, United Kingdom)..

⁵²⁹ Vinicombe, Charles of Istanbul, *Letters Describing Wartime Life in Istanbul*, 99/9/1, (Located in Imperial War Museums, London, United Kingdom)..

⁵³⁰ Dilek Kaya Mutlu, "The Russian Monument at *Ayastefanos* (San Stefano): Between Defeat and Revenge, Remembering and Forgetting", *Middle Eastern Studies*, Vol. 43, No. 1, (January 2007), p. 79.

monument with the mob from neighboring villages.⁵³¹ In fact, there was an implicit official consent to these attacks. Following the publication of news in *Tanin*, a pro-government newspaper, approving the attacks, on November 18, the monument was totally blown up by a military division led by Cemal Pasha, the Minister of Navy.⁵³² It is clear that the government aimed at using this incident in a symbolic way to provoke anti-Allied sentiments of Muslim-Turkish subjects in the Ottoman Empire.

Capitalizing on these incidents, the government opted for taking more concrete steps to specify the legal status of foreigners living in the Empire. Initially, an official message was sent to the embassies of several states. According to this message, the consulates had no longer any right to intervene in the issues about foreigners in the Ottoman Empire. The foreigners were subject to the legal procedures of the Ottoman State. Accordingly, they had the right to apply to their consulates, only after having consumed all the legal ways that the Ottoman State had determined.⁵³³ In this sense, the CUP government could finally close the legal gap allowing the foreigners to act in accordance with the laws and regulations of their own countries. This regulation would gain a more organized structure through the provisional law of March 8, 1915.⁵³⁴

The first article indicated that, although, foreigners did not have the chance to benefit from the political rights granted by the Constitution, they were subjected to the laws and regulations prescribed in the personal law (*hukuk-ı hususiyye*). According to the second article of the provisional law, all the laws and regulations about security and public order of the Ottoman Empire were also valid for the foreigners. With the third article of the provisional law, all the legal cases of the foreigners including

⁵³¹ Kaya Mutlu, “The Russian Monument at *Ayastefanos*”, p. 79.

⁵³² Kaya Mutlu, “The Russian Monument at *Ayastefanos*”, p. 79.

⁵³³ The Ministry of Foreign Affairs sent an official message to the embassies of Greece, Sweden, Spain, Romania, America, Italy, Austria, Iran, Germany and Denmark on March 1, 1915. “Evamir ve Mukarrerat: 17 Teşrinisani sene 1330 tarihli ve 790 numarolu tahrirat-ı umumiyyeye zeyldir”, *Polis Mecmuası*, No. 42, 29 Cemaziyelevvel 1333/1 Nisan 1331 (14 Nisan 1915), p. 61.

⁵³⁴ “Memalik-i Osmaniyye’de Bulunan Ecnebilerin Hukuk ve Vezaifi Hakkında Kanun-ı Muvakkat, 21 Rebiülahir 1333/ 23 Şubat 1331 (March 8, 1915)”, *Düstur*, II/7, p. 458.

commercial, penal and any other issues would be decided at the Ottoman Courts.⁵³⁵ In this sense, the legal status of foreigners was totally placed under the authority of the Ottoman State.

Following this provisional law, on March 15, 1915, the Ottoman government promulgated another provisional law about the travel and residence of foreigners in the Ottoman Empire.⁵³⁶ According to the second article of this law, foreigners who arrived in the Ottoman Empire had to present a declaration to the police station of the city where they were to reside. This declaration would include their names, place and date of birth, their title and profession, reasons of the travel, names of their fathers and mothers and their titles, the name of their wife and/or kids as accompaniers, their age and nationality and the localities in the Ottoman Empire where they would visit. If foreigners were to visit any other locality, they had to present their travel documents to the police station of this locality too. Foreigners who declared false information about themselves or their accompaniers would be sentenced to sixteen days to two years imprisonment or 5 to 100 Ottoman gold fine.⁵³⁷

The fifth article of the provisional law assigned the Ministry of Interior broad authority for expelling foreigners from localities or sending them out of the country. The article is as the following:

Article 5: The Minister of Interior can, either by his own initiative, or by virtue of a decision of the Council of Ministers, send away *sine die* or for a fix period from the cities or zones in which they are, foreigners who are travelling or residing in Turkey, if he judges it necessary as a measure of a political nature or one affecting public security; or he can notify them to live in other parts of the Empire, or expel them from Ottoman territory, using the police or other forces in case of need. Any foreigner, who having been notified to leave a locality or to leave Ottoman territory, does not comply with such notification within the period fixed, shall be sent away or expelled by force. If persons who

⁵³⁵ “Memalik-i Osmaniyye’de Bulunan Ecnebilerin”, *Düstur*, II/7, p. 458.

⁵³⁶ “Ecnebilerin Memalik-i Osmaniyye’de Seyahat ve İkametleri Hakkında Kanun-ı Muvakkat, 28 Rebiülahir 1333/2 Mart 1331 (March 15, 1915)”, *Düstur*, II/7, pp. 484-486.

⁵³⁷ “Ecnebilerin Memalik-i Osmaniyye’de”, *Düstur*, II/7, p. 484.

break this rule resists and hide themselves, they shall be imprisoned for from 3 to 6 months and shall not be sent elsewhere or expelled until they have suffered such punishment. Those who have been sent elsewhere or expelled by force because of failure to obey cannot return again to the place from which they were sent away or to Ottoman territory.⁵³⁸

As a matter of fact, the Minister of Interior could expel every foreigner from Istanbul by his own decision or through the decision of the council of ministers. If a decision of banishment was affected, the foreigner would not have any option except obeying the decision according to this law. In fact, this practice must be evaluated as a product of martial law and war conditions. Since the government and state elites continuously broadened the coverage of acts considered as threat to the survival of the state, they did not hesitate to take radical decisions and to implement direct measures in order to eliminate any potential “danger”.

Between March 1916 and April 1917, seventy-five foreigners were expelled from Istanbul because they were identified as suspected.⁵³⁹ Probably, the Ministry of Interior as well as Ministry of Justice and Military Government gave banishment decision for these foreigners by reference to fifth article of the provisional law in the above paragraph. The majority of these people were subjects of enemy states. There were thirty-six Russians, twelve Montenegrins, six British, six Romanians and four French.⁵⁴⁰ The number of males and females was almost half to half. Most of the thirty-seven suspected women were prostitutes and they were Russians or Romanians. The “suspected” foreigners were sent to four cities: Ankara, Hüdavendigâr (Bursa), Çorum and Konya; and all the prostitutes were expelled to Hüdavendigâr. Actually, an additional group of one hundred and three foreigners were banished out of Istanbul

⁵³⁸ The Consulate of America in Istanbul sent full-text translation of this provisional law to Washington DC. NARA, Department of State, 867.111/30, RG 59, March 27, 1915. “Ecnebilerin Memalik-i Osmaniyye’de”, *Düstur*, II/7, pp. 484-485.

⁵³⁹ BOA.DH.EUM.1. Şb.8/15, 19 Muharrem 1336 (November 4, 1917).

⁵⁴⁰ The rest were as in the following: one Moroccan, two Egyptians, one Dutch, one Italian, two Greeks and one American. There were only three Austrians as the subject of a cobelligerent state. BOA.DH.EUM.1. Şb.8/15, 19 Muharrem 1336 (November 4, 1917).

between March 1916 and April 1917. Fifty-three were prisoners of war. The reason of banishment for the rest was different for each one. Some were ex-convicts and some were banished for committing criminal acts.⁵⁴¹ They were predominantly Italians, Greeks, Russians and French.

In short, during the Great War, the Ottoman Government tried to control foreigners as much as possible. The security measures and the legal procedures that the foreigners had to be subjected were established through two provisional laws and some other official notifications. The Minister of Interior gradually acquired massive authority to make decisions about foreigners through these laws. Furthermore, the police became responsible for following every step of foreigners within the country. If the administrative offices identified a foreigner as suspected, s/he could be banished out of Istanbul or even from the Ottoman Empire all at once. In the provisional laws, there seemed no legal way to oppose such decisions. Vinicombe described the situation of foreigners living in Istanbul, particularly the British, as follows:

The British colony was now much upset for the police used to make raids on British houses about 1 A.M. when the inhabitants were in bed and in ½ an hour marched their victims off into exile to villages and towns in the interior 200 miles away, where some remained for years, they had even to pay their own fares and those of the police who were in charge of them and keep themselves while in exile – this fate was a constant fear to us.⁵⁴²

The Police Journal published an official report to legitimize these regulations.⁵⁴³ According to this report, it was the natural right of any state to be informed about who entered, travelled and reside within her territories. This was a requirement for security and public order. Nevertheless, up to 1915, the Ottoman State was deprived of this

⁵⁴¹ BOA.DH.EUM.1. Şb.8/15, 19 Muharrem 1336 (November 4, 1917).

⁵⁴² Vinicombe, Charles of Istanbul, *Letters Describing Wartime Life in Istanbul*, 99/9/1, (Located in Imperial War Museums, London, United Kingdom).

⁵⁴³ “Ecnebilerin Memalik-i Osmaniyyede seyahat ve ikametlerine mütedair kanun layihasının esbab-ı mucibe mazbatasıdır”, *Polis Mecmuası*, No. 43, 13 cemaziyelahir 1333/15 Nisan 1331 (April 28, 1915), p. 84.

security information due to the former agreements preventing the Ottoman State to promulgate necessary laws. Since these agreements were abolished, the Ottoman State was free to enact provisional laws about the legal status of the foreigners as well as their travel and residence conditions within the country. The report also emphasized that with the provisional law about travel, the proceedings of security, which the foreigners had to be subject to, were determined.⁵⁴⁴

It must be noted here that, in this report, there was no reference to the war conditions. However, from the perspective of the government, the war conditions had made these legal regulations a necessity. Furthermore, under the war conditions, the Ottoman government, through the Ministry of Interior and the General Directorate of Security, acquired extraordinary power for applying security measures within the country and taking crucial decisions of exile, banishment and deportation. As a result, most probably, foreigners started feeling themselves insecure in Istanbul during the War. In August 1915, Henri Morgenthau, the ambassador of the United States in Istanbul, sent a correspondence to Washington D.C. indicating that many Americans had already left and were leaving Istanbul via Dedeağaç. Furthermore, he stated that ‘[I] am advising all Americans having no definite business here to go home’.⁵⁴⁵ This suggestion definitely had to do with the Armenian deportation and following massacres that began in April 1915.

When the United States entered the Great War on the side of the Triple Entente in April 1917, the American Consulate in Istanbul was closed down and American citizens began to leave the Ottoman Empire via Istanbul.⁵⁴⁶ Nevertheless, this time, departure was as difficult as entrance. According to a memorandum sent from the Swedish Legation to the American Officials, the procedures of the Ottoman State about the departure of foreigners varied from time to time. No foreigner was allowed to travel in or out of the Ottoman lands without an appropriate permit. The political

⁵⁴⁴ “Ecnebilerin Memalik-i Osmaniyyede seyahat ve ikametlerine”, *Polis Mecmuası*, No. 43, p. 84.

⁵⁴⁵ NARA, Department of State, 867.111/36, RG 59, August 7, 1915.

⁵⁴⁶ NARA, Department of State, 867.111/50, RG 59, August 9, 1917.

section of Istanbul Police Directorate issued this document. The memorandum indicated that civilian Ottoman authorities acted more favorably in issues concerning American citizens. Nevertheless, military authorities were predominantly Germans and they were harsher. Military authorities tried to prevent American male citizens' departure, especially the males who were at the age of conscription.⁵⁴⁷

Furthermore, the Ottoman government had a different attitude towards the American citizens of Ottoman origin – these mostly being Armenians. The Ottoman government had not considered these people as American citizens for many years and it was the case during the Great War. According to the memorandum above, Ottoman government did not take any special measures about these American citizens with Ottoman origin but they were not allowed to leave the country.⁵⁴⁸ Although there was no explanation about the ethnic background of these American citizens, they were mostly Armenians. In this respect, the same memorandum stated that “the number of persons so affected in Constantinople is small but there are naturally a great many of American citizens of Ottoman origin elsewhere in Turkey, especially at Aleppo and in Syria.”⁵⁴⁹

In the summer of 1917, the foreign population in Istanbul had reached a strikingly low level as a result of war conditions and constraints imposed on foreigners. According to the reports of the *Ecanib Kalemi* (Office of Foreigners) under the General Directorate of Security, the number of the foreigners living in Istanbul was 30.956. Two third of this population was composed of males whereas female population was one third. These foreigners were from twenty-four countries.⁵⁵⁰ Greeks

⁵⁴⁷ NARA, Department of State, 867.111/50, RG 59, August 9, 1917.

⁵⁴⁸ NARA, Department of State, 867.111/50, RG 59, August 9, 1917.

⁵⁴⁹ NARA, Department of State, 867.111/50, RG 59, August 9, 1917.

⁵⁵⁰ Nejdet Bilgi used the document coded as BOA.DH.EUM.ECB. 17/39, lef 15, 52. According to the statistics, in Istanbul, there were 17 Argentineans, 1.829 Germans, 146 Americans, 2.231 Austrian-Hungarians, 2 Afghans, 283 Spanish, 6 Swedish, 204 Swiss, 929 British, 2.029 Italians, 3.736 Iranians, 78 Belgians, 1.353 Bulgarians, 24 Portuguese, 29 Chinese, 28 Danish, 1.245 Russians, 406 Romanians, 34 Serbs, 953 French, 24 Dutch, 875 Montenegrins, 2 Norwegians and 14.493 Greeks. Bilgi, “Osmanlı Devleti'nin 1917 Yılı...”, p. 134.

(14.493) composed the largest foreign population in Istanbul. Probably, the Greek population also included the people who had been Ottoman in origin and had gained the Greek citizenship afterwards. The British population (929) and the French population (953) as the population of the enemy states was actually not very low. Total population of the Germans (1.829) and Austrian-Hungarians (2.231), as the cobelligerent states of the Ottoman Empire, only constituted 13.11 % of the total foreign population of the city.

As mentioned above, just before the Great War, the foreign population in Istanbul was 129.927. Under the war conditions, as a result of the government's security measures and diminishing living standards, 98.971 foreigners had left Istanbul.⁵⁵¹ In conclusion, as the historical commercial and industrial centre of the Ottoman Empire, Istanbul lost a great number of foreign population during the Great War. From the perspective of the state, the foreigners began to constitute a threat to the state since the beginning of the war. Several laws and regulations were made in order to determine the legal status of foreigners and to control them.

The non-Muslim minorities living in Istanbul became another group of "suspected" people that faced surveillance, scrutiny and harsh policing measures during the Great War.

5.3 Non-Muslims

Up to here, we have analyzed several groups of people whom the government and the security forces regarded as suspicious and tried to keep under control or even expel from Istanbul. These people in common were not Istanbulites. They were foreigners, refugees, countrymen, and vagabonds generally from other provinces

⁵⁵¹ Before the Great War, Istanbul had the largest foreign population in the Ottoman Empire. Total foreign population in the Ottoman Empire was 196.335 in 1914 and 66,2 % of this population was living in Istanbul. In 1917, Istanbul did not have the largest foreign population anymore. The foreign population of the Aydın Province was 45.014 and this number was 48,5 % of the total foreign population, which diminished to 92.743 during the war years. Istanbul had 33,4 % of the total foreign population in 1917. "Osmanlı Devleti'nin 1917 Yılı ...", p. 110, 118.

whom the state regarded as suspected elements and potential criminals making Istanbul not an appropriate place for their temporary or permanent stays. On the one hand, the government did not want additional burden over provision of the city; on the other hand, under the war conditions, the maintenance of public order was considered by the security forces as possible through the elimination of the number of suspected people within the city. Provisional laws, regulations, ordinances and *de facto* practices of administrative and security providing offices have so far been analyzed in detail.

Apart from non-Istanbulites, non-Muslims were also regarded as a threat by the government and security forces during the war years. In contrast with the previous groups, non-Muslims had been inhabitants of Istanbul for centuries. As a matter of fact, the perception of non-Muslims as a threat to public order was not totally an issue of the Great War years; instead the issue historically dated back to the beginning of the nineteenth century, when the rise of nationalism among non-Muslim elements began to constitute a problem for the Ottoman Empire. The Greeks were the first non-Muslim group whose nationalist awareness turned into a political activity. 1821 was the year of the Mora Revolt and, after a long struggle the Greeks received independence in 1829. Following that, the security forces in Istanbul started paying special attention to scrutinize the Greeks of Istanbul.⁵⁵²

The Armenians began to occupy the agenda of Ottoman statesmen especially during 1890's. The Armenian revolutionary activities in the eastern Anatolia and extremely harsh counter-measures of the Ottoman State deteriorated the relations between Armenians and the Ottoman State. As a result, Armenians, who had been historically accepted as a loyal element of the Empire, started to be seen as threat. Although, the Constitutional Revolution of 1908 led to a degree of improvement for the situation of Armenians, this did not last long. Following the Balkan Wars and especially during the Great War the relationship between Armenians and the Ottoman government totally collapsed. The Armenians in Anatolia had to face wholesale deportation from their homelands since the government regarded them as the principal

⁵⁵² Turna, *19. YY'dan 20. YY'a Seyahat, Göç ve Asayiş Belgeleri*, p. 60.

internal threat. Despite the fact that the Armenians of Istanbul did not experience a mass deportation, on April 24, 1915, more than two hundred Armenian intellectuals and notables were deported from the city to Anatolia, most of them faced death. Thus, the Armenians of the Ottoman Empire had to go through a disastrous phase of their history. And in that respect, as for the life of Istanbulite Armenians, it would never be same as it was before the Great War.

In this part, the policies of the Ottoman government regarding non-Muslim elements in Istanbul will be analyzed in detail. There were several aspects of these policies; nevertheless, due to the main interest of this dissertation, these policies will be examined according to their relevance to the maintenance of public order and security. Therefore, this part will only cover two non-Muslim communities: the Greeks and the Armenians. In fact, the Jewish community was the third biggest non-Muslim group in Istanbul;⁵⁵³ however, since the Jewish population in Istanbul had never been regarded as a threat to public order either before the Great War or during the war years, they will be excluded from the analysis in this part. On the contrary, the Jewish community in Istanbul generally supported the Ottoman rule.⁵⁵⁴ According to Ottoman

⁵⁵³ According to the Population Statistics of 1914, there were 52.126 Jews in Istanbul. Most of the Jews (31.070) were living around Beyoğlu and the European shore of the Bosphorus. Second region where the Jews (13.441) were concentrated was the old city, which was composed of Fatih, Beyazit and Cerrahpaşa. There were 6.836 Jews at Üsküdar and Anatolian side of the Bosphorus. There was also a relatively small Jewish population in Bakırköy (364), Adalar (79), Gebze (21), Kartal (13) and Beykoz (292). *Memalik-i Osmaniyye'nin 1330 Senesi Nüfus İstatistiği*, p. 8.

⁵⁵⁴ The relationship among the Ottoman State and the Jewish community had been peaceful during the Hamidian Reign. In 1893, Abdülhamid II expressed to the religious leadership of the Jewish community his idea about the military conscription of Jewish males in return to which the leadership responded positively. Yet, probably due to reservations about other non-Muslim communities, this plan never materialized. However, it had been an important indicator of the trust of the Ottoman State towards Jews. Naim Güteryüz, "Yahudiler", *Dünden Bugüne İstanbul Ansiklopedisi*, Vol. 7, (Istanbul: Tarih Vakfı Yurt Yayınları ve Kültür Bakanlığı, 1994), p. 406. Despite the good relations between the Jews and Hamidian Regime, the Jews supported the Young Turk Revolution in 1908. Actually, in the years preceding 1908, the Jews in Salonika, the city where Ottoman Jewish community was most concentrated, had close relations with the Young Turk movement. The Jews supported the mentality behind the Young Turk Revolution, which was based on the fraternity of all the elements of the Ottoman Empire including non-Muslim communities as well. Following the revolution, the Jews took important positions in the CUP. In the elections of 1912 and 1914, the CUP reduced the representation of the Greeks and the Albanians, who were regarded as the most defiant opponents of the committee. Furthermore, some Armenian representatives of the CUP were replaced. Only the representation of the

archival documents, US official records and personal memoirs, there were no special security measures applied to the Jews in Istanbul during the war years. For instance, in contrast to Greeks and Armenians, they never experienced deportations from Istanbul.⁵⁵⁵ There were only some individual cases of banishments insufficient to be evaluated as a part of general security policy against the Jewish community.

5.3.1 Greeks

The Greeks were the most populated non-Muslim community in Istanbul. The Mora Revolt in 1821 and the foundation of an independent Greek State in 1829 were turning points regarding the relationship between the Greek community and the Ottoman State. The Greeks, who had for centuries been an Ottoman *millet* became all at once part of an independent state.⁵⁵⁶ As a result they became a matter of concern for the Ottoman State. Yet, this situation changed once more during the second half of the

Jews in the CUP remained unchanged in these elections. The CUP regarded the Jews as ‘loyal’ until the end of its reign. Certainly, the Jewish community had valid reasons for supporting the Young Turks. Initially, the Muslim-Turks and the Jews had common economic interests from the revival of the Ottoman Empire. Next, the Jews had always regarded the Turkish rule as the best protector against Christians. Walter F. Weiker, *Ottomans, Turks and the Jewish Polity: A History of the Jews of Turkey*, (Lanham, New York and London: University Press of America and The Jerusalem Center for Public Affairs, 1992), pp. 231-234. According to Kocahanoğlu, during the Great War, a great number of Jewish tradesmen benefited from the economic policies of the CUP. As examined in the second chapter, the policies of the CUP based on favoritism and protectionism as well as profiteering and black market resulted in the huge capital accumulation in the hands of some tradesmen. Although most of these tradesmen were Turkish-Muslim origin, there were also some Jewish tradesmen such as Avram and his partners, Aslan Franko and his sons, Isak Kamhi, Bensuram, Nesim Toledoo, Moiz Yunatan, Ilyas Menahim, and Bulgar Pavli. Such economic relations might also have some explanatory value for the good rapport between the CUP and the Jewish community. Kocahanoğlu, *İttihat-Terakki'nin Sorgulanması*, p. 33.

⁵⁵⁵ A number of Jews were arrested in İzmir and deported to interior Anatolia during the war years. Actually, these were French protégés that had declined Ottoman citizenship. The Ottoman government commented that these Jews, whose ancestors had immigrated to the Ottoman Empire about a hundred years ago, had no right to enjoy French protection any more. Their deportation decision was taken with reference to that basis. Mr. Horton, Consul General in İzmir, sent a telegram to Istanbul indicating that only Jews being French protégés were affected from these measures, whereas the situation of other Jews remained unchanged. NARA, Department of State, 867.4016/82, RG 59, July 27, 1915.

⁵⁵⁶ Herkül Milas, “Rumlar”, *Dünden Bugüne İstanbul Ansiklopedisi*, Vol. 6, (Istanbul: Tarih Vakfı Yurt Yayınları and Kültür Bakanlığı, 1994), p. 364.

nineteenth century as the Greeks restored official trust for themselves and started being employed in important state posts.⁵⁵⁷

However, the Balkan Wars (1912-1913) caused another rupture in the relationships of the Ottoman State and Greek community. Following the Balkan Wars, in the summer of 1914, an economic boycott of the businesses and goods belonging to the Ottoman Greeks and Armenians began in the Marmara region and Istanbul.⁵⁵⁸ According to Gingeras, this boycott was a part of a two-track policy – economic prohibition and forced relocation – implemented by the CUP government in order to “deal with the dangers posed by the presence of such large numbers of Armenians, Greeks and Albanians [in the region].”⁵⁵⁹ According to the Greek Patriarchate, this boycott caused deprivation of the Ottoman Greeks from their means of livelihood.⁵⁶⁰ Greek shops were plundered and shut up in Istanbul.⁵⁶¹ As a result, in many neighborhoods such as Topkapı, Tekfursaray, Kasım Paşa, Samatya, Yedi Kule, Sirkeci, Beşiktaş and Ortaköy, trade virtually came to a standstill.⁵⁶²

According to Akçam, when the Ottoman Empire entered the Great War, the CUP government followed a prudent policy towards the Ottoman Greeks until the end of 1916 due to two reasons. First, through a fair treatment to the Ottoman Greeks, the Ottoman Empire and Germany tried to ensure neutrality of Greece at the beginning of the war. Second, the Ottoman government might have considered that if it implemented harsh policies on the Ottoman Greeks, then this would provoke the Greek government to enact similar policies on Muslims living in Greece. Therefore, Akçam argues that the Ottoman government avoided mass deportations of the Ottoman Greeks

⁵⁵⁷ Milas, “Rumlar”, p. 365.

⁵⁵⁸ Gingeras, *Sorrowful Shores*, pp. 39-40.

⁵⁵⁹ Gingeras, *Sorrowful Shores*, p. 39.

⁵⁶⁰ Greek Patriarchate, *Persecution of the Greeks in Turkey, 1914-1918*, (Constantinople, 1919), p. 140.

⁵⁶¹ Greek Patriarchate, *Persecution of the Greeks*, p. 148.

⁵⁶² Greek Patriarchate, *Persecution of the Greeks*, p. 27.

until the end of 1916.⁵⁶³ However, according to the U.S. Records, in 1915, from the first of May up to July 13, more than 40.000 Ottoman Greeks were deported to interior Muslim villages from the islands⁵⁶⁴ and Marmara coast.⁵⁶⁵ Moreover, Muslims coming from interior regions were made to settle in the evacuated regions.⁵⁶⁶

The control of Greek community in Istanbul became an important security issue for the Ottoman government. Actually, beside Thrace and Aegean costs, Istanbul was the region where the Greeks were most populated in the Ottoman Empire. According to the Population Statistics of 1914, there were 205.375 Greeks living in Istanbul.⁵⁶⁷ This corresponded to 22,5 % of the total population of the city. The Ottoman government had already begun taking some security measures against Greeks before the Great War. In this respect, one of the main aims of the government had been to prevent the rise of the Greek population in Istanbul.

The government had forbidden the immigration and settlement of Greeks in Istanbul before the Ottoman Empire had entered the Great War.⁵⁶⁸ Although, local officials had been informed about this decision, a number of Greeks managed to

⁵⁶³ Akçam, '*Ermeni Meselesi Hallolunmuştur*', pp. 111-112.

¹⁵⁸ These were the islands of Marmara. There were more than ten islands called Marmara Islands, while four of them were open to settlement. Before the Great War, these islands were mostly populated by the Greeks.

⁵⁶⁵ NARA, Department of State, 867.4016/75, RG 59, July 13, 1915. One of the main reasons of the deportation of Greeks from the Marmara coast and islands was to prepare the Sea of Marmara for the Gallipoli War. In this sense, the Greek population living there was evaluated as a threat. Also see, Fuat Dündar, *Modern Türkiye'nin Şifresi: İttihat ve Terakki'nin Etnisite Mühendisliği, 1913-1918*, (Istanbul: İletişim Yayınları, 2008), pp. 233-234.

⁵⁶⁶ Although, the Greek Patriarch argued that this deportation took place under the assistance of German and Austrian Ambassadors, the Ottoman officials denied this argument by indicating that they never tolerated any interference to the internal affairs. Dündar, *Modern Türkiye'nin Şifresi...*, pp. 233-234. For detailed information about settlement of refugees in places evacuated by the Ottoman Greeks, see Taner Akçam, '*Ermeni Meselesi Hallolunmuştur*': *Osmanlı Belgelerine Göre Savaş Yıllarında Ermenilere Yönelik Politikalar*, (Istanbul: İletişim Yayınları, 2008), pp. 124-127.

⁵⁶⁷ A large number of Greeks (75.971) inhabited Beyoğlu and villages alongside the European shore of the Bosphorus. The proportion of Greeks in other regions of Istanbul was as the following: Old city (64.287), Üsküdar and Asian shore of Bosphorus (19.832), Bakırköy (11.221), Şile (8.913), Adalar (8.725), Gebze (5.856), Beykoz (3.708). *Memalik-i Osmaniyye'nin 1330 Senesi Nüfus İstatistiği*, p. 8.

⁵⁶⁸ BOA.DH.EUM.2.Şb.2/74, 29 Zilhicce 1332 (November 18, 1914).

migrate to Istanbul secretly with their household goods. Security measures became much stricter when the Ottoman Empire entered the Great War. Besides, the government found room to act freely while putting security measures into practice. As a matter of fact, Greeks, who were living in villages and neighborhoods distant from the central parts of Istanbul, were deported more easily. For instance, a number of Greeks living in Kemberburgaz, within the borders of Bakırköy, were deported to Anatolia in the first year of the Great War.⁵⁶⁹ Furthermore, according to the registers of the Greek Patriarchate, 320 inhabitants of İstinye (Stenia) were deported by the order of the Chief of Police of Arnavutköy, in July 1915. The Patriarchate stated that: “they [the deported Ottoman Greeks] all took shelter in the suburbs of the Capital, with the exception of five families whose leaders were in the Government employ of the locality.”⁵⁷⁰ Although, there is no exact number of the deported Greeks in Istanbul, we understand from the archival documents that some villages were almost totally evacuated in 1917.

Yeniköy⁵⁷¹ was one of these villages. The report of the Istanbul Regimental Commandery of Gendarmerie (*Istanbul Jandarma Alay Kumandanlığı*) records the evacuation of this village in October 1917.⁵⁷² As a matter of fact, not only the Greeks of this village but also the Greek population of surrounding villages were evacuated. All male inhabitants of Yeniköy over the age of fifteen were called to the church on October 10, 1917. According to the report, the village had been isolated from its environs the night before. Next, the Greeks that gathered at the church were questioned

⁵⁶⁹ BOA.DH.ŞFR.55A/98, 26 Şevval 1333 (September 6, 1915).

⁵⁷⁰ Greek Patriarchate, *Persecution of the Greeks*, p. 28.

⁵⁷¹ There are two places named as ‘Yeniköy’ in Istanbul. One of them, a village populated by the Greeks within the borders of Şile. The other one, which is under the borders of Sarıyer today, is located between Tarabya and İstinye. It has been historically one of the most prosperous neighborhoods of Istanbul. The district took the name Yeniköy during the reign of Süleyman I (Kanuni). During the Ottoman Period it was inhabited by wealthy non-Muslims. Greeks being among the communities living there called this district as *Neohorion*. Tülay Taşçıoğlu, “Yeniköy”, *Dünden Bugüne İstanbul Ansiklopedisi*, Vol. 7. (Istanbul: Tarih Vakfı Yurt Yayınları and Kültür Bakanlığı, 1994), p. 485. The Yeniköy mentioned above as one of evacuated villages is the former.

⁵⁷² BOA.DH.EUM.6.Şb.25/9, 18 Muharrem 1336 (November 3, 1917).

about people engaged in brigandage activities; the acts committed by these persons and the means to their refuge in the village. Then, they were informed about the government decision to prevent the brigandage activities as soon as possible. Following the gathering at church, the deportation of the Greeks started. On October 10-11, 1917, seventy-eight deserters hiding in houses surrendered. In four days, 2.674 Greeks were deported from Yeniköy and its environs through the route of Ömerli and Şile. The daily deportation numbers were as follows:

Table 6: The Greeks that were deported from Yeniköy, Şile

Date	Men	Women	Children	Total
October 11, 1917	104	214	267	585
October 12, 1917	-	483	1.278	1.761
October 13, 1917	153	22	38	213
October 14, 1917	25	43	47	115
Total	282	762	1.630	2.674

Source: BOA.DH.EUM.6.Şb.25/9, 18 Muharrem 1336 (November 3, 1917).

The numbers presented in the report indicate that most of the deportees were women and children. The government took the decision of deportation as a security measure against the rising brigandage activities but the number of deported men was surprisingly low. At the end of the report, there is a statement that "...the evacuation of Yeniköy started on 11th [of the present month]; no person remained in the whole village and there remained no Greek from Yeniköy in the town."⁵⁷³ Thus, the government had tried to get rid of all the Greeks of Yeniköy from age of seven to seventy that were considered as an important "threat" for the public security of Istanbul.

⁵⁷³ "[...]Yeniköy'ün tahliyesine şehr-i halin onbirinde başlanıp onbeşinde teknil köy ve şehirde Yeniköylü kalmamıştır." BOA.DH.EUM.6.Şb. 25/9, 18 Muharrem 1336 (November 3, 1917).

In fact, since 1913 the government had been following similar methods for the evacuation of the Greek villages in different parts of the Empire. Generally, first villagers would be accused of hiding Greek bandits and deserters as well as helping them; and then the gendarme would come to the village and notify them about the decision to evacuate the village in a specified period of time.⁵⁷⁴ This was also the method applied in Yeniköy in 1917. Although the report did not provide any detailed information about the relationship between bandits and the inhabitants of Yeniköy, the rising activities of banditry in the region might have played a role in the deportation decision.⁵⁷⁵ As a matter of fact, the government preferred the evacuation of the whole village as a security measure, rather than implementing other measures such as sending additional security forces.

The number of losses during deportation was also indicated in the report. According to that, three adults and one child passed away due to illness. In addition, evacuated houses were sealed and household goods were secured. Moreover, the cattle of villagers was confiscated and submitted to the “incorrupt hands of the Commission of Abandoned Properties (*Emval-i Metruke Komisyonu*).”⁵⁷⁶ Also indicated in the report was that during the deportation women were not exposed to any violence. They had left their villages willingly as a result of the advice given to them and their husbands. According to the report, although special attention was paid for the protection of deported women’s purity (*namus*) and property, an artillery officer had

⁵⁷⁴ Dündar, *Modern Türkiye'nin Şifresi*, p. 196.

⁵⁷⁵ There are not so many documents about banditry activities in Yeniköy and its surrounding. One such rare document about banditry activities in Yeniköy also gives information about the banditry activities in Sarıkavak, another village within the borders of Şile. However, this document does not give any idea about the frequency of banditry activities in this region. BOA.DH.EUM.6.Şb.21/13, 27 Zilkade 1335 (September 15, 1917). An other report dated February 21, 1918 stated that banditry activities of Yeniköy bandits (*Yeniköy eşkiyası*) still continued in the region meaning that the evacuation of the Greek population living in Yeniköy had not provided a remedy for prevention of banditry activities in the region. BOA.DH.EUM.6.Şb.31/51, 10 Cemaziyelevvel 1336 (February 21, 1918).

⁵⁷⁶ “[...]Yeniköy civarındaki sığır, koyun, keçi hayvanat daha ilk gün karakol civarında celb edildi. Yeniköy’e gelen Emval-i Meruke Komisyonu namuslu ellere tevdi edilmiş ise de bidayette iyice tedbir alınmamaktan hayvan miktarı hiç bir suretle miktar edilememiştir.” BOA.DH.EUM.6.Şb. 25/9, 18 Muharrem 1336 (November 3, 1917).

raped a woman and due legal procedure had begun for this case.⁵⁷⁷ However, the destination of the deportees was not mentioned in the report.

Apart from this, there are no reports about mass deportations of the Greek villages in Istanbul.⁵⁷⁸ Nevertheless, there are some documents about individual cases of banishment.⁵⁷⁹ Both through mass deportations and individual ones, it is evident that the government tried to keep the Greek population under scrutiny. In September 1916, security forces detected eight to ten Greek families from Erdek and its vicinity while secretly trying to go to Istanbul with their household goods.⁵⁸⁰ Although they claimed that they had received their travel documents from Erdek, the seal under their travel document was illegible. These Greeks, being from Erdek, should have followed the Bandırma route but instead they had used the route of Mudanya. Therefore, the security forces at the ship had become suspicious and prevented these families from traveling to Istanbul. Furthermore, it was discovered that their travel documents had actually been obtained from Tire instead of Erdek. Actually, the government tried to prevent mass migrations to Istanbul.⁵⁸¹ Therefore, although there were a few number

⁵⁷⁷ BOA.DH.EUM.6.Şb.25/9, 18 Muharrem 1336 (November 3, 1917).

⁵⁷⁸ Although, there are not detailed reports about the deportation of some other villages, we know from the archival documents that there were further deportations in some regions of Istanbul. For instance, there is a report of events that took place in Safra Köy when the deported Greeks returned to their village. BOA.DH.EUM.AYS.15/110, 19 Şevval 1337 (July 18, 1919) Bahçeköy was another location where the Greek population was deported. BOA.DH.EUM.AYS.17/1, 1 Zilkade 1337 (July 29, 1919)

⁵⁷⁹ For instance, in 1916 four Greeks were exiled from Istanbul to Ankara due to some crimes such as theft, pick pocketing and abuse of security. Actually, these were subjects of Greece and Greece Embassy demanded their submission to Greece. Nevertheless, the Istanbul Polis Directorate claimed that due to war conditions and as a measure of security these people must have remained in Ankara. BOA.DH.EUM.3.Şb.16/33, 16 Muharrem 1335 (November 12, 1916). Another sample was banishment of a man, who had come to Istanbul following the Balkan Wars. According to the document, since the emigration of the non-Muslims was forbidden, this man having no relationship in Istanbul was sent to out of the borders of the Ottoman Empire. BOA.DH.EUM.3.Şb. 15/54, 2 Zilhicce 1334 (September 30, 1916).

⁵⁸⁰ BOA.DH.EUM.3.Şb.15/23, 7 Zilkade 1334 (September 6, 1916)

⁵⁸¹ In August 1917, the General Directorate of Security requested information about the security intelligence stating the emigration intention of many Greek families to Istanbul. The Travel Office replied that they did not have any information and would investigate about the issue. BOA.DH.EUM.SSM.12/8, 21 Şevval 1335 (August 10, 1917).

of instances that ordinary people managed to obtain individual travel documents, most of the time it was prestigious, well-known and upper class Greeks that were permitted to travel to Istanbul during the war years.⁵⁸²

In sum, the policy of controlling the Greeks of Istanbul was complicated. On the one hand, the government tried to prevent mass Greek immigrations to the city and from time-to-time banished those who were identified as suspects. On the other hand, in some cases, officials spent extra effort to keep Greeks in the city. In one instance, the Greeks that had come from Cezayir-i Bahri Sefid constituted an issue of several memorandums for the General Directorate of Security.⁵⁸³ According to these memorandums dated January 20, 1915, January 25, 1916 and September 2, 1916, the Greeks who had come to Istanbul four or five years ago and had become married to local spouses should be registered in Istanbul and continue to live there. Furthermore, Greeks who were single but possessed a regular occupation should also be allowed to stay in Istanbul provided that authorities found it acceptable. Nevertheless, the status of Greeks who were evaluated as mischievous (*muzırr*) or those identified as suspected and having no residence was questionable. Although the memorandums stated that the existence of these people was problematic, the General Directorate of Tribes and Refugees requested once again the opinion of the General Directorate of Security for the process about these people.⁵⁸⁴ Therefore, there must have been some other reason for the re-questioning of the process for them, although former memorandums had clearly indicated the relevant procedure for the single Greeks having no job and residence in Istanbul. Another similar document about this issue gives an idea about the reason of this confusion.

⁵⁸² For instance, mother and two relatives of Papa Yuvan Efendi were permitted to go to Istanbul. BOA.DH.EUM.3.Şb.15/98, 27 Zilhicce 1334 (October 25, 1916) Two Greek women from Bursa, the associate director of Ottoman Bank and a tradesman were among other examples of obtaining travel permission from the Ministry of Interior. BOA.DH.EUM.3.Şb.16/26, 13 Muharrem 1335 (November 9, 1916). Nevertheless, even the issuance of travel documents for these people was possible after a series of correspondence.

⁵⁸³ BOA.DH.EUM.3.Şb.17/17, 15 Safer 1335 (December 11, 1916).

⁵⁸⁴ BOA.DH.EUM.3.Şb.17/17, 15 Safer 1335 (December 11, 1916)

According to this document, due to war conditions there had been some problems in sending Greeks from other regions present in Istanbul to their homelands. In this respect, the Ministry of War had decided to benefit from these Greeks through military conscription.⁵⁸⁵ In order to be conscripted, these Greeks had to be registered. Yet, there was another problem at this point. On December 27, 1915, a general correspondence was sent to the General Directorate of Tribes and Refugees indicating that the registry of non-Muslims and submission Ottoman identity cards to them was forbidden. This regulation was still in force when the Ministry of War had decided to conscript the Greeks. Therefore, there was confusion about the procedure. At the end, the General Directorate of Tribes and Refugees decided to predicate its decision upon another regulation of the Ministry of Interior dated as March 9, 1915. Although the details of this regulation are not provided, it was indicated that application of this regulation would prevent any incompatibilities.⁵⁸⁶

From the beginning of the war, the government tried to provide a kind of scrutiny over the Greeks living in Istanbul or travelling there. There were several correspondences even for individual Greeks travelling to Istanbul. In October 1918, the travel regulations began to slacken. For instance, the Ministry of Interior sent a notification to the governorship of Niğde about granting necessary permissions to Greeks intending to travel to Istanbul.⁵⁸⁷ In this case, Niğde should not have been the only region where there were Greeks traveling to Istanbul. In November 1918, the Ministry of Interior sent a correspondence to fifteen provinces and sixteen *sanjaks*

⁵⁸⁵ The Ministry of War transmitted its decision through a general correspondence on January 27, 1916. BOA.DH.EUM.ECB.4/42, 15 Cemaziyelahir 1334 (April 19, 1916)

⁵⁸⁶ There were several mistakes about dates in this document. The document itself was dated as April 17, 1916. Nevertheless, the date of the correspondence of the Ministry of Interior was given as December 27, 1916. Since it was a later date than that of the document, the former was accepted as December 27, 1915. Furthermore, the regulation of the Ministry of Interior, which the procedure would predicate upon, dated as March 9, 1915 at the beginning of the document and then date of this correspondence written as Mach 9, 1916. BOA.DH.ECB.4/42, 15 Cemaziyelahir 1334 (April 19, 1916).

⁵⁸⁷ BOA.DH.ŞFR.92/167, 13 Muharrem 1337 (October 19, 1917).

reporting that the number of the Greeks and Armenians coming to Istanbul without travel documents was increasing rapidly.⁵⁸⁸

According to the correspondence, a procedure was set for travel. First, the places where Greeks and Armenians intended to travel had to be evaluated in terms of accommodation and provisioning. If these places were confirmed as convenient for newcomers, then, the officials of provinces or *sanjaks* would approve the travel. Also travel documents were compulsory for Greeks and Armenians. Although, the Ministry of Interior had informed localities about this procedure, a great number of Armenians and Greeks continued to reach Istanbul without travel documents. The Ministry of Interior regarded them as fugitives, while these people had to face severe problems of accommodation and provisioning in Istanbul. Therefore, these people had to be warned about the circumstances in Istanbul while they were still in their provinces. It is clear that the government started to change its attitude towards travel of Greeks to Istanbul just before the Armistice of Mondros on October 30, 1918. When the armistice was signed the doors of the capital was almost fully opened to Greek population.⁵⁸⁹

Greeks living in Istanbul were not the only group of non-Muslims that the Ottoman government tried to control during the war years. Armenians were also

⁵⁸⁸ The correspondence was sent to the provinces of Adana, Edirne, Erzurum, Ankara, Aydın, Bitlis, Hüdavendigâr, Diyarbakır, Sivas, Trabzon, Kastamonu, Konya, Mamuratülâziz, Musul and Van and to the *sanjaks* of Eskişehir, Urfa, İzmit, İçel, Bolu, Teke, Canik, Çatalca, Karesi, Kale-i Sultaniye, Menteşe, Kayseri, Karahisar-ı Sahip, Kütahya, Maraş and Niğde. BOA.DH.ŞFR.93/158, 10 Safer 1337 (November 15, 1918).

⁵⁸⁹ Certainly, following the Armistice of Mondros, there emerged a number of conflicts between the Greeks returning to their homes in Istanbul and the Muslim refugees that had settled down in their place, as well as between the Greeks, security forces and local administration. For instance in Bahçeköy, the deported Greeks found out that their houses had been damaged while they were away. This caused certain unrest in Bahçeköy, which was a village within Bakırköy. There were two reports about this case. The first report dated as July 13, 1919 was a general report prepared by the Commander of Kemberburgaz Battalion. This report did not specify the causes of the event. BOA.DH.EUM.AYS. 15/40, 14 Şevval 1337 (July 13, 1919) The second report prepared by Commander of Istanbul Gendarmerie Battalion (*Istanbul Jandarma Tabur Kumandanı*) was a detailed one providing the causes of the event and proposing solutions. BOA.EUM.AYS. 17/1, 1 Zilkade 1337 (July 29, 1919). Another instance of ethnic conflicts took place between Greeks and Muslims in the regions where the deported Greeks returned was the conflict in Safra Köy. BOA.DH.EUM.AYS. 15/110, 19 Şevval 1337 (July 18, 1919). The events in Yeniköy could be regarded as another such instance. BOA.DH.EUM.AYS. 29/64, 10 Rebiülahir 1338 (January 1, 1920).

“suspected” elements. Although, the Armenians living in Istanbul did not experience mass deportation like their Anatolian cognates, they lived under close scrutiny during the war years. The next part will examine the situation of the Armenians and the government policies towards them during the Great War.

5.3.2 Armenians

The Armenians were the second most populated non-Muslim community in Istanbul before the Great War. There were 72.962 Armenians, mostly living in the old city, Beyoğlu and the neighborhoods alongside the Bosphorus. There was also remarkable number of Armenians in Üsküdar and the neighborhoods alongside the Asian shore of the Bosphorus.⁵⁹⁰ Istanbul had a special importance for Ottoman Armenians. The Armenian Patriarchate had been located in Kumkapı since 1641. The Armenian National Assembly, which was the governing body of Ottoman Armenians founded by the Armenian National Constitution in 1863, was in Galata. This city had been historically regarded as the cultural and intellectual center of the Armenian community living in the Ottoman Empire. Although, Istanbul Armenians constituted only 5 % of the total Armenian population in the Ottoman Empire, 90 % of the representatives in the Armenian National Assembly were from Istanbul.⁵⁹¹

The relationship between the Armenians and the Ottoman State had been volatile since the second half of the nineteenth century.⁵⁹² Yet, the foundation of

⁵⁹⁰ According to the Ottoman Population Statistics of 1914, the number of Armenians living in different parts of Istanbul was as follows: 22,575 in Istanbul Sehri (old city); 22,180 in Beyoğlu and European shores of the Bosphorus; 13,296 in Üsküdar and Anatolian shores of the Bosphorus; 5,734 in Bakırköy (Makriköy); 3,209 in Kartal; 596 in Adalar (Islands); 325 in Beykoz; and 47 in Gebze. *Memalik-i Osmaniyye'nin 1330 Senesi Nüfus İstatistiği*, p. 8.

⁵⁹¹ Nesim Ovadya İzrail, *24 Nisan 1915, İstanbul, Çankırı, Ayaş and Ankara*, (İletişim: İstanbul, 2013), p. 46.

⁵⁹² The relationship between the Armenians and the Ottoman State became problematic especially in 1890's. In this respect, there were several dynamics causing conflicts among the Armenians and the Hamidian Regime: Abdülhamid's despotic rule; the foundation of the Hamidian Cavalry Corps in Eastern Anatolia; the international conjuncture following the Ottoman-Russian War of 1877-1878; the

Constitutional Regime in 1908 immediately led to betterment as Armenians supported the new regime. Following the Constitutional Revolution, the secret Armenian political and revolutionary organizations of Tashnak Party (The Armenian Revolutionary Federation) and Hunchak Party, transformed into open political parties. Moreover, both parties expressed their loyalty to the Constitution and the Ottoman Empire.⁵⁹³ Nevertheless, the Ottoman defeat in the Balkan Wars reversed the trend once more. While Rumelia, one of the most valuable parts of the Empire in terms of commerce, culture and agriculture, was lost, Anatolia, mostly populated by Muslims and Turks remained as the heartland of the Empire. Turkish nationalism started replacing Ottomanism that had been the predominant ideology in the CUP before the Balkan Wars.⁵⁹⁴ This ideological shift alienated the Armenians as well as other non-Muslim and non-Turkish elements of the Empire.

Actually, Armenians had a high expectation of local autonomy while supporting the Constitutional Regime.⁵⁹⁵ However, the developments following the Balkan Wars showed that the Constitutional Regime was far from fulfilling this expectation. In September 1913, Germany, the new supporter of the Ottoman Empire

rise of nationalism among the Armenians and the foundation of political and revolutionary Armenian organizations. For detailed information about the issue see, Taner Akçam, *İnsan Hakları ve Ermeni Sorunu*, (Ankara: İmge Yayınevi, 1999); Esat Uras, *The Armenians in History and the Armenian Question*, (Istanbul: Documentary Publications, 1988); Louise Nalbandian, *The Armenian Revolutionary Movement*, (Berkeley and Los Angeles: University of California Press, 1963); Stephen Duguid, "The Politics of Unity: Hamidian Policy in Eastern Anatolia", *Middle Eastern Studies*, Vol.9 No.2, (May 1973), pp. 139-155; Bayram Kodaman, "Hamidiye Hafif Süvari Alayları, 2. Abdülhamit ve Doğu Anadolu Aşiretleri", *Istanbul Üniversitesi Edebiyat Fakültesi Tarih Dergisi*, No: 32, (1979), pp. 427-480. Manoug Somakian, *Empires in Conflict: Armenia and the Great Powers, 1895-1920*, (London: Tauris Academic Studies, 1995).

⁵⁹³ Esat Uras, *The Armenians in History and the Armenian Question*, (Istanbul: Documentary Publications, 1988), p. 833.

⁵⁹⁴ Feroz Ahmad, *The Young Turks, the Committee of Union and Progress in Turkish Politics, 1908-1914*, (Oxford: Clarendon Press, 1969), p. 153; Kudret Ünüvar, "İhya'dan İnşa'ya", *Modern Türkiye'de Siyasi Düşünce: Tanzimat ve Meşrutiyet'in Birikimi*, ed. Ömer Alkan, (Istanbul: İletişim Yayınları, 2002), p. 132.

⁵⁹⁵ The Tashnak Party revised its program in 1908 following the Constitutional Revolution. According to the first article of the new program 'the Turkish Armenians, within the borders of the Ottoman Empire will be granted full local autonomy with political and economic liberties based on federative principles.' Uras, *The Armenians in History*, p. 833.

in international arena, and Russia reached a consensus among themselves about reforms to be implemented in the Ottoman Armenia. On February 8, 1914, Constantin Goulkevitch, the Russian *Maslahatgüzarı* (*chargé d'affaires*) and Said Halim Pasha, the Grand Vizier, signed an agreement about reforms to be made in Eastern Anatolia.⁵⁹⁶ Although the Ottoman government had to sign this agreement, the CUP regarded it as a direct result of Tashnak's efforts to get foreign states to intervene in the internal affairs of the Ottoman Empire. Hence it formed a severe rupture among the Armenians and the Ottoman State before the Great War.⁵⁹⁷ Another turning point was the declaration of mobilization for the Great War in August 1914.

The mobilization had been already declared when the Tashnak Party made its 8th Congress in Erzurum on August 2-14, 1914. In the Congress, the attitude of the Armenians in a state of war was discussed. It was clear that the Ottoman Empire would enter the war on the side of Germany. In fact, the Armenians were against the Ottoman Empire's entry into the Great War on the side of Germany; but they still decided to be conscripted in the Ottoman Army as other Ottoman citizens.⁵⁹⁸ The Ottoman government sent delegates to the Congress for making the following proposal: "if the Tashnak Committee could help the Ottoman army to conquer Transcaucasia by provoking a rebellion in Russia, the Ottoman government would grant Armenia autonomy."⁵⁹⁹ Yet, the Armenian not trusting this promise after the experience of last six years, refused this proposal. Instead, they claimed the impossibility of inciting Russian Armenians against their country.⁶⁰⁰ However, Bahaddin Şakir, one of the delegates and a prominent founding member of the CUP, regarded Tashnak's position in this issue as a kind of treason, commenting that the Tashnaks preferred supporting

⁵⁹⁶ Dündar, *Modern Türkiye'nin Şifresi*, p. 258.

⁵⁹⁷ Dündar, *Modern Türkiye'nin Şifresi*, p. 258.

⁵⁹⁸ İzrail, *24 Nisan 1915*, p. 32.

⁵⁹⁹ Uras, *The Armenians in History*, p. 842.

⁶⁰⁰ Uras, *The Armenians in History*, p. 842.

Russia by refusing to collaborate with the Ottoman Empire at such a critical moment.⁶⁰¹ Thus, the Ottoman government lost trust in Armenians.⁶⁰² The CUP government started taking measures against the Armenians. For instance, from September 6, 1914, Armenian political parties and their activities were brought under surveillance.⁶⁰³ Certainly, such measures intensified when the Ottoman Empire officially entered the Great War in November 1914.

In order to mobilize the Muslims in the Ottoman Empire, *jihad* was declared in Fatih Mosque on November 14, 1914. Another aim in that was to provoke Muslims in the colonies of the Allied Powers, as *jihad* meant the Muslim holy war against infidels. However, the Ottoman Army as well as the armies of the enemy states was composed of both Christians and Muslims. Furthermore, the cobelligerent states of the Ottoman Empire were Christians. As a matter of fact, this declaration failed to fulfill its aim. Nevertheless, it led to a rise of enmity in the Ottoman public against Christians of enemy states and the non-Muslims within the Ottoman Empire.⁶⁰⁴ In fact, there had been many Muslim and non-Muslim deserters since the declaration of the mobilization. The declaration of *jihad* evidently increased the number of non-Muslim deserters.

The Ottoman Empire faced several defeats in the battles in the beginning of 1915. The Battle of Sarıkamış (December 22, 1914-January 17, 1915) between the Ottoman Empire and Russia ended with the result of Russian victory. In the Russian Army, there were a number of Armenians mostly being Russian subjects. However, there was also a small number of Ottoman Armenians in the Russian army. This

⁶⁰¹ Dündar, *Modern Türkiyenin Şifresi*, p. 261.

⁶⁰² Apart from the disagreement between the Ottoman government and Tashnaks, some other incidents further reinforced the idea that the Armenians were ready to collaborate with the Allied Powers. For instance, according to a document, in Istanbul, twenty-one Greeks and Armenians were arrested while they were voluntarily registering to the French army on the eve of the Ottoman Empire's entry to the Great War. BOA.DH.EMN.117/53, 17 Ramazan 1332, (August 9, 1914)

⁶⁰³ Dündar, *Modern Türkiyenin Şifresi*, p. 263.

⁶⁰⁴ İzrail, *24 Nisan 1914*, p. 31.

situation caused a kind of irritation and panic on the CUP government.⁶⁰⁵ As mentioned earlier, the Great War was an indirect war meaning that the belligerent armies tried to gain advantage by disrupting each other's morale and material resources. Civilians on the home front also became a target for the enemy. Thus, while the Ottoman State tried to provoke the Muslims living in Caucasia against Russian, it was faced with the same threat.⁶⁰⁶ The Battle of Sarıkamış showed that a most feared possibility for the CUP government – the provocation of Anatolian Armenians against the Ottoman Empire– could come true.

The Ottoman government began to take some measures from the fifth day of the Battle of Sarıkamış. Armenian civil servants, police officers and police commissioners identified as suspicious and unreliable were dismissed as a result of official order.⁶⁰⁷ The Raid on the Suez Canal (January 26, 1915-February 4, 1915) was another disappointment for the Ottoman Empire. Following the heavy defeat there Armenian incidents broke out in the southern Anatolia in Zeytun and Dört Yol. According to the Ottoman government, the Armenians of the region were collaborating with the enemy. While the conflicts between the Armenian guerillas and the Ottoman Army continued in Dört Yol and Zeytun, Cemal Pasha, the Commander of the Forth Army, sent a code to Talat Pasha, the Minister of Interior, advising the deportation of Armenians from the region. In reply, Talat Pasha accepted the suggestion through a code dated March 2, 1915.⁶⁰⁸ The conflicts and deportations in the southern Anatolia had repercussions in Istanbul. In spite of the fear caused by the limited news coming from Anatolia, the Armenians in Istanbul were hopeful about the ongoing battle in the Dardanelles.

⁶⁰⁵ Dündar, *Modern Türkiye'nin Şifresi*, p. 264.

⁶⁰⁶ Dündar, *Modern Türkiye'nin Şifresi*, p. 264.

⁶⁰⁷ Dündar, *Modern Türkiye'nin Şifresi*, p. 264.

⁶⁰⁸ Dündar, *Modern Türkiye'nin Şifresi*, p. 267; BOA.DH.ŞFR.50/141, 17 Şubat 1330 (March 2, 1915) For the full text of the code in Turkish and Ottoman Turkish see Dündar, *Modern Türkiye'nin Şifresi*, p. 478.

Actually, the naval operations of Allied Powers in the Dardanelles had started on February 17, 1915. Although the other battles were far away from Istanbul, the Battle of Gallipoli was close to the capital. For the first time the people of Istanbul and the Ottoman statesmen felt a real threat of occupation. In the end of February, several plans were made in case such a possibility materialized: women and children would be sent to Anatolia; liquid assets in banks would be transferred to Edirne and Konya; and the Ottoman archives would be carried to Eskişehir. The government warned all the ambassadors including Morgenthau, the American Ambassador, to leave the city as soon as possible.⁶⁰⁹ In short, the occupation probability of the Ottoman capital was considered as extremely high. However, the sentiment of Muslim and Armenian inhabitants in Istanbul was totally different from each other. While, the Muslims were afraid of a probable occupation, the Armenians felt that they were on the eve of their salvation. As a matter of fact, from the beginning of the Great War, Istanbulite Armenians were in belief that the Allied Powers would be coming to save them.⁶¹⁰ Therefore, sometimes implicitly and sometimes explicitly they hoped for a possible victory of the Allied Powers. Odian, a prominent Armenian author and satirist, in his memoirs, transmitted this situation from *Karagöz*, a well-known Ottoman newspaper, as in the following: “If you want to know about the progress of the war, look at Armenian faces. If they are smiling, it means that the French and Russians are winning. If their faces are troubled, you may be assured that the Germans are.”⁶¹¹

When the first naval operations began in the Dardanelles, Armenians raised their hopes. Balakian, an Armenian Priest and survivor of the Armenian deportation, described the situation in Istanbul before April 24, 1915 as in the following:

⁶⁰⁹ Alesandr Jevakof, “Çanakkale’nin İstanbul’dan Görünümü”, *Istanbul 1914-1923*, Stefanos Yerasimos (ed.), (Istanbul: İletişim Yayınları, 1996), p. 66.

⁶¹⁰ İzrail, *24 Nisan 1915*, p. 46-47; Jevakof, “Çanakkale’nin İstanbul’dan Görünümü”, p. 65; Grigoris Balakian, *Armenian Golgotha: A Memoir of the Armenian Genocide, 1915-1918*, Translated by Peter Balakian and Aris Sevag, (New York: Alfred A. Knopf, 2009), pp. 33-34.

⁶¹¹ Yervant Odian, *Accursed Years: My Exile and Return from Der Zor, 1914-1919*, Translate by Ara Stepan Melkonian, (London: Gomidas Institute, 2009), p. 13.

Popular enthusiasm reached such a pitch as to surpass that of Armenian exultation back in 1894. Now once again groups of Armenians were running every day to the shores of the Sea of Marmara to watch the majestic British fleet pass toward the Bosphorus, its mission to save the Armenians, of course. We had quickly forgotten the historic words of the British government officials who said that English fleet could not climb Mount Ararat... In the meantime, while the Armenians in Constantinople were frolicking and rejoicing, more than two million elsewhere were abandoned to a black fate.⁶¹²

From the narratives above, it is understood that the Armenians in Istanbul were not extremely apprehensive before April 24, 1915. Just a few days before the first arrests in Istanbul, Armenians celebrated the Easter enthusiastically. They even did not recognize the increasing number of undercover police officers on the streets. Those who recognized undercover police officers interpreted it as a requirement of the martial law that had been continuing since the mobilization decision in August.⁶¹³ In fact, the government had been preparing an operation against a number of Armenians perceived as prominent political and intellectual figures for the Armenian community in Istanbul.

The government viewed that operation as a necessary security measure within the existing situation. Talat Pasha, similar to other prominent members of the CUP, justified the initial phase of deportations on grounds that there were Armenian rebellions and an ongoing civil war between Armenian guerillas and the Ottoman army in Anatolia.⁶¹⁴ Dyer interprets the deportation decisions of the CUP leaders as follows: “Talat, Enver and their associates ... as desperate, frightened and unsophisticated men struggling to keep their nation afloat in a crisis far graver than they had anticipated when they first entered the war (the Armenian decisions were taken at the height of the crisis of the Dardanelles), reacting to events rather than creating them...”⁶¹⁵

⁶¹² Balakian, *Armenian Golgotha*, p. 33-34.

⁶¹³ İzrail, *24 Nisan 1915*, p. 58.

⁶¹⁴ Alpay Kabacalı (ed.), *Talat Paşa'nın Anıları*, (Istanbul: İş Bankası Kültür Yayınları, 2009), p. 70.

Talat Pasha, argues that these rebellions caused a great anxiety in Istanbul. In this respect, the CUP government considered the presence of the heads of Armenian committees in Istanbul was inappropriate because all military operations of the Ottoman Empire was planned and directed in the capital. Therefore, for the security of the Straits, the general headquarters decided to give an order to the Istanbul Police Directorate to arrest all the people in Istanbul who had any relationship with the Armenian committees.⁶¹⁶ Although Talat Pasha stated that there was increasing awareness and thus widespread uneasiness in Istanbul among the members of the Tashnak and Hinchak Parties, the memoirs of the Armenian intellectuals and politicians who had experienced deportation from Istanbul show that the Armenians in Istanbul were unaware of the seriousness of the situation in Anatolia at that time. Balakian wrote down the following sentences in his memoirs: "...so widespread were the excitement and demagoguery that no one worried about tomorrow. Besides me, just a few national representatives were trying, in vain, to point out the imminent danger to the Armenians in Turkey."⁶¹⁷

On March 18, 1915, the Ottoman Empire earned a victory in the Dardanelles stopping the naval operations of the Allied Powers through the straits. This success increased the morale of the Ottoman government. In the meanwhile Armenian rebellions increased in the eastern Anatolia in the beginning of April. The operation of April 24, which had been planned before, was implemented within this context.⁶¹⁸ The

⁶¹⁵ Gwynne Dyer, "Turkish 'falsifiers' and Armenian 'deceivers': historiography and the Armenian massacres", *Middle Eastern Studies*, Vol. 12, No. 1, (1976), p. 107.

⁶¹⁶ Kabacalı (ed.), *Talat Paşa'nın Anıları*, pp. 70-71. Mimaroglu, *Gördüklerim ve Geçirdiklerim'den...*, pp. 55-56. According to Yusuf Sarıay, the arrest of prominent Armenian figures related to the Armenian revolutionary committees was the last resort for the government to control the increasing political and revolutionary activities of Armenians. He argues that before the arrests the government tried to prevent the activities of the Armenian committees through some other measures such as the disarmament of Armenian privates; dismissal of disloyal and unreliable Armenian policemen and officials; and their deportation to other provinces. Yusuf Sarıay, "What Happened on April 24, 1915?: The Circular of April 24, 1915, and the Arrest of Armenian Committee Members in Istanbul", *International Journal of Turkish Studies*, Vol. 14, No. 1&2, (2008), pp. 76-77.

⁶¹⁷ Balakian, *Armenian Golgotha*, p. 33.

Ottoman government arguing that the rebellions in eastern Anatolia were directed from the headquarters present in Istanbul, decided to put an end to the activities of these organizations by closing them down. Thus, a code sent from the General Directorate of Security to fourteen provinces and ten *sanjaks* ordered the closure of all Armenian political and revolutionary organizations including the Tashnak and Hinchak Parties; seizure of all documents belonging to these organizations; arrest of the leaders of the organizations and other suspected Armenians and deportation of the Armenians whose presence in wherever they were was perceived as dangerous.⁶¹⁹ In the evening of the day when this code was sent to the provinces, the Istanbul Police Directorate began an operation to arrest more than two hundred Armenian politicians, intellectuals and notables in Istanbul.⁶²⁰

A commission was formed to carry out the operation in Istanbul. The commission members were as the following: İsmail Canbulat, the Director of the general Directorate of Security; Bedri *Bey*, the Director of the Istanbul Police Directorate; Mustafa Reşat [Mimaroglu] *Bey*, the chief of the 2nd Branch (*2. Şube*) and Political Section (*Kısm-i Siyasi*) of the General Directorate of Security; Aziz and Esat *Beys*, the chiefs of Administrative and Criminal Sections (*Kısm-i İdari* and *Kısm-i Adli*) of the General Directorate of Security.⁶²¹ The list of the Armenians to be deported from Istanbul had been prepared through a long process of investigation since

⁶¹⁸ İzrail, *24 Nisan 1915*, p. 58.

⁶¹⁹ This code was sent to the provinces of Edirne, Erzurum, Adana, Ankara, Aydın, Bitlis, Halep, Hüdavendigâr, Diyarbakır, Sivas, Trabzon, Konya, Mamuretülaziz, Van and to the *sanjaks* of Urfa, İzmit, Bolu, Canik, Karesi, Kayseri, Niğde, Eskişehir, Karahisar-ı Sahib and Maraş. BOA.DH.ŞFR.52/96, 97, 98, 11 Nisan 1331 (April 24, 1915), T.C. Başbakanlık Devlet Arşivleri Genel Müdürlüğü, *Osmanlı Belgelerinde Ermenilerin Sevk ve İskanı (1878-1920)*, (Ankara: Sistem Ofset, 2007), pp. 125-126.

⁶²⁰ İzrail gives a full list of two hundred and fifty Armenians who were arrested in the operations of April 24 and afterwards. These people were deported to Çankırı or Ayaş. The list provides the names and occupations of these Armenian notables as well as the place of their deportation, and whether they died or survived throughout the process. İzrail, *24 Nisan 1915*, pp. 227-233. Actually, this book is one of the most helpful studies about the issue. The author used a variety of sources in his research. Ottoman archival documents, the memoirs of the Ottoman officials and Armenian witnesses reinforced his analysis.

⁶²¹ İzrail, *24 Nisan 1915*, p. 43.

the beginning of the Great War. Armenian undercover police officers had also worked for the preparation of the list.⁶²² Istanbul was divided into twelve regions and twelve lists were prepared for each region. Police officers went to these regions in advance and made investigations in accordance with the lists. In the evening of April 24, Saturday, police officers simultaneously went to the houses of the Armenians having names on the lists. The operation was a secret one and the police officers were ordered to be extremely careful. Therefore, although this was actually intended as a raid, conducted as a simple judiciary process. In order not to attract attention, police officers in groups of two or three went to each house and requested the persons to be arrested to accompany them to the police station for a trivial inquiry.⁶²³

After the process in police stations, the detainees were taken to the Central Prison (*Hapishane-i Umumi*) at Sultanahmet Square. In fact, the detainees were not informed about their crime. Most of them, especially those who were close to the CUP or those who had no relation with Armenian political organizations, thought that they were innocent and hoped to be released after a short interrogation. As Istanbul police arrested persons with so different profiles, it was hard to make generalizations about them. In this respect, had it been an operation against the political leaders who had been organizing rebellions against the government, there would not have been among the detainees in Central Prison persons very close to the CUP.⁶²⁴ Therefore, reason and

⁶²² Ali Rıza Öge, a chief-police officer in the political section of the General Directorate of Security, gave detailed information about two Armenian undercover police officers named as Corci and Artin. According to him, while Corci tried to protect his nationals, Artin as an ex-member of Hınçak Party, helped a lot for identification of a large number of “suspect” Armenians, particularly being members of Tashnak Party. Ali Rıza Öge, *Meşrutiyetten Cumhuriyete Bir Polis Şefinin Gerçek Anıları*, (Bursa: Günlük Ticaret Gazetesi Tesisleri, 1957), pp. 226-229. According to the memoirs, the Armenians who were assigned to collect information and intelligence about Armenian notables were ignorant people. They were not close to the Armenian community and political activities. Therefore, as a result of misinformation provided by these agents, Istanbul Police arrested a lot of innocent people. İzrail, *24 Nisan 1915*, p. 85. For instance, there were two people carrying the same name, Hayg Tiryakyan. One was a prominent member of the Tashnak Party and Armenian National Assembly. The other was a very old grocer who had no relation with politics. Both were arrested on April 24, 1915 and the politician was sent to Çankırı whereas the grocer was deported to Ayaş with other members of the Tashnak Party. İzrail, *24 Nisan 1915*, p. 397. This is only one example among many others.

⁶²³ İzrail, *24 Nisan 1915*, pp. 51-53.

content of this operation was discussed among the detainees over the Saturday night and on Sunday.

The Central Prison, where there were a number of non-political criminals, had been emptied for the Armenians. Thus, all prisoners in Central prison on April 25, 1915 were Armenians. In the evening, the detainees were called to the prison yard by reading their names one by one. One hundred twenty six of the detainees would be sent to Çankırı, and remaining seventy-one would be deported to Ayaş, a small town in the Ankara province. The Tashnak leaders and members who were identified as “dangerous” would be sent to Ayaş. The persons who would be sent to Çankırı were “less dangerous” figures according to the CUP leaders. The detainees under the control of police officers and İbrahim Bey, the director of the Central Prison, departed from Istanbul at about nine o’clock on April 25.⁶²⁵ During the week following the departure of the first group, twenty-nine Armenians, whose names had been on the previous list of Istanbul Police but had evaded the initial arrests due to their absence in their addresses on April 24, were detained in Istanbul. This group departed from Istanbul on May 3. Thirteen of the detainees were deported to Ayaş while sixteen was sent to Çankırı.⁶²⁶ Therefore, in a week, two hundred and twenty-six Armenians in total were detained in Istanbul and deported to Anatolia. There were two questions waiting reply following the deportation of the intellectuals and political leaders: first, what would

⁶²⁴ For instance, Agnuni (Haçadur Malumyan), a prominent executive of the Tashnak Party, was famous for his moderate thoughts about the CUP. Furthermore, he had close relations with Talat Pasha. Dikran Allahverdi, doctor and director of the Pangaltı branch of the *Müdafaa-i Milliye Cemiyeti* (National Defense Committee), was a supporter of the CUP. These were two of the detainees who were arrested on April 24, 1915. İzrail, *24 Nisan 1915*, p. 57, 69.

⁶²⁵ For detailed information about the journey of the Armenian notables see Odian, *Accursed Years*, pp. 35-155; Balakian, *Armenian Golgotha*, pp. 61-251; Mikayel Shamtanchian, *The Fatal Night: An Eyewitness Account of the Extermination of Armenian Intellectuals in 1915*, (California: H. and K. Manjikian Publications, 2007), pp. 13-44; İzrail, *24 Nisan 1915*, pp. 91-103.

⁶²⁶ İzrail, *24 Nisan 1915*, pp. 107-108. According to Sarıay, the number of the detainees being 180 on April 24, 1915 reached 235 between April 24, 1915 and May 24, 1915. By August 1915, 290 Armenians from Istanbul had been arrested and prosecuted. Sarıay, “What Happened on April 24, 1915?”, p. 82. Actually, the list prepared by General Directorate of Security included the names of 610 Armenians to be arrested living in Istanbul. Most of these people could not be found in their addresses. For full list of 610 Armenians, see Yusuf Sarıay, *24 Nisan 1915’te Ne Oldu? Ermeni Sevk ve İskanının Perde Arkası*, (Istanbul: İdeal Kültür & Yayıncılık, 2012), pp. 263-322.

happen to these prominent figures of Armenian community?⁶²⁷ Next, would there be a mass Armenian deportation from Istanbul? The answer to both questions was yet unclear.

Morgenthau, the Ambassador of United States in Istanbul, was in continuous attempt to communicate with the Grand Vizier, Minister of Interior and Minister of War in order to stop the Armenian deportations in Anatolia that had officially began following the arrests and deportations April 24, 1915. In his report the ambassador commented that “[his] arguments unavailing except as to Constantinople.”⁶²⁸ Although the Ottoman government guaranteed him that there would not be any mass deportation from Istanbul, there was continuous fear and doubt about a probable deportation. In the meanwhile, Talat Pasha implicitly told Morgenthau that the Ottoman government was ready to apply strict measures against all Armenians in Istanbul in case any slightest offense would be committed against the government.⁶²⁹

It is probable that, the remaining Armenian notables, the Patriarch and the ordinary Armenians in Istanbul were aware of the possibility Talat Pasha implied. After April 24 1915, close surveillance, routine and random identity controls, tracking and detentions became a part of daily life for the Armenians in Istanbul.⁶³⁰ Despite the

⁶²⁷ Most of the deportees in Çankırı and Ayaş were re-deported to Der Zor. Only some of the deportees had the chance to go back to Istanbul without being deported to Zor. İzrail provides detailed information about the story of the deportees after their arrival to Ayaş and Çankırı. According to the numbers given by İzrail, seventy-five of ninety-two deportees in Ayaş and ninety-nine of the one hundred and fifty-eight deportees in Çankırı died. Therefore, out of two hundreds and fifty deportees only seventy survived. İzrail, *24 Nisan 1915*, pp. 227-233. Yusuf Sarımay gives information about CUP government’s reply to the petitions written by the deported Armenians and their families. As a result of the evaluation of these petitions some of the deportees were allowed to return to Istanbul. Some others were released on the condition that they would not travel to Istanbul and would settle elsewhere in Ottoman Empire. Sarımay, *24 Nisan 1915’te Ne Oldu?*, pp. 169-171.

⁶²⁸ NARA, Department of State, 867.4016/74, RG 59, July 10, 1915.

⁶²⁹ NARA, Department of State, 867.4016/75, RG 59, August 11, 1915. Even in October 1915, the fear of deportation was still alive in Istanbul. In his report to Washington, Morgenthau stated that: ‘...Delay [deportation of the Armenians in Istanbul] is being secured but entire escape of Constantinople Armenians is doubtful if present general political conditions here remain unchanged...’ NARA, Department of State, 867.4016/159, RG 59, October 10, 1915.

⁶³⁰ Harry, Stuermer, *Two War Years in Constantinople; Sketches of German and Young Turkish Ethics and Politics*, (New York: George H. Doran Company, 1917), pp. 53-54. Also Morgenthau wrote to

increasing oppression over the Armenian inhabitants in Istanbul, everybody continued their daily lives as usual or pretending that everything was normal. The small number of remaining Armenian political leaders in Istanbul could not dare to engage in any political activity. Even the Patriarch feared to take any step either for the release of detained Istanbulite intellectuals and politicians or for the Armenians in Anatolia.⁶³¹

Morgenthau summarized the prevailing situation in Istanbul as one of mutual distrust and fear: “Fear on the part of the Armenians who recall the past massacres and fear on the part of the government at alleged or dreaded conspiracies.”⁶³² As the fear on the part of the government increased, stricter measures were put into practice and these stricter measures in turn caused a climax of fear on the side of Armenians. In early June 1915, two prominent Armenian deputies, Krikor Zohrab and Vartkes Serengülyan, were arrested and sent to Diyarbakır for trial. Two weeks later, on June 15, 1915, twenty members of the Hinchak Party were hanged in the Beyazıt Square.⁶³³ Apart from these measures, the government tried to control the travels of Armenians to and from Istanbul.

Despite all, the capital city still had some advantages for the Armenians in Anatolia. The presence of a noteworthy foreign population as well as the representatives of neutral states in the city made the decision of deportation quite difficult for Istanbul. Therefore, the Armenians in Anatolia searched for ways to go to Istanbul during the War years. The government had a two-sided policy for controlling the Armenian population in Istanbul: on the one hand, the Armenians who were from

Washington that the Ottoman government ill treated to inoffensive Armenian population in Istanbul. NARA, Department of State, 867.4016/67, RG 59, May 28, 1915.

⁶³¹ İzrail, *24 Nisan 1915*, pp. 133-134.

⁶³² NARA, Department of State, 867.4016/71, RG 59, May 25, 1915.

⁶³³ İzrail, *24 Nisan 1915*, p. 141. An archival document about these incidents exists in NARA. However, according to this document three deputies, Zjrabvart, Brandie and Cherajian, were arrested. Furthermore, the twenty Armenians were hanged due to alleged separatist conspiracy. This document argues that further executions were expected. The government tried to justify these measures on the ground of military necessity. NARA, Department of State, 867.4016/70, RG 59, June 18, 1915.

other Anatolian provinces were expelled from Istanbul, while on the other hand, the government tried to prevent the travel of Anatolian Armenians to Istanbul.

As mentioned earlier, Istanbul had been an attractive city for immigrants coming from Anatolia since the beginning of the nineteenth century. The same was true for Anatolian Armenians. Following April 24, 1915, such recently immigrated Armenian countrymen in Istanbul became a target for the Ministry of Interior.⁶³⁴ Among these, the number of İzmit Armenians was the highest. In August 1915, a code sent by the Ministry of Interior stated that the Armenian from İzmit and its vicinity would be sent back to their localities and would be deported with the Armenian population there.⁶³⁵ Probably, most of the Armenians in İzmit had already been deported from İzmit before the code of the Ministry of Interior was sent. Therefore, only a week after the first code, the Ministry of Interior sent another code to Eskişehir about sending there the İzmit Armenians in Istanbul.⁶³⁶ There were obviously Armenians from other provinces apart from İzmit. The deportation process of the Armenians countrymen continued during the summer of 1915. Harry Stuermer, a reporter of the German newspaper *Kölnische Zeitung*, told the situation as the following:

⁶³⁴ Mustafa Reşat [Mimaroglu], the director of the political section of Istanbul Police Directorate, explicitly stated in his memoirs that according to the official point of view all of the migrated Armenian countrymen living in Istanbul, whether being married or single, were members of Armenian revolutionary committees. Therefore, the scrutiny of these Armenians and their expulsion from Istanbul was one of the main issues of the police during the Great War. Mimaroglu, *Gördüklerim ve Geçirdiklerim'den...*, p. 34, 56.

⁶³⁵ “İzmit ve mülhakatı ahalisinden olup İstanbul'da bulunan ve mahal-i mezkura gitmek isteyen Ermenilerin buraya avdet edebilmek ve zaten ora ahalisinden olmaları itibariyle diğerleriyle beraber ihraç edilmek üzere Dersaadet'ten gitmelerine müsaade olunması muvafık olacağı polis müdüriyet-i umumiyyesine bildirilmiş ve keyfiyet nezaretçe tensib edilmiştir. Ona göre muamele ifası.” BOA.DH.ŞFR.54A/343, 28 Ramazan 1333 (August 10, 1915)

⁶³⁶ BOA.DH.ŞFR.55/72, 4 Ağustos 1331 (August 17, 1915). The order to deport Armenians from the *Sancağ* of İzmit and its 42 localities was signed by the Minister of Interior on 5/18 July 1915. The deportation process of İzmit was almost totally completed in August 1915. Raymond Kévorkian, *The Armenian Genocide: A Complete History*, (London, New York: I. B. Tauris, 2011), pp. 551-556.

Everyday towards evening, when these unfortunate creatures had been collected in the police-stations, the women and children were packed into electric-trams while the men and boys were compelled to go off on foot to Galata with a couple of blankets and only the barest necessities for their terrible journey packed in a small bag. Of course, they were not all poor people by any means...I know cases where men of high education belonging to aristocratic families –engineers, doctors, lawyers – were banished from Pera in this disgusting way under cover of darkness to spend the night on the platforms of the Haidar-Pasha Station and then be packed off in the morning on the Anatolian Railway – of course they paid for their tickets and all travelling expenses!⁶³⁷

Lewis Einstein, an American diplomat and historian, noted in his diary that the deportation in Istanbul had begun on August 8, 1915. He stated that the police had detained sixty Armenians that day.⁶³⁸ This was probably the first time a mass Armenian arrest took place publicly, after 24 April.

It is quiet difficult to present numbers for the Armenians deported from Istanbul during the war years. In the Ottoman Archives there is no such document with exact numbers. From the memoirs and other archival documents, it is understood that the deportation of Armenians countrymen in Istanbul was made step by step. Wolff-Metternich, the ambassador of Germany in Istanbul, sent a report about these Armenians to Bethmann Hollweg, the prime minister of Germany.⁶³⁹ According to his report, 4.000 Armenians were deported from Istanbul to Anatolia during the summer of 1915. Wolff-Metternich also stated that this number recorded in the police directorate was provided to him by a reliable source.⁶⁴⁰ The same number also appears in a report prepared by Viscount Bryce, a member of House of Lords and sent to

⁶³⁷ Stuermer, *Two War Years in Constantinople*, pp. 55-56.

⁶³⁸ Lewis Einstein, *Inside Constantinople : a Diplomatist's Diary during the Dardanelles Expedition, April-September, 1915*, (London : J. Murray, 1917), p. 222.

⁶³⁹ Wolfgang Gust (ed.), *Alman Belgeleri: Ermeni Soykırımı 1915-1916, Alman Dışişleri Bakanlığı Siyasi Arşiv Belgeleri*, (Istanbul: Belge Yayınları, 2012), p. 590-593.

⁶⁴⁰ In his report, Wolff-Metternich also requested this information to be kept secret. Gust (ed.), *Alman Belgeleri*, p. 591.

Viscount Grey of Fallodon, the Secretary of State for Foreign Affairs.⁶⁴¹ According to this document “the [Ottoman] Government compiled a register of Armenian inhabitants, singling out those who were immigrants from the provinces from those actually born in the city and a considerable number of prominent people on the former class had been deported by the middle of August.”⁶⁴² According to Mustafa Reşat, the director of political section under Istanbul Police Directorate, the number of deported Armenian countrymen from Istanbul was around 2,000.⁶⁴³ Similar to Mustafa Reşat, Uras argues that the number of deported Armenian countrymen from Istanbul was 2,345.⁶⁴⁴

To sum up, although there was not a mass Armenian deportation in Istanbul during the Great War, a remarkable number of Armenian countrymen were expelled from the capital, especially during the summer of 1915. The government probably aimed to keep only the Istanbulite Armenians in the capital. Hence, the government also aimed at preventing the travel of Armenians from Anatolia to Istanbul. On August 3, 1915, a code was sent to several provinces and *sanjaks* stating that it was absolutely forbidden to issue travel documents for Armenians intending to travel to Dersaadet.⁶⁴⁵

There were different groups of Armenians who were trying to go to Istanbul. For example, the Catholic Armenians were struggling to go to Istanbul since the beginning of the War. Nevertheless, the government only accepted the travel request of Catholic Armenians who were from Istanbul. For instance, six Istanbulite Armenians

⁶⁴¹ Miscellaneous No. 31 (1916), *The Treatment of Armenians in the Ottoman Empire, 1915-1916, Documents presented to Viscount Grey of Fallodon Secretary of State for Foreign Affairs By Viscount Bryce*, (London: 1916), p. 392. Actually, it is explicitly stated in the document that some information was based on rumors. For instance, the document includes the following information: “...According to another rumour, the Armenians of Scutaria [Üsküdar] and Ortakeui have already been deported.” p. 391. Actually, there is no information about this argument in the Ottoman and American archives or in any personal memoirs.

⁶⁴² Miscellaneous No. 31 (1916), *The Treatment of Armenians*, p. 389.

⁶⁴³ Mimarçoğlu, *Gördüklerim ve Geçirdiklerim'den*, p. 56.

⁶⁴⁴ Uras, *The Armenians in History*, p. 872.

⁶⁴⁵ The code was sent to the provinces of Ankara, Konya and Hüdavendigâr and the *sanjaks* of İzmit, Karesi and Kayseri. BOA.DH.ŞFR.54A/255, 22 Ramazan 1333 (August 4, 1915).

had gone to Ankara and had been deported to Konya with a group of Armenians from Ankara. These Armenians requested their return to Istanbul and the Ministry of Interior accepted this request on the grounds that they were from Istanbul.⁶⁴⁶ However, in general terms, the Ministry of Interior tried to keep away from Istanbul the Armenians of other provinces whether they were Protestant, Gregorian or Catholic.⁶⁴⁷ In short, although Catholic Armenians to great extent excluded from the deportation process in later phases, they would still have no privilege of travelling to Istanbul.

Another group of Armenians who intended to reach Istanbul were the Armenian soldiers who had been discharged from the army. The Ministry of Interior sent several codes to provinces to make sure that local authorities would not allow the travel of those who had the intention to go to Istanbul.⁶⁴⁸ Probably, until the end of 1916, the Armenians who were working at railways as civil servants or workers had been enjoying the privilege of travelling without travel documents. However, this caught the attention of the Ministry of Interior as a “security gap”. Thus, a code was sent to fifteen provinces and seventeen *sanjaks* to prohibit the travel of Armenians in that category.⁶⁴⁹ Accordingly, no Armenian railway employee whether converted to Islam or not would have the right to travel to Istanbul without the special permission of the Ministry of Interior.

⁶⁴⁶ BOA.DH.ŞFR.56/115, 9 Eylül 1331 (September 22, 1915).

⁶⁴⁷ For instance, the Ministry of Interior sent a code to the Hüdavendigar Province warning the local government for not allowing departure of the Protestant and Catholic Armenians to Istanbul. BOA.DH.ŞFR.55-A/126, 25 Ağustos 1331 (September 7, 1915)

⁶⁴⁸ On December 30, 1915, the Ministry of Interior sent a code to the Konya province stating that there had recently been a number of discharged Armenian soldiers who coming from the region had arrived in Istanbul. The Ministry demanded information regarding the departure of these Armenians from Konya, specifically inquiring about the office granting them permission as well as the documents granted. BOA.DH.ŞFR.59/154 ,17 Kanunuevvel 1331 (December 30, 1915). A following code made clear that some of these soldiers were discharged from the Niğde Battalion before coming to Konya. The Ministry of Interior notified the local authorities about the issue once again. According to the code, the arrival of these Armenian soldiers to Dersaadet was not permissible. BOA.DH.ŞFR.60/94, 10 Kanunusani 1331 (January 23, 1916). For similar correspondences see p. 44.

⁶⁴⁹ BOA.DH.ŞFR.69/62, 23 Zilhicce 1334 (October 22, 1916)

Following the Armenian Deportation the number of Armenians converted to Islam evidently increased in the Ottoman Empire, as this was considered as a way to survive. Furthermore, being Muslim converts, traveling to Istanbul and other regions was easier for Armenians. However, the Ministry of Interior sent a code to Cemal Pasha, the Commander of the Forth Army located in Syria, stating that, whether converted to Islam or not, travel of all Armenians from the region was forbidden, except those who had special permission of the Ministry of Interior.⁶⁵⁰ Apart from Catholic Armenians and those discharged from the army, The Ministry of Interior also warned the officials in Syria not to send Armenian orphans to Istanbul.⁶⁵¹ Therefore, during the Great War, entry to Istanbul was closed to Armenians coming from Anatolia and Syria. Nevertheless, Armenians were eager to reach Istanbul because the capital was much more secure than the other parts of the Empire.⁶⁵² Furthermore, Istanbul was the place of departure for migration to foreign countries. Especially, Armenians migrating to the United States had to leave the country from Istanbul.⁶⁵³

The restrictions on travel of Armenians to Istanbul began to slacken after October 1918.⁶⁵⁴ Accordingly a number of codes were sent to several provinces to

⁶⁵⁰ In 1917, deportation was almost completed. The Armenians, who could have survived, reached Der Zor. Therefore, this code was sent only to Syria. BOA.DH.ŞFR.74/301, 5 Cemaziyelahir 1335 (March 28, 1917). There was an exception at this point. The converted wives of the officers were not allowed to travel to any regions in the Ottoman Empire except Istanbul. However, in order to travel to Istanbul, they had to have a document that was signed by the Commandery of the Corps (*Kolordu Komutanlığı*) conforming their situation as being a wife of an officer. BOA.DH.ŞFR.81/151, 14 Teşrinisani 1333 (November 14, 1917)

⁶⁵¹ BOA.DH.ŞFR.81/273, 13 Safer 1336 (November 29, 1917)

⁶⁵² As this was the case, some officials began providing fake travel documents to Armenians in exchange for money and this turned to be a way of earning fake money for such officials. For instance, lieutenant Tahsin *Efendi* was one of these working as a transfer officer (*sevk memuru*) in Konya Station. When his abuse was detected, the Ministry of Interior commenced an inquiry about him. BOA.DH.ŞFR.66/167, 26 Temmuz 1332, (August 8, 1916).

⁶⁵³ NARA, Department of State, 867.4016/162, RG 59, October 9, 1915.

⁶⁵⁴ On October 20, 1918, a decree was sent to all the provinces specifying the conditions for Armenians' return. For detailed information about the Return Decree (*Geri Dönüş Kararnamesi*), Adem Günaydın, *Return and Resettlement of the Relocated Armenians (1918-1920)*, Unpublished M.A. Thesis, (Ankara: Middle East Technical University, 2007), pp. 19-20.

inform that Armenians would be allowed to travel to Istanbul including Armenian civil servants⁶⁵⁵, Armenians being Russian subjects⁶⁵⁶ and Armenians traveling to Istanbul for trade or journey.⁶⁵⁷ If Armenians who had been deported from Istanbul or its vicinity wanted to return to Istanbul, it was principally Istanbul provincial government's duty to carry out necessary proceedings and make preparations for their settlement before their return.⁶⁵⁸

As a result, the number of returnee Armenians in Istanbul increased rapidly in a short period of time. The Ministry of Interior sent a code to fifteen provinces and sixteen *sanjaks* about the issue.⁶⁵⁹ According to the code, most of the Armenians and Greeks had travelled to Istanbul without travel documents. Local governments were warned about being careful to fulfill the procedures of travel. Especially, following the occupation of Istanbul by the Allied Powers, the number of Armenians in Istanbul continued to increase. For example, more than 2.000 Armenians travelled to Istanbul from Beirut by ship at one time in 1919.⁶⁶⁰ Yet, there are no precise numbers regarding Armenians returning to Istanbul after the Armistice. Despite the fact, it can definitely be argued that Armenians continued to perceive Istanbul as a secure place, following the war years.

As a matter of fact, the measures implemented on Armenians and Greeks in the name of the maintenance of public order and crime-prevention could be regarded as the part of a broader government policy to punish "undesirable elements" in the society. Therefore, all policies of controlling, repressing and policing related to

⁶⁵⁵ BOA.DH.ŞFR.92/52, 29 Zilhicce 1336 (October 6, 1918).

⁶⁵⁶ BOA.DH.ŞFR.92/167, 13 Muharrem 1337 (October 20, 1918) Through another order, the Armenians who were Russian subjects were allowed to go to Russia. BOA.DH.EUM.AYŞ.56/49, 9 Teşrinisani 1334 (November 9, 1918).

⁶⁵⁷ BOA.DH.ŞFR.93/224, 20 Teşrinisani 1334 (November 20, 1918).

⁶⁵⁸ BOA.DH.ŞFR.93/224, 20 Teşrinisani 1334 (November 20, 1918).

⁶⁵⁹ BOA.DH.ŞFR.93/158, 10 Safer 1337 (November 15, 1918).

⁶⁶⁰ BOA.DH.EUM.MTK.80/67, 4 Teşrinisani 1335 (November 10, 1919).

“suspects” should be regarded accordingly. It means that the government tried to reshape the population structure in the capital city through a number of scrutinizing policies in accordance with its political aims.

In doing this, the discourse of the prevention of crimes provided the government and security forces the basis for legitimacy. In that sense, ‘preventive policing’ understood in a proactive way was at least at a discursive level prominent feature of the Ottoman understanding of public security during the Great War. As mentioned in the second chapter, particularly the economic hardships of wartime years inevitably led to the rise of crime rates in Istanbul. The CUP government’s response to the newly emerging problems tells a lot about official priorities in criminal policy as well as the state’s penetration capacity to the society.

In this respect, three types of crimes being offences directly related to the economic dynamics namely theft, profiteering and bribery, will be analyzed in detail in the next chapter. As mentioned in the first chapter, the protection of private property became a major concern for modern states after the eighteenth century. Thus, governmental policies against these crimes will be analyzed taking into consideration the density of these crimes in Istanbul, the changing conditions as a result of the Great War, and the legal procedures implemented or deliberately ‘not’ implemented to offenders of these crimes.

CHAPTER 6

CONSTRUCTION OF CRIMINALITY AND DELINQUENCY: THEFT VERSUS PROFITEERING AND BRIBERY

In the previous two chapters the CUP policies related to the maintenance of public order in Istanbul were examined in detail. It is clear that, during the Great War, the discourse on ‘the maintenance of public order’ provided the CUP government and the security forces the capacity for implementation of harsher policies over the city population. Alongside with ‘the maintenance of public order’, ‘prevention of crimes’ became another such discourse. In that regard, the “suspected” came to be “potential criminals” in the eyes of the government. Thus, the CUP government, while aiming at restructuring the society and penetrating to it in a far-reaching way through a number of controlling policies, predominantly argued and advocated that these policies were necessary for repressing “potential criminals” and preventing crimes.

In the Chapter 1, it was argued that political and economic context is highly influential in specifying what is criminal or delinquent. In this sense, the Great War had its own dynamics that featured priorities such as ‘survival of the state’ and elimination of ‘enemy within’ and these have much relevance in evaluating the criminal policy of the CUP during the war years.

The changes in the Penal Code, and the publication of various ordinances and regulations during the war years provide us general information about the attitude of the government towards crime and punishment. However, it is quite difficult to determine the crime rates precisely during the war years due to several reasons. First, unfortunately, we do not have on hand the *Nizamiye Mahkemeleri* (civil/criminal

courts)⁶⁶¹ reports of the war years, which would normally provide plentiful information about crimes, punishments and criminals.⁶⁶² Furthermore, accessible archival documents of courts-martial, the military courts primarily dealing with cases related to the military issues, are limited.⁶⁶³ Also, the information about crimes that could be inferred from the files of the General Directorate of Security is extremely dispersed. Finally, although there are some crime statistics of the General Directorate of Security providing detailed information about the crimes in Istanbul, the number of these statistics is insufficient.⁶⁶⁴

⁶⁶¹ The *Vilayet Nizamnamesi* (The Regulation of Province) of 1864 constituted the legal and administrative basis for the foundation of new courts named as *Nizamiye Mahkemeleri* that would proceed the cases of both the Muslims and non-Muslims. Ekrem Buğra Ekinci, “Tanzimat Devri Osmanlı Mahkemeleri”, *Yeni Türkiye*, Vol. 31, (Ocak-Şubat 2000), p. 769. Actually, foundation of the *Nizamiye* courts was a process that took fifteen years. From 1864 to 1879, several regulations were made about the *Nizamiye* Court system and finally the reforms of 1879 adjust the division of labor between various courts. According to the division of labor, the *Nizamiye* courts would deal with civil, commercial, and criminal cases, while the Sharia Courts (religious courts) addressed matters of personal status and *wakıfs* (endowments), Avi Rubin, “From Legal Representation to Advocacy: Attorneys and Clients in the Ottoman *Nizamiye* Courts”, *IJMES*, Vol. 44, (2012), pp. 111-113. For detailed information about foundation of *Nizamiye* Courts and their functions also see, Sedat Bingöl, *Tanzimat Devrinde Osmanlı’da Yargı Reformu: Nizamiye Mhkemelerinin Kuruluşu ve İşleyişi (1840-1876)*, (Eskişehir: Anadolu Üniversitesi, 2004).

⁶⁶² Avi Rubin, *Ottoman Nizamiye Courts: Law and Modernity*, (New York: Palgrave Macmillan, 2011), p. 9.

⁶⁶³ Actually, courts-martial as military courts were mainly dealing with military criminal cases such as internal and external security of the state; foundation of secret organizations; revealing military secrets; crimes against conscription for instance providing fake health reports; opposition to decisions and regulations of military government; and sex crimes against wives or female family members of soldiers and officers. However, during the Great War, some other criminal cases came under the jurisdiction subject of courts-martial such as assassination of state officials; violent theft; and profiteering. Unfortunately, the accessible registers of these military courts are not sufficient enough to make inferences as to what extent these courts dealt with non-military issues. For detailed information, see Osman Köksal, *Tarihsel Süreç İçinde bir Özel Yargı Organı Olarak Divan-ı Harb-i Örfiler (1877-1922)*, Unpublished PhD Dissertation, (Ankara: Ankara Üniversitesi, 1996), pp. 84-101; 150-151.

⁶⁶⁴ The crime statistics of the General Directorate of Security provide detailed information about crimes and criminals. The main topics in the statistics were as follows: number of the criminals; number of the criminal cases whose offenders were known or unknown; the location of the crime in terms of in city center or countryside; gender of the criminals, their martial status and whether they had children; number of the one-time offenders and repetitive ones; occupation, nationality, citizenship, level of education, residency in terms of being a city-dweller or countryman (*şehirli, köylü*) and age of criminals. BOA.DH.EUM.ADL. 30/20, 12 Cemaziyelevvel 1335 (March 6, 1917), BOA.DH.EUM.ADL.30/43, 26 Cemaziyelevvel 1335 (March 20, 1917). We have these two statistics only for the crime rates in Istanbul in January and February 1917.

Nevertheless, crime tables of Istanbul published in the Police Journal are helpful despite their deficiencies. The major deficiency of these crime tables was that they only provide the numbers of crimes. Unlike the crime statistics of the General Directorate of Security, there was no information about the criminals in terms of their ages, nationalities, occupations and etc. in the crime tables of the Police Journal. Furthermore, there was no information about the regions of Istanbul where crimes took place.⁶⁶⁵ Moreover, the crime tables in the Police Journal included nineteen crimes at most whereas from the crime statistics of the General Directorate of Security, it is understood that there were seventy-two crimes that were specified by the Ottoman government during the war years. Probably, nineteen crimes taking place in the crime tables of the Police Journal were the crimes which the government preferred to highlight. Additionally, these crimes had to be the most frequent crimes in Istanbul during the Great War. Another deficiency of the crime tables was mistakes in calculation.⁶⁶⁶ Therefore, the numbers given in the tables has to be evaluated carefully. Despite these deficiencies, these crime tables provide important data about crime rates in Istanbul during the Great War.

Until 1916, there were seven type of crimes in crime tables: theft (*sirkat*), pick-pocketing (*yankesicilik*), fraud (*dolandırıcılık*), homicide (*katl*), battery and wounding (*darb ve cerh*), indecent sexual behavior (*fîl-i şeni*), and fire (*harik*). These tables did not focus on the crime rates of specific months or weeks of the year. They included

⁶⁶⁵ There were limited number of statistics indicating crime rates in Istanbul on the basis of region. These statistics were as follows: “Tafsilat: 1330 senesi Kanunisani mahına aid cedvel”, *Polis Mecmuası*, No. 40, 8 Rebiülahir 1333/1 Mart 1331 (14 Mart 1915), p. 15, “Tafsilat: 1330 senesi Şubat mahına aid cedvel”, *Polis Mecmuası*, No. 41, 12 Cemaziyelevvel 1333/15 Mart 1331 (28 Mart 1915), p. 48. “Ceraim Cedveli: 1332 senesi Mart’ının ibtidasından nihayetine deđin bir ay zarfında İstanbul, Beyođlu ve Üsküdar polis müdüriyetleri dahilinde vuku bulan ceraim-i umumiyyeyi mübeyyin cedveldir.”, *Polis Mecmuası*, No. 68, 11 Receb 1334/1 Mayıs 1332 (May 14, 1916), p. 119, “Ceraim Cedveli: 1332 senesi Haziranının onaltıncı gününden nihayetine deđin son iki haftası zarfında bilumum merakiz-i zabıta dahilinde vuku bulan ceraim-i umumiyyeyi gösterir cedveldir.”, *Polis Mecmuası*, No. 74, 15 Şevval 1334/ 1 Ağustos 1916 (14 Ağustos 1916), p. 263, “Ceraim Cedveli: 1332 senesi Temmuzunun ibtidasından nihayetine deđin Dersaadet’te bilumum merakiz-i zabıta dahilinde vuku bulan ceraimi gösterir cedveldir.”, *Polis Mecmuası*, No. 75, 29 Şevval 1334/15 Temmuz 1332 (28 Temmuz 1916), p. 288.

⁶⁶⁶ See Appendix C and D as examples of calculation mistakes, pp. 340-343.

data on a two-month basis. Until 1917, comparisons were made between the crime rates of specific months of one year with that of the previous year.⁶⁶⁷

In 1916, the number of categories of crimes in the crime table increased to nineteen. Furthermore, in 1917, the comparison began to be made between successive months of the same year rather than the same months of the successive years.⁶⁶⁸ This situation could probably be a consequence of the fact that crime rates began to rise rapidly especially in the last two years of the Great War. Therefore, comparison between the same months of successive years was probably risky for the government because in this way the rise of crime rates would be more apparent. Actually, one of the main ideas behind publishing crime rates regularly in the Police Journal should be that the General Directorate of Security and the government tried to display their “success” maintaining public order through decreasing the crime rates or through not allowing dramatic increase in crime rates. Therefore, demonstration of data belonging to two successive months would be a safer way for the government to give the message that ‘there were no alarming changes in the crime rates’.

There were monthly or fortnightly-published crime tables in the Police Journal. Certainly, these tables give us an idea about criminal cases in Istanbul during the Great War. Nevertheless, numbers on their own are not enough to make a detailed analysis about crime and punishment. Therefore, in the following parts an analysis of the selected crimes –theft, profiteering and bribery– and their corresponding punishments will refer to the documents of the General Directorate of Security, debate registers of the Senate, prison registers, prison reports, the Penal Code and provisional laws as well as crime tables.

As a matter of fact, official records about crime rates have to be examined carefully. Most of the time, governments and security forces prepare that type of

⁶⁶⁷ See Appendix C for the crime table comparing crime rates in Istanbul for February of 1914 and 1915, pp. 340-341.

⁶⁶⁸ For crime categories included in the crime tables and for new version of comparison based on successive months of the same year rather than the same months of the successive years see Appendix D, pp. 342-343.

records in accordance with the policies they implement. Although the registers in the Police Journal provide plentiful and regular data about crime rates in Istanbul during the Great War, the content of the tables indicate that they were prepared according to some particular mind-set. For instance, it is possible to evaluate most of the crimes included in the crime tables under the category of ‘crimes against property’.⁶⁶⁹ The reason behind that is the meaning of ‘private property’ for the modern state. During the nineteenth century, the protection of private property assumed specific importance for modern state. In this sense, the struggle against any kind of attack on capital and good became an important component of policing.⁶⁷⁰ Therefore, it became an effective way to make the crimes against property publicly visible in official records to be able to justify the policies related to these crimes.

In 1916, the crime tables began including some other crimes such as battery and insulting state officials during office; opposition to decisions and regulations of the government; and bribery. Inclusion of the first two categories in crime tables, which will be discussed in the following chapter, might be related to a rising level of concern about the continuation of the CUP rule during the Great War. Bribery, on the other hand, was included in the crime tables due to the increasing rate of this crime. However, in the statistics, the numbers for this crime was extremely low. As will be examined in detail, according to a number of memoirs of the time, bribery was widespread. It is probable that the government published numbers of bribery lower than actual to reinforce the impression that despite some individual cases of bribery in Istanbul it never became a widespread crime among state officials.

Unlike theft and bribery, profiteering was a totally ignored crime during the wartime, as it never became a part of crime tables. Furthermore, there was no article or news about this crime in the Police Journal. It means that although profiteering was

⁶⁶⁹ Violent theft, petty theft, pick-pocketing, fraud, robbery, seizure and abuse of confidence were the crimes against property included in crime tables.

⁶⁷⁰ Ergut, “Policing the Poor”, p. 153.

one of the most important causes of rising socio-economic problems in Istanbul, the government almost totally preferred to ignore it until 1917.

All these indicate that, during the Great War, the CUP government had three different attitudes towards crimes that were closely related to economic dynamics. First, as in the case of theft, the CUP government deliberately made some crimes publicly visible. It is clear that the government did not fight against the real causes of theft such as rising poverty, emergence of black market and unequal distribution of basic necessities. In this sense the question why the government made this crime publicly visible will be answered in this chapter. Second, as in the case of profiteering, the government preferred to overlook some crimes. In fact, the main reason of ignorance was that the government benefited from the capital accumulation emerging from profiteering. Third was the attitude of the CUP government towards crimes related to wartime economic dynamics that could be inferred from the policy towards bribery. Although this crime was made publicly visible through crime tables, this was rather used to conceal the actual frequency and importance of the crime.

In fact, during the Great War, the rate of theft and bribery increased remarkably. At the same time, profiteering as another type of economic crime became a phenomenon of the war years which had its roots in economic realities. This chapter aims to examine these crimes in a detailed manner in order to shed light on the CUP policies towards crimes related to wartime economic conditions. This in turn will also allow us to comment on how the CUP government made use of crime and punishment policies with respect to its political and administrative aims.

6.1 Petty Theft (*Adi Sirkat*) and Violent Theft (*Cinayet Nevinden Sirkat*)

The existing data indicates that theft, especially *adi sirkat* (petty theft), was the most widespread crime in Istanbul during the Great War. Although most cases of theft were evaluated as *cünha* or *kabihat* according to the Penal Code of 1858, it was probably the most important crime-related problem influencing daily life of city-

dwellers. The economic circumstances during the war were the main stimulant in the rise of theft cases. On the one hand, due to increasing prices, problems of provisioning, black-market and unemployment, persons could not even be provided for their daily needs. This situation had a great impact on the increase in the number of petty theft cases especially during the last two years of the Great War. On the other hand, city-dwellers already faced difficulties in meeting their basic necessities and felt themselves under a continuous threat of theft.

Although petty theft was mentioned in all crime statistics and tables, there was no exact definition for this kind of theft in official documents. Nevertheless, from the Penal Code, it could be understood that petty theft was a general name for ordinary thefts except violent theft (*cinayet nevinden hırsızlık*). Therefore, petty theft could be categorized as *cünha* requiring punishment of imprisonment from one month to three years. The Article 222 of the Penal Code explicitly stated that if a person committed theft that accompanied one of the followings, she/he would be imprisoned from one year to three years:

First [...], [theft] being night time and two or more persons being found together; or there existing only one of these two circumstances but of its being in an inhabited place or in places of worship; second, [...] being armed clandestinely or openly even though the affair of theft takes place by day, or on the part of a single person and the place of theft be not an inhabited place; third, [...] committing the theft being a laborer or an artisan's apprentice and committing theft in the house, shop or store of his master or [...] committing a theft where he continuously works; fourth, is that of innkeepers, hotel-keepers, coachmen, boatmen or similar tradesmen or their agents stealing the whole or part of the goods entrusted to them.⁶⁷¹

⁶⁷¹ Bucknill and Utidjian, *The Imperial Ottoman Penal Code*, p. 175. The punishments related to theft were regulated in the Second Chapter of the Penal Code. The seventh part, named as '*Sirkat Hakkındadır*' (Relates to Theft), was composed of fifteen articles (Articles 216-230). "Ceza Kanunname-i Hümayunu", *Düstur*, I/1, pp. 584-588; Bucknill and Utidjian, *The Imperial Ottoman Penal Code*, pp. 171-183. For changes in 1911, "28 Zilhicce 1274 Tarihli Kanun-ı Cezanın bazı mevadını muaddel kanun", *Düstur*, II/3, pp. 457-459.

In the following articles, other circumstances for petty theft were described. For instance, stealing transported beverages or edible food by the boatmen, cart-drivers or muleteers and/or replacement of these with injurious or harmless substances;⁶⁷² stealing horse, other beast of burden, cattle, agricultural tools, firewood that had been cut and prepared for sale, fish grown in fishponds,⁶⁷³ and crops and other profitable produce of soil⁶⁷⁴ were some of other circumstances of petty theft.

In the original text of the Penal Code of 1858, punishments for petty thefts were lighter. The CUP government lengthened durations for imprisonment with the amendments of 1911. For instance, the imprisonment from twenty-four hours to three months in the Penal Code of 1858 was prolonged to one month to one year by the changes of 1911.⁶⁷⁵ The main mentality behind lengthening incarceration periods for petty thefts should be related to the rising importance of private property and its meaning for the State in the early twentieth century. On the one hand, as mentioned earlier, the CUP government tried to minimize the power of Islamic Law in criminal issues by making detailed changes in related articles of the Penal Code; on the other hand, by lengthening sentences, the CUP government tried to increase deterrent effect of the punishments for crimes against property. In other words, the State was to become the first and main protector of the private property.

The second type of theft was *cinayet nevinden sirkat* (violent theft) considered as organized crime having more serious consequences. According to the Penal Code of

⁶⁷² Punishments for this crime was imprisonment for from one month to three years and a cash fine from half a *mecidiyye* (gold lira issued in Abdülmecid Reign) to half *mecidiyye* gold pieces, Article 123, Ibid, pp. 176-177; Akgündüz, *Mukayeseli İslam ve Osmanlı Hukuku*, p. 869.

⁶⁷³ The punishment for stealing animals was imprisonment from one year to three years; and the punishment for stealing agricultural tools and firewood and fish was imprisonment from one month to one year. Article 224, Bucknill and Utidjian, *The Imperial Ottoman Penal Code*, pp. 177-178.

⁶⁷⁴ The punishment for this crime was imprisonment for one month to one year. In the case if the theft happened at night and was committed by a group of people also making use of carts or animals, imprisonment period would increase to six months to two years. Bucknill and Utidjian, *The Imperial Ottoman Penal Code*, p. 178.

⁶⁷⁵ Article 225, Bucknill and Utidjian, *The Imperial Ottoman Penal Code*. Other articles substituted by new articles through which incarceration periods were changed in 1911 were as follows: Articles 224 and 226.

1858, the punishment of violent theft was *kürek* in perpetuity or temporarily for not less than fifteen years.⁶⁷⁶ Article 217 stated that if a case of theft corresponded to the specifies in the following five circumstances, the punishment would be *kürek* in perpetuity:

The first of these circumstances is that of being night time; the second is that of two or more persons being found together; the third is that of these [people] or even one from among them being armed clandestinely or openly; the fourth is that of entering [...] any kind of place wherein men resides by demolishing the wall thereof or by going up over the wall thereof by ladder or by breaking the door thereof or by opening the lock thereof by an instrument or by taking the guise and appearance of a State official or by producing a fictitious order from officers; the fifth is that of intimidating by violent treatment or the display of arms.⁶⁷⁷

The following four articles of the Penal Code included some other circumstances of violent theft requiring punishment of *kürek*. For instance, according to the Article 218, if a theft was committed at night and by more than two people as well as with the exercise of compulsion and violent treatment, then offenders would be punished to *kürek* temporarily. If marks of wounding occurred due to violence, the offenders would be placed in *kürek* in perpetuity.⁶⁷⁸ Furthermore, committing theft on a public road at night was also categorized as violent theft requiring *kürek* in perpetuity or temporarily for not less than five years.⁶⁷⁹ According to Article 220, committing theft in places –whether inhabited by someone or not– through entering inside by making a hole on the wall or by going up over a ladder or by breaking or opening the doors or windows was also categorized as violent crime.⁶⁸⁰ In 1911, this article was

⁶⁷⁶ See Article 217, Bucknill and Utidjian, *The Imperial Ottoman Penal Code*, pp. 172-173.

⁶⁷⁷ Bucknill and Utidjian, *The Imperial Ottoman Penal Code*, p. 172.

⁶⁷⁸ Bucknill and Utidjian, *The Imperial Ottoman Penal Code*, p.173.

⁶⁷⁹ Article 219, Bucknill and Utidjian, *The Imperial Ottoman Penal Code*, pp. 173-174.

⁶⁸⁰ Bucknill and Utidjian, *The Imperial Ottoman Penal Code*, p. 174.

substituted by a new one. The new version of Article 220 preserved the circumstances mentioned above as they were and added the following sentences:

Those who commit theft by way of breaking or of opening with special instruments the doors of the rooms or safer or locked boxes or cupboards in a house or in the appurtenances thereof, even though not entered into by making a hole through a wall or by setting up a ladder or by opening with a special instrument, are also placed in *kürek* temporarily.⁶⁸¹

Therefore, by this change, crimes against private property and corresponding punishments were detailed and significantly standardized by the government. Furthermore, this addendum would constitute the legal basis for *kasa hırsızlığı* (theft of lockbox) being one of the most widespread types of violent theft during the war years.

After this brief introduction to petty theft and violent theft, rates of these crimes in Istanbul during the Great War will be analyzed. According to the numbers compiled from several crime tables and statistics, petty theft rates in Istanbul during the Great War were as follows:

Table 7: Rate of Petty Theft in Istanbul during the Great War

<i>Adi Sirkat</i> (Petty Theft)												
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
1915	147	135	-	85	84	83	67	33 ⁶⁸²	66	132	156	141
1916	83 ⁶⁸³	-	169	169	174	189	218	110 ⁶⁸⁴	163	188	236	198
1917	533	263	-	-	370	315	355	-	-	337	497	462
1918	633	-	-	735	613	333	473	549	529	514	396 ⁶⁸⁵	405

⁶⁸¹ Bucknill and Utidjian, *The Imperial Ottoman Penal Code*, p. 174.

⁶⁸² Data for the first two weeks of August 1331 (August 1915), *Polis Mecmuası*, No. 76.

⁶⁸³ Data for the first two weeks of Kanunusani 1331 (January 1916). Title mistakenly written as ‘data belonging to last two weeks of Kanunievvel 1331 (December 1915)’. *Polis Mecmuası*, No. 86.

⁶⁸⁴ Data for the first two weeks of August 1332 (August 1916), *Polis Mecmuası*, No. 76.

Source: “Ceraim Mukayese Cedveli”, *Polis Mecmuası*, Nos. 40, 41, 68, 69, 70,73, 74, 75, 76, 80, 81, 83, 84,85, 86, 92, 93, 97, 98, 99, 103, 104, 105, 106, 107, 108, 109, 110. BOA.DH.EUM.ADL. 30/20, 12 Cemaziyelevvel 1335 (March 6, 1917); BOA.DH.EUM.ADL. 30/43, 26 Cemaziyelevvel 1335 (March 26 1917).⁶⁸⁶

⁶⁸⁵ Petty theft in November 1918 was indicated as 396 in *Polis Mecmuası*, No. 108 whereas it was indicated as 388 in *Polis Mecmuası*, No. 109.

⁶⁸⁶ This table is compiled from the crime tables that were published in twenty-nine issues of the Police Journal and two crime statistics published by the General Directorate of Security. In fact, the original tables and statistics were prepared by using *Rumi* Calendar (Julian Calendar). This calendar had thirteen-days difference from the solar calendar that is currently in use. For instance, the title ‘crime table of first two weeks (1-16) of Kanunisani (January) 1331’ means that the table compiled the crimes that took place between January 14, 1916 and January 29, 1916. The table above consciously ignored thirteen-days difference, because otherwise there would be too much confusion. For instance, the crime table of March 1331, in fact, shows the crimes that took place March 13, 1916-April 13, 1916. If the *Rumi* Calendar was converted to solar calendar, we had to calculate how many crimes took place in March and how many of those in April. Therefore, the statistics provided, which had their own shortcomings as mentioned earlier, would become much problematic. Thus, being aware of its deficiencies, we ignore thirteen-days difference in this table and in the following tables. It means that for instance, the numbers of the table titled ‘Crime Table of March 1331’ is accepted as crime rates for March 1915. Thirteen days difference was officially neglected in March 1333 (1917). Therefore, there is no problem for the numbers belonging to the dates between March 1917-December 1918. The crime statistics were dated as January and February 1917. Since in the Police Journal there was no exact information for these months, data given by crime statistics will be used for January and February 1917. The symbol ‘-’ was used for the months when there was no information about crimes. For the data used in this table and in the following tables about the crimes of pick-pocketing, fraud, robbery and seizure by violence; homicide, battery and wounding; abuse of confidence; indecent sexual behavior, adultery, sodomy and seducing a virgin; battery and insulting an official during the office; bribery; opposition to regulations and decisions; drunkenness; fire and arson; and various crimes, see, “Ceraim Mukayese Cedveli”, *Polis Mecmuası*, No. 40, 8 Rebiülahir 1333 (March 14, 1915), p. 15; No.41, 12 Cemaziyelevvel 1333 (March 28, 1915), p. 48; No. 68, 11 Receb 1334 (May 14, 1916), p. 119; No. 69, 25 Receb 1334 (May 28, 1916), p. 144; No. 70, 13 Şaban 1334 (June 14, 1916), p. 168; No. 73, 28 Ramazan 1334 (July 28, 1916), pp. 239-240; No. 74, 15 Şevval 1334 (August 14, 1916), pp. 276-279; No. 75, 29 Şevval 1334 (July28, 1916), p. 287; No. 76, 17 Zilkade 1334 (September 14, 1916), p. 312; No. 80, 17 Muharrem 1335 (November 14, 1916), pp. 406-408; No. 81, 2 Safer 1335 (November 28, 1916), p. 432; No. 82, 18 Safer 1335 (December 14, 1916), p. 456; No. 83, 2 Rebiülevvel 1335 (December 28, 1916), p. 480; No. 84, 20 Rebiülevvel 1335 (January 14, 1917), p. 504; No. 85, 4 Rebiülahir 1335 (January 28, 1917), p. 528; No. 86, 21 Rebiülahir 1335 (February 14, 1917), p. 552; No. 92, 12 Şevval 1335 (July 1, 1917), p. 144; No. 93, 13 Zilkade 1335 (September 1, 1917), p. 168; No. 97, 17 Rebiülevvel 1336 (January 1, 1918), p. 264; No. 98, 19 Rebiülahir 1336 (February 1, 1918), p. 286; No. 99, 17 Cemaziyelevvel 1336 (March 1, 1918), p. 24; No. 103, 22 Ramazan 1336 (July 1, 1918), p. 121; No. 104, 23 Şevval 1336 (August 1, 1918), p. 122; No. 105, 25 Zilkade 1336 (September 1, 1918), p. 138; No. 106, 25 Zilhicce 1336 (Oct. 1, 1918), p. 154; No. 107, 27 Muharrem 1336 (Nov. 1, 1918), p. 170; No. 108, 28 Safer 1337 (Dec. 1, 1918), p. 186; No. 109, 28 Rebiülevvel 1337 (Jan. 1, 1919), p. 202, , No. 110, 28 Rebiülevvel 1337 (Jan. 1, 1919), p. 218. For data given for January and February 1917, see, BOA.DH.EUM.ADL. 30/20, 12 Cemaziyelevvel 1335 (March 6, 1917), BOA.DH.EUM.ADL. 30/43, 26 Cemaziyelevvel 1335 (March 26, 1917).

This table demonstrates the rising trend of petty theft during the war years. In the first year of the war, petty theft rates were extremely low compared to the following years. Especially, in the last two years of the war, cases of petty theft increased rapidly. For instance, the numbers given for April in the table are remarkable. There were eighty-five cases of petty theft in April 1915; this number doubled in 1916 and rose to 735 in 1918. The number relating to April 1918 was the peak point of petty theft cases according to the crime tables. As a matter of fact, in April 1918, the crime rates in general reached a peak point among the other crime rates belonging war years. According to the crime tables, there is a record of 1238 crimes in Istanbul during April 1918.⁶⁸⁷ In this regard, petty theft cases corresponded to approximately 60% of total crimes in Istanbul in April 1918. When the numbers of April 1915 were examined, the dramatic change in crime rates became clearer. In April 1915 total crime number in Istanbul was 735.⁶⁸⁸ Petty theft number that was 85 constituted approximately 11% of the total crime number for that month. Therefore, it is clear that the rate of petty theft among total crime increased year by year during the war.

The distribution of petty theft cases with respect to the districts of Istanbul could be specified from the cases that were reported by the Police Directorates and police centers.⁶⁸⁹ During the war years, there were fifteen police centers directly attached to the General Police Directorate of Istanbul (*Istanbul Polis Müdüriyet-i Umumiyyesi*). Apart from these police centers, there were two Police Directorates, Beyoğlu and Üsküdar, that were attached to the General Police Directorate of Istanbul.

⁶⁸⁷ “Ceraim Mukayese Cedveli”, *Polis Mecmuası*, No. 103, 22 Ramazan 1336 (July 1, 1918), p. 121.

⁶⁸⁸ “Ceraim Mukayese Cedveli”, *Polis Mecmuası*, No. 69, 25 Receb 1334 (May 28, 1916), p. 144.

⁶⁸⁹ Unfortunately, there are only four tables providing information about the distribution of crimes in accordance with the districts during the War years. One of these tables belonged to January 1915, whereas others gave information about the following dates: March 1916, last two weeks of June 1916, July 1916. See, “Tafsiat: 330 senesi Kanunisani Mahına aid olan”, *Polis Mecmuası*, No. 40, 8 Rebiülahir 1333 (March 14, 1915), p. 15; “Ceraim Cedveli: 1332 senesi Mart’ının...”, *Polis Mecmuası*, No. 68, p. 119; “Ceraim Cedveli: 332 Senesi Haziran’ının 16. gününden nihayetine değin son iki haftası zarfında bilumum merakiz-i zabıta dahilinde vuku bulan ceraim-i umumiyyeyi gösterir cedveldir”, *Polis Mecmuası*, No. 74, p. 263; “Ceraim Cedveli: 332 Senesi Temmuz’un ibtidasından nihayetine değin Dersaadet’e bilumum merakiz-i zabıta dahilinde vuku bulan ceraimi gösterir cedveldir”, *Polis Mecmuası*, No. 75, p. 288.

The police centers (called as Istanbul Directorate hereafter)⁶⁹⁰ that were directly attached to the Genaral Police Directorate of Istanbul were as follows: Adalar, Aksaray, Ayasofya, Eyüb, Eminönü, Bayezid, Deniz, Şehremini, Samatya, Fatih, Fener, Kapandakik (Unkapanı), Kumkapı, Karagümrük and Makriköy (Bakırköy).⁶⁹¹ Beyoğlu Police Directorate was composed of Hasköy, Pangaltı, Arnavudköy, Büyükdere, Dolapdere, Kasımpaşa, Galata, Beyoğlu, Beşiktaş and Taksim police centers.⁶⁹² Çinili, Kadıköy, Paşakapısı, Çengelköy, İskele and Kızıltoprak were the police centers under Üsküdar Police Directorate.⁶⁹³

Petty theft rates were generally higher in the districts under the Istanbul and Beyoğlu Police Directorates than they were in the districts under the Üsküdar Police Directorate during the war years. Ayasofya was the district where petty theft rates were the highest, while Adalar and Makriköy were the districts having low rate of petty theft. For instance, in March 1916, there were seventy-four petty theft cases reported by the Istanbul Police Directorate. In Ayasofya and Şehremini, there were eleven petty theft cases each, whereas there was one case of petty theft in Adalar and two cases in Makriköy.⁶⁹⁴ Although there are not numerous tables showing the distribution of crimes with respect to districts, it could be argued from existing data that Istanbul and Beyoğlu Police Directorates reported most of the petty theft cases during the war years.

Having evaluated the petty theft rates in Istanbul, the committers of these crimes will now be examined. The crime statistics of the General Directorate of Security presented information about the occupation, gender, martial status, ethnicity,

⁶⁹⁰ In the crime tables, the fifteen police centers that were directly attached to the General Police Directorate of Istanbul were briefly called as Istanbul Directorate. Being aware of the fact that there was no separate police directorate called Istanbul Directorate during the War years, hereafter, the Istanbul Directorate will be used for defining the fifteen police centers in this dissertation.

⁶⁹¹ “Ceraim Cedveli: 1332 senesi Mart’ının”, *Polis Mecmuası*, No. 68, p. 119.

⁶⁹² Alyot, *Türkiyede Zabıta*, p. 495.

⁶⁹³ Alyot, *Türkiyede Zabıta*, p. 495.

⁶⁹⁴ “Ceraim Cedveli: 1332 senesi Mart’ının”, *Polis Mecmuası*, No. 68, p. 119.

religion and age of the criminals. In Istanbul, out of 543 committers of petty theft in January 1917, 488 were male and fifty-five of them were female. According to the statistics, the majority of male offenders were single, whereas most of the female committers were married and had children.⁶⁹⁵ Probably, the women who had children had to struggle against heavy living conditions, and so, committing petty theft had become a way of providing money for food or food itself. For instance, on November 28, 1917, the police discovered a band of thieves completely comprised of women in Istanbul. All these women ‘belonged to really destitute families, and seemed to have restored such a life out of despair’.⁶⁹⁶ The members of this theft band worked together and whatever they took became common property. About this band Yalman stated the following sentences:

By a complicated system of cooperation, they managed to steal about seven hundred various articles, of a total value of \$80.000. Some of the members of the band sold the stolen good in distant towns, bought food supplies with the proceeds, and sold such food to advantage in the streets of Constantinople.⁶⁹⁷

This band and individual female thieves whose number increased during the war years indicated changing socio-economic conditions. As a matter of fact, before the war, males were the typically breadwinners of the families in the Ottoman Empire. However, a great number of males had been conscripted or died during the Great War. Therefore, women who had no experience of earning money became the new breadwinners of their families during the War years. Nevertheless, since most of the women did not have any profession, they had to find other ways for survival. High

⁶⁹⁵ BOA.DHEUM.ADL.30/20, 12 Cemaziyelevvel 1335 (March 6, 1917). In Istanbul, a great number of petty theft offenders (191 persons) were young persons that were between the ages of 20-30. The distribution of offenders in terms of age groups was as follows: 139 persons were between the ages 14-20; 94 were between 30-40; 49 were under 14; 35 were between 40-50; 25 were between 50-60; 9 were 60-70; and there is one person who was over 70.

⁶⁹⁶ Yalman, *Turkey in the World War*, p. 246.

⁶⁹⁷ Yalman, *Turkey in the World War*, pp. 246-247.

percentage of women with children among female committers of petty theft should be evaluated within these socio-economic conditions.

In Istanbul, there were two main categories of stolen items in petty theft cases: goods stolen from residences such as houses or rooms, and goods stolen from shops.⁶⁹⁸ Food, including sugar, grape, tea, nut, and flour; money; and jewelry were the most frequently stolen goods from shops and houses. Animals such as sheep, lamb, chicken, cow and fish were also important items of theft. They were perhaps stolen, not for trading, but for consumption as food. Clothes and shoes were other items frequently stolen from shops and houses. Apart from these items, less frequently stolen goods were as follows: watch, copper, tire, umbrella, pen, pencil, firewood, horse, tobacco, blanket, gas oil, sewing machine and fabric.⁶⁹⁹ These items were probably stolen for sale and making money.

According to the crime statistics, majority of offenders were Ottoman subjects. In January 1917, the number of Ottoman petty theft offenders in Istanbul in terms of their ethno-religious identity was as follows: 343 Muslims, 134 Greeks, 26 Armenians, 12 Jews and 5 other Ottoman communities. The rest of the offenders, whose number was thirteen, were foreigners.⁷⁰⁰ These numbers indicated that most of the offenders were Ottoman Muslims. In the previous chapter, it has been argued that public security measures of the CUP government was targeted to control specific groups that were evaluated as “threat” to the public security of Istanbul. From the government’s point of view, these people including foreigners, countrymen, vagrants, refugees and minorities

⁶⁹⁸ In the files of the General Directorate of Security, there were no detailed reports about petty theft cases during the war years. There were only numbers about such cases; however, there was no information about the items that were stolen. After the War, the General Directorate of Security, especially 2nd Branch (2. Şube) began to prepare much more detailed reports about criminal cases. For instance, there was a report showing criminal cases taking place in Istanbul in December 1918. BOA.DH.EUM.ADL.45/1, 7 Rebiülahir 1337 (January 10, 1919). This report gave information about criminal cases taking place in Istanbul just after the Great War therefore content of petty theft cases should be similar with petty theft cases during the War years. Upon this assumption, this document will be used in analyzing petty theft cases in terms of their content.

⁶⁹⁹ BOA.DH.EUM.ADL.45/1, 7 Rebiülahir 1337 (January 10, 1919).

⁷⁰⁰ BOA.DH.EUM.ADL.30/20, 12 Cemaziyelevvel 1335 (March 6, 1917). The number of foreign offenders was given as 23 rather than 13.

were “potential criminals”. Nevertheless, the crime statistics of General Directorate of Security demonstrate that foreigners and minorities did not constitute the largest group of offenders. Although Ottoman Greeks were the second largest group of committers of petty theft, this was not the case for foreigners and Armenians.⁷⁰¹ In this regard, as argued in the previous chapter, government’s policy of preventive policing should not be evaluated only with regard to criminal issues. On the contrary, as will be examined in following parts, for the government, criminal issues, especially crimes such as petty theft were always of secondary importance.

The occupations of petty theft offenders were also indicated in the crime statistics. Most of the offenders were concentrated on three main categories of occupation: unemployed (*işsiz*), worker (*amele*) and craftsmen (*ehl-i sanat*). In January 1917, 196 out of 543 petty theft offenders in Istanbul were unemployed. There were 121 craftsmen and 114 workers who committed petty theft. Among other occupations of petty theft committers were: domestic workers (49); civil servants (19); tradesmen and moneychangers (15); boatmen (11); farmers (7); fishers (6); merchants (4); and scientists and professionals as teachers, doctors and etc. (1).⁷⁰² Regarding this data, there are three important points. First, although economic conditions of civil servants worsened during the war, majority of them did not get involved in petty theft. It can be argued that in order to make up for their economic hardships in the face of increasing inflation rate, civil servants resorted to committing bribery, making use of their official status. Next, the percentage of craftsmen among the petty theft offenders was very high. This situation was probably related to war conditions causing unemployment. Finally, most of the petty theft offenders came from lower classes.

⁷⁰¹ This situation was also the case in February 1917. According to the crime statistics, 263 petty theft cases occurred in Istanbul in February 1917. The ethno-religious identity of the offenders was as follows: 171 Muslims, 70 Greeks, 11 Jews, 10 Armenians, and one Iranian as a foreigner. BOA.DH.EUM.ADL.30/43, 26 Cemaziyelevvel 1335 (March 26, 1917).

⁷⁰² BOA.DH.EUM.ADL.30/20, 12 Cemaziyelevvel 1335 (March 6, 1917). Similar to January 1917, in February 1917, the unemployed, craftsmen and workers were also the first three groups who committed petty theft in Istanbul. Out of 263 petty theft offenders, 86 were unemployed, 63 were craftsmen and 51 were workers. BOA.DH.EUM.ADL.30/43, 26 Cemaziyelevvel 1335 (March 26, 1917).

Actually, even in the peacetime, most of petty theft offenders were probably from lower classes; and by depending on this kind of statistical data, governments could easily discipline and oppress lower class people in the name of maintaining “public security”. As a matter of fact, workers who were not satisfied with their conditions as well as the unemployed were always seen as a “threat” to the existing system.⁷⁰³ Therefore, as discussed in detail in the first chapter, the main aim of the political elites was to ensure continuation of the existing economic system and property relations while repressing the lower classes. Nevertheless, “the maintenance of public order” and “the prevention of crime” became ostensible causes of oppression and control.

Certainly, in this respect the Great War provided more appropriate conditions for the government to control more extensively the lower classes in Istanbul. As mentioned in the previous chapter, during the war years, the CUP government implemented strict controls on newcomers, banished vagrants from the city, and made several regulations about immigrants and countrymen. The government legitimized all of these policies by stating that lower classes tended to commit crime. In fact, the statistics verified this assumption and probably the rise of statistical studies especially during the CUP period was related to such a cause-effect relationship: these crime statistics and crime tables published in the Police Journal strengthened the government’s hand in implementation of increasingly oppressive mechanisms on lower classes. Actually, during the war years, there were more serious crimes, about which the government did not take any measure, such as profiteering resulting in the rise of price and emergence of black-market and, eventually, starvation on a massive scale in the city. In this regard, it is possible to say that during the war, the CUP government preferred to struggle against “potential criminals” rather than the actual ones.

⁷⁰³ The CUP policies regarding vagrants and workers directly related with concerns to protect existing political and economic system. For detailed information see Ergut, *Modern Devlet ve Polis*, pp. 243-245, 256-263, 265-273.

As a matter of fact, although their frequency was much lower than petty theft cases, there were several violent theft cases that are recorded in the documents of the General Directorate of Security and the Police Journal. Before examining specific cases, the violent theft rates will be analyzed in terms of their frequency. According to the numbers compiled from several crime tables and statistics, violent theft rates in Istanbul during the Great War were as follows:

Table 8: Rates for Violent Theft during the Great War

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
1915	-	-	-	27	17	20	20	25 ⁷⁰⁴	29	39	11	12
1916	10 ⁷⁰⁵	-	0	10	4	4	8	1 ⁷⁰⁶	5	6	22	100
1917	18	13	-	-	1	2	0	-	-	1	0	1
1918	1	-	-	-	0	0	0	0	1	0	1	0

Source: “Ceraim Mukayese Cedveli”, *Polis Mecmuası*, Nos. 40, 41, 68, 69, 70,73, 74, 75, 76, 80, 81, 83, 84,85, 86, 92, 93, 97, 98, 99, 103, 104, 105, 106, 107, 108, 109, 110. BOA.DH.EUM.ADL. 30/20, 12 Cemaziyelevvel 1335 (March 6, 1917); BOA.DH.EUM.ADL. 30/43, 26 Cemaziyelevvel 1335 (March 26 1917).⁷⁰⁷

According to the table, in the first year of the war, average violent theft rate was higher than it was in the other three years. There were more than ten violent theft cases in each month about which there is data. In December 1916, violent theft rate reached its highest point with 100 cases. This number was really surprising when violent theft rates were taken into consideration as a whole. *Kasa hırsızlığı* (theft of lockbox) was the most frequent violent theft during the war years. In some tables, ‘theft of lockbox’ was indicated instead of violent theft. Probably, the number for December 1916 mostly included theft of lockbox. Nevertheless, on July 28, 1916 there

⁷⁰⁴ Data for the first two weeks of August 1331 (1915), *Polis Mecmuası*, No. 76.

⁷⁰⁵ Data for the first two weeks of Kanunusani 1331(January 1916). Title mistakenly written as ‘data belonged to last two weeks of Kanunievvel 1331 (December 1915)’. *Polis Mecmuası*, No. 86.

⁷⁰⁶ Data for first two weeks of August 1332 (August 1916), *Polis Mecmuası*, No. 76.

⁷⁰⁷ See Chapter 6, footnote 686, p.217.

was news about theft of lockbox in the Police Journal stating that after a long period of time, a theft of lockbox case had taken place in Beyoğlu.⁷⁰⁸ As mentioned earlier, Beyoğlu was one of the regions with high crime rates. Therefore, if the news of the Police Journal is to be assumed correct, the rate of violent crime was low until July 1916. In this regard, there are two possibilities: first, the number could have been written wrong thus being 10 rather than 100; second, the number 100 was the correct rate of the violent crimes while most of the cases had happened some time between July and December 1916. Unfortunately, there is no concrete evidence proving the possibility of any of these alternatives.

In last two years of the war, it seems that violent theft rate decreased dramatically. Especially, from May 1917 to the end of 1918, there were totally eight cases of violent theft in Istanbul. Although crime tables and crime statistics demonstrate low violent theft rates, some other documents indicate that there were several cases of violent theft especially in 1917. For instance, in March 1917, a violent theft attempt resulting in homicide took place in Üsküdar.⁷⁰⁹ Since this incident had many dimensions, it will be examined in detail. Here, Selim, at the age of 65-70, was a salesman at a candy store in Üsküdar. He was a countryman who had come to Istanbul many years ago. Every night, he was going to night prayer (*yatsı namazı*) without locking the door of the store. At the incident night, four people, who knew that he went to mosque without locking the door, entered the store to steal money from the lockbox. According to the news of the Police Journal, since the offenders were not experienced thieves, they could not open the lockbox. Moreover, while they were trying to do it, Selim came back to the store and caught the thieves on hand. They ordered him to hand them over the keys of the lockbox. However, Selim said that he did not have the keys because they were kept by the owner of the store. Hereupon, they killed him.⁷¹⁰

⁷⁰⁸ “Vakayı-yi Zabıta: Kasa ve Mücevherat Hırsızlarının Derdesti”, *Polis Mecmuası*, No. 73, 28 Ramazan 1334/15 Temmuz 1332 (July 28, 1916), p. 236.

⁷⁰⁹ “Vukuat-ı Zabıta: Üsküdar Cinayeti”, *Polis Mecmuası*, No. 89, 9 Receb 1335/1 Mayıs 1333 (May 1, 1917), pp. 62-65.

Up to here, this case was an ordinary case of violent theft: it was night; there was more than one person involved; the offenders tried to open a lockbox; and they resorted to violence. Nevertheless, the narrative in the Journal told more than that. Initially, the author of the news claimed that ordinary people attempting violent theft were much more dangerous than experienced thieves, because experienced thieves typically refrained from committing homicide. In this case as well as others, it can be inferred from the existing data that most of the violent theft attempts during the war years resulted in homicide. In this regard, most of the violent theft cases in the war years were committed by ordinary people rather than experienced thieves. Another important point in the narrative of the case was about the description of “suspect”. The news stated that although the offenders were unknown immediately after the incident, there were some “suspects”. According to the news, the first name appearing was Konyalı Rıza, described in the following words: Rıza was known as a miserable and dissolute person who did not engage in any job and who spent all his time with prostitutes.⁷¹¹ This description embodied the official approach to the persons who had a “vagrant” way of life. Thus, if there was a crime, the first and foremost suspected persons coming to mind would be such individuals. This approach illustrated the legitimization of the policies of the government regarding vagrants, which is in line with the discussion in the forth chapter of this thesis.

As a matter of fact, there was no detailed data for the percentages of violent theft offenders with respect to their occupations. There is information about the offenders of limited number of violent theft case. For instance, in January 1917, out of eighteen violent theft cases, an offender of one case was categorized as unemployed.⁷¹² In February 1917, the occupations of the offenders of violent theft cases were as

⁷¹⁰ “Vukuat-ı Zabıta”, *Polis Mecmuası*, No. 89, pp. 62-65.

⁷¹¹ “[...]Üsküdar muhitinde sefih [eğlenceye düşkün] ve sefil bir şahıs olarak tanınan ve hiç bir işle iştigal etmeyerek daima fahişe kadınlar arasında bir hayat-ı sefihane seçirdiği malum bulunan, Mevlevi Hacı Ahmed dedenin mahdumu [Konyalı] Rıza evvel emirde hatıra gelen bir şahıs olmuştur.”, “Vukuat-ı Zabıta:”, *Polis Mecmuası*, No. 89, pp. 62-65.

⁷¹² BOA.DH.EUM.ADL.30/20, 12 Cemaziyelevvel 1335 (March 6, 1917).

follows: one domestic worker, four unemployed and one from the occupational group named as ‘scientists and professionals as teachers, doctors and etc’.⁷¹³ Therefore, due to lack of information, it is quite difficult to argue that violent theft offenders were from lower classes.

Although violent theft was generally identified with theft of lockbox, banditry activities could also be regarded as an important part of violent theft cases during the war years. Actually, these activities did not exist in crime tables as a separate category of crime. Nevertheless, there were occasionally documents and news about them. Most of the banditry acts were a combination of battery, wounding and robbery. Generally, bandits invaded villages that were close to Istanbul and took money, food or valuable items by forceful means. In summer of 1917, a band named ‘Matlı Mehmed Çetesi’ comprised of eight-nine Albanians committed several brigandage activities in Beykoz and its environs.⁷¹⁴ Another brigandage activity took place in the Sarıkavak village, close to Şile.⁷¹⁵ A band named as Kiryako (?) Band (*Kiryako Çetesi*) composed of twenty or thirty persons invaded the village twice in ten days. Although the report did not mention anything about the members of the band, it was composed of Greeks. The bandits pillaged several goods from the villagers of Sarıkavak.

It is evident from existing documents that brigandage activities increased in 1917. Although there definitely were brigandage activities in 1915 and 1916, the frequency and impact of these activities increased in 1917. According to the documents, banditry activities including pillaging continued in 1918. For example, in February 1918, the deputy governor of Istanbul sent a correspondence to the Ministry

⁷¹³ There were thirteen cases of violent theft in February 1917. The crime statistics provide information about the occupations of only six offenders. BOA.DH.EUM.ADL.30/43, 26 Cemaziyelevvel 1335 (March 26, 1917).

⁷¹⁴ BOA.DH.EUM.6.Şb.37/56, 14 Safer 1336 (November 29, 1917). According to the document, this band was supported by a number of Albanians working as gardener, guard or watchman at ranches in Beykoz. Unfortunately, this document did not give detailed information about the activities of the band but in general terms, it stated that the band had several brigandage activities in the region.

⁷¹⁵ BOA.DH.EUM.6.Şb.21/13, 27 Zilkade 1335 (September 15, 1917).

of Interior about banditry activities in Yeniköy.⁷¹⁶ According to this correspondence, Istanbul Regimental Commandery of Gendarme sent an additional battalion to the region due to increasing banditry activities in Yeniköy.

There was another report about a raid on Erikli village by a band composed of ten Georgians.⁷¹⁷ The bandits seized gun, money, gold, watches, clothes and food from various houses. One bandit was caught while others escaped. From the prison reports, it can be argued that the security forces were not “successful” enough in preventing banditry acts during the war period. In the prison registers presenting detailed information about 583 prisoners⁷¹⁸, there were only nine persons who were convicted for a crime related to brigandage.⁷¹⁹ These cases indicate that most of the banditry activities took place in the vicinity of Istanbul. This situation had to be related to lower level of security measures and convenient conditions for sheltering in the countryside.

It was deserters who principally constituted bands and committed several banditry activities during the war. Although the reports about brigandage incidents mentioned above did not make it clear whether the members of the bands were

⁷¹⁶ BOA.DH.EUM.6.Şb.31/51, 10 Cemaziyelevvel 1336 (February 22, 1918).

⁷¹⁷ Erikli village was close to Gebze. BOA.DH.EUM.6.Şb.42/4A, 22 Şevval 1336 (July 31, 1918).

⁷¹⁸ In fact, the total number of prisoners in the prison registers of 1917 was 660 because it also included 77 child prisoners. Out of 77 child prisoners, 72 were offenders of theft. The others committed crimes such as seizure, indecent sexual behavior, arson, injury and homicide. It must be noted that children were punished different from adults. For instance, adults committing petty theft were generally punished with imprisonment for three years, whereas the children committing the same crime were generally punished with incarceration for less than a year. Furthermore, a child who wounded and killed someone was punished with sixteen months imprisonment; whereas an adult perpetrating the same crime was punished with fifteen years imprisonment. Due to such differences in punishment, in the following parts of this thesis, only the information for adult prisoners will be taken into consideration. Furthermore, out of 583 adult prisoners, 22 ran away and 37 were released because they fulfilled their duration of punishment. This information will only be used in the last part of the next chapter that is about amnesties. In other sections about the actual practice of punishments in accordance with the Penal Code, the total number of prisoners will be examined without taking into consideration those who ran away or were released. BOA.DH.MB..HPS.159/35, 15 Şevval 1333 (August 4, 1917).

⁷¹⁹ Among these prisoners six were convicted directly for ‘brigandage (*şekavet*)’ and sentenced to life imprisonment; two were arrested for joining a band and imprisoned for three to eight years; and one prisoner was sentenced to ten years imprisonment for aiding banditry acts. BOA.DH.MB..HPS.159/35, 15 Şevval 1333 (August 4, 1917).

deserters, some of the members were at least noted to be deserters. It is a fact that, during the Great War, for the government and military authorities, one of the greatest problems related to desertion was brigandage.⁷²⁰ Especially, after mid 1916, deserters and their brigandage activities became a serious problem for the government. Due to brigandage activities of deserters, their presence close to the capital and other city centers came to be considered as threatening public order. For instance, in May 1916, it was reported that there were 265 deserters in Beykoz. Apart from Istanbul, there were also increasing number of deserters trying to take shelter close to the city centers of Mosul and Kars⁷²¹

Growing number of deserters began to undermine the war-making ability of the Ottoman army. Furthermore, their engagement in brigandage facilities caused security problems for the government especially in regions close to the capital city. Due to these reasons, in late July 1916, a number of new battalions composed of gendarmes were recruited in the regions of army corps. The main duty of these new battalions was to follow and catch deserters.⁷²² When the deserters were caught, they were re-recruited in the army despite their earlier engagement in brigandage activities. According to the report prepared by the General Commander of Gendarmerie, the procedure of re-recruitment of deserters without any deterrent punishments let them repeatedly to desert the army and resulted in their reengagement in brigandage.⁷²³ Between the dates July 1916 and April 1917, regional battalions caught 2.375 deserters

⁷²⁰ Mehmet Beşikçi, *The Ottoman Mobilization of Manpower in the First World War: Between Voluntarism and Resistance*, (Leiden: Brill, 2012), p. 268.

⁷²¹ Beşikçi, *The Ottoman Mobilization*, p. 271.

⁷²² According to the report prepared by General Commander of Gendarmerie (*Gendarmerie Umum Kumandanı*), there were several problems of these newly found battalions. Initially, although gendarmerie was not only responsible the maintenance of public order but also provisioning and agricultural issues during the War years, the number of gendarmes was insufficient to fulfill of all these obligations. For instance, only forty-seven gendarmes were assigned for catching deserters in Istanbul. Another problem was that wages paid to the gendarmes was low, while the provisioning of them was inadequate with respect to their effort. BOA.DH.EUM.6.Şb.15/61, 29 Receb 1335 (May 21, 1917).

⁷²³ BOA.DH.EUM.6.Şb.15/61, 29 Receb 1335 (May 21, 1917).

from Istanbul Regiment.⁷²⁴ However, there is no exact information about how many of these deserters had engaged in brigandage activities. Nevertheless, it is clear that military forces and government argued that a great number of the deserters were dealing with banditry activities.

Deserters were not only acting as bands, but they also committed a number of violent theft and murder crimes in Istanbul in smaller groups composed of two or three persons. For instance, on January 19, 1917, two deserters and their friends decided to burglarize a house in one of the refugee neighborhoods at Göztepe.⁷²⁵ According to the news in the Police Journal, the deserters had heard about a woman who had some money. Although they did not have any idea about how much it was, they entered the house at night. Before taking the money, they strangled the woman and her baby. Another case took place in Beyoğlu in February 1917.⁷²⁶ Three persons, being ex-convicts, went to the milk pudding shop (*muhallebici*) of Erzurumlu Recep Hüseyin *Aga* with the aim of committing theft. Although only one of the offenders was a deserter, someone had supplied military uniforms to all of them so that they went to the shop with official dress. These persons confessed that they killed Recep *Aga* in order to take his money.

There was another violent theft case in Bahçeköy. On March 9, 1917, a non-Muslim deserter named as Kocu killed a child at the age of ten when he was pasturing cows and sheep.⁷²⁷ According to a witness, on the day of the incident, the deserter and his wife went to collect brushwood as they usually did. However, different from other days, they returned with muddy meat that was cut irregularly. Upon this declaration, the security forces caught Kocu at the house of another deserter. According to news, Kocu confessed that he had killed the boy and taken the sheep. All these incidents

⁷²⁴ BOA.DH.EUM.6.Şb.15/61, 29 Receb 1335 (May 21, 1917).. The number of deserters in Istanbul caught during March 1917 was 313. BOA.DH.6.Şb.16/30, 12 Şaban 1335 (June 3, 1917).

⁷²⁵ “Vukuat-ı Zabıta: İstanbul Polis Müdüriyet-i Umumiyesinden”, *Polis Mecmuası*, No. 88, 9 Cemaziyelahir 1335/1 Nisan 1933 (April 1, 1917), pp. 42-45.

⁷²⁶ “Vukuat-ı Zabıta: İstanbul Polis”, *Polis Mecmuası*, No. 88, pp. 42-45.

⁷²⁷ “Vukuat-ı Zabıta: İstanbul Polis”, *Polis Mecmuası*, No. 88, pp. 42-45.

were violent theft cases resulting in murder. As mentioned before, according to Ottoman security forces, inexperienced thieves were more inclined to kill their victims. This evaluation was probably correct because the offenders of the violent theft incidents mentioned above were not experienced and “professional” thieves but ordinary persons looking for money or food. Difficulties in accessing basic nutrition goods during the war years certainly had a role in these violent theft cases.

To sum up, theft was the most frequently committed crime in Istanbul during the Great War. The number of theft cases increased dramatically especially in 1917 and continued to rise in 1918. In the meantime, the government did not make any changes about punishments. The part entitled as ‘Theft’ had been one of the parts that many changes had taken place in 1911. With the changes in 1911, imprisonment durations were lengthened and these remained in effect during the war years. Nevertheless, as it will be analyzed in the final section of this chapter, longer imprisonment durations were not effective during the war because several amnesties were declared and a great number of petty theft offenders were released while they had completed only half of their sentences. Certainly, for the government, one of the most important reasons to repeatedly proclaim amnesty was to find soldiers to recruit in the army. However, a great number of the criminals became deserters and committed additional crimes once they were released. In late 1916, the Police Journal felt the need of publishing photos of repetitive (*mükerrer*) criminals in Istanbul.⁷²⁸ Out of twenty-four repetitive criminals whose photos were published, twenty-two were repetitive criminals of theft.

Actually, in 1917, the length of imprisonment for theft was shortened. According to the prison register of Istanbul Central Prison (*Dersaadet Hapishane-i Umumi*) showing the names, titles, ages of the prisoners; cause of imprisonment; duration of imprisonment; and state of health, 660 prisoners were jailed in Istanbul

⁷²⁸ “Sevabık-ı Mükerrere Eshabı”, *Polis Mecmuası*, No. 79, 30 Zilhicce 1334/15 Teşrinievvel 1332 (October 28, 1916); “Sevabık-ı Mükerrere Eshabı”, *Polis Mecmuası*, No. 80, 17 Muharrem 1335/1 Teşrinisani 1332 (November 14, 1916); “Sevabık-ı Mükerrere Eshabı”, *Polis Mecmuası*, No. 84, 20 Rebiülevvel 1335/1 Kanunusani 1332 (January 14, 1917). See Appendix F, p. 345.

Central Prison between the years 1911 and 1917.⁷²⁹ Actually, the number of the prisoners who were imprisoned in 1916 and 1917 was the highest. The prisoners jailed before 1916 and being still at the prison in 1917 were generally the criminals that had committed felonies required more than fifteen-year imprisonment.⁷³⁰

Seventy-seven of the prisoners were children under the age eighteen. Out of seventy-seven child prisoners, seventy-two were imprisoned due to theft. The punishment these children faced was imprisonment for more than one month and less than one year. Apart from child prisoners, there were 583 adult prisoners.⁷³¹ 274 of the adult prisoners were convicted because of petty theft.⁷³² The average punishment duration was one year to three years for the thieves that were put in prison in 1916. However, most of the thieves jailed in 1917 were punished for one month to six months.⁷³³ There are two probable explanations for the shortened imprisonment duration for petty theft offenders. First, it may be argued that since petty theft rates increased, it resulted in overpopulation in the Central Prison of Istanbul. Therefore, possibly to open up place in prisons, the imprisonment duration for petty theft was lowered. Nevertheless, as will be examined in the next chapter, the population of Istanbul Central Prison in 1917 was extremely low compared to the previous years. In this sense, the second explanation arguing that shortened imprisonment duration might be related to increasing need of manpower for the army seems more plausible. This issue will be discussed in the following chapter.

⁷²⁹ BOA.DH.MB..HPS.159/35, 15 Şevval 1335 (August 4, 1917).

⁷³⁰ The low number of the prisoners who had been jailed before 1916 is an indicator that most of the petty crime offenders had been released as a result of amnesties. Also see footnote 133, p. 38.

⁷³¹ BOA.DH.MB..HPS.159/35, 15 Şevval 1335 (August 4, 1917). There were thirty woman-prisoners in the Istanbul Central prison in June 1917. Twenty-two of the woman-prisoners were imprisoned because of theft. BOA.DH.MB..HPS.159/17, 10 Ramazan 1335 (June 30, 1917).

⁷³² The number of prisoners imprisoned for violent theft was four. BOA.DH.MB..HPS.159/35, 15 Şevval 1335 (August 4, 1917).

⁷³³ BOA.DH.MB..HPS.159/35, 15 Şevval 1335 (August 4, 1917).

Especially, during the last two years of the war when living conditions worsened, the rate of petty theft increased remarkably. As argued earlier, crimes against private property was a foremost concern for modern states since the nineteenth century. The same was the case for the Ottoman State. It was also indicated earlier that the part concerning ‘crimes against property’ was one of the most comprehensive parts of the Penal Code of 1858. Furthermore, in 1911, the CUP government made a significant number of changes in this part. In that respect, theft came to be an inseparable element of crime statistics during the Constitutional Regime. This situation did not change in war years.

In fact, the government and security forces deliberately made this crime publicly visible in statistics. The main idea was that repressive policies towards lower classes could be more easily justified by making use of the rising rate of theft. In other words, theft as a criminal issue did not have priority in the policing agenda of the CUP government during the Great War. If this had been the case, there would at least be an attempt to provide remedy for the main causes of this crime. The main cause of rising theft rates at that time was economic conditions including the scarcity of basic goods, increasing price levels, emergence of black market, and unequal opportunities of access to the supply of basic necessities. As examined in the second chapter, although the CUP government opted for taking some measures after 1916 to prevent inflation, these attempts were far from providing permanent and effective solutions to the economic problems. The government did not have the capacity to make radical policy changes because it actually benefited from wartime economic relations for the aim of achieving certain economic policies. For instance, profiteering was systematically ignored by the CUP government despite its being a topmost problematic economic phenomenon. Therefore, examining this “ignored crime” allow us to gain insight into the crime policies of the CUP during the Great War.

6. 2 Profiteering (*İhtikar*)

It was argued in the first chapter that provision was a critical issue for the governments of belligerent states during the Great War. Profiteering as a direct consequence of abuses related to provision became an important problem in Istanbul beginning with the early war years. On the other hand, profiteering never appeared in the statistics as a crime category. Therefore, if only the official crime records was to be taken into consideration, it would be possible to argue that there was no profiteering in Istanbul during the war years. However, historical sources such as memoirs and parliamentary debates point to the contrary, demonstrating that profiteering emerged in the early war years to become an inseparable part of socio-economic life in Istanbul thereafter.

The CUP government tried to regulate the provisioning the city through a number of methods.⁷³⁴ In fact, provisioning was vital for the maintenance of war-making. As Mahmut Paşa, a member of *Meclis-i Ayan* (Ottoman Senate), stated in the parliament “success in provisioning directly determine the success in war; therefore failures in provisioning would inevitably mean fatal results.”⁷³⁵ Although the government was aware of this fact, official policies were not effective enough to achieve proper provisioning in the capital city. There were several reasons for this. First of all, the government had not taken necessary measures to organize for provisioning in a better way before the Ottoman Empire entered the Great War. For example, when the decision of mobilization was declared in August 1914, Cemil Paşa, the mayor (*Şehremini*) of Istanbul, suggested buying 300.000 sacks of flour from Romania, considering the fact that commercial routes were still open at that time. However, this recommendation was rejected on the basis that time was not right to pay

⁷³⁴ For detailed information about provisioning policies of the CUP in terms of organizational structure see Chapter 2, pp. 48-55.

⁷³⁵ MAZC, 3/3, 21, 2 Kanunusani 1332 (January 15, 1917), p. 277.

money abroad.⁷³⁶ Yet, consequently commercial routes were closed down making this option not viable anymore. As a result, after 1915, even access to bread became a big problem in the city. As early as 1916, some inhabitants began substituting bread with corncob and grass.⁷³⁷

According to the debates in Senate, disorder and lack of coherent provisioning policies continued in the following war years. For example, in 1916, there was an excess of *bulgur* (cracked wheat) in Konya whereas there was scarcity for the same item in Istanbul. This was a time when fifteen railroad cars were carrying soldiers from Istanbul to Konya everyday while these cars returned to Istanbul empty. Ahmed Rıza inquired in the parliament why at least three or four of these cars were not used to carry *bulgur* from Konya to Istanbul providing a partial solution to the need for grain in Istanbul as well as keeping the price of grain low.⁷³⁸

The distribution of necessities was also a relevant problem. The CUP government argued that basic necessities were distributed to all neighborhoods in Istanbul. However, there were Senate members claiming that some items such as olive oil, barley and bean were never delivered to some neighborhoods.⁷³⁹ Furthermore, even in neighborhoods receiving these items, it had become a common practice for grocers to covertly sell these items for higher prices to speculators who would then sell the same items with even higher prices in the black market. This meant that there were grave problems in access to basic necessities.⁷⁴⁰

As a matter of fact, rising prices began disturbing the daily lives of the inhabitants of Istanbul as early as late 1915. Although there was no mass street protest against the rapid increase in prices, according to Ahmed Rıza, it was becoming more

⁷³⁶ MAZC, 3/2, 23, 14 Kanunusani 1331 (January 27, 1916), pp. 395.

⁷³⁷ MAZC, 3/2, 23, 14 Kanunusani 1331 (January 27, 1916), p. 395.

⁷³⁸ MAZC, 3/2, 23, 14 Kanunusani 1331 (January 27, 1916), p. 399.

⁷³⁹ MAZC, 3/3, 28, 28 Kanunusani 1332 (February 10, 1917), p. 395.

⁷⁴⁰ MAZC, 3/3, 27, 26 Kanunusani 1332 (February 8, 1917), p. 379.

and more intolerable every day.⁷⁴¹ Since, morale at the home front was a foremost important asset for war-making, Ahmed Rıza frequently urged the government to take necessary measures about provisioning. Profiteering was a direct consequence of improper provisioning policies. It was also the main cause of rapid price increases. Therefore, provisioning policies had to incorporate measures for struggle against profiteering. With this idea in mind, in 1915, Ahmed Rıza sent an official dispatch to *Meclis-i Mebusan* (Chamber of Deputies) about the prevention of profiteering. However, this did not receive any reply.⁷⁴² This was probably because the government did not want to acknowledge profiteering as a problem at that time.

After a while, the government officially accepted the presence of profiteering in Istanbul and promised to take necessary measures. Nevertheless, the way of action pursued by the government was not criminal investigation about profiteers. Talat Paşa, Minister of Interior, declared that mills in Istanbul would be administered by the municipality and bread would be distributed to the city inhabitants for lower prices. He argued that profiteering would hence be prevented.⁷⁴³ Of course this *naïve* policy was not sufficient to solve either the problem of provisioning or profiteering.

Provisioning and profiteering was not only limited to bread. During 1916, almost all basic goods became scarce in Istanbul. Most of the items even including basic foodstuff became virtually only purchasable in the black market. Due to widespread discontent, the government had to establish a new organization entitled Central Provisioning Commission (*Merkez İaşe Heyeti*) on July 23, 1916.⁷⁴⁴ This commission was formed according to the model of German Provisioning Organization and was composed of undersecretaries of Ministries related to provisioning as well as

⁷⁴¹ MAZC, 3/2, 23, 14 Kanunusani 1331 (January 27, 1916), p. 397.

⁷⁴² MAZC, 3/3, 21, 2 Kanunusani 1332 (January 15, 1917), p. 275.

⁷⁴³ MAZC, 3/2, 23, 14 Kanunusani 1331 (January 27, 1916), p. 397.

⁷⁴⁴ Toprak, "Birinci Dünya Savaşı'nda İstanbul", p. 240.

some “reliable” merchants such as Abud Efendi and İsmail Efendi.⁷⁴⁵ Under this commission, a number of sub-commissions were established to deal with the distribution of basic goods to neighborhoods.⁷⁴⁶ To what extent these commissions functioned properly is questionable. In the early 1917, provisioning problems, price increases and profiteering were still the most important dynamics of the socio-economic life of Istanbul.

For one, there was a huge price difference between the same type of items sold in Istanbul and nearby provinces. For example, in February 1917, one *okka* (a weight measure used in the Ottoman Empire that equals to 1283 grams) of butter was 50 piastres in Bursa whereas it was 90-100 piastres in Istanbul.⁷⁴⁷ It was also a fact that biggest profits were made from food items and this prompted most of merchants actually dealing with the trade of other items to begin selling food items during the War. Thus, drapers from Beyoğlu to Galata began selling sugar.⁷⁴⁸ As a matter fact, merchants could make incredible profits even in sale of rationed food.

In 1917, sugar and bread were the only items sold through rationing in Istanbul. Although access to these items was easier for inhabitants, there was still abuse in the distribution of these items. For example, sugar was sold by the government for 9 piastres whereas merchants sold the same item for 60 piastres in the black market.⁷⁴⁹ Similar to sugar, bread was sold in black market for higher prices. In 1917, the price determined for white bread was 3 piastres in Istanbul. Nevertheless, influential people having strong networks and knowing the bakeries in person, bought bread in larger quantities at one time without having to wait in a line for a single piece of bread like ordinary people. The bread obtained in such large quantities for 3 piastres each was in

⁷⁴⁵ MAZC, 3/3, 31, 6 Şubat 1332 (February 19, 1917), p. 493.

⁷⁴⁶ MAZC, 3/3, 31, 6 Şubat 1332 (February 19, 1917), p. 493. For detailed information about Central Provisioning Commission also see Chapter 2, pp. 53-54.

⁷⁴⁷ MAZC, 3/3, 31, 6 Şubat 1332 (February 19, 1917), p. 497.

⁷⁴⁸ MAZC, 3/3, 53, 30 Mart 1333 (March 30, 1917), p. 483.

⁷⁴⁹ MAZC, 3/3, 27, 26 Kanunusani 1332 (February 8, 1917), p. 377.

turn sold for 8,10, 12 piastres in the black market.⁷⁵⁰ Thus, there were two main reasons for black market and unpreventable price increases in Istanbul. First, the government could not develop efficient policies about provisioning, and second, there were almost no punitive sanctions for profiteers. These reasons need closer examination for a better understanding of provisioning problems in the city.

Ahmed Rıza described the insufficiency of provisioning policies as below:

[...]Even the laws made by the Parliament were not implemented. On the contrary, due to a number of provisional laws and orders violating one another people and merchants were totally left in confusion. Several privileged and irresponsible commissions emerged. In this way, while trade was left to the monopoly of some profiteers who were not actual merchants, public interest was violated and furthermore sacrificed for illegitimate personal interests...⁷⁵¹

According to Ahmed Rıza, the institutional structure present at that time did not allow for a proper provisioning. In fact, he was making these criticisms at a time when the newly-established Central Provisioning Commission and its sub-commissions were in operation. From above comments it is understood that these commissions were protecting individual interests rather than public interest, and therefore their operation was not reliable. At this point, Ahmed Rıza recommended the foundation of a separate Ministry for provisioning. He justified his idea as follows: "...Separate ministries were founded to deal with provisioning even in the countries where there were already well-functioning municipalities. In Istanbul, neither the municipality nor other institutions were properly functioning. Therefore provisioning as a vital issue during the war should not be left to such a commission..."⁷⁵²

⁷⁵⁰ MAZC, 3/3, 52, 29 Mart 1333 (March 29, 1917), p. 466.

⁷⁵¹ "Meclis-i Umumiden geçen kanunlar bile tatbik edilmedi. Bilakis, yek diğerini nakzeden muvakkat kanunlar, talimatlar karşısında ahali, esnaf şaşırđı. Birtakım mümtaz ve gayr-i mesul heyetler, cemiyetler teşekkül etti. Menafi-i umumiyye bu suretle ihlal ve gayr-i meşru hususi menfaatlere feda edilerek ticaret esasen tacir olmayan birkaç kişinin yed-i inhisar ve ihtikarına bırakıldı." MAZC, 3/3, 24, 12 Kanunusani 1332 (January 25, 1917), p. 315.

⁷⁵² MAZC, 3/3, 24, 12 Kanunusani 1332 (January 25, 1917), p. 315.

The CUP government denied the proposal of Ahmed Rıza by claiming that in the given circumstances the foundation or continuation of a ministry of provisioning was impossible. Furthermore, according to the government, the Central Provisioning Commission properly carried out its duties related to provisioning.⁷⁵³ However, there was a widespread opinion at that time about the improper functioning of the Central Provisioning Commission as the price of basic goods would not rapidly rise otherwise and profiteering would more effectively be prevented. In order to ensure the proper functioning of this commission, Damat Ferid Paşa recommended the foundation of an investigation board composed of fifteen members of the Chamber of Deputies and fifteen members of the Senate. This board would closely follow distribution processes. In case any abuse was noticed, the Central Provisioning Commission would be immediately informed and profiteers would promptly be punished. Talat Paşa rejected this proposal by stating that control power belonged to the Chamber of Deputies and the government, therefore leaving no need to establish such a board.⁷⁵⁴ It is clear that although there were recurring problems about provisioning, the government was not open to new ideas to deal with the situation.

In the absence of sufficient punitive sanctions was also an issue of criticism. According to some members of the Senate, preventing price increases would be impossible as long as the government did not directly struggle against profiteering. Mahmut Paşa, a member of the Senate, stated that in Germany, a profiteer who sold any item for twice the price he paid for it would be punished with a cash penalty of thousands of francs. According to him, if there were similar strict penalties in the Ottoman Empire, profiteering and price increases could effectively be prevented.⁷⁵⁵ Ahmed Rıza offered an even more radical punishment for profiteers. He claimed that if a number of profiteers were publicly executed by hanging at the bridge (probably

⁷⁵³ MAZC, 3/3, 31, 3 Şubat 1332 (February 19, 1917), p. 489.

⁷⁵⁴ MAZC, 3/3, 31, 3 Şubat 1332 (February 19, 1917), p. 501.

⁷⁵⁵ MAZC, 3/3, 21, 2 Kanunusani 1332 (January 15, 1917), p. 276.

mentioning Galata Bridge), persons would feel thankful to the government for punishing these people.⁷⁵⁶

Reşit Akif Paşa, another member of the Senate, also criticized the government for the attitude towards profiteering. According to him, although some profiteers were punished, the penalties were far from being deterrent. *Muhtars* (headmen of neighborhoods), *imams* (muslim religious leaders in mosques) and civil servants were frequently abusing their position and engaging in profiteering particularly in the distribution processes of food. As a result, discontent among the people was increasing day by day.⁷⁵⁷ When Reşit Akif Paşa made these criticisms, Talat Paşa was at the Senate to join the discussion about law proposal of Ahmed Rıza relating to foundation of a Ministry of Provisioning.⁷⁵⁸ Upon Reşid Akif Paşa's criticisms, Talat Paşa stated that the government was aware of the fact that there was a rising rate of profiteering in Istanbul. He also claimed that the government was determined in the struggle against profiteering.⁷⁵⁹ Nevertheless, the way of struggle Talat Paşa spoke off was not implementing strict punishments. He claimed that if reliable people were assigned to the distribution positions, profiteering would be prevented. There were 800 such points of distribution in Istanbul. Therefore, according to Talat Paşa, 800 civil servants appointed to these positions would solve the problem of profiteering.⁷⁶⁰

However, Midhat Şükrü Bey, the deputy of Burdur, stated that during the war years, those undertaking the responsibility of distribution were mainly ordinary "reliable" persons selected by Kara Kemal.⁷⁶¹ In this sense, rather than state officials,

⁷⁵⁶ MAZC, 3/3, 28, 28 Kanunusani 1332 (February 10, 1917), pp. 392-393.

⁷⁵⁷ MAZC, 3/3, 31, 3 Şubat 1332 (February 19, 1917), p. 500.

⁷⁵⁸ Interestingly enough, the discussion about law proposal of Ahmed Rıza relating to foundation of a Ministry of Provisioning was made on a day when he was not in the Senate. MAZC, 3/3, 31, 3 Şubat 1332 (February 19, 1917).

⁷⁵⁹ MAZC, 3/3, 31, 6 Şubat 1332 (February 19, 1917), p. 500.

⁷⁶⁰ MAZC, 3/3, 31, 6 Şubat 1332 (February 19, 1917), p. 500.

⁷⁶¹ Dadrian and Akçam, '*Tehcir ve Taktik*', pp. 410-411.

some non-official people close to Kara Kemal fulfilled this highly profitable duty. Kara Kemal, the leader of the local CUP organization in Istanbul, was assigned by the CUP government to deal with almost all issues related to the economic life in the city. Therefore, the government must most probably be informed that nonofficial people were charged for the distribution of food, meaning that the government deliberately overlooked the problems in distribution and profiteering. This is why even in 1917, when living conditions gradually worsened as a result of uncontrollable price increases, the government was still reluctant to recognize profiteering as a crime to be punished.

The statement of Cavid Bey, Minister of Finance, related to profiteering was also in support of that case:

Besides, what should we understand from profiteering? Ordinary profiteering (*ihlikar-ı adi*) or legal profiteering (*ihlikar-ı kanuni*)? The legal meaning of profiteering is storing some amount of an item and later selling it in higher price. However, during the war there was no item whose price did not increase; therefore, I am not sure whether blaming people who sell some items for higher prices and punishing them for that is right or not... I would prefer buying an item for twice its price rather than not ever finding it.⁷⁶²

Cavit Bey made this controversial statement while he was talking about the draft law of Tax for War Profits (*Harb Kazançları Vergisi*).⁷⁶³ It is clear that according to Cavid Bey, since profiteering could not be categorized as a crime, the best solution was the implementation of a tax on war profits. This idea resulted in further high-tension discussions in the Senate. Damat Ferit Paşa stated that the government did not focus on the actual causes of existing problems. He gave an example from his neighborhood at

⁷⁶² “Bir de ihtikardan ne anlayacağız? İhtikar-ı adi mi ihtikar-ı kanuni mi? İhtikarın mana-yı kanunisi, her hangi bir malın miktar-ı mevcudunu iddihar ile o malı bilahare yüksek fiyata satmak demektir. Fakat muharebe esnasında fiyatı yükselmeyen hiçbir şey yoktur ve yüksek fiyatla eşya satanları tevbih ve muahaze etmek doğru olup olmadığını bilmiyorum...Bu eşyayı hiç bulamamaktan yüzde elli nisbetinde pahalı olarak bulmayı tercih ederim.”, MAZC, 3/3, 47, 22 Mart 1333 (March 22, 1917), p. 313.

⁷⁶³ MAZC, 3/3, 47, 22 Mart 1333 (March 22, 1917), p. 313.

the_countryside. There he had seen that some families were collecting grass and cooking it as a meal without even adding salt and oil. This was the reality of Istanbul. Therefore, according to Damat Ferit Paşa, earning profits from other people's meal had to be categorized as a kind of theft. He expressed his idea through the following sentence: 'Profiteering is a kind of theft and tax should not be implemented upon theft.'⁷⁶⁴ As a matter of fact, the tax for war profits was not approved by the parliament during the whole phase of war.⁷⁶⁵

To sum up, in the third year of the war either profiteering or price increases were still not effectively prevented in Istanbul. On the contrary, according to Salih Paşa, in 1917, inhabitants of Istanbul were living even in worse conditions compared to the year before. The economic gap between ordinary people and profiteers reached an unsustainable level. A small number of families could eat five times in a day whereas the majority of Istanbul population was starving. Certainly, the city poor and the civil servants receiving minimum or average salary were the people affected the most from the economic hardships.⁷⁶⁶ As a matter of fact, after early 1917, the rise of prices, high inflation rates, increasing costs of living and profiteering led to a high tension among the people. The CUP government had to recognize that more concrete decisions had to be taken to solve existing economic problems.

On April 6, 1917, a law was enacted in order to prevent profiteering and the rise of prices.⁷⁶⁷ The main aim of this law was to determine price ceiling for basic food items and essential consumption goods. Thus, in the market, these items would not be

⁷⁶⁴ MAZC, 3/3, 47, 22 Mart 1333 (March 22, 1917), p. 314.

⁷⁶⁵ Tax for war profits were already levied in Germany, Austria-Hungary and France at the time when the CUP government decided to prepare a draft for a similar tax. Nevertheless, Tax for War Profits remained as a draft until the end of the War. It would be put into effect through a decree on December 13, 1919. Toprak, *İttihad Terakki ve Cihan Harbi*, p. 177. For full the text of the Law of Tax for War see "Harb kazançları vergisi hakkında kararname, 14 Kanunuevvel 1335 (December 13, 1919)", *Düstur*, II/11, pp. 495-512.

⁷⁶⁶ MAZC, 3/3, 31, 6 Şubat 1332 (February 19, 1917), p. 500.

⁷⁶⁷ "Mevadd-ı gıdaiyye ve havaic-i sairenin suret-i furuhtu ve tevzi hakkında kanun, 13 Cemaziyelahir 1335, 6 Nisan 1333 (April 6, 1333)", *Düstur*, II/9, pp. 632-635.

allowed to be sold for higher prices than the ceiling specified. In Istanbul, *Şehremaneti* (municipality) could buy these items from the market for these preset prices and sell them to the people for lower prices. In this way, the government aimed at preventing inflation and profiteering.

During the discussions of this law in the Senate, it was inquired that why the government preferred to put a ceiling price rather than *narh* (fixed price). Topçu Feriki Rıza Paşa stated that the only item sold in Istanbul for a fixed price was gas, despite the fact that there was no gas in Istanbul for a long time. Therefore the government had put a fixed price for an item that did not even exist. However at that time, the prices of other basic goods had reached unaffordable levels, and this demonstrated according to him that the government had to put fixed prices for basic goods.⁷⁶⁸ Haşım Bey, the Director of Central Provisioning Commission, stated that the reason of not setting fixed price on basic items was that fixed prices set on specific item immediately led to the disappearance of that item from the market, soon after reappearing with much higher prices in the black market.⁷⁶⁹ Therefore, according to the government, setting fixed prices backfired and caused the rise of profiteering.

This law also included punitive sanctions for profiteers. According to third article of the law, merchants selling determined items for higher prices than the ceiling prices and hiding basic goods in their warehouses or shops would be punished with imprisonment from one week to one year or cash fine from five Ottoman gold to 200 Ottoman gold.⁷⁷⁰ There is no exact information about to the extent this law was implemented. Nevertheless, we could see from Ahmed Rıza's comments that he was hopeless about the capacity of this law in solving the existing economic problems. Because, according to him, the same issues –profiteering and provisioning- had been discussed for three years with no conclusive results. Although the government had frequently promised for taking necessary measures, neither profiteering had been

⁷⁶⁸ MAZC, 3/3, 52, 29 Mart 1333 (March 29, 1917), p. 464.

⁷⁶⁹ MAZC, 3/3, 52, 29 Mart 1333 (March 29, 1917), p. 464.

⁷⁷⁰ “Mevadd-ı gıdaiyye ve havaic-i”, *Düstur*, II/9, p. 633.

prevented nor provisioning had been properly regulated. Therefore, he claimed that he had lost all hope.⁷⁷¹

Probably, Ahmed Rıza was right in his doubts because in May 1917, economic problems in Istanbul were continuing as ever, even deteriorating further. Commodities passed from the hands of one merchant to another for a number of times thereby inflating the price of items to an unreasonably high point when consumers actually accessed these items. This process, named as ‘enchainment method’ (*zincirleme usulu*), had almost totally gone out of control. On the one hand, merchants dealing with profiteering gained huge amounts of money without any effort; on the other hand, ordinary people were suffering from lack of many basic goods.⁷⁷² According to Hüseyin Cahit Yalçın, this situation rather expectedly nourished a feeling of uprising in the society.⁷⁷³ With the aim of decreasing widespread discontent, for the first time a raid was conducted by the police to a commercial building. In May 1917, Istanbul General Directorate of Security carried out the operation to Abud Efendi Hanı (a commercial building at Çakmakçılar, Eminönü) and arrested over 200 merchants on the basis that they were dealing with speculative enterprise. These merchants were tried in compliance with Penal Code, Article 239.⁷⁷⁴ Following this raid, on May 24, 1917, a committee, named as *Men'-i İhtikar Heyeti* (Committee of Prohibition of Profiteering) was founded under the Ministry of Interior.⁷⁷⁵

⁷⁷¹ MAZC, 3/3, 52, 29 Mart 1333 (March 29, 1917), p. 465.

⁷⁷² Yalçın, *Siyasi Anılar*, p. 319.

⁷⁷³ Yalçın, *Siyasi Anılar*, p. 334.

⁷⁷⁴ Toprak, *İttihat Terakki ve Cihan Harbi*, p. 169. According to the Article 239, merchants dealing with speculative enterprise would be punished with imprisonment from one week to one year and cash fine from five Ottoman gold liras to a hundred Ottoman gold liras. If the items merchandized were essential consumption goods, then the punishment stated above would be affected as in two-folds (imprisonment from two weeks to two years and cash fine from ten gold liras to two hundred gold liras). See, Akgündüz, *Mukayeseli İslam ve Osmanlı Hukuku*, p. 872; Bucknill and Utidjian, *The Imperial Ottoman Penal Code*, p. 188.

⁷⁷⁵ Toprak, *İttihat Terakki ve Cihan Harbi*, p. 169.

Talat Paşa being the Minister of Interior was the leader of this Committee; nevertheless, since Talat Paşa had excessive responsibilities, the vice-president of the Committee, Hüseyin Cahit [Yalçın] would be the actual head. The other members of the Committee were Osman Bey, legal adviser of Ministry of Interior, Doktor Nazım and Resuhi Bey, members of the head commission of the CUP.⁷⁷⁶ When it was founded, the main aim of the Committee had been to make sale of dry goods particularly imported from abroad at most two-fold of its price before the War. It means that the Committee's scope of authority had been limited to dry goods whereas food items being the main objects of profiteering activities were left out.⁷⁷⁷ Although Central Provisioning Commission was dealing with food items, in June 1917, the scope of authority of these organizations re-structured. According to the new arrangement, the Central Provisioning Commission would be responsible with the regulation of sale of sugar, gas, soap and food items while Committee of Prohibition of Profiteering would deal with dry goods, tea and coffee.⁷⁷⁸

Yalçın, describing the Committee of Prohibition of Profiteering, stated that there was neither an actual organization nor its required instruments. The only aim was to keep prices somehow low by frightening merchants.⁷⁷⁹ The scope of authority of the Committee was limited to Istanbul. Therefore, when the Committee took restrictive measures about sale of goods in Istanbul, the merchants found a number of ways to take them out of Istanbul and to sell in Anatolia for higher prices. According to Hüseyin Cahit, there was no way to prevent this situation because if the Committee prohibited sale of goods out of Istanbul, it would then cause scarcity of many goods in Anatolia.⁷⁸⁰ Despite these realities, the Committee tried to struggle against profiteering as much as possible.

⁷⁷⁶ Yalçın, *Siyasi Anılar*, p. 320, 335; Toprak, *İttihat Terakki ve Cihan Harbi*, p. 169.

⁷⁷⁷ Yalçın, *Siyasi Anılar*, pp. 320-321.

⁷⁷⁸ Toprak, *İttihat Terakki ve Cihan Harbi*, p. 171.

⁷⁷⁹ Yalçın, *Siyasi Anılar*, p. 320.

Until August 1917, the Committee tried to abolish the ‘enchainment method’, but they were not successful in that because the majority of merchants did not comply with the rules and regulations set by the Committee. Moreover, a great number of merchants found a way for escaping from scrutiny. Only a small number of non-Muslim merchants were punished for dealing with speculative enterprise.⁷⁸¹ Then, the Committee decided to set fixed prices for the goods under its scope of authority. Initially, fixed price was determined for matches to be followed by fez and coffee. In a short period of time the Committee set fixed prices for a variety of items from medicine to shoes.⁷⁸² Therefore, the government, which had earlier in March 1917 been opposing the practice of fixed prices had to agree for it in August 1917.

Although the Committee of Prohibition of Profiteering was highly committed to struggle against profiteering, there were still a lot of structural problems. First of all, most food items being materials of profiteering were not under the Committee’s control. Therefore, profiteering over food items continued. Furthermore, the Committee was composed of only few people participating as volunteers. Apart from the members of the Committee, Hüseyin Cahit, Osman Bey, Doktor Nazım and Resuhi Bey, the Istanbul Police Directorate assigned a police officer to the service of the Committee.⁷⁸³ These five people were dealing with all issues about profiteering. Moreover, the Committee was not skillful in terms of the methods of punishments it devised. In fact, the Committee members consciously did not want to establish a bureaucratic organization because they intended to take decisions urgently and punish profiteers promptly.⁷⁸⁴

⁷⁸⁰ Yalçın, *Siyasi Anılar*, p. 320.

⁷⁸¹ Toprak, *İttihat Terakki ve Cihan Harbi*, pp. 171-172.

⁷⁸² Toprak, *İttihat Terakki ve Cihan Harbi*, pp. 172-173.

⁷⁸³ Yalçın, *Siyasi Anılar*, p. 336.

⁷⁸⁴ Yalçın, *Siyasi Anılar*, p. 336.

A typical investigation and punishment procedure of the Committee would start with the application to the Committee of a consumer thinking that he was deceived and a verbal complaint about a particular merchant. The police officer would then go to the shop of the merchant and take him to the Committee's office. If the case that he charged unfair extra price from the consumer, then he would be compelled to refund this amount also being immediately punished with respect to the severity of the act of profiteering. Merchants repeatedly engaging in profiteering activities would be arrested and sent to the prison.⁷⁸⁵ According to Yalçın, the Committee was indifferent to even the most prestigious and powerful merchants, so they had the capacity to prevent profiteering totally.⁷⁸⁶ As a matter of fact, in the beginning, the establishment of the Committee of Prohibition of Profiteering and its facilities caused unease and fear among profiteers. Nevertheless, it is quite difficult to argue that this Committee achieved absolute success in its struggle against profiteering because its scope of authority was limited to dry goods and only a small number of food items. Therefore, profiteering over food items continued throughout the final year of war.

The following sentences of Ahmed Rıza are explanatory for the situation in Istanbul at that time:

[F]or four years, laws and measures about provisioning totally remained fruitless... Abuse, theft, overt bribery and small or large scale speculation increased day by day...Laws and regulations served only to provide personal interests. Last year, people had difficulties in supplying provisions but this year they are totally confused about what to do. They do not know at all what to eat; who to apply for complaints; what law to take into consideration; whether to comply with the practices of the government or unofficial commissions and companies...[This inequality] is also seen in the implementation of laws. The person selling sugar, the ceiling price for which is 14 piastres, for 250 piastres is protected, whereas another person is sent to the court martial because of

⁷⁸⁵ Yalçın, *Siyasi Anılar*, p. 336. According to the prison registers, in August 1917, there were no prisoners incarcerated due to profiteering in the Istanbul Central Prison. BOA.DH.MB..HPS.159/35, 15 Şevval 1333 (August 4, 1917). It means that, in general, profiteers were not punished with imprisonment.

⁷⁸⁶ Yalçın, *Siyasi Anılar*, p. 336.

selling matches for 30 liras instead of 20 liras. There is a saying: ‘*Biri yer biri bakar, kıyamet ondan kopar* (All conflicts can be traced back to a quarrel between the haves and have nots)’. While, one conspicuously wastes what he earns through favoritism in a primrose path, the other sleeps hungry in a dark and cold room.⁷⁸⁷

It is clear that despite the government’s efforts, especially since after mid-1917, there still were no concrete results in terms of either the maintenance of proper provisioning or the prohibition of profiteering. Furthermore, laws, rules and regulations were not applied to everyone equally. It means that although the government and commissions began implementing legal measures against profiteering after mid-1917, it never turned to become a wholesale struggle against profiteering until the end of the Great War.

There were two basic reasons for that. First, many people including merchants close to the CUP, the bureaucrats and officers were inside such economic relations. Therefore, an overall struggle against profiteering would bear the risk of damaging “the feeling of unity and solidarity” for the CUP government.⁷⁸⁸ Second and more important, the attempts for avoiding speculative enterprise and profiteering were not realistic when the main economic policies of the CUP are taken into consideration during the war years. Kara Kemal played a key role in the establishment of national enterprises in Istanbul through his strong network among merchants. As examined in detail in the second chapter, the provisioning policies implemented in Istanbul

⁷⁸⁷ “[D]ört seneden beri iâşeye mütealîk yapılan kanunlar, ittihaz edilen tedbirler de hep akim kaldı...Suiistimal, hırsızlık, aleni irtikab, küçük büyük spekülasyon gittikçe arttı. O derece ki kanunlar, kararlar menafî-i şahsiyeye temine hizmet etmekten başka bir şeye yaramadı. Ahali geçen sene erzak tedarikinde müşkilat çekerti, bu sene ne yapacağını büsbütün şaşırtdı. Ne yiyeceğini, kime müracaat ve şikâyet, hangi kanuna tevfikân hareket, hangi memurun sözüne, Hükümetin mi gayr-i resmi şirketlerin, cemiyetlerin mi, kimin ermine itaat edeceğini bilemiyor...Bu müsavatsızlık kanunların tatbikatında da görülüyor. 14 kuruştan yukarı mubayaa edilmediği resmen bildirilen şekeri 250 kuruşa kadar satan, mazhar-ı himaye oluyor, 20 paralık kibriti 30 paraya satan satan, Divan-ı Harbe sevkediliyor. Biri yer biri bakar, kıyamet ondan kopar derler. Biri mazhar-ı muavenet ve iltimas olarak kazandığını zevk ve safahat aleminde bol bol israf ediyor, diğeri geceleri karanlık ve soğuk bir odada aç uyuyor.” MAZC, 3/4, 7, 26 Teşrinisani 1333 (November 26, 1917), p. 81.

⁷⁸⁸ Yalman, *Yakın Tarihte Gördüklerim*, p. 311.

provided the capital for the establishment of national enterprises.⁷⁸⁹ In this regard, merchants/profiteers making huge amounts of money through speculation constituted the burgeoning class of Turkish-Muslim bourgeoisie. On the one hand, the CUP tried to establish a national bourgeois class and the necessary capital achieve that was closely related to war profits, while on the other hand, it decided to struggle with the same class. Due to this contradiction, the main target of relevant CUP policies remained as the lowest segment of profiteers: the shopkeepers and small business owners. Furthermore, non-Muslim merchants were tightly controlled. They were tried and sentenced to imprisonment and fine. However, most of the powerful profiteers who were close to the CUP continued to make profits within the war conditions.⁷⁹⁰

To sum up, due to these two causes, the CUP government did not even recognize profiteering as a crime during the first two war years. However, especially after 1917, the discontent of the inhabitants of Istanbul compelled the government to take some concrete measures against profiteering. After mid-1917, several commissions “to struggle against profiteering” were founded, and a number of laws and regulations were declared. In fact, profiteering became so visible and disturbing that it became impossible to deny it. However, it never came to be regarded as the most serious crime by the government and official crime records never included profiteering. Therefore, profiteering remained as an “ignored crime” until the end of the Great War.

Similar to profiteering, bribery increased in Istanbul as the war extended. The government’s attitude towards this crime will be examined in the next section.

5.2.3.2 Bribery (*Rüşvet*)

In the second chapter dealing with the socio-economic situation of Istanbul during the War years, it was indicated that civil servants earning fixed income were

⁷⁸⁹ For detailed analysis see Chapter 2, pp. 50-53.

⁷⁹⁰ Toprak, *İttihat Terakki ve Cihan Harbi*, p. 174-175.

one of the main groups affected from the War. As the inflation rate and prices escalated during the War, the purchasing power of civil servants dramatically decreased.⁷⁹¹ Civil servants tried to cope with worsening economic conditions in several ways. To preserve their dignity many of those sold their valuables and household goods,⁷⁹² while many others had to find secondary jobs.⁷⁹³

However, as the war extended, economic difficulties compelled civil servants into committing illegal acts. Especially, those carrying out judicial duties were left to struggle against deteriorating conditions, thereby being occasionally led to abuse their authority in cases strictly requiring their impartiality.⁷⁹⁴ As a matter of fact, in time, corruption became widespread among civil servants performing different duties. Although, according to the memoirs, and the existing conditions during the war strengthened the possibility of rising number of bribery cases in Istanbul, the numbers in crime tables and crime statistics were surprisingly far from supporting this argument. In fact, the government and police did not try to conceal bribery. On the contrary, this crime was included in the crime tables in 1916. Nevertheless, the rates demonstrated therein were extremely low. Therefore, in publishing the rates for bribery, the government might have had secondary aims rather than making this crime publicly visible. According to Police Journal and crime statistics of the General Directorate of Security, bribery rates in Istanbul during the war years as in follows:

⁷⁹¹ For details of this issue see pp. 57-59.

⁷⁹² MAZC, 3/4, 7, 26 Teşrinisani 1333 (November 26, 1917), p. 81.

⁷⁹³ Yalman, *Turkey in the World War*, p. 154.

⁷⁹⁴ Yalman, *Turkey in the World War*, p. 153.

Table 9: Rates of Bribery in Istanbul during the Great War

	Jan ⁷⁹⁵	Feb ⁷⁹⁶	Mar	Apr	May	Jun	Jul	Aug ⁷⁹⁷	Sep	Oct	Nov	Dec
1915	-	-	-	0	0	0	0	0	0	0	0	0
1916	-	-	0	2	1	5	6	0	2	6	2	0
1917	10 ⁷⁹⁸	5	-	-	1	3	1	-	-	0	3	5
1918	4	-	-	5	4	5	3	7	8	1	0	1

Source: “Ceraim Mukayese Cedveli”, *Polis Mecmuası*, Nos. 40, 41, 68, 69, 70,73, 74, 75, 76, 80, 81, 83, 84,85, 86, 92, 93, 97, 98, 99, 103, 104, 105, 106, 107, 108, 109, 110. BOA.DH.EUM.ADL. 30/20, 12 Cemaziyelevvel 1335 (March 6, 1917); BOA.DH.EUM.ADL. 30/43, 26 Cemaziyelevvel 1335 (March 26 1917).⁷⁹⁹

The table indicates that in 1915 there was no bribery case in Istanbul; however, this seems questionable. There are individual bribery cases after 1916 but they never reached a high level during the war years according to the existing data. In fact, it is quite difficult to determine to what extent these numbers represent the actual case. For example, according to the crime tables published in the Police Journal, there was no bribery case in Istanbul in 1915. Nevertheless, according to another data, in 1915, even just from the Istanbul Police Directorate, three police officers and one deputy police commissioner were dismissed due to bribery.⁸⁰⁰ The number of police officers and deputy police commissioners dismissed from the Istanbul Police Directorate due to

⁷⁹⁵ The data of January 1916 indicating the first two weeks of the month. *Polis Mecmuası*, No. 86. For the data of January 1917, see BOA.DH.EUM.ADL. 30/20, 12 Cemaziyelevvel 1335 (March 6, 1917).

⁷⁹⁶ For the data of February 1917, see BOA.DH.EUM.ADL. 30/43, 26 Cemaziyelevvel 1335 (March 20, 1917).

⁷⁹⁷ The data of August 1915 and 1916 demonstrating the first two weeks of the month. *Polis Mecmuası*, No. 76.

⁷⁹⁸ In the Crime Statistics of January 1917, there were two different categories for bribery. One was called as *rüşvet* (bribe), the other was named as *sirkat-i emval-i emiriyye, irtikab* (theft of state property, take a bribe). In Table XVII, the sum of these two categories was indicated. It was the case for the numbers given for February 1917.

⁷⁹⁹ See Chapter 6, footnote 686, p.217.

⁸⁰⁰ “Polis Divanının [331 ve] 332 Seneleri Zarfında Terkin-i Kaydına Karar Verdiği Memurinin Mukayesesini Gösterir Cedveldir”, *Polis Mecmuası*, No. 89, 9 Receb 1335/1 Mayıs 1333 (May 1, 1917), p. 69.

involvement in bribery increased to ten in 1916.⁸⁰¹ Only these examples suffice to indicate that there were several cases of bribery in Istanbul and the number of these cases was certainly higher than indicated in the statistics.

The following data also verifies this argument. There was an widely-known reality about widespread corruption in transportation of basic goods by railway cars as well as in package trade (*koli ticareti*).⁸⁰² Since the majority of railway cars were used for military transportation, there was scarcity of railway cars for use in trade. In theory, merchants could use railway cars and packages by submitting exportation certificate (*ihracat vesikası*). However, in practice, a great number of people not having anything to export and not being actual merchants, could obtain exportation certificate by bribing state officials. Then these people sold their certificates to merchants for higher prices.⁸⁰³ There were a large number of state officials involved in such corruption of railway cars and packages. For instance, between September 1917 and October 1918 almost two hundred civil servants were dismissed from their posts in the Ministry of Postal and Telegraph Services (*Posta ve Telgraf Nezareti*).⁸⁰⁴ However, compared to this number, for the same dates, only forty-five bribery cases were demonstrated in crime tables of the Police Journal (Table IX). Therefore, the government probably did not prefer to publish actual numbers of bribery because it was not successful in taking necessary measures to prevent such illegal activities of state officials which actually stemmed from the economic circumstances during the war years.

As an option, the CUP government could increase the salaries of the state officials in order to support their purchasing power in response to the continuously rising costs of living. Nevertheless, this was impossible given the economic dynamics of the war. On the contrary, as stated in the second chapter, at the beginning of the

⁸⁰¹ Out of ten, seven were police officers and three were deputy police commissioners. "Polis Divanının [331 ve] 332 Seneleri Zarfında...", *Polis Mecmuası*, No. 89, p. 69.

⁸⁰² Kocahanoğlu, *İttihat-Terakki'nin Sorgulanması*, p. 202.

⁸⁰³ Kocahanoğlu, *İttihat-Terakki'nin Sorgulanması*, pp. 406-407.

⁸⁰⁴ Kocahanoğlu, *İttihat-Terakki'nin Sorgulanması*, p. 450.

war, the government actually decreased the salaries of state officials in order to decrease public expenses. However, in the following years, the worsening economic situation of state officials resulted in problems such as insufficient public service and corruption. This issue was discussed in the parliament in November 1917. As a result of parliamentary discussions, the decision was that it was impossible to increase salaries of the state officials.⁸⁰⁵ As a matter of fact, even in case that salaries were actually increased, it would still not be a solution because merchants would immediately raise the prices at the same rate. Therefore, while the purchasing power of state officials would remain indifferent, economic conditions would become even heavier for ordinary people. As a remedy to improve economic conditions of the state officials, the parliament decided to exempt them from paying taxes.⁸⁰⁶

However, there is no exact data as to the effectiveness of this decision to improve the economic situation of civil servants and prevent them from committing bribery. According to the prison registers of 1917, in the Central Prison of Istanbul, out of 583 prisoners, there was just one prisoner incarcerated due to committing bribery. He was punished with imprisonment of three years.⁸⁰⁷ Unfortunately, we have only this extremely specific data about implementation of punishments to committers of bribery in Istanbul. Therefore, due to lack of data, rather than their actual implementation, we had to look at the Penal Code in order to evaluate punishments related to bribery.

Bribery was one of the most important problems of the Ottoman Empire when the Constitutional Regime was founded in 1908. Therefore, the CUP changed some of the articles related to bribery in 1911.⁸⁰⁸ In the original version of the Penal Code,

⁸⁰⁵ Yalman, *Turkey in the World War*, p. 153.

⁸⁰⁶ Yalman, *Turkey in the World War*, p. 153.

⁸⁰⁷ BOA.DH.MB..HPS.159/35, 15 Şevval 1333 (August 4, 1917).

⁸⁰⁸ In the Penal Code of 1858, bribery was the subject of the third part of the first chapter. The Articles 67-81 were related to bribery. In 1911, four articles were repealed and substituted by new articles. Furthermore, the CUP government repealed the Articles 70-75 completely and did not substitute them by new ones. Bucknill and Utidjian, *The Imperial Ottoman Penal Code*, pp. 60-69.

Article 67 provided the definition for bribery. Although bribery was generally regarded as a crime committed by state officials, in this article there was no direct and explicit emphasis on state officials. In the original version of Article 67, bribe was described as follows:

Whatever is received or given, under whatsoever designation [name] it may be, for the purpose of furthering a design is a bribe. Also if any movable or immovable property is by way of bribery purchased or sold for a price which is less or more by an excessive difference than its value regard being taken of time and place the difference between the price at which that immovable or movable property has been sold in this manner and true value of it is actually a bribe...⁸⁰⁹

The CUP changed this article making a clear emphasis on the relationship between bribery and state officials. The new article was as follows:

In the same way as money received, or goods taken under the designation of present or other advantages secured by judges or generally by officials or by elected or appointed members of official Councils [*mecalis-i resmiyye*] who undertake official duties or functions or by persons who being private individuals are charged with an official duty as an arbitrator or expert or by advocates in order to do or not to do the thing which they are by law or regulation bound to do or to do or not to do the thing which they are bound not to do, is bribe, so also the excessive difference between the actual value and the price named of *emval* and *emlak* purchased or sold by them with this object at a low or increased price is bribe.⁸¹⁰

⁸⁰⁹ Bucknill and Utidjian, *The Imperial Ottoman Penal Code*, pp. 60-61.

⁸¹⁰ Bucknill and Utidjian, *The Imperial Ottoman Penal Code*, p. 62. Turkish text of Article 67 was as follows: ‘*Hükkamın ve aliyyel-ıtlak vezaif ve hidmat-ı resmiyyeyi der-uhde eyleyen bil-cümle memurin ve müntehab ve mensub-ı bilcümle mecalis-i resmiyye azasının ve efrad-ı nasdan olub da hükm-i ve ehl-i hayra gibi bir vazife-i resmiyye ile mükellef bulunan eşhasın ve dava vekillerinin kanunen ve nizamen yapmaya mecbur olduğu şeyi yapmak veya yapmamak veya yapmamaya mecbur olduğu şeyi yapmak veya yapmamak için ahz eyledikleri akçe ve hediye namıyla aldıkları eşya veya temin eyledikleri sair menafi rüşvet olduğu gibi bu maksada mebni dun veya ziyade bahaya iştira ve bey ettikleri emval ve emlakın kıymet-i hakikiyesiyle semen-i müsemma beynindeki fark-ı fahiş dahi rüşvettir .’*, “28 Zilhicce 1274 Tarihli Kanun-ı Cezanın bazı mevadını”, *Düstur*, II/3, p. 443.

Through this amendment, the CUP regime clarified the description of bribery. In accordance with the new article, bribery was determined as a crime committed by all kinds of state officials and also any other people somehow having a relationship with official duties. Although this article made it clear bribery was a crime committed by state officials, the crime statistics of January and February 1917 demonstrates that out of twenty-five perpetrators of bribery in Istanbul, there were just three civil servants.⁸¹¹ The majority of the committers of bribery were craftsmen (8) and boatmen (8) according to this data. This conclusion is surprising, because although persons who resorted to giving a bribe (*raşi*) were also regarded as guilty according to the Penal Code, the main actor in bribery accepting to take the bribe (*mürteşi*) was to be a state official. In other words, there were legally two sides of this crime. In this case, it can be argued that the majority of those put on the records might be people who committed unsuccessful bribery attempts. Since these people were caught when they offered bribe, the other side of the bribery –state officials– were not reflected in the crime statistics.

The CUP government amended the articles about punishments for bribery in 1911. According to the original version of Article 68, any person accepting a bribe was to be punished with temporary confinement in a fortress (*muvakkaten kalabendlik*) as well as paying twofold of the bribe as a cash penalty. Furthermore, the person would be dismissed from the office for six years.⁸¹² In the new version of the article, punishments of temporary confinement in a fortress and cash penalty remained as it earlier was. Furthermore, the duration for confinement in fortress was determined as five years or more if the act of bribery was resulted in violation of right.⁸¹³ Actually, the penalties for the person giving or offering bribe were similar to the punishments

⁸¹¹ Furthermore, there was no civil servant among the perpetrators of bribery in January 1917 in Istanbul. Therefore, these three civil servants accepted a bribe in February 1917. BOA.DH.EUM.ADL. 30/20, 12 Cemaziyelevvel 1335 (March 6, 1917), BOA.DH.EUM.ADL. 30/43, 26 Cemaziyelevvel 1335 (March 26, 1917).

⁸¹² For the details of Article 68 see Akgündüz, *Mukayeseli İslam ve Osmanlı Hukuku*, p. 845.

⁸¹³ “28 Zilhicce 1274 Tarihli Kanun-ı Cezanın bazı mevadını”, *Düstur*, II/3, pp. 443-444.

mentioned above. Between March 1916 and April 1917, eleven people were banished from Istanbul because of committing bribery.⁸¹⁴ These people were sent to Çorum for temporary confinement in a fortress for three to five years.⁸¹⁵

With the amendment of 1911 the dismissal penalty for persons giving or offering a bribe was removed from the text of Article 69.⁸¹⁶ It may be argued that the CUP government found it more appropriate to leave the decision about termination of office in case of bribery to the state institutions themselves. Probably, the internal regulations of each state institution indicated the relevant specifications. For instance, bribery was one of the causes of dismissal from office within the institution of Police Organization during the war years.⁸¹⁷

In the same way, bribery was considered as requiring the dismissal of officers and field-grade officers from the army. A provisional law related to this issue was enacted on March 10, 1915. The provisional law stated that due to the constraints of war conditions, the dismissal of officers and field-grade officers from the army was to be left to after the end of the war.⁸¹⁸ This was a good example of how punishments for some crimes committed by state officials were determined by the conditions of the war. Since, for the government, officers were the most “important” state officials during war, even when they committed bribery, officers and high-ranking officers were not all at once expelled from the army as long as the war continued. The existence of such a provisional law and the low number of state officials among the

⁸¹⁴ BOA.DH.EUM.1. Şb.8/15, 19 Muharrem 1336 (November 4, 1917).

⁸¹⁵ Only one of the perpetrators of bribery was sent to Kayseri. BOA.DH.EUM.1. Şb.8/15, 19 Muharrem 1336 (November 4, 1917).

⁸¹⁶ For details of Article 69, see “28 Zilhicce 1274 Tarihli Kanun-ı Cezanın bazı mevadını”, *Düstur*, II/3, p. 444.

⁸¹⁷ “Polis Divanının [331 ve] 332 Seneleri”, *Polis Mecmuası*, No. 89, p. 69.

⁸¹⁸ “Seferberlikte tard cezasını müstelzim ceraim-i irtikab eden ümera ve zabitanın kabl’e-l-muhakeme nisbet-i askeriyeinin suret-i kati hakkında kanun-ı muvakkat, 23 Rebiülahir 1333, 25 Şubat 1330 (March 10, 1915)”, *Düstur*, II/7, p. 446.

perpetrators of bribery in the crime statistics point to the fact that the legal sanctions in that respect over state officials were at a minimum level during the war years.

In fact, this might also be evaluated as a deliberate governmental policy to relieve to some extent the burden upon state officials whose living conditions had continuously deteriorated. In other words, since the government could not produce any policies to improve the economic conditions of state officials, it opted for somehow ignoring bribery, or postponing consistent measures against it. Accordingly, it is possible that the rates of bribery in the crime tables were intentionally indicated lower than actual. There can be another possibility as well. Maybe these numbers were correct but since the government and security forces were reluctant to pursue in a determined way the committers of this crime due to the causes mentioned above, the numbers officially published became lower than actual. In this respect, on the one hand, the government pretended to be strict about this crime by including it to the crime tables, while on the other hand, referring to the low rates of bribery allowed for a message to the public that cases of bribery was not high. Thus, the overall policy of the CUP government towards bribery was an important indicator of how crimes and punishments were used as an instrument of official policy-making during periods of crisis such as war.

In this chapter, two main arguments about crimes are discussed through an analysis of three crimes –theft, profiteering and bribery – related to wartime economic dynamics. First, as argued in the first chapter, specifying what is criminal and delinquent is highly influenced by the political context. Second, the government and lawmakers has a great discretionary power in determining what is criminal.

The Great War actually provided an appropriate political context that allowed the government free rein in specifying what was criminal and how to punish. For instance, although profiteering was an obvious problem influencing the daily lives of persons, the government was able to ignore this crime until mid-1917. Furthermore, since government did not effectively develop any policies to prevent bribery, it deliberately distorted the statistics regarding this crime. However, contrary to

profiteering and bribery, theft always remained as an important element of crime records. The government made this crime publicly visible not with the aim of struggling against it, but to repress the lower classes.

Wartime economic realities were the real reason behind the rise of theft, profiteering and bribery. Therefore, without making structural economic reforms, it was impossible to struggle against any of these crimes. The first and foremost requirement was to devise a program for a committed struggle against inflation and speculative enterprises. If that had been the case, then the rates of theft and bribery would definitely be kept somewhat lower, while profiteering would also be prevented. However, it is a fact that such an attitude would radically contradict with the economic policy of the CUP government, which aimed at creating a Turkish-Muslim bourgeois class. The necessary capital for the establishment of national bourgeoisie and national enterprises was mostly provided from war profits.⁸¹⁹ It means that a wholesale struggle against speculative enterprise was impossible for the CUP. As a result, starting with the early years of war, inflation, black market, and unequal access to basic necessities became inevitable in economic life, which in turn led to booming rates of theft and bribery.

It would be right to say that there was a vicious circle of economic inefficiencies and defective economic policies during the war. The government pretended to develop a “criminal policy” without making any structural changes. The components of this criminal policy were making theft publicly visible; ignoring profiteering; and overlooking bribery. Such an official attitude makes it clear that actual criminal dimension of these issues never had the priority for the government. The policies against these crimes were rather used as instruments for political and economic aims.

The survival of the state and the continuation of the CUP regime were the main concerns during the Great War. In the next chapter, two crimes - battery or insulting remarks against state officials during office; and opposition to the decisions and

⁸¹⁹ Korkut Boratav, *Türkiye İktisat Tarihi, 1908-1985*, (Istanbul: Gerçek Yayınevi, 1988), p. 18.

regulations of the government – will be analyzed in this context. The regulations concerning firearms and official documents will also be examined in a similar fashion. Finally, amnesties will also be taken into consideration as an important element of criminal policy implemented during the war.

CHAPTER 7

SURVIVAL OF THE STATE, AMNESTIES AND A VICIOUS CIRCLE OF CRIMINALITY

During the Great War years, it became the foremost concern for all belligerent countries to ensure the survival of the state. Similar was the case for the Ottoman Empire while the same mentality was inevitably blended with the continuity of the CUP regime and thus conditioned the workings of internal security policies. On the one hand, the government instituted stricter mechanisms of control and surveillance, as examined in the forth chapter. On the other hand, priorities of the government in shaping criminal policy changed remarkably.

It is not possible to demonstrate with specific examples to what extent the government assigned importance to the continuation of its power because in fact it became apparent as a totalistic set of thinking in each and every policy of the government at that time. However, in order to show some of its particular workings, we will focus on two categories of crimes included in the crime tables in 1916, namely battery and insult against state officials during office, and disobedience to official rules and regulations.

Battery and insult against state officials, as a crime category, had already been an important issue for the CUP government before the Great War. A great number of the articles in the Penal Code related to this crime were changed in 1911. Through these changes relevant punishments were clarified and made stricter, while the inclusion of crimes against state officials became in itself a direct sign of the government's heightened sensitivity about this issue. During the war years, the effectiveness of security forces in the maintenance of order in Istanbul gained further importance for the CUP regime. Therefore, this crime was included in crime tables as a crime category in 1916.

Disobedience to official rules and regulations was also included in crime tables and this had two reasons. On the one hand, for the state elites, the implementation of rules and regulations was a prerequisite for maintaining public order. On the other hand, referring to increasing rates of this crime the government enhanced its capacity to exercise more repressive policies. Therefore, analyzing this crime category will definitely give us an idea about the extent to which the government was successful in effectively implementing rules and regulations in Istanbul.

As discussed in the previous chapter, during the Great War, although theft, profiteering and bribery caused foremost socio-economic problems in the society, the CUP government did not undertake any wholesale program to eliminate them. For example, although petty theft rates continuously increased during the Great War and, as a result, the rates of this crime were deliberately made visible in the statistics, this did not prompt the government to make any changes in the Penal Code or institute mechanisms to prevent this crime.

However, there were other criminal issues about which the government made regulations. In this sense, there were addenda to the Penal Code and a number of regulations about the possession of firearms and the issuance of official documents, both of which directly related to the power of the state. For instance, the set of regulations on firearms must be evaluated as attempts to enforce the state's monopoly on the legitimate use of force. The Great War provided the conditions for legitimizing collection of firearms from ordinary persons as well as for implementing harsher punishments to persons opposing relevant rules and regulations. The same was true for the issuance of official documents as their forgery for the purpose of travelling freely constituted another important concern for the CUP government. It is clear that such fraud was regarded as a threat to the state's exclusive authority.

Finally, in this chapter, amnesties will also be analyzed. During the war years, the CUP government declared a number of amnesties in order to remedy the problem of overcrowd in prisons as well as to create an extra source for military mobilization. However, as a result of continuing amnesties, a vicious circle of criminality emerged

in Istanbul. Therefore as an important part of the wartime criminal policy, the actual content of a series of amnesties alongside with their consequences for the criminality in Istanbul will be discussed next.

7.1 Battery and Insult on Duty (*Esna-yı Vazifede Hakaret ve Darb*)

According to the Ottoman political system, officials holding an office of authority in government directly represented the authority of the Ottoman State. In this respect, officials and the attitude of persons towards them had specific importance for the government as an indicator of power and authority. In the Penal Code, the seventh part of the first chapter was devoted to this issue.⁸²⁰ During the Constitutional Regime, out of five articles (Articles 112-116), only the first article regulating punishments of persons for their acts of insulting, intimidation and vituperation against state officials remained as it was in 1858.⁸²¹ Articles 113-116 were repealed and substituted by new ones in 1911.

Article 113 delineating punishments for crimes against security forces were repealed in 1911. The new version of the article aggravated punishments. For example, in the old version of the Article, the punishment for insulting, intimidation and vituperation to lower rank soldiers, police officers or other civil servants carrying out their duties was cash penalty.⁸²² Alongside that, the new version of the Article brought in imprisonment penalty of one week to three months for the same crime. According to the Penal Code, if the same type of crimes were committed against higher ranks of

⁸²⁰ The seventh part entitled ‘Punishment of Persons Opposing, Disobeying or Insulting the Officials of the Imperial Ottoman Government’ (*Memurin-i Devlet-i Aliyyeye Muhalefet ve Adem-i İtaat ve Hakaret Edenlerin Cezası*) included five articles (Articles 112-116). Akgündüz, *Mukayeseli İslam ve Osmanlı Hukuku*, pp. 852-853; Bucknill and Utidjian, *The Imperial Ottoman Penal Code*, p. 86.

⁸²¹ Punishment of these acts was imprisonment for one week to six months. See Article 112, Akgündüz, *Mukayeseli İslam ve Osmanlı Hukuku*, p. 852; Bucknill and Utidjian, *The Imperial Ottoman Penal Code*, p. 86.

⁸²² Akgündüz, *Mukayeseli İslam ve Osmanlı Hukuku*, p. 852.

military and civilian security forces, there would be heavier punishments such as imprisonment for fifteen days to six months.⁸²³ In the case of battery or use of violence against security forces or officials being on duty would be punished from six weeks to two years.⁸²⁴ In the old version of Article 115, the punishment for wounding and causing injury of government officials on duty was unclear.⁸²⁵ In 1911, the CUP made an amendment in this article to specify punishment. According to the new version of the article, the punishment of wounding an official would be imprisonment for six months to three years.⁸²⁶ Thereby the ambiguity was clarified.

Article 116, the last article about crimes against state officials was also repealed and substituted by a new one in 1911. In fact, this article was originally about cash penalties for persons being officially invited to the Courts and Councils and failing to do so without any acceptable excuse.⁸²⁷ The new version of the Article comprehended elaborate punishments for the crimes against state officials especially those charged with the fulfillment of official decisions such as the writ of summons or arrest. The text of the new Article was as follows:

Article 116: Those who dare to exercise compulsive or violent treatment or to do any other effective act in order to attack or to impede the legal acts of

⁸²³ Bucknill and Utidjian, *The Imperial Ottoman Penal Code*, p. 88. In the old version of the Article, the punishment of the same crime was imprisonment for one week to one month. Akgündüz, *Mukayeseli İslam ve Osmanlı Hukuku*, pp. 852-853.

⁸²⁴ In the English translation of this Article there is a mistake. The duration of imprisonment was written as six months to one year. Nevertheless, in the original text of *Düstur*, imprisonment duration was indicated as ‘six months to two years’. The original text of the new version of Article 114 was as follows: ‘*Memurinden birini veya asakir-i nizamiyeden veya jandarma ve polis sınıfından bir neferi, memuriyetlerini icrada iken yahud icra ettikleri hükm-i memuriyetten dolayı darba veya muamele-i cebr ve şiddete cüret eden olur ise her halde altı aydan iki seneye kadar hapis olunur.*’ “28 Zilhicce 1274 Tarihli Kanun-ı Cezanın bazı mevadını”, *Düstur*, II/3, p. 446.

⁸²⁵ In the original version of Article 115, it was stated that ‘He [the person who wounded an official] is punished with double the punishment provided by law according to the degree of his offense’, Bucknill and Utidjian, *The Imperial Ottoman Penal Code*, p. 90.

⁸²⁶ “28 Zilhicce 1274 Tarihli Kanun-ı Cezanın bazı mevadını”, *Düstur*, II/3, p. 446.

⁸²⁷ Bucknill and Utidjian, *The Imperial Ottoman Penal Code*, p. 91; Akgündüz, *Mukayeseli İslam ve Osmanlı Hukuku*, p. 853.

executive officers, or of an armed force, or of [revenue] collectors or of *mubashirs* or policemen bearing writs of summons or arrest, or of officers delegated by the courts or of officers of the administrative or judicial police while they are serving or putting into execution the laws or regulations of the State or the orders of the Government or the decisions or judgments of the Courts or the provisions of writs of summons or arrest or the writs of invitation or citation or other judicial documents are punished as follows: Firstly, if these acts are committed by more than twenty persons and all of them are or one from amongst them is armed openly punishment of imprisonment for from three months to three years is awarded; and in the case of there being no armed person among them punishment of for from one month to two years is inflicted on such persons...⁸²⁸

The rest of the Article regulates the punishments for the same crime in the case that it was committed by three to twenty persons, and less than three persons. In each case, the punishment was specified as imprisonment. In this sense, the CUP aggravated the cash penalty that had been main punishment for similar crimes since 1858. Another important dimension of this amendment was the specification of the type of officials whose prevention from carrying out their duties would be regarded as a “crime”. In this way, the civilian and military security forces as well as all the officials that acted in accordance with decisions taken by administrative and judicial institutions were secured through law. These amendments were important indicators of the CUP’s administrative understanding. Especially, the intention to protect military and civilian security forces show that the “maintenance of public security” had become a major issue for the CUP government.

During the war years there were not any amendments in the articles related to crimes against state officials; therefore, the articles mentioned above were in effect until the end of the Empire. Nevertheless, the implementation of punishments on

⁸²⁸ Bucknill and Utidjian, *The Imperial Ottoman Penal Code*, p. 91. A part of Turkish text of this Article is as follows: ‘116 ıncı madde-i kaime: İcra memurları ve kuvve-i müsellaha ve tahsildarlar ile ihzar ve tevkif mezkurelerini hamil bulunan memurlar ve zabıta-i mülkiye ve adliye memurları kavanin ve nizamat-ı devleti ve evamir-i hükümeti ve mukarrerat ve ilamat-ı mahakimi ve ihzar ve tevkif mezkureleri ahkamını ve davetiyye ve celb mezkurelerini vesair evrak-ı adliyyeyi tebliğ ve tenfiz ettikleri sırada bunlara tecavüzle icraat-ı kanuniyelerine mümanaat için muamele-i cebr ve şiddete veya diğer bir fül-i müessire cüret edenler ber-vech-i ati mücazat olunur.’ “28 Zilhicce 1274 Tarihli Kanun-ı Cezanın bazı mevadını”, *Düstur*, II/3, p. 446.

perpetrators of crimes against state officials became harsher during the war. For example, out of 583 prisoners in the Central Prison of Istanbul in 1917, only four were sentenced to death penalty. Three of these prisoners were convicted by homicide while one of them was sentenced to death penalty because he had brandished weapon to a police officer.⁸²⁹ However, according to the Penal Code, the punishment of this crime was actually imprisonment for six months to two years.⁸³⁰ Therefore, this harshness in punishment could only be explained with regard to the extraordinary conditions of war. The decision of death penalty for this crime indicates two things about war conditions. First, since the importance of ‘public order’ increased to a higher level during the war years, the CUP government began to take heavier measures in order to give out the message that in the case of slightest threat to the security forces, the perpetrators would be punished in the harshest ways. Second, even without making any legal amendments in the Penal Code, heavier punishments were directly exercised to the extent that the state perceived the war conditions as necessitating so.⁸³¹

The government and security forces were probably much more sensitive to the crimes against state officials in Istanbul because it was the administrative and political

⁸²⁹ In the prison registers, his crime was written as ‘*zabita memuruna teşhir-i silah*’ (brandishing weapon to a police officer). See, BOA.DH.MB..HPS.159/35, 15 Şevval 1333 (August 4, 1917). Also see footnote 133, p. 38.

⁸³⁰ ‘113üncü Madde-i Kaime: Asakir-i nizamiyenin ve hükümet tarafından alel-ıtlak zabıtaya ve idareye memuriyetlerini icrada iken yahud icra ettikleri hükm-i memuriyetten dolayı kadr ve namuslarına nakisa verecek suretle haklarında muamele-i hakarete ve itale-i lisana ve ihafeye cüret edenler olur ise bir haftadan üç haftaya kadar hapis....ve bu misillü hakaret ve ihafenin icrasında teşhir-i silah eden olur ise her halde altı aydan iki senye kadar hapis olunur’, “28 Zilhicce 1274 Tarihli Kanun-ı Cezanın bazı mevadım”, *Düstur*, II/3, p. 446. For the English translation of this Article see, Bucknill and Utidjian, *The Imperial Ottoman Penal Code*, p. 88.

⁸³¹ Probably, this was a decision of court-martial. During the war years, since courts-martial took decisions more rapidly than civilian courts, not only military issues but also civilian criminal cases became subject of these military courts. According to Yalman, “penalties [given by courts-martial] were not always fixed by law.” Yalman, *Turkey in the World War*, p. 246. Therefore, levying such a heavy penalty for an offence of brandishing weapon to a police might have its roots in being a decision given by court-martial. Assassination of state officials was also one of the offences within the jurisdiction of courts-martial during the war years. The main argument behind this situation was that assassination of state officials was regarded as an offense against internal and/or external security of the state. Köksal, *Tarihsel Süreç İçinde*, pp. 95-96. It can be argued that brandishing weapon to a police officer was perceived as an assassination attempt, thereby making it a case eligible to be determined on court-martial. Hence, such perpetrators would be punished with the heaviest penalty.

center of the Empire. Therefore, it is essential to examine the rate of crimes against the state officials during the Great War in Istanbul. Relevant existing data is as follows:

Table 10: Rates of Battery and Insult on Duty in Istanbul during the Great War

	Jan ⁸³²	Feb ⁸³³	Mar	Apr	May	Jun	Jul	Aug ⁸³⁴	Sep	Oct	Nov	Dec
1915	-	-	-	0	0	0	0	0	1	0	0	0
1916	0	-	8	8	11	4	4	1	18	12	17	4
1917	11	10	-	-	7	15	7	-	-	2	5	9
1918	6	-	-	4	9	6	3	8	10	10	5	15

Source: “Ceraim Mukayese Cedveli”, *Polis Mecmuası*, Nos. 40, 41, 68, 69, 70,73, 74, 75, 76, 80, 81, 83, 84,85, 86, 92, 93, 97, 98, 99, 103, 104, 105, 106, 107, 108, 109, 110. BOA.DH.EUM.ADL. 30/20, 12 Cemaziyelevvel 1335 (March 6, 1917); BOA.DH.EUM.ADL. 30/43, 26 Cemaziyelevvel 1335 (March 26 1917).⁸³⁵

This table illustrates that during the first year of the war, there were almost no cases of crimes against state officials in Istanbul. Compared to the first year, there was a significant increase in the rates of these crimes since 1916. Although the number of crimes against state officials never reached a high level, it still was never as low as it was in 1915 either. The slight rise in crimes against state officials during the war years indicates that the government encountered a kind of social resistance while implementing its policies, laws and regulations. In this sense, at this time, penetration to the society by using instruments of infrastructural power became much more problematic for the CUP government in these years. It must be kept in mind that these numbers represent the situation in Istanbul where the state authority was stronger than anywhere else in the Ottoman Empire. Therefore, it is possible to argue that the

⁸³² The data of January 1916 indicating the first two weeks of the month. *Polis Mecmuası*, No. 86. For the data of January 1917, see BOA.DH.EUM.ADL.30/20, 12 Cemaziyelevvel 1335 (March 6, 1917).

⁸³³ For the data of February 1917, see BOA.DH.EUM.ADL.30/43, 26 Cemaziyelevvel 1335 (March 20, 1917).

⁸³⁴ The data of August 1915 and 1916 demonstrating the first two weeks of the month. *Polis Mecmuası*, No. 76.

⁸³⁵ See Chapter 6, footnote 686, p.217.

existence of crimes against state officials even in Istanbul was an indicator of weakening penetration power of the state into society during the Great War. As the trend continued to be so, repressive and radical measures came to scene. The exercise of punishment of death penalty for simple crimes such as brandishing weapon to a police officer can thus be regarded as an example of increasingly authoritative administrative policies of the CUP. Furthermore, intending to make crimes against state officials publicly-known by including them into the crime tables in 1916 had a practical advantage for the CUP. In this way, the government gained upper hand in its attempts at widening the scope of jurisdiction, and the power and authority of security forces.

According to the existing data, during January and February 1917, out of the twenty-two offenders of crimes against state officials in Istanbul, twelve were craftsmen. There were six unemployed persons, three civil servants and one domestic worker who committed several crimes such as battery, insulting and opposition against state officials on duty.⁸³⁶ Although this data is not enough to make generalizations, the number of craftsmen among the offenders of crimes against state officials was remarkable. In fact, although there is no detailed account of these crimes to support deeper analysis, it can be argued that craftsmen constituted one of the major groups opposing state officials during the war. It is certain that the living standards of craftsmen in Istanbul remarkably deteriorated during the war years as a result of aggravating economic conditions. Contrary to the merchants making enormous profits making advantage of the war conditions, the craftsmen were probably deprived of their means of earning money. Their increasing tendency to commit crimes should be considered within the socio-economic context of Istanbul during the Great War.

As a matter of fact, the state officials who were opposed by persons in several ways such as battery or insulting were representatives of state authority. They aimed to implement laws, rules and regulations. In this sense, opposition to decisions and

⁸³⁶ BOA.DH.EUM.ADL.30/20, 12 Cemaziyelevvel 1335 (March 6, 1917); BOA.DH.EUM.ADL.30/43, 26 Cemaziyelevvel 1335 (March 20, 1917).

regulations is another important crime category which could provide us hints about crime policy of the CUP government during the war years.

7.2 Opposition to Decisions and Regulations (*Mukarrerat ve Nizamata Muhalefet*)

This category of crime was included in the crime tables published in the Police Journal after March 1916 alongside with the crimes against state officials and bribery. As a matter of fact, opposition to decisions and regulations is an important conceptual category in terms of evaluating the infrastructural power of the CUP government *vis-à-vis* the society. In other words, the rate of this crime directly provides hints as to the extent the CUP government was successful in the implementation of its rules, regulations and laws during the war years. Furthermore, the rate of this crime also gives an idea about resistance and/or consent of the societal elements to rules, regulations and laws.

In 1918, the category of crime entitled ‘Opposition to Decisions and Regulations’ was changed to be ‘Opposition to the Decisions of the Government’ (*Mukarrerat-ı Hükümete Muhalefet*). Although this may seem as a slight change, it corresponded to somewhat more than the addition of a single word. In fact, from the beginning of the War, the Constitutional Regime became increasingly a single party regime rather than being a parliamentary one. In other words, the CUP government maintained all the state power during the war, as it provided appropriate conditions for that. Therefore, all the decisions, rules and regulations during the Great War were implementations of the CUP government. In this sense, opposition to official decisions, rules and regulations were directly perceived as opposition to the CUP government. Hence, the change in the name of the crime category as mentioned above should actually be considered as a reflection of this mentality. The relevant statistics during the Great War was as follows:

Table 11: Rates of Opposition to Decisions and Regulations in Istanbul during the Great War

	Jan ⁸³⁷	Feb	Mar	Apr	May	Jun	Jul	Aug ⁸³⁸	Sep	Oct	Nov	Dec
1915	-	-	-	0	0	0	0	0	0	0	0	0
1916	0	-	9	5	5	6	9	3	4	2	1	60
1917	46	-	-	-	80	51	39	-	-	29	19	43
1918	27	-	-	167	46	55	17	13	23	4	3	5

Source: “Ceraim Mukayese Cedveli”, *Polis Mecmuası*, Nos. 40, 41, 68, 69, 70,73, 74, 75, 76, 80, 81, 83, 84,85, 86, 92, 93, 97, 98, 99, 103, 104, 105, 106, 107, 108, 109, 110. BOA.DH.EUM.ADL. 30/20, 12 Cemaziyelevvel 1335 (March 6, 1917); BOA.DH.EUM.ADL. 30/43, 26 Cemaziyelevvel 1335 (March 26 1917).⁸³⁹

The table indicates that during the last two years of the war, the number of crimes related to opposition to decisions and regulations remarkably increased in Istanbul. Especially, in April 1918, opposition to decisions of the government reached its highest point with 167 cases. In fact, as mentioned earlier, in 1917 and 1918, living conditions continuously deteriorated in Istanbul. Furthermore, as the war continued to extend, people in home front began to lose their hope and belief in victory. Therefore, not only the mobilization of the home front but also the implementation of decisions, rules and regulations became much more problematic for the CUP government especially in the last two years of the war. In other words, in the eyes of society, the CUP government probably began to lose legitimacy that was *sine qua non* for the implementation of official policies. The rising number of opposition cases to decisions and regulations could be a reflection of this situation.

⁸³⁷ The data of January 1916 and 1917 indicating the first two weeks of the month. *Polis Mecmuası*, No. 86.

⁸³⁸ The data of August 1915 and 1916 demonstrating the first two weeks of the month. *Polis Mecmuası*, No. 76.

⁸³⁹ See Chapter 6, footnote 686, p.217.

Punishments related to this crime were regulated in the last chapter of the Penal Code.⁸⁴⁰ Therefore, this crime could be categorized as *kabahat* requiring cash penalty or imprisonment for twenty-four hours to one week. According to the prison registers of 1917, there was no prisoner imprisoned because of opposition to decisions and regulations in the Istanbul Central Prison. This was probably because the perpetrators generally paid cash penalty. Another possibility was that the offenders were imprisoned in police stations, smaller prisons or detention houses for a short period of time. It is clear that although the punishments for opposition to decisions and regulations of the government was not heavy, the rising number of this crime became disturbing for the CUP government as the war continued.

Before 1916, crime tables included only the number of criminal cases such as crimes against property and crimes against persons. After 1916, some other crimes related to public order and administration such as opposition to decisions of the government and crimes against state officials also became a part of crime tables of the Police Journal. Therefore, it can be accepted as a sign for the heightened importance of the ‘maintenance of public order’ and the continuation of the regime for the government during the war.

Nevertheless, there were also some other crimes that, despite being left out of crime tables, still corresponded to particular policy concerns of the government such as the use of firearms and the issuance of official documents. As a matter of fact, these crime topics became issues about which the government made a number of legal regulations during the war, meaning they were considered as being among criminal topics of foremost importance. In this sense, an evaluation about these topics will be helpful in understanding the government’s priorities in its wartime criminal policy.

⁸⁴⁰ Articles 254-264, Akgündüz, *Mukayeseli İslam ve Osmanlı Hukuku*, pp. 875-876. In 1911, Article 265 was added to the Penal Code which was about drunkenness. “28 Zilhicce 1274 Tarihli Kanun-ı Cezanın”, *Düstur*, II/3, pp. 459-460. For Articles 254-265, see, Bucknill and Utidjian, *The Imperial Ottoman Penal Code*, pp. 199-208.

7.3 Other Crimes and their Respective Punishments: “Invisible” in Crime Tables but ‘Visible’ in Criminal Policy

Crimes against property, persons, state officials and general well-being of the public were the main topics included in the crime tables and crime statistics. These crimes might be considered as the crimes consciously made visible by the security forces and government. In other words, the government deliberately published the rates of these crimes in every volume of the Police Journal, while the aim behind that was to set the basis for security policies intended to repress and keep under control the city inhabitants.

In general terms, the first and primary duty of the security forces has always been put forward as the prevention of criminal cases such as theft, homicide and etc. Nevertheless, as examined in the previous sections, despite the rising number of theft cases in Istanbul, for example, the government did not take any additional measures in order to prevent or at least diminish this type of crime. However, the amendments in and addenda to the Penal Code during the war years made it clear, the government had different considerations about some other type of crimes not particularly appearing in the crime tables published in the Police Journal. In this section, regulations about firearms; and crime of forgery or altering official documents will be examined alongside with their respective punishments. Although there is no exact numerical data about these crimes, the amendments made in the Penal Code, and the publication of some regulations indicate that the government had special concerns about these issues. The overall analysis in this section will reveal the security priorities of the CUP government during the Great War.

On February 9, 1916 an addendum was made to the part of the Penal Code entitled ‘Theft of State Properties and Other Corrupt Acts’.⁸⁴¹ This addendum was about firearms and munitions belonging to police officers. According to the addendum,

⁸⁴¹ “Kanun-ı Ceza’nın dördüncü faslına müzeyyel 14 Rebiülevvel 1319 tarihli fıkrayı muaddel kanun, 4 Rebiülahir 1334/26 Kanunusani 1331 (February 9, 1916)”, *Düstur*, II/8, p. 383.

in the case that a police officer sold or intentionally lost his firearms, munitions and any other materials of state property, or gave them to someone else, he would be imprisoned for one year and dismissed from office.⁸⁴² This addendum had two defining aspects. First, during the war period, the government tried to establish control not only on ordinary people, but also on the security forces in terms of their exercise of force in the name of the state. In fact, alongside military forces, police having the right to use arms, munitions and other assets of violence constituted instruments of the state apparatus in the maintenance of monopoly on force in the modern state. Therefore, while governments always sought to construct a kind of control mechanism over the security forces, this necessity became much more urgent and serious for the ruling elites during periods of crisis such as the Great War. In the original version of the Penal Code, the Articles related to theft of state properties, there was no specific emphasis on firearms and munitions. Thus the addendum should be considered as a consequence of the war conditions.

Second, this addendum should also be evaluated as a part of a more general policy related to the seizure of arms as a prerequisite of the modern state and its monopoly on legitimate use of force. In fact, the CUP concentrated efforts on this issue in a way unprecedented throughout the history of the Ottoman Empire.⁸⁴³ Even before the Great War, the CUP tried to establish several mechanisms for collecting arms from citizens. Although there was no exact consensus on this issue in the Ottoman Parliament, the CUP government had always been determined in the issue of seizure of arms.⁸⁴⁴ In 1913, through the publication of the Police Statue, the CUP government took one more step in collecting arms. With this Statue, even the use of weapons such as daggers, wedges or big knives, the use of which was not forbidden according to the

⁸⁴² “*Polis memurlarından her kim kendisine ait esliha ve cephane ve her nevi eşya-yı emiriyeden bir şey satar veya kasden telef ve ızaa eyler ve her ne sebeple olursa olsun ahire verirse bir sene hapis ve polis mesleğinden tard olunur.*”, “Kanun-ı Ceza’nın dördüncü faslına”, *Düstur*, II/8, p. 383.

⁸⁴³ Ergut, *Modern Devlet ve Polis*, p. 165.

⁸⁴⁴ Especially, non-Muslim deputies in the Parliament criticized the methods the CUP used for the seizure of arms. Ergut, *Modern Devlet ve Polis*, p. 167.

Penal Code, was restricted.⁸⁴⁵ Actually, the Great War provided further opportunity to the government to achieve aims in collecting arms.

During the war, use of arms, their seizure and corresponding punishments were topics about which a series of decisions, provisional laws and regulations were made. On December 12, 1914, through a provisional law, an amendment was made in Article 166 of the Penal Code regulating ‘prohibited guns’.⁸⁴⁶ In the previous version of the Article, ‘prohibited guns’ were described as ‘State and military weapons and revolvers of which the barrels are more than fifteen centimeters’.⁸⁴⁷ With the amendment made on December 12, 1914, a new condition about caliber was added to the ‘prohibited guns’. According to this provisional law, guns with more than nine or ten millimeter caliber were to be regarded as ‘prohibited guns’. Actually, the main intention behind this provisional law was to prevent ordinary persons from carrying guns that had features similar to the guns possessed by police officers. This provisional law remained in effect until January 1917.

On January 25, 1917, transformation of this provisional law to an effectual one was discussed in the Parliament. According to Abdullah Azmi Efendi, deputy of Kütahya, this idea was meaningless because this provisional law treated persons carrying guns as if they would necessarily use them against police officers or the government. However, ordinary people mostly felt the necessity to carry guns to protect themselves and their properties in rural areas where there were no security forces. Furthermore, he claimed that every single person carrying guns would have to be taken to police stations in order to measure his guns’ caliber if this provisional law became an effectual one. In turn, he stated that this implementation would be against the understanding of freedom according to the Constitutional Regime. After a long discussion, the Parliament rejected transformation of this provisional law to an

⁸⁴⁵ Ergut, *State and Social Control*, p. 172.

⁸⁴⁶ “Kanun-ı Cezanın 166. Maddesinin 7 Cemaziyelahir 1329 tarihli zeylinin fıkra-ı ahiresini muaddel kanun-ı muvakkat, 24 Muharrem 1333/30 Teşrinisani 1330 (December 12, 1914)”, *Düstur*, II/7, p. 132.

⁸⁴⁷ See Article 166, Bucknill and Utidjian, *The Imperial Ottoman Penal Code*, p. 123.

effectual one.⁸⁴⁸ Therefore, after 1917 the previous version of Article 166 continued to be applied to determine ‘prohibited guns’.

As argued above, war conditions allow states to gain special advantages regarding the use of force. Collecting arms and mobilizing all assets in war making through state control are among the established policies of governments during war periods. This was the case for the CUP government during the Great War. On April 26, 1915, a provisional law was enacted about collecting from people firearms and all kinds of munitions.⁸⁴⁹ This provisional law was an indicator demonstrating the extent to which the state capitalized on war conditions regarding the strengthening of its power and monopoly on legitimate use of force. The provisional law stated that during the war, the army and commanders, if they deemed it necessary, had the right to collect all arms, munitions and other explosives from people. Furthermore, persons not submitting their arms within the determined time period would be considered as acting in a hostile way against the army, as well as being involved in treason and would be sentenced to death penalty. Moreover, the law explicitly indicated that only the persons who were called to duty by official commanders and military institutions to defense of the country could have the right to carry arms.⁸⁵⁰ With this provisional law, the seizure of arms began to be determined totally in accordance with the necessities of war. In this sense, it can be argued that, during the Great War, the state extended its power to collect arms and consolidate its monopoly on use of force.

Actually, through this provisional law, carrying arms became totally prohibited in regions where *idare-i örfiyye* (martial law) was put into effect. Since, this was a war period, not only Istanbul but also almost every province of the Empire was under martial law. It means that the provisional law was valid for all of the provinces and

⁸⁴⁸ MMZC, 3/3, 29, 12 Kanunusani 1332 (January 25, 1917), pp. 17-19.

⁸⁴⁹ “Ahali nezdinde bulunan silah, cephane ve mevadd-ı müştailenin cihet-i askeriyeye teslimi hakkında kanun-ı muvakkat, 11 Cemaziyelahir 1333/13 Nisan 1331 (April 26, 1915)”, *Düstur*, II/7, pp. 588-589.

⁸⁵⁰ “*Mühlet-i muayyene hitamında silahını teslim etmemiş olanlar her kim olursa olsun ordu aleyhinde hareket-i hasmane ihzar ve hıyanet-i harbiyye ika etmiş ad olunarak idam olunur. Ancak kumandanlar tarafından düşmana karşı müdafaa-i memlekete davet ve teşrik edilen efrad nezdinde silah bulundurulabilirler*”, “Ahali nezdinde bulunan silah, cephane”, *Düstur*, II/7, p. 588.

localities in the Empire. Martial law was actually declared in Istanbul even before the Great War in 1909. Following the Incident of 31 March, martial law was declared in Istanbul and it continued till the end of the Empire.⁸⁵¹ Therefore, the ‘state of emergency’ that had begun in Istanbul before the Great War continued throughout the Great War. In general practices, the duties and authorities of civilian administrations are typically transferred to military ones during periods of martial law. In this sense, the powers of military administrations became more encompassing.⁸⁵² Nevertheless, in the Ottoman case, from the year 1909 to the end of the Great War, the CUP government as a civilian administration referred to the practice of martial law to extend its repressive policies. In that respect, provisional laws regarding the seizure of arms were promulgated under martial law conditions.

Although the provisional law of May 9, 1915 stated the prohibition of carrying arms by ordinary people in the areas where martial law was in effect, there is no exact data regarding the extent to which this decision was implemented in Istanbul. In a parliamentary discussion, Salih Paşa, a member of the Senate, stated that the government was highly successful in collecting all kinds of weapons from firearms to machetes.⁸⁵³ Moreover, according to the data existing at that time, there were only seven cases of crime related to carrying guns in Istanbul in January and February 1917.⁸⁵⁴ Furthermore, in the Istanbul Central Prison, the number of prisoners imprisoned due to that type of crime was extremely low. There were only three prisoners jailed for brandishing weapons, and these were subject to the following punishments: one was sentenced to death penalty since he brandished weapon to a police officer; the other two were imprisoned for two and seven years respectively.⁸⁵⁵

⁸⁵¹ Tunaya, *Türkiye’de Siyasal Partiler*, pp. 346-348.

⁸⁵² Köksal, “Osmanlı Devletinde Sıkıyönetim”, pp. 162-163.

⁸⁵³ MAZC, 3/3, 52, 29 Mart 1333 (March 29, 1917), p. 470.

⁸⁵⁴ BOA.DH.EUM.ADL.30/20, 12 Cemaziyelevvel 1335 (March 6, 1917), BOA.DH.EUM.ADL.30/43, 26 Cemaziyelevvel 1335 (March 20, 1917).

⁸⁵⁵ BOA.DH.MB..HPS.159/35, 15 Şevval 1333 (August 4, 1917).

Despite the low number of prisoners and cases in Istanbul, it is not possible to argue that the government was totally successful in the seizure of arms. Especially, the banditry activities analyzed in the former chapter pointed to recurring problems about the implementation of the provisional law regarding the seizure of arms.

Before concluding the debate about the seizure of arms, it must be emphasized here that one of the main aims of the regulations might have been the disarmament of the Armenian population. As the government had anticipation about an Armenian revolt since the beginning of the Great War, the disarmament of this population was an important concern for the state elites. Furthermore, the incidents that took place in the eastern and southern regions of Anatolia in the first war year made the CUP government more alert about the disarmament of the Armenian population.⁸⁵⁶ April 26, 1915, the promulgation date of the provisional law about seizure of firearms and all kinds of munitions from people also verifies this argument. This provisional law was enacted just a few days after the deportation decision was put into implementation. Furthermore, in April 1915, the Police Journal began to publish plenty of photos belonging to the arms seized from Armenians. Such publication of photos continued until mid-1916.⁸⁵⁷ Although the regulations regarding the seizure of arms was effective for every citizen of the Ottoman Empire, the publication of the photos displaying Armenian weaponry implies that the CUP government attributed a special meaning that.

Having concluded the discussion on provisional laws, rules and regulations about the seizure of arms, another important topic for the CUP government requiring closer analysis will be the regulations about the forgery of official state documents, and counterfeit of official seals or official documents such as stamps. Heavy punishments were provisioned for these crimes in the fifteenth part entitled ‘Sets forth

⁸⁵⁶ For brief information about the Armenian incidents in the eastern and southern Anatolia see Chapter 5, pp. 190-191.

⁸⁵⁷ For photos of seized arms from the Armenians living in different regions of the Empire such as Kayseri, Sivas, Merzifon, Diyarbakır, Adana, Dört Yol, İzmit, Amasya, Trabzon, Hüdavendigâr and Arapkir, see *Polis Mecmuası*, Vols. 45, 47, 50, 51, 52, 53, 54, 55, 56, 57, 66, 69, and 70.

Forgery' of the first chapter of the Penal Code.⁸⁵⁸ The CUP government made amendments in Article 149 during the Great War.

According to Article 149, whoever imitated or altered any kind of seal belonging to the State would be punished with imprisonment for temporary hard labor or with confinement in a fortress up to ten years.⁸⁵⁹ During the war, there were two addenda to this article. The first addendum was made on December 23, 1915.⁸⁶⁰ This addendum broadened the scope of forgery. While the earlier version of the Article had stated that the imitation or alteration of official seal was a crime, the addendum indicated, in addition, that whoever altered or imitated any kind of officially sealed state and/or municipality document, or sold this kind of altered or imitated document having financial value, would be punished with imprisonment with hard labor or confinement in a fortress up to ten years. In 1917, one more addendum was made to Article 149 specifying the same punishments to the persons who counterfeited stamps belonging to the state.⁸⁶¹ Furthermore, the original version of the article and addenda regulated cash penalty for the persons who made use of these kind of altered or imitated state documents.⁸⁶² Thus, addenda to Article 149 demonstrate that the CUP government had specific concerns about forgery during the war years.

⁸⁵⁸ There were fifteen articles regulating punishments for forgery in the Penal Code of 1858. For instance, Articles 156 and 157 were about fake travel documents and passports. According to Article 156, the persons who used or prepared travel documents or passports issued for faked names would be imprisoned for six months to two years. The punishment for persons who issued and used fake travel documents or passports would be imprisoned for one year to three years according to Article 157. For detailed information about Articles 148-162 see Akgündüz, *Mukayeseli İslam ve Osmanlı Hukuku* ..., pp. 858-860; Bucknill and Utidjian, *The Imperial Ottoman Penal Code*, pp. 109-118.

⁸⁵⁹ Akgündüz, *Mukayeseli İslam ve Osmanlı Hukuku*, p. 858; Bucknill and Utidjian, *The Imperial Ottoman Penal Code*, p. 110.

⁸⁶⁰ “28 Zilhicce 1274 tarihli Kanun-ı Ceza'nın 149. Maddesine zeyl-i sani olmak üzere müzeyyel fıkaret hakkında kanun, 15 Safer 1334/10 Kanunuevvel 1331 (December 23, 1915)”, *Düstur*, II/8, p. 243.

⁸⁶¹ “28 Zilhicce 1273 tarihli Kanun-ı Cezanın 149. Maddesine müzeyyel fıkaret hakkında kanun, 7 Cemaziyelevvel 1335/1 Mart 1333 (1 Mart 1917)”, *Düstur*, II/9, p. 240.

⁸⁶² The relevant cash penalty was determined as one to five Ottoman gold. This issue became a topic of discussion in the Ottoman Parliament. Mehmet Şevket Bey, deputy of Beyazıt, offered that the persons deliberately using altered or imitated stamps should be imprisoned for three months to three years

The registers of the Istanbul Central Prison in 1917 show that the number of prisoners imprisoned due to forgery was not negligible. Out of 583 adult prisoners, 89 were imprisoned because of forgery.⁸⁶³ The majority of perpetrators of forgery were imprisoned for using or issuing fake official documents. 40 % of the perpetrators of this crime were imprisoned for three years. There were only eleven committers of forgery who were sentenced to incarceration for ten years or more. Out of eleven, two were sentenced to heavy punishment for issuing fake paper money, and three were imprisoned due to issuing fake military identity cards. The remaining six were jailed for using or issuing fake identity cards.⁸⁶⁴ Actually, the majority of committers of forgery were sentenced to imprisonment for three years or more. Out of the total convicts, only 16.8 percent were punished with imprisonment for two years or less.

Therefore, present data, despite not extensive, reveals that during the war years, in Istanbul, there was a considerable number of the persons issuing and using fake official documents that were punished with imprisonment. Although crimes related to forgery did not appear in crime tables published in the Police Journal, official maneuvers, such as making addenda to the Penal Code and punishing perpetrators with imprisonment for three years or more, point to the fact that the government was concerned about that type of crime during the war years. It is clear that alongside with carrying guns, the state elites regarded forgery in official documents as threat to the unrestrained authority of the CUP government.

Up to that point, the CUP government's criminal policy in Istanbul during the Great War is analyzed with specific focus on some crimes and regulations. In fact, criminal policy was always shaped in accordance with the priorities of the government. Alongside with the approach of the CUP government to several crimes related to property, amnesties constituted an important element of criminal policy.

alongside paying cash penalty. His offer was eventually denied. MMZC, 3/3, 15, 8 Kanunuevvel 1332 (December 21, 1916).

⁸⁶³ BOA.DH.MB..HPS.159/35, 15 Şevval 1333 (August 4, 1917).

⁸⁶⁴ BOA.DH.MB..HPS.159/35, 15 Şevval 1333 (August 4, 1917).

7.4 Amnesties Declared during the Great War

As living conditions worsened, crime rates increased in Istanbul during the Great War. As a result, the number of criminals in prisons also displayed a similarly increasing trend. Thus began to constitute the number of prisoners a problem for the CUP, because the prisons in Istanbul were already limited in their capacity before the war.⁸⁶⁵ The Central Prison was the biggest penal institution in Istanbul in 1910's. Although there is no exact information about its capacity, it is estimated to have been between 550-600 prisoners.⁸⁶⁶ Even in the first year of the Great War, when crime rates had not reached a peak, the number of prisoners in Istanbul Central Prison had already increased remarkably. For example, in January 1915, the number of prisoners in the Central Prison had reached 956.⁸⁶⁷ When the capacity of the Central Prison estimated as 550-600 prisoners is taken into consideration, this number was definitely over the capacity.

There were two options for the government to diminish the number of prisoners in Istanbul. The first was the transfer of the prisoners in Istanbul to prisons in other provinces. Thus, with this aim in mind, not only a number of actual prisoners, but also several ex-convicts were banished from the city. Between March 1916 and April 1917, 170 prisoners and ex-convicts had been banished from Istanbul to the other cities.⁸⁶⁸

⁸⁶⁵ The *Dersaadet Hapishane-i Umumi* (Istanbul Central Prison) was opened in 1871 as a landmark of "modern" penalty institutions in the Ottoman Empire. Apart from this prison, there were three major jails in Istanbul at the end of the nineteenth century: Bab-ı Zaptiye Tevkifhanesi, Beyoğlu Tevkifhanesi, Üsküdar Tevkifhanesi. Although the Central Prison was the newest and biggest penal institution in Istanbul in the late nineteenth century, it was still far from fulfilling the requirements. Yıldız, *Mapushane: Osmanlı Hapishanelerinin*, pp. 275-280; 295-296; 315.

⁸⁶⁶ For example, in 1879, a short period of time after its foundation, there were 562 prisoners in the Central Prison, *Ibid*, p. 310. In March 1921, the number of the prisoners in the prison reached 748 and this number was evaluated as over capacity. Riggs, 'Yetişkinlerde Suç', p. 291. Therefore, the capacity of the Central Prison should have been about 550-600 persons.

⁸⁶⁷ Out of 956 prisoners, there were 908 male and 48 female prisoners. Majority of the prisoners were imprisoned due to *kabahats*. BOA.DH.MB.HPS.M...19/12, 07. Rebiülevvel. 1333 (January 23, 1915).

⁸⁶⁸ BOA.DH.EUM.1. Şb.8/15, 19 Muharrem 1336 (November 4, 1917).

Out of this 170, 80 were prisoners and 90 were ex-convicts. Majority of the criminals were transferred to the prisons in Konya, Ankara, Hüdavendigâr (Bursa) and Çorum.⁸⁶⁹ Nevertheless, in conditions of war, this policy was not an efficient one for the government. Alongside problems of transportation and insufficiency of the local prisons in terms of capacity, implementation of banishment of ex-convicts had the potential to harm public security in the cities where ex-convicts were sent. Therefore, the CUP government opted for another policy: declaration of amnesties, and conscription of criminals in the army.

Actually, the practice of amnesty was not totally new in the Ottoman Empire. During the nineteenth century, there were a series of individual and wholesale amnesties. Alongside these, there started a new kind of amnesty entitled *sülusan afvı* (amnesty of two-thirds) with the aim to open room in the prisons, which were otherwise physically insufficient for increasing number of prisoners. The amnesty of two-thirds, covering the prisoners who fulfilled two thirds of their imprisonment, became the most widespread kind of the amnesty in the Ottoman Empire during the second half of the nineteenth century.⁸⁷⁰ It became a custom to grant the amnesty of two-thirds every year on *cülus* (anniversaries of enthronement) or other special days as a favor of the Sultan. Actually, this implementation was against the ‘rational and formal’ understanding of law according to which release of a prisoner had to depend on benevolent behavior such as perfect compliance with the rules of prison. For example, as a result of the consolidation of modern law, amnesties similar to the amnesty of two thirds in the Ottoman Empire had been relinquished in America and Europe in the nineteenth century.⁸⁷¹ However, although important steps were taken to modernize the legal system and penal institutions in the Ottoman Empire after 1839, the amnesty of two-thirds, which regarded ‘the forgiven’ as a slave and ‘the forgiver’

⁸⁶⁹ Other such cities and provinces were Kütahya, İzmit, Adapazarı, Karahisar, Karesi, Yozgat, Aydın, Kastamonu, Malatya, Eskişehir, Ezine, Kayseri and Bartın. BOA.DH.EUM.1. Şb.8/15, 19 Muharrem 1336 (November 4, 1917).

⁸⁷⁰ Yıldız, *Mapushane*, pp. 298-300.

⁸⁷¹ Yıldız, *Mapushane*, p. 302.

as a master, continued to be implemented.⁸⁷² A legacy from the *Tanzimat* Era to the CUP, the amnesty of two-thirds continued to be implemented alongside some special amnesties during the Great War.

The first amnesty during the Great War was declared through a provisional law following the proclamation of *jihad* (holy war) by Sultan Mehmed V on November 14, 1914. According to the provisional law, ‘half of the imprisonment duration of the prisoners who were incarcerated due to crimes of *cinayet* and *cünha* except *hetk-i ırz* (violation of honor, rape) and *fiil-i şeni* (indecent sexual behavior), was to be reduced and forgiven’.⁸⁷³ Thus, this amnesty was different from the ‘traditional’ amnesty of two-thirds since it covered the prisoners who had completed half of their sentence, meaning that a larger number of prisoners would benefit from it. Another difference was that this amnesty was not declared on the anniversary day of enthronement (*cülus*). In this sense, the declaration of amnesty was on that occasion related to the entrance of the Ottoman Empire to the Great War and the announcement of *jihad*.

A few months after that, another provisional law was declared on March 4, 1915. According to this law, prosecution and punishments of almost all criminals and prisoners would be postponed in case they agreed to join the army during the war. Similar to the previous amnesty, the offenders of sex crimes were excluded.⁸⁷⁴ The provisional law also made it clear that special commissions would examine the physical, psychological and moral capabilities of the criminals in terms of their

⁸⁷² Yıldız, *Mapushane*, p. 302.

⁸⁷³ “*Hetk-i ırz ve fiil-i şeniden maada cinayet ve cünha efalinden dolayı mahkum olanların müddet-i mahkume-i cezaîyyelerinin nısfı tenzil ve afv olunmuştur*”, See “Bazı ceraim eshabının nısf-ı müddet mahkumelerinin tenzil ve afvı hakkında kanun-ı muvakkat, 30 Zilhicce 1332, 6 Teşrinisani 1330 (November 19, 1914)”, *Düstur*, II/7, p. 76.

⁸⁷⁴ “*Madde 1: Sinn-i mükellefiyete dahil olup da bir sene veya daha ziyade hapis veya nefy-i muvakkat cezasıyla veya mücazat-ı terhibiyye ile ve keza sinn-i mükellefiyyet haricinde bulunup da gerek cünha gerek cinayetten dolayı mahkum bulunanlardan ve sinn-i mükellefiyyet dahilinde olsun olmasın alel-ittlak cünha ve cinayet neviinden bir cürm ile maznun-ı ileyh olanlardan darülharbe sevk ve izamlarını talep ve istida edenler ahlaken ve cismen evsaf-ı lazıma haiz oldukları halde kitaat-ı askeriyeye sevk ve haklarındaki takibat-ı kanuniyyenin icrası veya hükümlerin infazı zaman-ı avdetlerine kadar tecil edilebilir ancak hetk-i ırz ve fiil-i şeniden dolayı hüküm ve maznun-ı ileyh olanlar bundan müstefid olamazlar.*”, See “Darülharbe gidecek eşhas hakkındaki takibat ve mücazatın teciline dair kanun-ı muvakkat, 17 Rebiülahir 1333, 19 Şubat 1330 (March 4, 1915)”, *Düstur*, II/7, pp. 406-407.

appropriateness to army.⁸⁷⁵ As a matter of fact, this provisional law caused several discussions in the parliament. On December 20, 1914, Fuad Bey, the deputy of Divaniye, opposed the provisional law claiming that the offenders of *cinayet* were prohibited from carrying guns and joining the army according to the existing Penal Code and Code of Conscription. He also asked the reason why criminals who had been deprived of general rights (*hukuk-i umumiyye*) were allowed to fight for the country.⁸⁷⁶ Talat Bey, Minister of Interior, defended the law with the following sentences:

By the way, there is a need to increase the number of [the volunteer/irregular] units; and criminals and prisoners in the prisons became volunteers to sacrifice their lives. Today, it is necessary to benefit from all kinds of forces for the army and the army did not regard itself to be satisfied with this kind of force... Yours truly, I am convinced that this [conscription of criminals] is a great benefaction for our country because both most of those who actually went [the criminals who had joined the army] made their sins forgiven by becoming martyrs and never returning; and the country also benefitted from that.⁸⁷⁷

In fact, this explanation goes beyond merely legitimizing the provisional law. It also provides clues about the official mentality behind the attitude towards criminals and prisoners. They were explicitly evaluated as mere human force for war making which could be gotten rid of after “being made use of”. At this point, it can be argued that, on the one hand, “modern” practices such as the disciplining of prisoners through their imprisonment and subsequent reintroduction to the society suffered ruptures to a certain extent during the war period; on the other hand, it is also possible to argue that

⁸⁷⁵ In Istanbul, the commission would be composed of one representative each from Ministries of War, Interior, Justice and Health. “Darülharbe gidecek eşhas”, *Düstur*, II/7, p. 406.

⁸⁷⁶ MMZC, 3/2, 10, 7 Kanunuevvel 1331 (December 20, 1915), p. 185.

⁸⁷⁷ “*Bu meyanda bu kuvvetlerin [gayr-i muntazam kuvvetler] bir miktar tezyidine lüzum hasıl oldu ve hapisanelerde bulunan mücrimin ve mahkuminden gönüllü olarak bu suretle gidip fedayı hayat etmek isteyenler oldu. Şu zamanda Ordu için her kuvvetten istifade etmek lazımdır, bundan dolayı Ordu, kendisini bu kuvvetten müstağni görmedi... Bendenizin, bunun binnetice memlekete büyük bir hayır olduğuna kaaniim, çünkü bu gidenlerin [mücrimlerin] pek çokları hem günahlarını affettirmek suretiyle şehid oldular yani geri gelmediler hem de bu suretle memleket istifade etti.*”, MMZC, 3/2, 10, 7 Kanunuevvel 1331 (December 20, 1915), p. 185.

the official mentality about criminals regarding them as “idle” and “detrimental” elements to be eliminated and/or isolated from social life had been always same and that the war conditions provided appropriate ground for the implementation of different policies in accordance with this aim. Therefore, the declaration of a number of amnesties and provisional laws might be examined from this perspective.

As a matter of fact, another dimension of the amnesties was to decrease overcrowdedness in prisons. In order to achieve this aim, several amnesties with different features were granted in the following months of the war. On July 1, 1915, an amnesty of two-thirds was put into effect.⁸⁷⁸ Similar to the first amnesty, this one also excluded the criminals of sex crimes. Furthermore, the prisoners who were sentenced to death penalty and perpetual *kürek* were also excluded.

On January 1, 1916, two amnesties were declared. According to one of these, the prisoners who had fulfilled half of their sentence would be released; whereas the other focused on the release of prisoners having concluded three fourths of their sentence.⁸⁷⁹ The declaration of two different amnesties on the same day is actually confusing.

In that respect, the discussion in the parliament about these laws help clarify the reason for two separate amnesties. Falis El Huri Efendi, deputy of Damascus, claimed that although the parliament had previously decided on an amnesty for the prisoners fulfilling three-fourths of imprisonment, making another law of amnesty covering the prisoners completing half of their imprisonment was a reflection of the conflict between the government and the judicial commission.⁸⁸⁰ Tahir Bey, the Director of Penal Affairs (*Umur-ı Cezaiyye Müdürü*), stated that the previous amnesty was not sufficiently effective in decreasing the over-crowdedness in prisons.

⁸⁷⁸ “Müddet-i cezaiyyelerinin sülüsânını ikmal eden mahkuminin afvı hakkında kanun-ı muvakkat, 18 Şaban 1333, 18 Haziran 1331 (July 1, 1915)”, *Düstur*, II/7, p. 268.

⁸⁷⁹ “Bazı ceraim ashabının nisf-ı müddet-i mahkumelerinin tenzili ve afvı hakkında kanun, 24 Safer 1333/19 Kanunuevvel 1331 (January 1, 1916)”, *Düstur*, II/8, p. 268; “Müddet-i cezaiyyelerinin üç rubunu ikmal edenlerin afvı hakkında kanun, 24 Safer 1333/19 Kanunuevvel 1331 (January 1, 1916)”, *Düstur*, II/8, p. 269.

⁸⁸⁰ MMZC, 3/1, 45, 24 Teşrinievvel 1331 (November 6, 1915), p. 672.

Therefore, the declaration of an additional amnesty did not in any sense reflect any conflict between the government and the commission, but rather stemmed from a necessity. He also added that prisons that were already overcrowded before the war had become much more above capacity during the war. Thus, in order to diminish the total number of the prisoners, the government had to declare more than a single amnesty. There were several oppositions to that from the parliament because, according to some deputies, these amnesties had led to a great number of criminals were released just because the physical conditions in prisons had compelled the government to that. Eventually, despite the opposition, these laws were accepted in the parliament.

It seems that even these amnesties were not sufficient to decrease the overcrowdedness in prisons. On February 5, 1916, another amnesty of two-thirds was declared.⁸⁸¹ Similar to previous amnesties, the offenders of sex crimes and the prisoners sentenced to death penalty and perpetual *kürek* were exempted. After the declaration of this amnesty, until mid 1918, there was not any other amnesty put into effect. It is evident that the amnesties declared during the war had different characteristics from the traditional amnesties of the Ottoman state. Above all, alongside with the traditional amnesty of two-thirds, amnesties were declared covering the release of prisoners having fulfilled half or three-fourths of their imprisonment. Moreover, except an amnesty proclaimed in mid 1918⁸⁸², none of these amnesties coincided with special days of the Ottoman Empire such as the anniversary of enthronement. Therefore, under the war conditions, declaration of amnesties should be considered as urgent and pragmatic policies of the CUP government. As mentioned before, diminishing the number of prisoners was one of the main purposes of the amnesties.

⁸⁸¹ “Müddet-i cezaiyyelerinin sülüsânını ikmal eden mahkuminin afvı hakkında kanun, 30 Rebiülevvel 1332/23 Kanunusani 1331 (January 5, 1916)”

⁸⁸² The amnesty declared on July 15, 1918 was for only the deserters. “Fırar, davete adem-i icabet ve tecavüz-i müddet-i ceraimine ika eden küçük zabitan ve onbaşı ve neferatının cülus-ı hümayun münasebetiyle afvları hakkında kararname, 6 Şevval 1336, 15 Temmuz 1334 (July 15, 1918)”, *Düstur*, II/10, p. 553.

Nevertheless, the government developed new strategies to benefit from the manpower of criminals. In this regard, military conscription was the best strategy for the government. Therefore, on January 11, 1917, the provisional law dated March 5, 1915 about the delay of the punishment and prosecution of criminals and prisoners in case of their involvement in the army became an effectual law.⁸⁸³ Here, the strategy of conscription of prisoners in the army requires further clarification. In fact, the majority of prisoners were recruited in the bands of Special Organization (*Teşkilat-ı Mahsusa*) rather than regular units of the Ottoman Army.⁸⁸⁴ Therefore, the structure of the Special Organization in terms of its foundation aims, constituting elements and operations has to be examined briefly.

Actually the historical background of volunteer units as a component of the Special Organization went back to the Tripoli War (1911). However, official foundation of these units was realized through a regulation dated March 16, 1913.⁸⁸⁵ These bands were composed of volunteers from refugees, prisoners, members of some religious orders and tribal groups. The principal mission of the Special Organization was to assist the regular troops of the Ottoman army by frustrating the military strategies of enemy forces.⁸⁸⁶ There were two main methods of fulfilling this mission. First, the bands of Special Organization engaged in combat together with regular troops against the enemy on the battlefields. Second method was “to instigate interest

⁸⁸³ “Darülharbe gidecek Eşhas hakkındaki takibat ve mücazatin teciline dair kanun, 17 Rebiülevvel 1335/29 Kanunuevvel 1332 (11 Ocak 1917)”, *Düstur*, II/9, p. 94.

⁸⁸⁴ Polat Safi, *The Ottoman Special Organization-Teşkilat-ı Mahsusa: An Inquiry into Its Operational and Administrative Characteristics*, Unpublished PhD Dissertation, (Ankara: İhsan Doğramacı Bilkent University, 2012), pp. 181-187; Mehmet Beşikçi, *Birinci Dünya Savaşı'nda Osmanlı Seferberliği*, (İstanbul: Türkiye İş Bankası Kültür Yayınları, 2015), pp. 176-190; Beşikçi, *The Ottoman Mobilization...*, pp. 160-172; Tunaya, *Türkiye'de Siyasal Partiler*, Vol. III, p. 286; Falih Rıfkı Atay, *Zeytinadağı*, (İstanbul: Pozitif, 2004), pp. 37-38; Ahmet Refik Altınay, *İki Komite, İki Kıtıl, Kafkas Yollarında*, (İstanbul: Tarih Vakfı Yurt Yayınları, 2010), pp. 35-40.

⁸⁸⁵ Ahmet Tetik, *Teşkilat-ı Mahsusa (Umur-ı Şarkıyye Dairesi) Tarihi, Vol 1: 1914-1916*, (İstanbul: Türkiye İş Bankası Kültür Yayınları, 2014), p. 4. Safi and Beşikçi argues that the intelligence functions of the Special Organization went back to the time of Abdülhamid II, For detailed information see Beşikçi, *The Ottoman Mobilization*, p. 160; Safi, *The Ottoman Special Organization*, pp. 18-22.

⁸⁸⁶ Safi, *The Ottoman Special Organization*, p. 222.

groups of Turkish-Muslim stock or other beliefs and origins beyond the frontline found in enemy-occupied zones.”⁸⁸⁷

As a matter of fact, what makes the Special Organization “special” was this second method of warfare. Making propaganda, collecting intelligence and using a number of counter-insurgency techniques were functions that could be classified under that mode of operation. The foundation of such irregular volunteer units stemmed from a number of reasons such as the necessity of mobilization of men being exempt from conscriptions and thereby restoring the deficiencies of the conscription system.⁸⁸⁸ Along with these, a set of considerations as analyzed in the paragraphs below also played a role:

The use of volunteers provided the state with a flexible manpower pool which would be used to undertake “informal” military missions such as guerilla attacks into enemy territory, actions of violent oppression towards “disloyal” civilians on the home front, or operations aimed at achieving demographic homogenization in Anatolia. Such actions were either difficult or illegal for formal military units. The extra-legality of many of these actions helps explain the state’s enthusiastic enlistment of prisoners in irregular units.⁸⁸⁹

As Beşikçi argues, the recruitment of prisoners in the bands of Special Organization seems to be closely related to the fact that these paramilitary units were probably serving to accomplish certain ambiguous duties not appropriate to be performed by regular military troops.

When the official regulation about the recruitment of prisoners in volunteer units was declared, a large number of prisoners applied to the Ministries of War and Interior benefit from it. Due to that massive demand, there emerged some selection criteria. For example, since most of volunteer units were used at the Caucasia front, the prisoners with Caucasian origin had a priority due to their knowledge of the language,

⁸⁸⁷ Safi, *The Ottoman Special Organization*, p. 222.

⁸⁸⁸ Beşikçi, *The Ottoman Mobilization*, p. 158.

⁸⁸⁹ Beşikçi, *The Ottoman Mobilization*, pp. 158-159.

geography and people of the region.”⁸⁹⁰ In addition, official authorities specified the characteristics of prisoners who would be a part of volunteer units as being “brave, physically fit and trustworthy in carrying out duties assigned to them.”⁸⁹¹ Political prisoners were specifically excluded from recruitment in the Special Organization. Here, being political prisoner, most probably referred to those being in opposition to the CUP.⁸⁹² They were certainly regarded as untrustworthy.

Bands of the Special Organization, which were not regular troops but paramilitary forces of the Ottoman army, generally pursued guerilla war tactics during the Great War. This situation provided them considerable room for abuses. Although their role in the Armenian massacres of 1915 is still a debatable issue in the current Ottoman-Turkish historiography, some memoirs, testimonies and recent historical studies attest to such.⁸⁹³ For instance, Yalman stated that “the deported [Armenians] were not only left unprotected from attacks which were sure to come from marauders, but the ‘Special Organization’ created by the help of two influential members of the Committee of Union and Progress was in some cases directly instrumental in bringing about attacks and massacres.”⁸⁹⁴

⁸⁹⁰ Safi, *The Ottoman Special Organization*, p. 183.

⁸⁹¹ Beşikçi, *The Ottoman Mobilization*, p. 165.

⁸⁹² Beşikçi, *The Ottoman Mobilization*, p. 166.

⁸⁹³ Some scholarly works strongly deny the role of the Special Organization in Armenian massacres. For detailed information see, Tetik, *Teşkilat-ı Mahsusa*, p. xi; Philip H. Stoddard, *The Ottoman Government and the Arabs, 1911-1918: A Preliminary Study of the Teşkilat-ı Mahsusa*, Unpublished PhD Dissertation, (New Jersey: Princeton University, 1963); Guenter Lewy, *The Armenian Massacres in Ottoman Turkey: A Disputed Genocide*, (Salt Lake City: The University of Utah Press, 2005). Some other sources argue that there was a close relationship between the Armenian massacres and the Special Organization. For detailed information see, Yalman, *Turkey in the World War*, pp. 219-220; Altınay, *İki Komite, İki Kıtıl*, pp. 35-43; Taner Akçam, *Ermeni Meselesi Hallolunmuştur*, pp. 168-180; Vahank Dadrian, “The Role of the Special Organization in the Armenian Genocide during the First World War”, *Minorities in Wartime, National and Racial Groupings in Europe, North America and Australia during Two World Wars*, Panikos Panayi (ed.), (Oxford: Bloomsbury Academic, 1993), pp. 50-82; Oktay Özel, “Tehcir ve Teşkilat-ı Mahsusa”, *1915: Siyaset, Tehcir, Soykırım*, Fikret Adanır and Oktay Özel (eds.), (Istanbul: Tarih Vakfı Yayınları, 2015), [forthcoming].

⁸⁹⁴ Yalman, *Turkey in the World War*, pp. 219-220.

In the memoirs of Ahmet Refik [Altınay], there is detailed information about the relationship between the Special Organization and Armenian massacres.⁸⁹⁵ The case of Çerkez Ahmet, a well-known bandleader, was particularly striking. First of all, Çerkez Ahmet was a criminal who had been imprisoned in Istanbul due to committing homicide, and then, being released by the CUP government following the Raid on the Sublime Porte in January 1913 (*Bab-ı Ali Baskını*), had become the leader of a band under Special Organization.⁸⁹⁶ Second, the band led by him killed Vartkes Serengülyan and Krikor Zöhrab, two Armenian members of the Ottoman Parliament deported from Istanbul in June 1915, somewhere close to Urfa in July 1915.⁸⁹⁷ Hence, in that case, the paths of a criminal released from prison in Istanbul and two Armenian politicians deported from the city had crossed in a suspicious way somewhere hundreds of kilometers away.

Prisoners recruited in volunteer units also committed some other crimes such as theft, extortion and murder.⁸⁹⁸ Although some bandits committing such crimes were tried in court martial, there were continuous discipline problems in volunteer units. There were two main reasons for that. First, the human resource of these volunteer units included a great number of prisoners, readily making them prone to problems of misconduct. Second, the number of trained officers leading these units was also inadequate.⁸⁹⁹

Due to increasing discipline problems, the band units of the Special Organization were abolished on April 5, 1915 and its name was changed to the Office of Eastern Affairs (*Umur-ı Şarkıyye Dairesi*).⁹⁰⁰ In addition, the units of the Special

⁸⁹⁵ Altınay, *İki Komite, İki Kıtıl*, pp. 35-43.

⁸⁹⁶ Altınay, *İki Komite, İki Kıtıl*, p. 39.

⁸⁹⁷ Cemal Pasha, who had tried to save Zöhrab and Vartkes, executed Çerkez Ahmet in Damascus following his murder of two Armenian politicians. Altınay, *İki Komite, İki Kıtıl*, pp. 42-43.

⁸⁹⁸ Safi, *The Ottoman Special Organization*, p. 213.

⁸⁹⁹ Safi, *The Ottoman Special Organization*, p. 217.

⁹⁰⁰ Oktay Özel argues that there was a close relationship between Armenian Deportation and dissolution of bands of the Special Organization by renaming the organization as the Office of Eastern Affairs and

Organization were subjected to regular military structuring whereby the bands of the Special Organization were organized as a regiment consisting of three battalions, one independent battalion and a company. This way, the organization continued to exist as a part of Third Army until mid-1916.⁹⁰¹ However, despite the subjection of the Special Organization to regular military organization, the prisoners continued to be recruited in the local gendarme and police units until the end of the war.⁹⁰² The provisional law about the delay of punishments and prosecution of criminals and prisoners in case of their conscription in the army became an effectual law in January 1917 and remained in force until the end of the war.

Probably, this law, alongside with previous amnesties, had an effect in decreasing the population in prisons. For instance, in January 1915, there were 956 prisoners in the Istanbul Central Prison.⁹⁰³ This number continuously diminished over the years during the Great War although the crime rates increased. In December 1916, the number of prisoners in Istanbul Central Prison had decreased to 701.⁹⁰⁴ In August 1917, the number of prisoners in Istanbul Central Prison was 600.⁹⁰⁵ In October and

subjecting it to Ministry of War. According to Özel, after April 5, 1915, there emerged two ‘Special Organization’s. The Office of Eastern Affairs being the formal one under the Ministry of War dealt with propaganda issues until the end of the war. In this way, the Ministry of War and accordingly the Ottoman army were formally excluded from all kinds of acts and discussions regarding Armenian deportation and massacres. On the other hand, the ‘traditional’ bands and human resource of the Special Organization were subjected to the CUP and continued to take crucial roles in Armenian deportation and massacres led by Bahaddin Şakir. In this respect, local gendarme and police units, which played an important role in the Armenian massacres, included considerable number deserters, prisoners, and ex-bandits of the Special Organization. See, Özel, “Tehcir ve Teşkilat-ı Mahsusa”, [forthcoming].

⁹⁰¹ Safi, *The Ottoman Special Organization*, p. 253. Although the Special Organization was replaced by the Office of Eastern Affairs in May 1915, the name ‘Special Organization’ continued to be used even in official correspondences until 1917. Tetik, *Teşkilat-ı Mahsusa*, p. 17.

⁹⁰² Özel, “Tehcir ve Teşkilat-ı Mahsusa”, [forthcoming].

⁹⁰³ BOA.DH.MB..HPS.M...19/12, 07. Rebiülevvel. 1333 (January 23, 1915).

⁹⁰⁴ BOA.DH.MB..HPS.M...26.47, 28 Rebiülevvel 1335 (December 12, 1916).

⁹⁰⁵ According to prison registers of August 1917, there were 583 adult and 77 child prisoners in the Istanbul Central Prison. Out of 583 adult prisoners 36 were released since they fulfill their punishment and 22 ran away. One child prisoner also ran away from the prison. Therefore, in total, there remained

November 1917, the number of prisoners in Istanbul Central Prison was 301 and 319 respectively.⁹⁰⁶ Thus, compared to the crime rates in Istanbul pertaining to these months, the number of prisoners was considerably low.⁹⁰⁷

When the number of prisoners with respect to their crimes is taken into consideration, it can be seen that, as the years passed, the number of offenders of *cinayet* increased in Istanbul Central Prison, whereas the number of committers of *kabahats* and *cünhas* constituting the majority of prisoners in 1915 decreased remarkably in 1917. In January 1915, out of 956 prisoners in the Istanbul Central Prison, 48 were offenders of *cinayet*, 361 were committers of *cünha* and 547 were perpetrator of *kabahat*.⁹⁰⁸ In November 1917, the numbers of prisoners in Istanbul Central Prison who were convicted of *cinayet*, *cünha* and *kabahat* was 192, 127 and zero respectively.⁹⁰⁹

These numbers indicate that the majority of offenders of *cünha* and *kabahat*, such as the perpetrators of petty theft which was the most widespread crime during the war years benefitted from amnesties. Although the offenders of *cinayet*, excluding the perpetrators of sex crimes, also had the opportunity to benefit from amnesties, since their duration of imprisonment punishments were longer, the number of these

600 prisoners in the Istanbul central prison. BOA.DH.MB..HPS.159/35, 15 Şevval 1333 (August 4, 1917).

⁹⁰⁶ BOA.DH.MB..HPS.M...26.6, 11 Muharrem 1335 (November 8, 1916); BOA.DH.MB..HPS.M...33.24, 28 Cemaziyelahir 1336 (April 10, 1918). There was a dating mistake in the previous document. The document was dated as October 10, 1917 whereas the date of the file is April 10, 1916. The date written on the document is accepted as correct.

⁹⁰⁷ In Istanbul, the number of registered crimes in October and November 1917 were as follows respectively: 560 and 800. For each month, even the number of petty theft cases was higher than the total number of prisoners in Central Prison. In October 1917, there were 337 petty theft cases whereas the number of the same crime reached 497 cases in November 1917. See, “Ceraim Mukayese Cedveli: 333 Senesi Teşrinievvel ve Teşrinisani ayları zarfında Dersaadet’te vuku bulan ceraimin mukayesesini gösterir cedvel”, *Polis Mecmuası*, No. 97, 17 Rebiülevvel 1336 (January 1, 1918), p. 264.

⁹⁰⁸ BOA.DH.MB..HPS.M...19/12, 07. Rebiülevvel. 1333 (January 23, 1915).

⁹⁰⁹ BOA.DH.MB..HPS.M...33.24, 28 Cemaziyelahir 1336 (April 10, 1918). The numbers were similar for October 1917. BOA.DH.MB..HPS.M...26.6, 11 Muharrem 1335 (November 8, 1916). There is a dating mistake in this document. The document was dated as October 10, 1917 whereas the date of the file is April 10, 1916. The date written on the document is accepted as correct.

criminals increased in Istanbul Central Prison during the war years. One of the causes of decrease in the number of perpetrators of *cünha* in Istanbul Central Prison might have been that a large number of these benefitted from the law postponing punishments in case of joining the army increased in 1917. Although there is no exact data – such as the number of prisoners being released so as to be conscripted – directly proving this argument, the decrease of the number of perpetrators of *cünha* in Istanbul Central Prison despite the increasing number of criminal cases could be evaluated as an evidence of this situation.

Although the main aim of the government was to mobilize the criminals to the war, it is uncertain whether this aim has been achieved. However, it was quite possible that a number of the criminals could have made use of the laws and amnesties as an opportunity to escape from prison. As examined in previous chapter, there was an increasing number of deserters from the army, a considerable part of which might have been former convicts. Furthermore, the criminals returning to the city life as a result of amnesties could have been influential in rising crime rates in Istanbul, especially in last two years of the war. The following table demonstrates total crime rates in Istanbul during the war:

Table 12: Total Crime Rates in Istanbul during the Great War

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug ⁹¹⁰	Sep	Oct	Nov	Dec
1915	353 ⁹¹¹	307 ⁹¹²	-	780	403	431	440	282	438	525	492	485
1916	389 ⁹¹³	-	445	411	495	517	578	264	403	464	507	551
1917	1143	512	-	-	-	744	626	-	-	560	800	807
1918	972	-	-	1238	1031	732	866	961	1012	906	749	839

Source: “Ceraim Mukayese Cedveli”, *Polis Mecmuası*, Nos. 40, 41, 68, 69, 70,73, 74, 75, 76, 80, 81, 83, 84,85, 86, 92, 93, 97, 98, 99, 103, 104, 105, 106, 107, 108, 109, 110. BOA.DH.EUM.ADL. 30/20, 12 Cemaziyelevvel 1335 (March 6, 1917); BOA.DH.EUM.ADL. 30/43, 26 Cemaziyelevvel 1335 (March 26 1917).⁹¹⁴

According to the table, in 1918 the crime rates reached the level of more than twice as high as they had been in 1915. It means that during the Great War, although the CUP government gained additional political and repressive power, it was still far away from effectively preventing crimes in Istanbul. On the contrary, alongside with the worsening economic conditions, the implementation of laws and regulations for the mobilization of criminals and the declaration of a series of amnesties seem to have had remarkable impact on the rising crime rates in Istanbul in the following year of the war.

⁹¹⁰ The data of August 1915 and August 1916 demonstrating the first two weeks of the month. *Polis Mecmuası*, No. 76.

⁹¹¹ The crime table of January 1915 including seven crime categories. Therefore, this number reflects total of just seven crimes. *Polis Mecmuası*, No. 40, p. 15.

⁹¹² The crime table of February 1915 including seven crime categories. Therefore, this number reflects total of just seven crimes. *Polis Mecmuası*, No. 41, p. 48.

⁹¹³ Data for the first two weeks of Kanunusani 1331(January 1916). Title mistakenly written as ‘data belonging to last two weeks of Kanunievvel 1331 (December 1915)’. *Polis Mecmuası*, No. 86.

⁹¹⁴ See Chapter 6, footnote 686, p.217.

CHAPTER 8

CONCLUSION

“I feel pity for the souls and precious bodies becoming victims of wrong internal and international policies. Unfortunately, they could not be revived; other kinds of loses may more or less be recovered; corrupted laws could certainly be corrected; bands of profiteering and black market be disunited and punished; and a bank founded through money collected from a people forced to commit suicide at the hands of starvation could not survive but it collapse. Lies, concealed incidents and plans would nevertheless be revealed...”
Ahmet Rıza, July 15, 1915⁹¹⁵

The Great War was the first and the foremost destructive war of the early twentieth century. Belligerent states had to mobilize all of their material and non-material sources for a duration of four years. Similar to other states, the Ottoman Empire mobilized all its resources, human and material.⁹¹⁶ In order to successfully manage mobilization process, beginning with the early stages of the war, the belligerent states paid particular attention to the maintenance of internal order. This thesis aimed at examining policies on public order, crime and punishment implemented in Istanbul during the Great War. By focusing on these policies, it is argued that although the CUP government continued to penetrate into the society and shape it in accordance with its demands and political priorities, specific conditions of the Great War resulted in change in the content and as well as the implementation strategies of these policies. In this sense, the CUP policies on public order, crime and

⁹¹⁵ “Dış ve iç siyasetteki yanlışların kurbanı olan canlara, değerli vücutlara acıyorum. Bunlar ne yazık ki geri gelmez; başka türlü kayıplar nasıl olsa az çok giderilir; bozulan yasalar elbet düzelir; vurgunculuk, karaborsacılık çeteleri dağılır, cezalarını görür; açlıktan intihar eden bir kavimden yasal olmayan yollarla toplanan paralarla kurulacak banka, ayakta kalamaz, yıkılır. Yalanlar, gizlenen olaylar, planlar hep ortaya çıkar.” Ahmed Rıza, *Anılar*, (Istanbul: Çağdaş Matbaacılık ve Yayıncılık, 2001), p. 77.

⁹¹⁶ Feroz Ahmad, “War and Society under the Young Turks, 1908-1918,” *The Modern Middle East: A Reader*, Albert Hourani, Philip Khoury and Mary C. Wilson (eds.), (Berkeley and Los Angeles: University of California Press, 1993), p. 127.

punishment carried out during the war added new dimensions to the state-society relations, becoming especially apparent in Istanbul. The CUP government became much more authoritarian while enforcing its policies and this situation led to a deterioration of its credibility during the last years of war, especially in the capital city.

When the Ottoman Empire entered the Great War, the formation of the Ottoman modern state in terms of institutional and administrative structure had reached a certain point. On the one hand, the CUP government, benefited from several institutional and legal features of the modern state during the war. On the other hand, the war contributed to further consolidation of the modern state in the Ottoman Empire. Concerning the topic of this dissertation, policing structures and legal system, focusing on penal code, were analyzed in detail. It is clear that after the mid nineteenth century, important steps were taken in order to modernize, centralize and professionalize internal security institutions and legal system. The CUP government took the legacy of the modernized institutions during the *Tanzimat* period as well as the reign of Abdülhamid II, and contributed to this process through the foundation of new institutions such as the General Directorate of Security and General Police Directorate of Istanbul. Furthermore, in 1911, the CUP government made elaborate changes in the Penal Code of 1858, aiming at the transformation of this legal text to be a product of the Constitutional Regime.

When the Ottoman Empire entered the Great War, similar to the situation of other belligerent states, in a short period of time, the security forces degenerated in terms of their personnel. Even in Istanbul, being the most important political and administrative city of the Empire, the number of qualified personnel of the police and gendarme diminished dramatically as a result of recruitments in the army. Furthermore, although there was a division of labor between the gendarme and the police in theory, their obligations and duties regarding the maintenance of public order and security became almost the same in practice. From time to time, in Istanbul, this situation corresponded to a power struggle between the gendarme and police. Finally, war conditions compelled internal security forces to fulfill some duties such as taking a

role in the distribution of food which normally would not be one of their obligations during peacetime.

Despite shortages in personnel and change in duties, in accordance with the war needs, a new security unit named as the Inspectorship of Security under the Ministry of Interior was founded in July 1915. The main aim of the foundation of this unit was to provide better control of passports and travel documents at checkpoints. Parallel to this, a new office named the Travel Office was established under the General Directorate of Security in 1915. These developments indicate two important points about travel and its meaning for the CUP government during the war. First, since the war compounded and radicalized the perception of ‘internal and external threat’ for the governments of all belligerent states, the CUP government established new institutional structures and developed new policing strategies to maintain more efficient control over the movement of persons – whether citizens or foreigners. Second, from a broader perspective, these developments contributed to the ‘monopolization of legitimate means of movement’ – a fundamental aspect of modern state. Therefore, not only the foundation of new institutional structures, but also efficient use of travel documents, passports and regular reports of the Travel Office about travelers must all be regarded as a part of ‘monopolization of legitimate means of movement’ during the war years.

By using these travel documents and registers, the CUP government provided detailed information about travelers coming to or/and departing from Istanbul. This storage of information helped the CUP government to develop policies on surveillance during the war years when the ‘security’ perception of the state elites reached a peak. Furthermore, the Ministry of Interior and General Directorate of Security played an active role in the regulation of the movement of population by issuing and scrutinizing these documents. Especially entrance to and exit from Istanbul – the political, administrative and socio-economic center of the Empire – was thus attempted to be brought under strict control. Therefore, the great number and frequency of the regulations regarding travel was no accident. This was a deliberate policy of the

government during the war years indicating its increasing sensitivity and motivation about surveillance and control of the city population.

According to Torpey, there is parallelism between ‘monopolization of legitimate means of movements’ and ‘monopolization of legitimate means of violence’ as two important requirements of modern states.⁹¹⁷ Actually, the Great War provided further convenient conditions to the CUP to monopolize legitimate means of violence. Especially, within the war context, the government could take more concrete steps to collect firearms and munitions from citizens. Although from the beginning of the Constitutional Regime the CUP government had made a number of regulations to collect arms, the justification of this policy became more “based on hard facts” during the war: “the country is in a state of war therefore every citizen must do whatever he could such as giving whatever weaponry he has to the state.” The registers of the Senate indicate that the government was remarkably successful in collection of arms and disarmament of civilians especially in Istanbul. In fact, this was probably a two-sided policy for the CUP government. On the one hand, the committed campaigns for collecting arms constituted a further step in the monopolization of legitimate means of violence. On the other hand, the CUP tried to achieve the disarmament of Armenians whose banditry activities had become a big concern for the government. Therefore, the collection of arms should be regarded, not only as a modern state policy for monopolization of the legitimate means of violence, but also as part of a state policy to suppress and control Armenian revolutionary activities during the war years.

The policies and regulations including effective use of travel documents; foundation of new policing institutions; and disarmament of civilians point the fact that the infrastructural power of the state increased during the Great War because all of these contributed to the government’s ability to penetrate in the society. Nevertheless, at the same time, authoritarian elements of the CUP administration consolidated their power during the war years. Mann describes the features of an authoritarian state as follows: “... it is high on both dimensions, having high despotic power on civil society

⁹¹⁷ Torpey, *The Invention of the Passport*, p. 4.

groups and being able to enforce this infrastructurally.”⁹¹⁸ When policies implemented by the CUP government are taken into consideration, it can be argued that the Ottoman State became more authoritarian during the Great War.

On the one hand, the state had several administrative and economic infrastructural channels to implement its rules and regulations. On the other hand its policies particularly related to public order, crime and punishment became more authoritarian. One of the indicators of such a trend was the fact that almost all laws made during the war years were provisional. These laws were the products of a small number of government members. Therefore, most of the time neither the Chamber of Deputies nor the Senate were sufficiently informed even in the case of most important laws. For example, an amnesty declared through a provisional law in November 1914 and immediately put into effect was later brought to the agenda of the Senate in December 1915.⁹¹⁹ This situation was criticized by a number of the Senate members. Ahmet Rıza stated his opposition with the following sentences:

This [provisional law] was made in November 1914. As mentioned by Musa Kazım Efendi, it is a *fait accompli*. [Therefore] more than a year passed since the promulgation of this law. In that case, why is it now sent to us? If this law was to be made by consulting the Senate and Chamber of Deputies, it must have been proposed to us before the release of them [prisoners]...Had the Senate rejected this law, would these prisoners have been collected and jailed again? This means ridiculing with the Senate...⁹²⁰

This was only an example of the situation how the CUP government began making decisions about very important topics on its own and even implementing these

⁹¹⁸ Mann, “The Autonomous Power of the State”, p. 191.

⁹¹⁹ MAZC, 3/2, 11, 3 Kanunuevvel 1331 (December 16, 1915), pp. 147-149.

⁹²⁰ “Bu kanun, 1330 senesi Teşrinievvelinde yapılmış. Musa Kazım Efendinin buyurdukları gibi olmuş bitmiş bir iştir. Aradan bir seneden fazla bir müddet de geçmiş. O halde bize niçin gönderiyorlar. Eğer bu kanun Ayan ve Mebusan müsaadesi ile yapılacak ise, bunları salıvermeden evvel bize sormalıydılar...Ayan bu kanunu Kabul etmediği takdirde mahkumini toplayıp hapishaneye koyacaklar mı? Bu hareket, Heyet-i Ayan ile bir istihza gibi oluyor.” MAZC, 3/2, 11, 3 Kanunuevvel 1331 (December 16, 1915), p. 148.

decisions without further approval in the absence of any kind of scrutiny and control mechanisms. Therefore, it is evident that during the war years, the CUP became at the same time the ruling party, government and the state virtually rendering all three the same entity. In the absence of any parliamentary opposition, and check and balance system, the discretionary power of the government considerably increased. Parallel to this, one of the arguments of this dissertation is that the General Directorate of Security and Ministry of Interior gained almost unlimited discretionary power in making policies regarding public order and security.

As a matter of fact, such an increase in discretionary power was also a direct consequence of the martial law existing in Istanbul from 1909 on. The state of martial law certainly radicalized the security policies. Here, it is a fact that the CUP government used the state of martial law in order to consolidate its power. Therefore, the CUP government, and under it the Ministry of Interior and General Directorate of Security found appropriate basis for taking more radical measures compared to those of peacetime about some groups living in Istanbul, in the name of the maintenance of public order and prevention of crimes.

Under the war conditions, the perception of “enemy within” reached peak, and therefore, not only in the Ottoman Empire but also in all belligerent states, governments gained extraordinary power for specifying what constituted “enemy within” as well as the policies for controlling and repressing these groups. In fact, beginning with the nineteenth century, state elites and bourgeoisie regarded some groups of people including city poor, vagrants, beggars and prostitutes as “dangerous classes” because according to the upper classes these persons were “threatening” to the existing economic system and status quo.⁹²¹ In the Ottoman archival documents, these people were called as “suspects”. What in the Ottoman documents called as “suspects” was exactly the same thing with “dangerous classes.” Actually, during the Great War the content of “dangerous classes” changed to a certain extent in Istanbul. Along with vagrants, refugees and countrymen – as ‘traditional’ components of “dangerous

⁹²¹ Gillis, “Crime and State Surveillance”, p. 334.

classes” – foreigners and minorities were also included in this “dangerous classes”. These people were frequently called as “suspects” in the Ottoman documents. The policies implemented on these groups to suppress and/or control them were always justified through the rhetoric of the maintenance of public order and crime prevention.

It must be stated that this situation was not specific to the CUP government during the war years. Since the nineteenth century, the vagrants and city poor were already controlled or/and compelled to leave Istanbul. Furthermore, the Ottoman Greeks and Armenians became other elements of close scrutiny and surveillance especially after the second half of the nineteenth century. However, it is argued that during the war years, as a result of the greater discretionary power of the governing party and lack of necessary checks and balances system, policies of control and surveillance regarding “suspected elements” became stricter than as was normal in peacetime.

Foreigners living in Istanbul became one of the direct targets of policing which was not the case before. Not only in the Ottoman Empire, but also in other belligerent states, foreigners, particularly those being citizens of enemy states, came to be seen as a major threats to internal order. Parallel to this, the Ottoman government started to develop a number of policing strategies and published a series of laws and regulations in order to keep the foreign population living in Istanbul under control. As a result of these policies, Istanbul, the Ottoman city populated by the most number of foreigners, lost a substantial number of its foreign population.

Minorities including the Ottoman Greek and Armenians came to be more closely scrutinized during the Great War years. In fact, already in the nineteenth century Ottoman governments had started to regard these people as a “threat”. Nevertheless, in the absence of any kind of opposition, the CUP government could implement much stricter policies in a way not possible in peacetime. Furthermore, the CUP government and security forces could easily justify their policies regarding minorities by referring to “extraordinary need for public order and security”.

Deportations, banishments and strict controls on the travel to and from Istanbul became regular policies of the CUP government concerning minorities.

Actually, foreigners and minorities were regarded as threats to the survival of the state and government. Therefore, it is clear that, for the CUP government, both of these groups were “potential political criminals” that had to be kept under control in order to ensure the survival of the state. Refugees, countrymen and vagrants were other groups of people similarly scrutinized by the security forces in Istanbul during the Great War. The basic difference between these groups and the groups mentioned above was their perception by the government. Although both of them were “potential criminals”, vagrants, refugees and countrymen were not entirely regarded as “threats” to the survival of the state and continuance of the CUP government. From an official perspective, these groups had to be scrutinized in order to prevent mostly ordinary non-political crimes such as theft and pick pocketing. In this sense, these people’s tendency to the crimes against property was a biased conviction from an official perspective preceding their actual involvement in any such crimes. Furthermore, since they were not part of productive labor force in Istanbul, they were considered as a burden in terms of the provisioning of Istanbul which had become a fundamental issue for the government during the war.

The high number of official documents about “suspected elements” and the frequency of rules and regulations put into effect to control these people indicate that “potential criminals” – whether political or not – became an important part of the CUP’s agenda during the war years. In that respect the rationale was stated as the maintenance of public order and prevention of crimes. Nevertheless, when the density and content of the policies are taken into consideration, it is clear that the CUP government tried to restructure the population of Istanbul in accordance with certain political aims. Therefore, the maintenance of public order was beyond the prevention of disorder, part of a broader political policy targeting the population of the capital city.

Although the CUP aimed to restructure Istanbul population through its public order policies, the most important discursive justification of these policies was prevention of crimes. At this point, criminal policy of the CUP government deserves a detailed analysis. In that respect, first of all it must be noted here that this dissertation handled ‘crime’ as a ‘politically defined’ and ‘contextually constructed’ socio-economic phenomenon. Accordingly, governments and lawmakers specify what is criminal and delinquent within a certain socio-economic context. In line with this argument, the wartime policies of the CUP government towards three crimes – theft, profiteering and bribery – are comprehensively examined in this dissertation as all of these crimes were related to the war in different aspects.

Petty theft was historically one of the most widespread crimes in the Ottoman Empire. The rate of this crime in Istanbul increased dramatically during the Great War years as a result of the hardships of economic subsistence. The government and the General Directorate of Security made this crime publicly visible through crime tables and statistics. Although economic conditions accounted for the increasing rate of petty theft cases in Istanbul, the attitude of the government towards this crime in making it publicly visible without taking any preventive measures was particularly meaningful. For example, despite the increasing rate of petty theft in Istanbul, the imprisonment duration of the committers of this crime incrementally shortened over the war years: the registers of Istanbul Central Prison indicate that it became six months in 1917 whereas, previous to that, it had been approximately three years. Furthermore, the government did not make any changes in the Penal Code despite the obvious fact that this crime began to influence daily lives of persons. At this point, state elites seem to have deliberately made this crime publicly visible so as to be able to justify their repressive policies towards the city poor. In fact, there might be another dimension of making this crime publicly visible. Since the majority of the victims of petty theft cases were also from lower classes, by making this crime publicly visible, the state elites pretended to be sensitive to this crime. Therefore, by repetitively emphasizing

the “threat of theft”, the government could more easily gain the consent of even lower classes for the implementation of repressive policies on the same classes.

As a matter of fact, one of the main reasons of worsening economic conditions in Istanbul and being the main reason behind the increasing theft cases was the problems in provisioning. Especially the distribution policies of the CUP government resulted in a number of successive problems such as price rises, emergence of black market, profiteering and unequal opportunities of access to the supply of basic goods. Therefore, without making structural changes to solve these economic problems, it was impossible to decrease theft rates in the capital. However, a detailed analysis on profiteering as an ‘ignored crime’ during the war years reveals that the CUP government benefited from the economic conditions of the war, thereby being reluctant to take resolute action for making structural changes.

In fact, the huge money obtained from war profits constituted the main capital for the foundation of a domestic Turkish-Muslim bourgeoisie. In other words the merchants engaged in profiteering activities actually became the first generation of national entrepreneurs in the Ottoman Empire. Therefore, a committed struggle against profiteering would be in contradiction with the CUP’s main economic policy, which aimed at developing a national economy. As a result, until late 1915, the CUP government even denied the severity of profiteering in Istanbul as a problem. In 1916, although the state elites had to accept that there was a profiteering problem, they never explicitly categorized profiteering as a crime to be struggled against in a committed manner. For example, it was never included in crime statistics and crime tables as a separate category. In 1917, due to a rising discontent among ordinary people having great problems in access to basic goods, the government had to make a number of new regulations. Furthermore, an organization in the name of Committee of Prohibition of Profiteering was founded in 1917. Nevertheless, this Committee only dealt with profiteering activities related to dry goods meaning that food items as the real commodities of profiteering were left outside of the Committee’s jurisdiction. According to the debates in the Senate and a number of memoirs, it is evident that

“struggle” against profiteering remained limited to small-scale merchants and non-Muslim enterprises. The CUP government continued to ignore the profiteering activities of merchants close to the ruling party. Thus, until the end of the war, there was not a wholesale struggle against profiteering.

During the Great War years, another crime that the CUP government preferred not to recognize was bribery. People receiving fixed-income were the main losers of the war. The civil servants constituted the largest group becoming poor because their income had remained stable and thus became invaluable day by day in the face of high inflation rates. Since, the government did not have enough infrastructural and economic resources to solve this problem, it opted for ignoring bribery. Yet, while doing that, the CUP government followed a different strategy, and as different from profiteering, this crime was made publicly visible. Nevertheless the numbers given in crime registers were extremely low, whereas, contrary to the low numbers demonstrated in the crime tables, according to memoirs, bribery increased considerably during the war years. Actually, the economic conditions of the civil servants also verified increasing bribery rate. At this point, the governments’ strategy was to pretend to be sensitive to this crime by including it in crime tables and in a way announcing to the public that the rate of this crime was not high when checked in the crime tables.

To sum up, theft, profiteering and bribery were crimes directly related to the wartime economic dynamics. The increase of theft and bribery, and the emergence and continuation of profiteering during the Great War years were inevitable consequences of economic inefficiencies and defective economic policies. The CUP government tried to develop a “criminal policy” regarding these crimes without making any structural changes in the economic life. The components of this deficient “criminal policy” were such as making theft publicly visible without any deterrent measures; ignoring profiteering; and overlooking bribery. This official attitude implies that the criminal dimension of these issues held no priority for the CUP government. On the contrary,

the policies related to these crimes were regarded as instruments for broader political and economic aims.

As mentioned earlier, during the war, ‘survival of the state’ became the foremost concern for all of the belligerent states. Internal security policies were shaped accordingly. Parallel to the same tendency, the CUP government had a great sensitivity for the survival of the state. As argued before, for the state elites, during the Great War, the Ottoman State and the CUP government became almost the same entity. Thus, ‘survival of the state’ also meant ‘continuation of the CUP government’. In this sense, the CUP’s perception of crime and its policies for crime-prevention were highly influenced by the idea of the continuation of existing political and economic system. The analysis in this dissertation points out that the government was extremely alert to the acts regarded as a “threat” to its own existence. Making some crimes such as ‘battery and insult against state officials’ and ‘disobedience to official rules and regulations’ publicly visible through inclusion of them in crime tables; and implementation of very harsh punishments even to simple crimes against state officials attest to the plausibility of this argument. In fact, surveillance and control policies implemented on population, especially policies regarding foreigners and minorities should be considered with relevance to the general “threat” perception of the CUP government. The Great War in that sense provided “appropriate” conditions for the implementation of harsher punishments and for the development of stricter surveillance and scrutiny mechanisms. Furthermore, it is argued in this thesis that the CUP government and, under it the Ministry of Interior and the General Directorate of Security gained further discretionary power to specify criminality and delinquency.

Finally, in this dissertation, amnesties were examined as an indispensable part of the criminal policy. During the war years, a number of amnesties being different from ‘traditional amnesties’ in the Ottoman Empire were declared. The main argument of the government for declaring these amnesties was to remedy the overcrowd in prisons. Nevertheless, when the provisional law enacted in March 1915 postponing prosecution and punishment of almost all criminals in case they agreed to join the

army during the war is taken into consideration, it is clear that the government had also different aims about the prisoners. In fact, the prisoners who became volunteers for army were mostly recruited in the Special Organization constituting paramilitary forces of the Ottoman Empire. They were not regular troops. These paramilitary forces, which were composed of volunteers including refugees, prisoners, some religious order and tribal groups, were acting as bands rather than military troops.⁹²² The main duties of these irregular troops were as follows: making propaganda of *jihad*; supporting the regular troops when necessary; engaging in guerilla war in order to defeat the enemy from ‘within’; and intimidating the local non-Muslim population regarded as disloyal to the Ottoman Empire.⁹²³ These counterinsurgency duties allowed these forces a great space for illegal acts including attacks and massacres towards non-Muslim groups, especially Armenians.⁹²⁴ Therefore, prisoners were deliberately recruited in Special Organization bands in order to make use of their criminal tendencies.

As a consequence of amnesties and the provisional law mentioned above, the number of prisoners sharply diminished in the Central Prison of Istanbul, although the crime rates increased in the capital during the war years.⁹²⁵ It is clear that the prisoners benefiting from amnesties returned back to social life and probably continued committing crimes. One of the main reasons of increasing crime rates in the capital city might be closely related to the presence of growing number of criminals in city life. In late 1916, the Police Journal published photos of several notorious criminals some of whom had committed the same crimes for nine times in a repetitive way.⁹²⁶

⁹²² Polat Safi, “Üç Tarz-ı Çete”, *Kebikeç*, Vol. 34 (2012), p. 99.

⁹²³ Beşikçi, *The Ottoman Mobilization of Manpower*, pp. 160-161; Tunaya, *Türkiye’de Siyasal Partiler*, Vol. III, pp. 279-286.

⁹²⁴ Yalman, *Turkey in the World War*, p. 220.

⁹²⁵ As a matter of fact, petty theft was the most increasing crime during the war. For detailed information about rates of other crimes in Istanbul during the Great War, see Appendices VII, VIII, IX, X, pp. 315-318.

⁹²⁶ See Appendix F, p. 345.

Therefore, the criminal policy of the CUP was far from effectively preventing crimes. On the contrary, as a result of criminal policies implemented during the war years, a vicious circle of criminality emerged in the capital city. Furthermore, in a way the CUP government itself became a part of this vicious circle by deliberately recruiting of criminals in the Special Organization. At this point Gingeras makes the following evaluation:

The outbreak of war in 1914, as well as the seemingly intractable problems of poverty, mass displacement of refugees, and state bankruptcy, would prove fatal to these reforms [reforms aimed at securing and policing the population]. The crisis posed by the ever-expanding power of criminal gangs reached such a threshold during the last years of the Ottoman Empire that imperial officers and officials often chose to incorporate thugs and lawbreakers into state service. Such steps did not simply serve as a means of controlling or minimizing the activities of criminal syndicates. As we shall see, the synthesis of forged between criminal groups and the state elements of the Ottoman and early republican regimes a violent and compromising instrument with which they could impose their political authority.⁹²⁷

As a matter of fact, recruitment of criminals in the Special Organization was not the only contact point between the criminals and the Ottoman government. It might be argued that another such point of contact revealed itself in the official attitude towards profiteering. As mentioned earlier, by ignoring profiteering and using the huge money accumulating from these activities for the formation of national enterprises, the CUP government in a way became involved in this crime. The war conditions certainly facilitated this process. Therefore, by reference to Tilly,⁹²⁸ it can be argued that state making and war making emerged as two interrelated processes of ‘organized crime’ in the Ottoman case.

The CUP government implemented most of its public order and criminal policies in an authoritarian manner. Although the power of the Ministry of Interior

⁹²⁷ Ryan Gingeras, *Heroin, Organized Crime and the Making of Modern Turkey*, (Oxford, New York: Oxford University Press, 2014), p. 20.

⁹²⁸ Tilly, “War Making and State Making as Organized Crime”.

and, under it security forces considerably increased in the absence of opposition and scrutiny, their “success” either in the maintenance of public order or in the prevention of crimes is questionable. İsmail Canbulat who had been in important administrative posts during the Great War such as the director of the General Directorate of Security, the governor and the mayor of Istanbul claims that neither the civilian government nor the military forces could provide public security in Istanbul due to maladministration.⁹²⁹ He stated that hundreds of thousands of soldiers were strolling in Istanbul without any discipline. He argues that eighty percent of crimes, particularly theft, was committed by these soldiers. The police deliberately remained inactive against such illegal acts of soldiers.

Probably, this situation, combined with the inefficient policies of the government especially in provisioning, caused an increasing discontent among the inhabitants of Istanbul. According to a number of memoirs, the legitimacy of the CUP government was thus undermined especially in Istanbul. Sertel comments on the atmosphere in Istanbul during the war years as follows:

First a famine started. This famine increased year by year. For years, only bread with a black color like mud became our basic food. Large masses of people could not find anything to eat...Besides, black market, corruption and bribery became widespread. Privileged groups having relations with the CUP made huge amounts of money. They spent this money for luxury as if ridiculing the poverty of the people. They built apartment buildings. They had fun at pubs by lighting cigarettes of artists with burning banknotes. They made flowing rivers of wine and champagne. They made all of these in front of the eyes of a starving people [...] This period of profiteering, bribery, corruption and theft made people totally fed up with it. On the one hand poverty, on the other hand displays of wealth provoked the hatred of the people.⁹³⁰

⁹²⁹ Kocahanoğlu, *İttihat-Terakki'nin Sorgulanması*, p. 433.

⁹³⁰ “Önce bir kıtlık başladı. Bu kıtlık yıldan yıla arttı. Yıllarca çamur gibi kara ekmek başlıca gıdamız oldu. Geniş halk kitleleri yiyecek şey bulamıyordu...Bunun yanında karaborsacılık, yolsuzluk ve rüşvet aldı yürüdü. İttihatçılara bağlı olan imtiyazlılar, sonsuz servetler yaptılar. Bunlar aç kalmış halkın sefaletiyle alay eder gibi işi sefahate vurdular. Apartmanlar kurdular. Barlarda ve eğlence yerlerinde artislerin sigaralarını binlik banknotlarla yakıp eğlendiler. Şarap ve şampanyadan nehirler akıtılar. Bunları aç halkın gözü önünde yapıyorlardı[...] Bu vurgun, bu rüşvet , bu yolsuzluk ve hırsızlık dönemi

These sentences indicate that people lost their belief and trust in the rulers as a result of never ending problems such as profiteering, bribery and corruption. The legitimacy of the government was hence undermined. Similar to Sertel, Ahmet Rıza describes the state-society relations in the wartime Ottoman Empire as follows:

Famine and poverty prevail every corner of the country...Our moral devastation is as great as the material one. As a result of provisional laws and arbitrary acts, there emerged chaos and anarchy in administration. A secret policy not recognizing nation's right of supervision and a thought of violence and atrocity against minorities damaged our union as well as the constitutional regime. People lost their heart and their belief. They were deprived of security and trust. The relations between the government and the people as well as between the caliphate and Islam weakened. These are signs of bankruptcy and collapse that are already there before the actual result of the war. This disaster and massive losses are a direct consequence of entering the war untimely without making due preparations and consultations in advance.⁹³¹

Mustafa Kemal also prepared a report including his comments about similar problems.⁹³² According to this report submitted to Enver Pasha in 1917, the government had lost its credibility to a great extent in the eyes of the people. Mustafa Kemal argued that the relationship between the government and the people was almost entirely severed. For the people, the government had turned to become an authority that was pushing them towards hunger and death.

halkı bezdirdi. Bir tarafta açlık, bir tarafta görülmemiş bir servet akını halkın nefretini arttırdıkça arttırdı.” Zekeriya Sertel, Hatırladıklarım, (Istanbul: Remzi Kitabevi, 2000), pp. 59-60.

⁹³¹ “Açlık ve yoksulluk ulusun hemen her tarafını istila etti...Maddi zararımızdan başka manevi zarar ve ziyanımız da büyüktür. Geçici yasalar ve keyfi davranışlarla, işlerin yönetiminde karışıklık ve anarşi ortaya çıktı. Ulusun hak denetimini [denetim hakkını] tanımayan gizli bir siyaset, azınlıklar aleyhindeki zulüm ve şiddet düşüncesi, birlik ve meşrutiyyete Zarar getirdi. Halkın yüreği manevi gücü kırıldı. Güvenliği ve güveni yok edildi. Hükümetle ulus, hilafetle islam arasındaki bağlar zayıfladı. Bunlar savaşın sonucunu beklemeyen iflas ve çöküntü belirtileridir. Bu felaket ve büyük yitimler, savaşa kesinlikle zamansız, önlemler almadan katılmanın ve aslında danışarak iş görmemenin acıklı sonuçlarıdır.” This passage is taken from a letter written by Ahmet Rıza to Şeyhülislam Hayri Bey in the midst of 1916. Ahmet Rıza, *Anılar*, p. 72.

⁹³² Yalman, *Yakın Tarihte Gördüklerim*, p. 290. For translated version of this report's related parts, see Chapter 2, p. 76.

Therefore, after a four-year war, state-society relations in the Ottoman Empire were marked by tension, conflict and chaos. Although the CUP government aimed on every occasion to increase its infrastructural power through a number of public order and security policies, their actual implementation was conducted in a highly authoritarian and arbitrary manner. When criminal policy is taken into consideration, the situation was much more dramatic. Profiteering as the main cause of a number of economic problems leading to starvation and deaths was almost totally ignored by the government until the final war years. Similarly, bribery was underestimated and no concrete policies were put into practice against increasing theft cases. However, the government benefiting from war conditions, implemented severe measures against the crimes regarded as a threat for its continuation. In the meanwhile, amnesties became an important part of criminal policy. As a result of these, first criminals were recruited in the bands of the Special Organization, thus committing further crimes; and second, a great number of criminals benefiting from amnesties returned to the social life of Istanbul causing in turn an increase in crime rates. In short, the security policies overall resulted in a vicious circle of criminality in the imperial capital. When all of these were compounded by the reality of final defeat in the Great War, the CUP government virtually lost its legitimacy and credibility in the eyes of society.

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APPENDICES

APPENDIX A: Wartime Istanbul: A Brief Chronology⁹³³

Jul 28, 1914	Prices of food began to rise in Istanbul due to the war had begun between Austria and Serbia.
Aug 2, 1914	General mobilization was declared.
Aug 6, 1914	Great dearth for bread began in the city.
Sep 9, 1914	Turkey announced the termination of the Capitulations. The British and other foreigners came under Turkish law.
Sep 27, 1914	British Ambassador and many British left by train to Dedeağaç.
Nov 14, 1914	Sultan Mehmed Reşad declared <i>jihad</i> against Russia, Britain and France. Public demonstrations took place in the streets. Several locations owned and run by French, British and Russian minorities were attacked. Hotel Tokatlıyan was one of them. Also a group of protestors moved to San Stefano (Ayestefanos, Yeşilköy) and damaged the Russian monument there. ⁹³⁴

⁹³³ This chronology is compiled mostly from the letters of Charles Vinicombe. These letters being in diary format provide detailed information about wartime Istanbul. Vinicombe was a British national living in Istanbul, therefore as a citizen of an enemy state, his observations might be one sided and biased. Despite this possibility, his letters are still valuable because it is not easy to find such specific information about wartime Istanbul day by day. Furthermore, there might be some mistakes in dating, however, such mistakes were possibly limited. Since it is impossible to check dates for personal notes, only widely known dates such as declaration of *jihad* could be checked. Vinicombe, Charles of Istanbul, *Letters Describing Wartime Life in Istanbul*, 99/9/1, (Located in Imperial War Museums, London, United Kingdom).

⁹³⁴ Kaya Mutlu, "The Russian Monument at Ayastefanos", p. 79.

Nov 18, 1914	A division led by Cemal Pasha blew up The Russian Monument.
Nov 1914 & Apr 1915	Masonic Lodge was seized by the government and turned into hospital for prostitutes. Bread was rationed but it was awful and whitish bread rose to 10 times its prewar price.
Apr 25, 1915	The Russians bombarded the Black Sea Bosphorus forts. Turkish wounded came in thousands from the Dardanelles.
In May 1915	A British submarine got into the harbor [Haydarpaşa ?] and fired a torpedo at her. From all quarters guns were fired at the submarine but it disappeared. Excitement was immense, all shops closed and people rushed of to their homes in panic.
Jul 26, 1915	Fire of 2000 houses took place at Fındıklı [Beyoğlu].
In Aug 1915	Coal became unprocurable the Gas Works stopped and city was in darkness.
Aug 1915 & Dec 1915	Bread was awfully scarce. Fights around the bakeries became daily occurrence. The bread was awful stuff, black with straw and stank abominably and uneatable, as it produced stomach trouble and many people died.
Dec 20, 1915	An awful explosion took place in Golden Horn at midday. Some tons of high explosive went off. This would be used for loading the Ottoman submarine mines. Destruction of life and property was very great.
Dec 1915	Many days when no ration bread was procurable. Turks seized the British Library. The Turks must have got about 4600 books. The petroleum rose from 15 to 2700 pilasters. British Hospital became a Christian Red Cross Hospital

but the Turks seized it and used it.

- Mar 10, 1916 A British airplane came over the city at 10 pm. It was fired at by the Turks and Germans. It took 25 minutes with an incredible noise. The British did not drop bombs on the city but only on military or naval objects. This operation was experienced by the city dwellers for many times and the people got quite used to it. A German Zeppelin air ship came over the city.
- Mar 20, 1917 America broke off diplomatic relations with Turkey, the British became Dutch protected subjects.
- In Mar 1917 Plague of typhus began in the city and remained for five months. 67 doctors and thousands of people died. The lice whose bite resulted in typhus were everywhere even on the seats of the tramway cars.
- Sep 6, 1917 The Germans had collected at the Haydarpaşa terminus of the Bagdad Railway. The material for a campaign to retake Bagdad from the British. At 5.10 pm a heavy explosion took place and then explosions followed one another. All the ammunition exploded and burnt. This lasted 12 hours Hundreds of railway wagons and many locomotives were destroyed. The grain elevators burnt and the big terminus railway station took fire the upper part only being ruined. Of course many lives were lost. The value of material destroyed was not less than 5 millions of dollars. Therefore, the German expedition fell. Some said it was an accident but there was also a possibility that it was the act of a British aero plane.
- Oct 15, 1917 Wilhelm II [Kaiser/Billy of Hohenzollern] came along to hearten the Turks. There was no cheering nor enthusiasm manifested by the people. He stayed 3 days and then took away with him a trainload of food stuffs from the already hungry city.
- May 30, 1918 Conflagration in Istanbul burnt 16 schools and 10.000 houses in 27 hours.
- Jul 3, 1918 The Sultan Mehmed Resad V died and no one seemed to

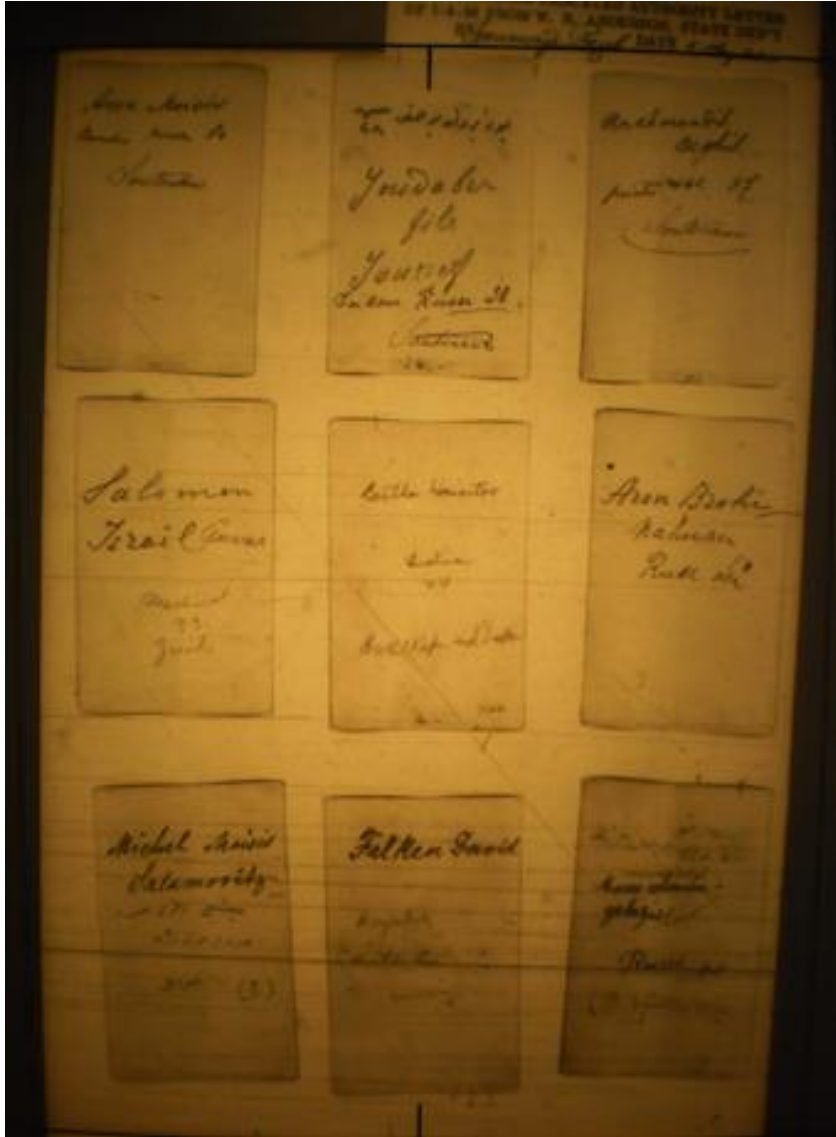
trouble about it.

- Jul 7, 1918 Five airplanes came over the city dropping bombs on military objects. It took 20 minutes.
- Jul 14, 1918 There were much firing of guns and many explosions on the Asiatic side of Bosphorus. Furthermore, the air raids were frequent, thousands of people took refuge in cellars.
- The Turkish gold lira went to 570 piastres.
- Oct 18, 1918 At 11 am, eleven airplanes circled over the city dropping proclamations on Oct 25, 1918, an air raid from 2.30 pm to 3 pm took place, the bombardment was vicious.
- Oct 28, 1918 The German Ambassador (Bernstoff) left the city and the German army left en masse via the Black Sea. The Turkish population was bitter against the Germans
- Oct 30, 1918 Armistice of Mudros was signed between the Ottoman Empire and the Entente Powers.
- Oct 31, 1918 The prohibition being out later than 10.00 PM was removed. The war prisoners were permitted to go about the streets.

APPENDIX B: Photos and personal information of persons expelled from Istanbul for their connection with white slave trafficking⁹³⁵



⁹³⁵ There are photos and (on the back of photos) personal information of more 186 persons expelled from the Ottoman Empire for their connection with white slave trafficking. In this document, there are photos and personal information of nine of the white slave traders. NARA Department of State, 867.1152/2, RG 59, April 6, 1915.



**APPENDIX C: Crime Table indicating the comparison between the crime rates
in February 1329 (1914) and 1330 (1915)**

صفحة ٤٨
پوليس مجموعه ي
عدد ٤١

جرائم مقايسه جدولی
١٣٢٩ و ١٣٣٠ سنلری شبات طرفنده درسعادته باليوم مراکز شاپله داخلنده تحذت ایدن
برائیک مقایسه سی ناطق جدولدر :

فرق	١٣٢٩ سنه سی شبات ماهی طرفنده وقوع پولان جرائم	١٣٣٠ سنه سی شبات ماهی طرفنده وقوع پولان جرائم	نوع جرم
١٠	—	١٣٥	سرق
٩	—	٧	بانکسچیک
٧	—	٤	دولاندیرجیلق
٢	+	٣	قتل
٩٥	—	١٤١	ضرب و سرح
٣	—	٦	عقل شبع
١٩	—	١١	حریق
١٤١	—	٣٠٧	یکون

Source: “Ceraim Mukayese Cedveli: 1329 ve 1330 seneleri Şubat’ı zarfında Dersaadet’te bilumum merakiz-i zabıta dahilinde tahaddüs eden ceraimin mukayesesini natik cedveldir”, *Polis Mecmuası*, No. 41, 12 Cemaziyelevvel 1333/15 Mart 1331 (28 Mart 1915), p. 48.

Kind of Crime	February 1329 (1914)	February 1330 (1915)	Difference	
Theft (<i>Sirkat</i>)	145	135	-	10
Pick-pocketing (<i>Yankesicilik</i>)	116	107	-	9
Fraud (<i>Dolandırcılık</i>)	11	4	-	7
Homicide (<i>Katl</i>)	1	3	+	2
Battery and Wounding (<i>Darb ve cerh</i>)	236	141	-	95
Indecent Sexual Behavior (<i>Fiil-i şeni</i>)	9	6	-	3
Fire (<i>Harik</i>)	30	11	-	19
Total	448 ⁹³⁶	307 ⁹³⁷	-	141

⁹³⁶ There is a calculation mistake. Sum of crimes in February 1914 was 548.

⁹³⁷ There is a calculation mistake. Sum of crimes in February 1915 was 407.

**APPENDIX D: Crime Table indicating the comparison between the crime rates
in June and July 1333 (1917)**

عدد ۹۳		پولیس مجموعہ		صفحہ ۱۶۸	
جرائم مقایسہ جدولی					
اوج بروز اوتوز اوج سنسی حزران وتوز آباری نظر قدمہ دوسعادمہ وقوع بولان جرائمک					
مقایسہ سنسی کوستریر جدولدر					
نوع جرم	مقایسہ	۳۳۳ سنسی توز ماہ	۳۳۳ سنسی حزران ماہ	۳۳۳ سنسی حزران ماہ	۳۳۳ سنسی حزران ماہ
بیایت نوعدن سرفت	۲ -	-	-	۲	۲
عادی سرفت	۶۹ +	۳۵۵	۳۶۵	۳۶۵	۳۶۵
یانکینچیک	۱۶ -	۲۳	۲۳	۲۳	۲۳
طولاتدرجینق	۳ +	۱۲	۱۲	۱۲	۱۲
قارماپولاجینق	=	-	-	-	-
اخذ و محاسب	۱ -	۱	۱	۱	۱
امینق سوء استعمال	۳ +	۷	۷	۷	۷
قتل	=	۳	۳	۳	۳
ضرب و جرح	۶۰ +	۱۴۱	۱۴۱	۱۴۱	۱۴۱
اشنای وظیفهده حقارت و ضرب	۸ -	۷	۷	۷	۷
فعل شنیع زنا و لواطله	۳ +	۱۲	۱۲	۱۲	۱۲
مقررات و نظاماتہ مخالفت	۱۲ -	۳۹	۳۹	۳۹	۳۹
عدم دقت وثاوتہ رعایتسزک	۱۵ -	۱۸	۱۸	۱۸	۱۸
المالہ لسان	۶ +	۶	۶	۶	۶
سرخوشلق	۱۷ +	۲۴	۲۴	۲۴	۲۴
حریق	۱ -	۱۱	۱۱	۱۱	۱۱
رشوت	۲ -	۱	۱	۱	۱
انجار	۷ -	۲	۲	۲	۲
جرائم متنوعه	۲ +	۲۴	۲۴	۲۴	۲۴
یکون	۶۹ +	۶۶۶	۶۶۶	۶۶۶	۶۶۶

Source: "Ceraim Mukayese Cedveli: 333 senesi Haziran ve Temmuz ayları zarfında Dersaadet'te vuku bulan ceraimin mukayesesini gösterir cedveldir", *Polis Mecmuası*, No. 93, 13 Zilkade 1335/ 1 Eylül 1333 (September 1, 1917), p. 168.

Kind of Crime	June 333 (1917)	July 333 (1917)	Comparison
Violent Theft (<i>Cinayet nev'inden Sirkat</i>)	2	0	- 2
Petty Theft (<i>Adi sirkat</i>)	315	355	+ 69 ⁹³⁸
Pick-pocketing (<i>Yankesicilik</i>)	49	33	- 16
Fraud (<i>Dolandırıcılık</i>)	9	12	+ 3
Robbery (<i>Karmanyolacılık</i>)	0	0	=
Seizure (<i>Ahz ü gasb</i>)	2	1	- 1
Abuse of confidence (<i>Emniyeti suistimal</i>)	4	7	+ 3
Homicide (<i>Katl</i>)	3	3	=
Battery and Wounding (<i>Darb ve cerh</i>)	81	141	+ 60
Battery and Insulting during the office (<i>Esna-yı vazifede hakaret ve darb</i>)	15	7	- 8
Indecent Sexual Behavior, Adultery and Sodomy (<i>Fii-i şeni, zina ve livata</i>)	9	12	+ 3
Opposition to decisions and regulations (<i>Mukarrerat ve nizamata muhalefet</i>)	51	39	- 12
Lack of attention and nonobedience to the laws (<i>Adem-i dikkat ve kanuna riayetsizlik</i>)	23	18	- 15 ⁹³⁹
Vituperation (<i>Itale- i lisan</i>)	0	6	+ 6
Drunkenness (<i>Sarhoşluk</i>)	7	24	+ 17
Fire (<i>Harik</i>)	12	11	- 1
Bribery (<i>Rüşvet</i>)	3	1	- 2
Suicide (<i>İntihar</i>)	9	2	- 7
Various Crimes (<i>Ceraim-i mütenevvie</i>)	22	24	+ 2
Total	627 ⁹⁴⁰	696	+ 69 ⁹⁴¹

⁹³⁸ There is a calculation mistake. It must be +40 rather than +69.

⁹³⁹ There is a calculation mistake. It must be -5 rather than -15.

⁹⁴⁰ There is a calculation mistake. The sum was instead 616 in June 1917.

⁹⁴¹ In accordance with the numbers given in the table it is clear that sum of the crimes in June 1917 was 616 and the sum of the crimes in July 1917 was 696; therefore the number of crime cases increased 80 in July 1917 instead of 69 indicated in the table.

APPENDIX E: Crime Statistics of Istanbul in January 1917

The table is a handwritten record on aged, yellowed paper, likely from an Ottoman-era official document. It is organized into several vertical columns. The leftmost column contains headers in Ottoman Turkish script, including 'Tanzimat' (Reform), 'Muhafaza-i Amn' (Public Security), 'Muhafaza-i Nizam' (Public Order), 'Muhafaza-i Ahlak' (Public Morality), 'Muhafaza-i Salihiyye' (Public Welfare), and 'Muhafaza-i Mulk' (Public Property). The subsequent columns contain numerical data, with some entries written in Arabic numerals and others in Ottoman script. The data appears to be organized by date or specific incident types. The right side of the page shows a continuation of the table, with some numbers and text visible. The handwriting is in dark ink, and the paper shows signs of age and wear.

Source: BOA.DH.EUM.ADL. 30/20, 12 Cemaziyelevvel 1335 (March 6, 1917).

APPENDIX F: Photos of Repetitive Criminals in Istanbul, November 1916



Source: “Sevabık-ı Mükerrere Eshabı”, *Polis Mecmuası*, No. 79, 30 Zilhicce 1334/15 Teşrinievvel 1332 (October 28, 1916).⁹⁴²

⁹⁴² From right to left: Köstenceli Ahmed Bin Hüseyin (sentenced for nine times due to theft, vagrancy and abuse of confidence); Ahmed Hilmi bin Osman (sentenced for five times due to theft); Ismail bin Mustafa yahud Ibrahim (senteced for five times due to theft and wounding); Pickpocket Ali bin Hasan at the age of 18 (sentenced for five times due to theft and battery. There were photos of such repetitive criminals in the following volumes of the Police Journal.

**APPENDIX G: Rates for Pick-pocketing, Fraud, Robbery and Seizure in Istanbul
during the Great War**

Pick-pocketing (<i>Yankesicilik</i>)												
	Jan ⁹⁴³	Feb ⁹⁴⁴	Mar	Apr	May.	Jun	Jul	Aug ⁹⁴⁵	Sep	Oct	Nov	Dec
1915	5	7	-	11	12	26	10	3	11	15	15	16
1916	4	-	14	22	14	17	16	12	14	23	29	27
1917	92	45	-	-	55	49	23	-	-	20	32	69
1918	39	-	-	35	47	35	47	45	55	34	47	30
Fraud (<i>Dolandırcılık</i>)												
1915	8	4	-	10	9	3	1	2	3	13	10	13
1916	9	-	11	17	10	10	6	11	6	5	9	13
1917	44	22	-	-	28	9	12	-	-	11	32	20
1918	25	-	-	35	29	21	15	22	16	22	26	15
Seizure (<i>Ahz ü Gasb</i>)												
1915	-	-	-	0	0	0	0	0	0	0	0	0
1916	0	-	5	10	2	4	3	4	4	5	6	10
1917	-	-	-	-	5	2	1	-	-	0	4	3
1918	9	-	-	3	7	3	4	4	5	4	5	24
Robbery (<i>Karmanyolacılık</i>)												
1915	-	-	-	0	0	0	0	0	0	0	0	0
1916	0	-	1	0	0	1	0	0	0	0	2	0
1917	0	-	-	-	0	0	0	-	-	0	1	2
1918	1	-	-	0	0	0	-	-	-	-	0	3

Source: “Ceraim Mukayese Cedveli”, *Polis Mecmuası*, Nos. 40, 41, 68, 69, 70,73, 74, 75, 76, 80, 81, 83, 84,85, 86, 92, 93, 97, 98, 99, 103, 104, 105, 106, 107, 108, 109, 110. BOA.DH.EUM.ADL. 30/20, 12 Cemaziyelevvel 1335 (March 6, 1917); BOA.DH.EUM.ADL. 30/43, 26 Cemaziyelevvel 1335 (March 26 1917).⁹⁴⁶

⁹⁴³ Data of January 1916 indicating the first two weeks of the month. *Polis Mecmuası*, No. 86. For the data of January 1917, see BOA.DH.EUM.ADL. 30/20, 12 Cemaziyelevvel 1335 (March 6, 1917). In the Crime Statistics of January 1917, data for pick-pocketing and seizure were given together, not as two different categories.

⁹⁴⁴ For the data of February 1917, see BOA.DH.EUM.ADL. 30/43, 26 Cemaziyelevvel 1335 (March 20, 1917). In the Crime Statistics of February 1917, the data for pick-pocketing and seizure were given together, not as two different categories.

⁹⁴⁵ Data of August 1915 and 1916 demonstrating the first two weeks of the month. *Polis Mecmuası*, No. 76.

⁹⁴⁶ See Chapter 6, footnote 686, p. 217.

APPENDIX H: Rates for Abuse of Confidence in Istanbul during the Great War⁹⁴⁷

Abuse of Confidence (<i>Emniyeti Suistimal</i>)												
	Jan ⁹⁴⁸	Feb ⁹⁴⁹	Mar	Apr	May	Jun	Jul.	Aug ⁹⁵⁰	Sep	Oct	Nov	Dec
1915	-	-	-	0	0	0	0	0	0	0	0	0
1916	3		3	8	6	5	5	0	1	4	7	8
1917	26	12	-	-	1	4	7	-	-	10	10	23
1918	24	-	-	14	20	12	12	7	8	7	8	11

Source: “Ceraim Mukayese Cedveli”, *Polis Mecmuası*, Nos. 40, 41, 68, 69, 70,73, 74, 75, 76, 80, 81, 83, 84,85, 86, 92, 93, 97, 98, 99, 103, 104, 105, 106, 107, 108, 109, 110. BOA.DH.EUM.ADL. 30/20, 12 Cemaziyelevvel 1335 (March 6, 1917); BOA.DH.EUM.ADL. 30/43, 26 Cemaziyelevvel 1335 (March 26 1917).⁹⁵¹

⁹⁴⁷ Abuse of confidence was a kind of crime in which somebody’s trust was misused to provide financial or material gain. In the Penal Code of 1858, the ninth part of the second chapter was about the conditions and required punishments for this crime.

⁹⁴⁸ Data of January 1916 indicating the first two weeks of the month. *Polis Mecmuası*, No. 86. For the data of January 1917, see BOA.DH.EUM.ADL. 30/20, 12 Cemaziyelevvel 1335 (March 6, 1917).

⁹⁴⁹ For the data of February 1917, see BOA.DH.EUM.ADL. 30/43, 26 Cemaziyelevvel 1335 (March 20, 1917).

⁹⁵⁰ Data of August 1915 and 1916 demonstrating the first two weeks of the month. *Polis Mecmuası*, No. 76.

⁹⁵¹ See Chapter 6, footnote 686, pp. 217.

**APPENDIX I: Rates for Homicide & Battery and Wounding in Istanbul during
the Great War**

Homicide (<i>Katl</i>)												
	Jan ⁹⁵²	Feb ⁹⁵³	Mar	Apr	May	Jun	Jul.	Aug ⁹⁵⁴	Sep	Oct	Nov	Dec
1915	3	3	-	2	1	1	1	0	0	4	1	0
1916	1	-	2	1	1	2	3	2	2	5	4	2
1917	9	3	-	-	1	3	3	-	-	2	1	1
1918	3	-	-	4	1	1	2	4	7	6	3	8
Battery and Wounding (<i>Darb ve Cerh</i>)												
	Jan ⁹⁵⁵	Feb ⁹⁵⁶	Mar	Apr	May	Jun	Jul	Aug ⁹⁵⁷	Sep	Oct	Nov	Dec
1915	165	141	-	274	173	173	176	75	129	112	88	89
1916	43	-	77	75	106	136	146	53	76	97	91	82
1917	125	62	-	-	85	81	141	-	-	71	104	81
1918	90	-	-	112	132	134	161	187	218	171	159	141

Source: “Ceraim Mukayese Cedveli”, *Polis Mecmuası*, Nos. 40, 41, 68, 69, 70,73, 74, 75, 76, 80, 81, 83, 84,85, 86, 92, 93, 97, 98, 99, 103, 104, 105, 106, 107, 108, 109, 110.

BOA.DH.EUM.ADL. 30/20, 12 Cemaziyelevvel 1335 (March 6, 1917); BOA.DH.EUM.ADL. 30/43, 26 Cemaziyelevvel 1335 (March 26 1917).⁹⁵⁸

⁹⁵² Data of January 1916 indicating the first two weeks of the month. *Polis Mecmuası*, No. 86. For the data of January 1917, see BOA.DH.EUM.ADL. 30/20, 12 Cemaziyelevvel 1335 (March 6, 1917).

⁹⁵³ For the data of February 1917, see BOA.DH.EUM.ADL. 30/43, 26 Cemaziyelevvel 1335 (March 20, 1917).

⁹⁵⁴ Data of August 1915 and 1916 demonstrating the first two weeks of the month. *Polis Mecmuası*, No. 76.

⁹⁵⁵ The data of January 1916 indicating the first two weeks of the month. *Polis Mecmuası*, No. 86. For the data of January 1917, see BOA.DH.EUM.ADL. 30/20, 12 Cemaziyelevvel 1335 (March 6, 1917).

⁹⁵⁶ For the data of February 1917, see BOA.DH.EUM.ADL. 30/43, 26 Cemaziyelevvel 1335 (March 20, 1917).

⁹⁵⁷ The data of August 1915 and 1916 demonstrating the first two weeks of the month. *Polis Mecmuası*, No. 76.

⁹⁵⁸ See Chapter 6, footnote 686, pp. 217.

**APPENDIX J: Rates for Indecent Sexual Behavior (*Fiil-i Şeni*), Adultery (*Zina*),
Livata (Sodomy) and Seducing a Virgin (*İzale-i Bıkr*) in Istanbul during the Great
War**

Indecent Sexual Behavior (<i>Fiil-i Şeni</i>), Adultery (<i>Zina</i>), Sodomy (<i>Livata</i>)												
	Jan ⁹⁵⁹	Feb ⁹⁶⁰	Mar	Apr	May	Jun	Jul	Aug ⁹⁶¹	Sep	Oct	Nov	Dec
1915	10	6	-	13	8	14	12	1	2	3	3	0
1916	2	-	1	2	6	2	2	2	1	14	12	3
1917	1	0	-	-	10	9	12	-	-	4	5	5
1918	4	-	-	3	1	5	3	4	1	2	3	4
Seducing a Virgin (<i>İzale-i Bıkr</i>) ⁹⁶²												
1915	-	-	-	-	-	-	-	-	-	-	-	-
1916	-	-	-	-	-	-	-	-	-	-	-	-
1917	2	3	-	-	-	-	-	-	-	-	-	-
1918	-	-	-	3	6	6	2	2	8	3	3	1

Source: “Ceraim Mukayese Cedveli”, *Polis Mecmuası*, Nos. 40, 41, 68, 69, 70,73, 74, 75, 76, 80, 81, 83, 84,85, 86, 92, 93, 97, 98, 99, 103, 104, 105, 106, 107, 108, 109, 110. BOA.DH.EUM.ADL. 30/20, 12 Cemaziyelevvel 1335 (March 6, 1917); BOA.DH.EUM.ADL. 30/43, 26 Cemaziyelevvel 1335 (March 26 1917).⁹⁶³

⁹⁵⁹ Data of January 1916 indicating the first two weeks of the month. *Polis Mecmuası*, No. 86. For the data of January 1917, see BOA.DH.EUM.ADL. 30/20, 12 Cemaziyelevvel 1335 (March 6, 1917).

⁹⁶⁰ For the data of February 1917, see BOA.DH.EUM.ADL. 30/43, 26 Cemaziyelevvel 1335 (March 20, 1917)..

⁹⁶¹ Data of August 1915 and 1916 demonstrating the first two weeks of the month. *Polis Mecmuası*, No. 76.

⁹⁶² Seducing a virgin was included in the crime tables as a separate category in 1918.

⁹⁶³ See Chapter 6, footnote 686, pp. 217.

APPENDIX K: CURRICULUM VITAE

PERSONAL INFORMATION

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EDUCATION

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2005-2007 **MA/** Middle East Technical University, Graduate School of
Social Sciences, Department of History
Thesis: Change and Continuity in the Sivas Province, 1908-1918
(Advisor: Assoc. Prof. Dr. Nesim Seker)

2002-2004 **Minor Program/** Middle East Technical University, Faculty of
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2000-2004 **BS /** Middle East Technical University, Faculty of Economic and
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WORK EXPERIENCE

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CONFERENCE PRESENTATIONS

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16-20 May 2012 “Propaganda and Representation: Arab Revolt, June 1916”, *Turkish Studies Project III: Ottoman Empire and World War I*, UTAH, Yildiz Teknik University, University of Sarajevo, Sarajevo, Bosnia and Herzegovina.

19-21 Sep 2008 “Yerelde İdeolojik Dönüşüm: II. Meşrutiyet Dönemi Sivas Vilayeti’nde Osmanlıcılık Pratiğinden Türk Milliyetçiliğine Geçiş”, *2008’den 1908’e Bakmak*, Tarih Vakfı ve İzmir Ekonomi Üniversitesi, İzmir, Turkey.

10 Nov 2007 “From Ottomanism to Turkish Nationalism: Transformation of Ideology in the Sivas Province, 1910-1915”, 14th Annual Tri-University History Conference, The Tri-University Graduate Program in History, Waterloo-Toronto, Canada.

PUBLICATIONS

Özgür Balkılıç & Deniz Dölek , ‘Turkish Nationalism at its beginning: Analysis of *Türk Yurdu*, 1913-1918’, *Nationalities Papers: The Journal of Nationalism and Ethnicity*, Vol. 41, Issue 2, (March 2013), pp. 316-333.

Dölek, Deniz, “Yerelde İdeolojik Dönüşüm: II. Meşrutiyet Dönemi Sivas Vilayeti’nde Osmanlılık Pratiğinden Türk Milliyetçiliğine Geçiş”, *II. Meşrutiyet’i Yeniden Düşünmek*, Ferdan Ergut (ed.), İstanbul: Tarih Vakfı Yayınları, 2010, pp. 117-129.

Dölek, Deniz, ‘Bir Sempozyumun Ardından, 2008’den 1908’e Bakmak’, *Toplumsal Tarih*, Vol. 179, (Kasım 2008), pp. 12-13.

APPENDIX L: TURKISH SUMMARY

*“...Dış ve iç siyasetteki yanlışların kurbanı olan canlara, değerli vücutlara acıyorum. Bunlar ne yazık ki geri gelmez; başka türlü kayıplar nasıl olsa az çok giderilir; bozulan yasalar elbet düzelir; vurgunculuk, karaborsacılık çeteleri dağılır, cezalarını görür; açlıktan intihar eden bir kavimden yasal olmayan yollarla toplanan paralarla kurulacak banka, ayakta kalamaz, yıkılır. Yalanlar, gizlenen olaylar, planlar hep ortaya çıkar...”
Ahmet Rıza, 15 Temmuz 1915⁹⁶⁴*

1914 yılının yaz aylarında Avrupa’da başlayan ve ilerleyen yıllarda bir dünya savaşına dönüşen Büyük Savaş, devlet-toplum ilişkilerine olan etkileri açısından, yirminci yüzyılın en önemli olaylarından birisidir. Savaşa katılan bütün devletler, vatandaşlarının gündelik hayatına daha fazla müdahil olmak suretiyle topyekün seferberliği daha etkin şekilde gerçekleştirmeyi hedeflemişti. Bu şekilde, hem savaş meydanlarında daha başarılı bir performans göstermek, hem de uzun yıllar sürecektir olan bu yıkıcı savaşa halkın rızasını kazanmak, savaşa katılan devletlerin en önemli amaçlarından biri haline gelmişti.

Bu çalışma, Büyük Savaş yıllarında, Osmanlı Devleti’nin başkenti olan İstanbul’da uygulanan asayiş, suç ve ceza politikalarını inceleyerek, savaş dönemi devlet-toplum ilişkilerinde meydana gelen dönüşümü değerlendirmeyi hedeflemektedir. Bu değerlendirmeyi yapabilmek için temel olarak üç konu üzerine yoğunlaşmıştır: modern devlet aygıtlarının konsolidasyonu; İttihat ve Terakki Cemiyeti (İTC) hükümetinin giderek otoriterleşen yönetim anlayışı ve hükümetin topluma nüfuz edip/edememe becerisi.

Büyük Savaş yıllarında, savaşın tüm devletler için öncelikli hedef ‘devletin bekasının sağlanması’, dolayısıyla mevcut siyasal ve ekonomik düzenin korunması olmuştur. Bu nedenle, savaş hükümetleri iç güvenliğin sağlanmasına özel bir önem

⁹⁶⁴ Ahmed Rıza, *Anılar*, (İstanbul: Çağdaş Matbaacılık ve Yayıncılık, 2001), s. 77.

atfetmişlerdir.⁹⁶⁵ Özellikle “içerideki düşman (*enemy within*)” ve “dışarıdaki düşman (*enemy without*)” anlayışıyla şekillenen tehdit algısının gittikçe artması ve radikalleşmesi, toplum tarafından merkezi kontrolün arttırılması talebinin daha güçlü bir şekilde gündeme gelmesini sağlamıştır.⁹⁶⁶ Diğer bir deyişle, tehdit algısının artmasıyla birlikte, devlet, iç güvenliği sağlamak amacıyla merkezi kontrolü arttırmak için toplumun rızasını, barış dönemlerine göre daha rahat ve daha fazla bir şekilde kazanmıştır. Ancak savaş koşullarında, iç güvenliğin sağlanması hükümetler için çok kolay değildi. Bir taraftan, savaşan bütün ülkelerde, iç güvenlik güçleri olarak adlandırılan polis ve jandarma kuvvetlerinin büyük bir kısmı orduda istihdam edilmiş ve dolayısıyla özellikle kalifiye personel açısından iç güvenlik güçleri önemli bir bozulma yaşamıştı. Diğer taraftan, savaş kendi özgün bağlamında, toplumsal düzensizlik ve çatışma için yeni dinamikler ortaya koymuştu.

Aslında, savaş hükümetlerinin özellikle iâşe meselesindeki başarı veya başarısızlıkları, toplumsal düzenin ve asayişin sağlanması konusunda en önemli belirleyici etkenlerden biri haline gelmişti. Özellikle, yoğun bir nüfusa sahip olan başkentlerin beslenmesi kritik bir meseleydi. Bu nedenle, İstanbul’un iâşesinin sağlanması önemli bir başlık olarak bu çalışmada ayrıntılı bir şekilde incelendi. Savaşın ilk yılından 1918 Temmuz’una kadar, İstanbul’un ve diğer imparatorluk kentlerinin iâşesinin sağlanması için çok sayıda ve değişik niteliklerde heyetlerin, komisyonların ve sonunda bir İâşe Nezareti’nin kurulduğunu görüyoruz. Bütün bu çabalar, aslında savaş boyunca iâşe meselesinin tam anlamıyla çözülemediğini ve bu konuda tutarlı bir politikanın oluşturulamadığını göstermekteydi.

İstanbul tarihsel olarak neredeyse tüm gıda maddelerini Ukrayna, Rusya ve Eflak-Boğdan’dan sağlamaktaydı. Avrupa’da Büyük Savaş başlayınca ticaret yolları kapandı ve dolayısıyla savaşın ilk yılından itibaren imparatorluk başkentinde önemli

⁹⁶⁵ Clive Emsley and Barbara Weinberger, “Introduction”, *Policing Western Europe: Politics, Professionalism and Public Order, 1850-1940*, Clive Emsley and Barbara Weinberger (der.), (New York, Westport, Connecticut, London: Greenwood Press, 1991), s. ix.

⁹⁶⁶ Emsley and Weinberger, “Introduction”, s. xi.

bir gıda sıkıntısı başgösterdi.⁹⁶⁷ Temel besin maddeleri başta olmak üzere zaruri tüketim mallarında meydana gelen kıtlık nedeniyle İstanbul'da karaborsa, anormal fiyat artışları ve vurgunculuk ortaya çıktı. Bu faktörlerle birlikte yoksulluğun ve geçim sıkıntısının artması özellikle ekonomik dinamiklerle yakından ilgisi olan bir takım suçlarda hızlı bir artışa neden oldu. Öte yandan mevcut sosyo-ekonomik koşullar sebebiyle İstanbul halkında özellikle savaşın ilerleyen yıllarında derin bir huzursuzluk meydana gelmeye başladı. İTC hükümetinin bu kriz durumunu nasıl idare ettiği; asayiş, suç ve cezalandırmaya dair politikalarını hangi saiklerle ürettiği ve bunları ne şekilde uygulamaya koyduğu bu tezin temel konusunu oluşturmaktadır. Bu meselelerin incelenmesi için kullanılan ve bu çalışmanın izleğini oluşturan kavramsal çerçeveden kısaca söz etmekte fayda var.

Büyük Savaş, modern devletler arasında yapılan ilk büyük savaş olması nedeniyle dünya tarihi açısından önemli bir yere sahiptir. Şüphesiz ki savaşa katılan devletlerin herbirinin kendine özgü bir takım tarihsel ve sosyo-ekonomik nitelikleri vardı. Ancak bu devletlerin taşıdığı bazı ortak özellikler, bu savaşın niteliğini ve boyutlarını anlamamız açısından son derece faydalıdır. Bu nedenle, farklılıkları olduğunu kabul etmekle birlikte, Büyük Savaşa katılan devletlerin siyasal ve sosyo-ekonomik yapılarını anlamamızı sağlayacak bir kavram olarak 'modern devlet'e odaklanmak gerekmektedir. Modern devlet, sahip olduğu vergi toplama, merkezi bir bürokratik yönetim, askere alma, kanun yapma ve uygulama gibi nitelikleri sayesinde toplum hayatının hemen her alanına nüfuz edebilen bir yapıya sahiptir.⁹⁶⁸ Bu nitelikler, Mann'ın kullandığı terminolojiye göre altyapısal iktidarın (*infrastructural power*) bileşenleridir. Dolayısıyla modern devlet sahip olduğu altyapısal iktidar sayesinde topluma nüfuz edebilmektedir.

⁹⁶⁷ Ahmet Emin Yalman, *Turkey in the World War*, (New Haven: Yale University Press, 1930), s. 270.

⁹⁶⁸ Micheal Mann, "The Autonomous Power of the State: Its Origins, Mechanisms and Results", *European Journal of Sociology*, Vol. 25, No. 2, (November, 1984), s. 189.

Bilgi toplama ve depolama yöntemleri, modern devletin, topluma nüfuz edebilmek için kullandığı araçlardan en önemlileri arasında sayılabilir.⁹⁶⁹ İstatistikler, nüfus sayımları ve suç cedvelleri modern devletin toplumu denetleyebilmek için geliştirdiği bilgi toplama ve depolama araçlarıdır. Bu açıdan bakıldığında modern devlet için nüfus bir araç değil amaç haline gelmiştir. Öyle ki devlet iyi yönetebilmek için her hamlesinde nüfusu hesaba katmak zorundadır.⁹⁷⁰ Bu nedenle devletin, nüfusu sürekli kontrol altında tutup yönlendirmesi gerekmektedir. Foucault'ya göre 'disiplin', Giddens'a göre 'iç/dahili pasifleştirme' (*internal pacification*) tam da bu işe yarar.⁹⁷¹ Yani modern devlet, toplumu bilgi toplayarak, denetimle ve modern polislik yöntemleriyle disiplinize edip kendi politikaları doğrultusunda yönlendirebilir. Bunu yaparken kullandığı en önemli söylemsel araçlardan biri asayiş sağlaması ve toplumun huzurunu korumaktır.

Çok genel olarak iki asayiş anlayışı vardır. Birincisi Anglo-Sakson gelenekteki, düzensizliğin karşıtı olarak algılanan asayiş anlayışıdır.⁹⁷² Bu anlayışa göre suçların henüz olmadan engellenmesi ve suçluların yakalanması asayişin sağlanması için polislik işinin temel amacıdır. Fransız geleneği olarak tanımlanabilecek, Kıta Avrupası'nda benimsenen ve Osmanlı'nın da benimsediği asayiş anlayışı ise daha geniş bir anlama gelmektedir. Bu, iyi düzenin sağlanması için toplumun daha derinden düzenlenmesini hedefleyen bir asayiş anlayışıdır.⁹⁷³ Bu tezde dördüncü ve beşinci bölümler, asayişin sağlanması amacıyla, savaş döneminde uygulanan politikaları ve nüfusun, özellikle "tehlikeli sınıflar" kategorisi altında görülebilecek yabancılar,

⁹⁶⁹ Anthony Giddens, *The Nation State and Violence, Vol. Two A Contemporary Critique of Historical Materialism*, (Berkeley and Los Angeles: University of California Press, 1985), s. 2.

⁹⁷⁰ Micheal Foucault, "Governmentality", Colin Gordon and Peter Miller (der.), *The Foucault Effect: Studies in Governmentality*, (Chicago: University of Chicago Press, 1991), s. 100.

⁹⁷¹ Foucault, "Governmentality", s. 102; Giddens, *The Nation State and Violence*, s. 187-190.

⁹⁷² Ferdan Ergut, "Policing the Poor in the Late Ottoman Empire", *Middle East Studies*, Vol. 38, No.2, (2002), s. 150. George L. Kelling and Mark H. Moore, "The Evolving Strategy of Policing", *Perspectives on Policing*, No. 4, (November 1988), s. 7.

⁹⁷³ F. Ridley and J. Blondel, *Public Administration in France*, (London: Routledge & Kegan Paul, 1969), s. 160.

azınlıklar, taşralılar, serseriler ve göçmenler özelinde nasıl kontrol edildiğini analiz etmeyi hedeflemiştir. Bu kontrolün ve denetimin araçları olarak da seyahat varakaları, pasaportlar, seyrüsefer kaleminin düzenli tuttuğu raporlar incelenmektedir.

Modern devletlerde egemen sınıf burjuvazi olduğundan asayişin neye göre sağlanacağı da burjuvazinin ya da daha genel olarak üst sınıfların tehdit algısı doğrultusunda şekillenir. Bu açıdan, alt sınıflar her zaman mülkiyete karşı bir tehdit unsuru olarak görülmüştür. 19. Yüzyılda, serseriler, fahişeler, dilenciler ve diğer kent yoksullarından oluşan bu insanlara “tehlikeli sınıflar” (*dangerous classes*) adı verilmiştir.⁹⁷⁴ Bunlar devletin gözünde her zaman kontrol altında tutulması gereken potansiyel suçlulardır. Bu kişilere karşı uygulanan politikalar da genel olarak asayişin sağlanması için uygulanan politikalar olarak gerekçelendirilse de asıl korunmaya çalışılan mevcut mülkiyet ilişkileri ve siyasal sistemdir.

Aslında “tehlikeli sınıflar”ın kimlerden oluştuğu içinde bulunulan bağlama göre değişmektedir. Bu açıdan mesela bizim örneğimizde savaş döneminde yabancıların ve azınlıkların da belirgin şekilde “tehlikeli sınıflar” içine yerleştikleri görülmektedir. Bu kimseler üzerine uygulanan politikalar gerekçelendirilirken her zaman suçun engellenmesi söylemi kullanılmıştır. Bu açıdan suçu nasıl algıladığımız da önemli. Bu tezde, suç, siyasal iktidarlar tarafından mevcut ekonomik ve siyasal koşullara göre tanımlanan davranışlar olarak ele alınmaktadır. Diğer bir deyişle, suç, iktidar sahibi sınıflar tarafından siyasal olarak tanımlanır ve bağlamsal olarak kurgulanır. Bu nedenle neyin suç olup neyin suç olarak kabul edilmediği, içinde bulunulan tarihsel koşullara göre değişebilmektedir.

Buradan yola çıkarak ceza kanunlarını, egemen güçler tarafından kendi politikalarını gerçekleştirmek için kullandıkları bir araç olarak değerlendirebileceğimiz sonucuna varılabilir. Üst sınıfların, asayiş adına hükümet ve güvenlik güçlerinin yerine getirmelerini istedikleri iki temel beklenti, 19. Yüzyıldan itibaren devletin ceza politikalarını şekillendirmiştir. Bu beklentilerden ilki mevcut düzenin devam etmesi,

⁹⁷⁴ Allan Silver, “The Demand for Order in Civil Society: A Review of Some Themes in the History of Urban Crime, Police and Riot”, *The Police: Six Sociological Essays*, *The Police: Six Sociological Essays*, David J. Bordua (der.), (New York, London, Sydney: John Wiley&Sons, Inc, 1967), s. 4.

ikincisi ise mülkiyetin korunmasıdır. Alt sınıflar mülkiyete karşı tehdit oldukları için düzenin devamı açısından da tehdit olarak algılanırlar. Tam da bu nedenle 1858 Osmanlı Ceza Kanunu'nda da olduğu gibi mülkiyete karşı işlenen suçlar ve cezaları, ceza kanunlarının en geniş ve detaylı bölümleri haline gelmiştir. Bu tezde altıncı bölüm, mülkiyetle ilgili suçlardan savaş sırasında en çok artan hırsızlık ile savaş koşullarında ortaya çıkmış olan vurgunculuk ve yine savaş sırasında belirgin bir artış gösteren rüşvet hakkında hükümetin izlediği politikaları konu almakta.

Savaş sırasında, yöneticiler için en önemli meselelerden biri, devletin bekası ve mevcut siyasal iktidarın devamlılığı olduğundan, buna yönelik suçların algılanışı ve cezalandırma pratikleri de değişikliğe uğramıştır. Yedinci bölümde bu meselelerle ilgili olarak devlet memuruna görev başındayken hakaret ve darb; kurallara ve kanunlara muhalefet gibi suçların yanısıra silah taşımak ve resmi belgede sahteciliğe yönelik uygulamalar da incelenmiştir. Altıncı ve yedinci bölümde ele alınan suçlar ve bunlara yönelik uygulanan cezalandırma pratikleri, İTC hükümetinin savaş sırasında izlediği ceza politikası hakkında son derece detaylı veri sunmaktadır. Büyük Savaş döneminde uygulanan ceza politikasının bir diğer önemli bileşeni ise aflardır. Yedinci bölümün son kısmında savaş döneminde birbiri ardına ilan edilen aflar ve af niteliğinde olan geçici kanunlar analiz edilmiştir.

Bu çalışma temel olarak Birinci Dünya Savaşı gibi etkileri ve kayıpları son derece büyük olan bir kriz döneminde Osmanlı hükümetinin asayiş, suç ve cezalandırma meselelerine dair uyguladığı politikaların ana hedefleri baki kalmak üzere, içeriğinin ve uygulama yöntemlerinin değiştiğini iddia etmektedir. Dolayısıyla savaş döneminde asayiş, suç ve cezalandırmaya yönelik politikalar, devlet-toplum ilişkisine yeni boyutlar kazandırmıştır. Bu argümanı ortaya koyan analiz imparatorluğun başkenti üzerine yoğunlaşarak yapılmıştır.

Analiz nesnesi olarak İstanbul'un seçilmesinin bir kaç nedeni var. Herşeyden önce asayiş, suç ve cezalandırmaya yönelik politikalar, imparatorluğun farklı coğrafyalarında farklı özellikler taşımaktadır yani mekansal olarak bu tür bir daraltmaya gitmek gerekmiştir. İkincisi İmparatorluğun siyasi ve ekonomik

merkezinde savaş döneminde iç güvenliğin ve asayişin sağlanması, yönetici elitler için hem savaş yapma pratiğinin devamlılığı hem de toplumu savaşa mobilize etmenin bir gerekliliği olarak barış dönemlerine göre daha fazla önem kazanmıştır. Son olarak ise şimdiye kadar savaş dönemi İstanbul'u üzerine bir kaç makale dışında kapsamlı bir sosyal tarih incelemesi yapılmamış olması bu tür bir çalışmayı gerekli kılmaktadır.⁹⁷⁵ Oysa Avrupa başkentleri için çok geniş bir literature mevcut. Dolayısıyla bu çalışma Osmanlı tarih yazımında sözü edilen akademik boşluğu bir nebze de olsa doldurmayı hedeflemektedir. Bu nedenle, bu çalışma, savaş dönemi İstanbul'u ile ilgili daha sonra yapılacak olan daha kapsamlı sosyal tarih çalışmaları için bir giriş niteliği taşımaktadır.

Osmanlı devleti Birinci Dünya Savaşı'na girdiğinde, modern devlet oluşumu belli bir aşamayı katetmişti. İttihat ve Terakki, savaş boyunca bir taraftan modern devletin kurumsal ve hukuki bir takım kazanımlarından yararlanırken diğer taraftan savaş, özgün koşullarıyla modern devlet pratiklerinin konsolide olmasına yardımcı oldu. Özellikle, bu çalışmanın konusu açısından ele alınacak olursa, devletin altyapısal iktidarını güçlendirecek nitelikteki iki yeni kurumun savaş döneminde kurulması bu argümanı desteklemektedir. Savaşın iç güvenlik güçlerine personel açısından verdiği tüm zarara ve bozulmaya karşın, 1915 yılının Temmuz ayında, Dahiliye Nezareti'ne bağlı Emniyet Müfettişliği adında yeni bir birim oluşturuldu. Bu birimin temel görevi pasaportların ve seyahat varakalarının özellikle ülkeye giriş noktalarında kontrolünü sağlamaktı. İstanbul, bu dönemde, imparatorluğa deniz yoluyla giriş yapılan merkezlerden biri olduğu için, başkentte de İstanbul Emniyet Müfettişliği adıyla bir birim kuruldu.

⁹⁷⁵ Mevcut literatürün en önemli çalışmalarından birisi derleme bir kitap olan *Istanbul, 1914-1923*'dür. Bu derleme kitap Birinci Dünya Savaşı ve mütareke dönemi İstanbul'u ile ilgili çeşitli makalelerden oluşmaktadır. Stefanos Yerasimos (der.), *Istanbul, 1914-1923*, (Istanbul: İletişim Yayınları, 1997). Büyük Savaş dönemi İstanbul'u ile ilgili bir diğer makale Lokman Erdemir'e ait. Erdemir "I. Dünya Harbi'nin İstanbul'da Sosyal Hayata Etkisi" isimli makalesinde İstanbul'u iase, sosyal yardım ve sağlık servisleri bağlamında değerlendirmektedir. Lokman Erdemir, "I. Dünya Harbi'nin İstanbul'da Sosyal Hayata Etkisi", *Birinci Dünya Savaşı'nda Osmanlı Devleti*, Ali Arslan and Mustafa Selçuk (eds.), (Istanbul: Kitabevi, 2015), pp. 305-327. Bunların dışında, Ahmet Emin Yalman'ın *Turkey in the World War* isimli kitabı Büyük Savaş dönemi İstanbul'u ile ilgili oldukça önemli veri sağlamaktadır ancak kitabın odağı imparatorluk başkenti değil tüm Osmanlı coğrafyasıdır

Buna paralel olarak, aynı yıl Emniyet-i Umumiye Müdüriyeti'ne bağlı Seyrüsefer isminde yeni bir kalem kuruldu. Aslında bu iki yeni kurumun kurulması iki açıdan önemli. İlk olarak, savaş sırasında iç ve dış tehdit algısı o kadar artmıştı ki, İttihat ve Terakki, hem vatandaşlarının hem de yabancıların imparatorluk içindeki hareketlerini kontrol altında tutmak için yeni güvenlik tedbirleri almak zorunluluğunu hissetmişti ve bu kurumlar bu zorunluluğun yansımasıydı. Öte yandan, daha geniş bir perspektiften bakılacak olursa, bu kurumlar, Osmanlı Devleti'nin topluma nüfuzu açısından seyahat üzerindeki denetimini ve belirliyeciliğini arttırmasına yardımcı oldu. Bu kurumlarla beraber, seyahat konusunda detaylı veri sağlayan seyahat varakalarının ve pasaportların etkin şekilde kullanılması ve denetlenmesi; ayrıca Seyrüsefer Kalemi tarafından günlük, haftalık ve aylık olarak detaylı raporların düzenlenmesi de hükümetin savaş dönemi denetim ve iç güvenlik politikalarının bir parçası olarak değerlendirilmelidir. Bu nedenle, savaş boyunca devam eden tüm bu uygulamalar ve yeni oluşturulan kurumsal yapılar, devletin altyapısal iktidarının güçlenmesinde ve modern devletin konsolide olmasında önemli rol oynamıştır.

İTC hükümeti, seyahat belgeleri ve Seyrüsefer Kalemi tarafından hazırlanan raporlar sayesinde İstanbul'a gelen ve kentten ayrılan yolcularla ilgili çok detaylı bilgiye ulaşmış oldu. Yönetici elitlerin 'güvenlik' hassasiyetinin savaşla birlikte en üst seviyeye ulaştığı bir süreçte, bu bilgi deposu, hükümete, güvenlik ve denetim politikalarını oluşturmasında temel veri kaynağını sağladı. Dahası, Dahiliye Nezareti ve Emniyet-i Umumiye Müdüriyeti, seyahat belgelerini hazırlama ve denetleme işlevleriyle, nüfusun hareketinin düzenlenmesi konusunda aktif rol oynadı. Özellikle, imparatorluğun, siyasi, idari ve ticari merkezi olan İstanbul'a girişler, sıkı bir şekilde kontrol altına alındı. Dolayısıyla, savaş boyunca, seyahatle ilgili çok sayıda düzenlemenin yapılması tesadüf değildi. Aksine, bu durum, devletin kent nüfusunu daha fazla ve etkin şekilde kontrol edebilmesini sağlamak üzere geliştirilen bilinçli bir politikanın yansımasıydı. Bu uygulamalar ve düzenlemeler sayesinde, savaş yıllarında, Osmanlı Devleti'nin seyahat üzerindeki tekeli daha da arttırdığını iddia edebiliriz.

Bu tez, seyahat üzerindeki tekelin yanısıra, modern devlet oluşumu ve alt yapısal iktidarın güçlenmesi açısından, silah toplama pratiklerinin de önemli bir başlık olduğunu vurgulamaktadır. Savaşın başlamasıyla birlikte, silah toplama işlemi, hükümet için çok daha kolay oldu ve bu konuda geliştirilen politikalar daha etkili şekilde uygulamaya konuldu. Aslında, İkinci Meşrutiyet rejiminin başlangıcından itibaren, İTC için silah toplama önemli bir başlıktı. Bu konuda savaş öncesinde de önemli adımlar atılmıştı. Ancak, savaşın başlamasıyla birlikte, hükümetin bu konudaki söylemi çok daha “gerçekçi temellere” oturmuş oldu. Şöyle ki, devletin bir savaş halinde olması ve her bir vatandaşın bu savaşa tüm varlığıyla katkıda bulunması gerektiği söylemi, silahların toplanması konusunda iktidara ekstra bir alan yarattı. Öte yandan, savaş koşulları, silahlarını teslim etmeyenler için çok sert cezaların uygulanması açısından da uygun ortamı hazırlamıştı. Öyle ki silahını belirlenen süre içinde teslim etmeyenlerin vatana ihanet suçlamasıyla idam edilebilmesi için kanuni bir düzenleme yapıldı. Bu şekilde, bir taraftan savaş gereklilikleri öne sürülerek silah toplama politikası meşrulaştırılırken, öte yandan ağır cezalar uygulanarak zor yoluna da baş vurulmuştur.

Kısacası seyahat varakası ve pasaport gibi seyahat belgelerinin etkin kullanımı ve denetimi, yeni emniyet birimlerinin ve denetim kurumlarının kurulması ayrıca sivil halkın büyük ölçüde silahsızlandırılmasıyla birlikte devletin şiddet tekeline daha fazla sahip olması, savaş döneminde İttihat ve Terakki hükümetinin alt yapısal iktidarının arttığını göstermektedir. Bu şekilde, Osmanlı hükümeti, topluma nüfuz etme kapasitesini belli bir oranda arttırmıştır. Ancak, asayiş politikalarının nasıl uygulandığı incelendiğinde, İTC hükümetinin gittikçe otoriterleşen bir yapıya kavuştuğu görülmektedir. Mann’a göre otoriter devlet, bir taraftan toplumsal gruplar üzerinde otoriter bir güce sahipken, diğer taraftan, bu gücü altyapısal olarak uygulayabilecek niteliğe sahiptir.⁹⁷⁶ Diğer bir deyişle, otoriter devlette hem despotik hem de altyapısal

⁹⁷⁶ Mann, “The Autonomous Power of the State”, s. 191.

güç birarada bulunmaktadır. Buradan yola çıkarak, savaş yıllarında İTC hükümetinin otoriter bir yapısı olduğu savunulabilir.

İTC yönetiminin otoriter yapısının bir göstergesi olarak kanunu muvakkat denilen geçici kanunlar ele alınabilir. Asayiş, suç ve cezalandırmaya dair pek çok konuda geçici kanunlarla işlem yapılmıştır. Bu kanunlar, hükümet içindeki bir grup bakan tarafından, çoğu zaman Meclis-i Ayan ve Meclis-i Mebusanın onayı ve bilgisi olmadan yapılmaktaydı. Buna bir örnek olarak 1914 Kasım'ında geçici bir kanun olarak düzenlenen affın, ancak bir yıl sonra Meclis-i Ayan tarafından tartışılmaya sunulması verilebilir. Bu durum, Ayan üyeleri tarafından şiddetle eleştirilmişti. Ahmet Rıza'nın söz konusu affın tartışılması sırasında sarfettiği cümleler, durumu özetler nitelikteydi:

Bu kanun, 1330 senesi Teşrinievvelinde yapılmış. Musa Kazım Efendinin buyurdıkları gibi olmuş bitmiş bir iştir. Aradan bir seneden fazla bir müddet de geçmiş. O halde bize niçin gönderiyorlar. Eğer bu kanun Ayan ve Mebusan müsaadesi ile yapılacak ise, bunları [mahkumları] salıvermeden evvel bize sormalıydılar...Ayan bu kanunu kabul etmediği takdirde mahkumini toplayıp hapisaneyeye koyacaklar mı? Bu hareket, Heyet-i Ayan ile bir istihza gibi oluyor.⁹⁷⁷

Bu sözlerden de anlaşıldığı gibi İTC her hangi bir kontrol mekanizması olmadan kendi başına kanunlar yapmakta ve uygulamaktaydı. Savaş yıllarında asayiş, suç ve cezalandırmaya dair pek çok uygulama geçici kanunlar şeklinde düzenlendi ve uygulandı. Kısacası, herhangi bir siyasi muhalefetin ve kontrol mekanizmasının bulunmadığı koşullarda hükümetin, Dahiliye Nezareti'nin, Emniyet-i Umumiye Müdüriyetinin ve ona bağlı iç güvenlik güçlerinin takdir yetkisi son derece arttı.

İTC hükümetinin otoriter yapısının ve takdir yetkisinin artmasının bir diğer nedeni de sıkıyönetimin varlığıydı. İstanbul özelinde değerlendirecek olursak, sıkıyönetim savaş dönemiyle başlamamıştı. 1909'da meydana gelen 31 Mart Vakasından sonra İstanbul'da sıkıyönetim ilan edilmiş ve 1912 yılının Temmuz ve

⁹⁷⁷ MAZC, 3/2, 11, 3 Kanunuevvel 1331 (16 Aralık 1915), s. 148.

Eylül aylarını kapsayan üç aylık bir ara dışında savaşın sonuna kadar devam etmişti.⁹⁷⁸ Sıkıyönetimin varlığı şüphesiz emniyet ve asayiş politikalarının radikalleşmesine neden oldu. Dahiliye Nezaretine bağlı bulunan Emniyet-i Umumiye Müdüriyeti ve iç güvenlik güçleri barış döneminde uygulanması neredeyse imkansız olan bir takım güvenlik politikalarını sıkıyönetimin ortaya çıkardığı olağanüstü koşullarda uygulayabildi.

Bu şekilde İstanbul'da kimi grupların tehdit olarak algılandığını ve bu kimselerin şehir dışına çıkarılarak ve/veya kent içerisinde çeşitli denetim mekanizmalarına tabi tutularak kontrol edildiğini görüyoruz. Serseriler, göçmenler ve taşralılar aslında 19. Yüzyıldan itibaren devlet tarafından “tehlikeli sınıflar” ya da Osmanlı belgelerinde kullanılan terminoloji esas alınırca “şüpheli” kategorisi içerisinde değerlendirilmekteydi. Savaş döneminde bu kimselerin İstanbul'daki varlığı özellikle iâşe üzerindeki yükü arttırmaları nedeniyle daha da büyük bir sorun haline geldi. Bu nedenle, asayîşi tehdit ettikleri gerekçesiyle bu kimselerin başkente girmelerinin engellenmesi hususunda çok sayıda kanuni düzenleme yapıldı. Halihazırda şehirde yaşayanların da bir şekilde memleketlerine ya da imparatorluğun başka yerlerine gönderilmesi için iç güvenlik güçleri ve Dahiliye Nezareti yoğun çaba harcadı.

Savaş yıllarında, geleneksel olarak “şüpheli” olarak adlandırılan ve başkentin dışına çıkarılmaya çalışılan gruplara yenileri eklendi. İstanbul'da yaşayan ve savaş öncesinde “olağan şüpheli” kategorisinde değerlendirilmeyen yabancılar buna bir örnek olarak gösterilebilir. Savaş yılları boyunca, çeşitli düzenlemeler ve uygulamaya konan denetim mekanizmaları sonucunda kentteki yabancı nüfus kayda değer biçimde azaldı. İTC hükümetinin belirgin şekilde “şüpheli” kategorisinde değerlendirdiği diğer bir grup ise gayri müslimlerdi. Özellikle Rum ve Ermeni nüfusun kontrol altında tutulması ve zaman zaman “olağan üstü şartlarda asayîşin sağlanması gerekliliği” söylemi çerçevesinde kent dışına çıkarıldığı görüldü. Esasen, İstanbul'da yaşayan Rum

⁹⁷⁸ Tarık Zafer Tunaya, *Türkiye'de Siyasal Partiler: II. Meşrutiyet Dönemi*, Cilt 1 (İstanbul: İletişim Yayınları, 1998), s. 346-348.

ve Ermeni nüfus 19. Yüzyıldan itibaren tehdit olarak algılanmaya başlanmıştı. Ancak, savaş yıllarında, bu unsurlara uygulanan asayiş politikalarının çok daha radikal ve baskıcı olduğu görülmektedir.

Yabancılar ve gayri müslimler siyasi açıdan “potansiyel suçlu” olarak değerlendiriliyordu. Hükümete göre bu gruplar hem devletin bekasını hem de mevcut siyasal iktidarı tehdit eden unsurlardı. Öte yandan, serseriler, göçmenler ve taşralılar adi suçlara meyilli “potansiyel suçlular” olarak değerlendirilmekteydi. Resmi bakış açısına göre, bu kimseler siyasi olmayan, hırsızlık, yankesicilik gibi mülkiyete tehdit oluşturan suçları işleyebilecek nitelikte oldukları için denetim altında olmalıydılar. Ayrıca, bu kimselerin büyük bir kısmının üretici emek gücünün içerisinde yer almıyor olması, devlet tarafından başkent in iaşesi üzerinde bir yük oldukları algısına neden olmuştu. Dolayısıyla, alt sınıfları oluşturan bu toplumsal grupların İstanbul’daki varlığı, İTC hüküme ri için yukarıda sayılan nedenlerden ötürü sorunluydu.

Kısacası, bütün bu toplumsal gruplar – yabancılar, gayrimüslimler, serseriler, göçmenler ve taşralılar – savaş yıllarında kriminal ve/ya siyasi açıdan “potansiyel suçlu” olarak görülmekte ve henüz işlemedikleri suçlar nedeniyle sürekli kontrol altında tutulmaktaydılar. Her ne kadar hükümet in ve güvenlik güçlerinin uyguladığı asayiş ve denetim politikaları, suçların engellenmesi ve asayiş in sağlanması çerçevesinde gerekçelendirilse de; bu politikaların yoğunluğu ve içeriği dikkate alındığında, hükümet in asıl meselesinin, savaş koşullarında başkent nüfusunu kendi siyasi ve sosyo-ekonomik gereksinimlerine göre şekillendirmek olduğu anlaşılmaktadır.

Emniyet-i Umumiye Müdüriyeti’nin savaş yıllarına ait belgeleri incelendiğinde, İstanbul’da uygulanan asayiş politikalarını meşrulaştırmak için kullanılan en temel söylemin ‘suçların engellenmesi’ olduğu görülmektedir. Bu nedenle, bu çalışmada, hükümet in başkentte uyguladığı suç politikası da detaylı bir şekilde ele alınmıştır. Her şeyden önce belirtmek gerekir ki, bu tezde, suç, siyasi olarak tanımlanan ve bağlamsal olarak şekillendirilen sosyo-ekonomik bir olgu olarak görülmektedir. Yani siyasal iktidar ve yasa koyucular tarafından belirlenen suçun ve

cezalandırmanın içeriği ve niteliği üzerinde içerisinde bulunulan tarihsel bağlamın büyük payı vardır. Bu argümandan yola çıkarak savaş dönemi İstanbulu'nda hırsızlık, vurgunculuk ve rüşvet ve bunlara dair hükümet politikası detaylı bir şekilde incelenmiştir. Bu suçların ortak özelliği savaş yıllarındaki ekonomik dinamiklerle yakından ilişkili olmalarıdır.

Hırsızlık (bilhassa adi hırsızlık), kent yaşamında, tarihsel olarak en sık görülen suç kategorisidir. Ancak savaşla birlikte gittikçe ağırlaşan ekonomik koşullar nedeniyle, barış zamanında bile oldukça yaygın olan bu suç, savaş yıllarında – özellikle savaşın son iki yılında – gözle görülür şekilde artış göstermiştir. Polis Mecmuası'nda düzenli olarak yayınlanan suç cedvellerinin ve Emniyet-i Umumiye Müdüriyeti tarafından yayınlanan suç istatistiklerinin ayrılmaz bir parçası olan hırsızlık suçu, savaş dönemi Osmanlı hükümeti tarafından sürekli görünür kılındı. Bu suçun hangi sebeplerle bu denli görünür kılındığı konusunda iki ihtimalden söz etmek mümkün. Birincisi hükümetin ve ona bağlı iç güvenlik güçlerinin bilinçli bir şekilde hırsızlığın üzerine gittiği ve bu suçu engellemeyi hedeflediği ihtimali. Ancak hırsızlık suçuna dair uygulanan politikalar bir bütün olarak değerlendirildiğinde asıl hedefin bu olmadığı açık. Herşeyden önce, savaş yıllarında, hırsızlıkla ilgili herhangi bir caydırıcı hukuki düzenlemeye ratlamıyoruz. Oysa, İTC hükümetinin özellikle kendi iktidarına ve devletin bekasına tehdit olarak gördüğü pek çok meselede çeşitli hukuki düzenlemeler yaparak bu suçların cezalandırılması konusunda savaş yıllarında radikalleştiği tespit edilmiştir. İstanbul halkının gündelik hayatını ciddi anlamda olumsuz yönde etkileyen hırsızlık suçuna dair herhangi bir ek düzenleme yapılmamış olması, hükümetin ve güvenlik güçlerinin bu suçu engellemek ya da azaltmak amacıyla kararlı bir mücadeleye girşmediklerini göstermektedir. Bu argümanı destekleyecek bir diğer veri ise hırsızlık suçundan dolayı hapis yatanların ceza süreleridir.

İstanbul Hapishane-i Umumi verilerine göre, 1915 ve 1916 yıllarında bu hapishanede adi hırsızlık suçundan dolayı hapis yatanların 2 ila 3 yıl arasında cezaya çarptırılmakta olduğunu, ancak 1917'den itibaren adi hırsızlık için hapis süresinin altı

aya kadar indirildiğini görüyoruz.⁹⁷⁹ Yani İstanbul'da hırsızlık vakalarının sayısı artarken verilen cezaların hafifletilmişti. Ayrıca savaş boyunca peş peşe gelen aflar sayesinde hırsızların hemen hepsi hapse girdikten kısa süre sonra hapisten çıkmışlardır. O zaman devletin neden bu suçu bu denli görünür kıldığına dair ikinci ihtimale gelmek zorundayız. Bunun için de öncelikle hırsızların sosyo-ekonomik sınıflarını analiz etmekte fayda var.

Emniyet-i Umumiye Müdüriyeti'nin suç istatistiklerine göre, 1917 yılının Ocak ayında İstanbul'da 543 hırsız yakalandı.⁹⁸⁰ Bu hırsızlardan 196'sı işsiz, 114'ü ise işçi olarak kaydetti. 121'i ise zenaatkar olarak kayıtlara geçti. Bu kimselerin de savaş koşullarında yeterince para kazanamayan ve yoksullaşan kimseler olduğu düşünülürse 543 hırsızdan 431'i alt sınıflardan insanlardı. Aslında yalnızca savaş dönemlerinde değil barış zamanında da hükümetlerin alt sınıfları mevcut sosyo-ekonomik sisteme bir tehdit olarak gördüğünü düşünürsek, devletin, bu tür istatistiksel verilere dayanarak alt sınıflara uyguladığı baskıcı politikalarını meşrulaştırdığını söyleyebiliriz. Daha açık ifade etmek gerekirse, İTC hükümeti, savaş döneminde kent yoksullarına uyguladığı baskıcı politikaları ve denetim mekanizmalarını bu tür istatistiklere dayanarak gerekçelendirmekteydi. Emniyet-i Umumiye Müdüriyeti belgelerinden açıkça anlaşıldığı gibi, savaş yıllarında çok sayıda serserinin İstanbul'dan sürülmesi, yine alt sınıftan olan göçmenlerin ve taşralıların kente girişlerinin yasaklanması, kentte bulunanların da sürekli kontrol altında tutulmaya çalışılması bu politikaların bir yansımasıydı. Belgelerde bu tür uygulamaların gerekçesi neredeyse hep aynı şekilde ifade edilmişti: bu kimselerin kentin asayişini ve güvenliğini tehdit etmekte olduğu. İşte bu noktadan yola çıkarak, hükümetin ve güvenlik güçlerinin bu tür istatistiksel verilere dayanarak alt sınıflara mensup kimselerin, kentte artan hırsızlık ve benzeri suçları daha da arttırabileceği varsayımıyla politika ürettiği, yine görünür kılınan verilere referansla adı hırsızlıkların mağduru olan alt sınıflardan aynı sınıfa uygulayacakları baskıcı politikaları için rıza aldıkları görülmektedir.

⁹⁷⁹ BOA.DH.MB..HPS.159/35, 15 Şevval 1333 (4 Ağustos 1917).

⁹⁸⁰ BOA.DH.EUM.ADL.30/20, 12 Cemaziyelevvel 1335 (6 Mart 1917).

Burada bir parantez açarak belirtmek gerekir ki, bu çalışmada kullanılan sayısal veriler, Dahiliye Nezareti'ne bağlı Emniyet-i Umumiye Müdüriyeti tarafından hazırlanan istatistiklerden ve aynı kurum tarafından süreli yayın olarak çıkarılan Polis Mecmuası'nda periyodik aralıklarla yayınlanan suç cedvellerinden derlenmiştir. Dolayısıyla bu veriler, devletin yayınladığı verilerdir ve bu nedenle bu rakamlara ihtiyatla yaklaşmak gerekmektedir. Çünkü istatistiksel veriler yalnızca devlet politikalarını oluştururken değil aynı zamanda bu politikaları meşrulaştırmak için de kullanılır. Mesela yalnızca bu istatistiksel verilere bakarak bir analiz yapılacak olunsaydı, savaş sırasında İstanbul'da vurgunculuğun olmadığı sonucuna varılırdı. Öyle ki, savaş yıllarında İstanbul'da oldukça yaygın bir suç haline gelen vurgunculuk, savaş boyunca hiçbir şekilde suç cedvellerinde yer almamıştı. Ayrıca, hırsızlıkla ilgili çok sayıda haberin ve makalenin yayımlandığı Polis Mecmuası'nda vurgunculukla ilgili herhangi bir habere ve/ya makaleye yer verilmemişti. Oysa Büyük Savaş boyunca İstabulluların gündelik hayatını belki de en çok etkileyen suç kategorisi, kıtlığa, aşırı fiyat artışlarına, hastalıklara ve hatta ölümlere yol açan vurgunculuktu.

İTC hükümetinin bu suça yaklaşımı, suç politikasına dair önemli ipuçları vermektedir. İTC hükümeti, savaşın ilk yılında bir problem ve suç kategorisi olarak vurgunculuğun başkentteki varlığını neredeyse tamamen reddetmekteydi. Ancak İstanbul'da, vurgunculuğun ve buna bağlı problemlerin gittikçe artması üzerine, 1915 yılının sonlarına doğru bu suçun varlığı resmi olarak kabul edildi. Hükümet her ne kadar vurgunculukla mücadeleye girişeceğini her fırsatta yinelese de, 1917 yılının bahar aylarına kadar bu konuda herhangi bir somut adımın atılmadığını özellikle Meclis-i Ayan tartışmalarından öğrenmekteyiz. 1917 yılının ikinci yarısından itibaren alınan önlemler ise genellikle küçük esnaf ve gayrimüslimleri hedef alan, günü kurtarmaya yönelik ve caydırıcı nitelikte olmayan önlemlerdi. Asıl mesele, İTC hükümeti tarafından, vurgunculuğun, tam anlamıyla bir suç kategorisi olarak değerlendirmemesiydi. Bu argümanı destekleyecek bir konuşma 1917 yılının Mart ayında Maliye Bakanı Cavid Bey tarafından Meclis-i Ayan'da yapılmıştır. Cavid Bey şöyle der:

Bir de ihtikardan ne anlayacağız? İhtikar-ı adi mi ihtikar-ı kanuni mi? İhtikarın mana-yı kanunisi, her hangi bir malın miktar-ı mevcudunu iddihar [saklamak] ile o malı bilahare yüksek fiyata satmak demektir. Fakat muharebe esnasında fiyatı yükselmeyen hiçbir şey yoktur ve yüksek fiyatla eşya satanları tevbih ve muahaze etmek [suçlamak] doğru olup olmadığını bilmiyorum...Bu eşyayı hiç bulamamaktan yüzde elli nisbetinde pahalı olarak bulmayı tercih ederim.⁹⁸¹

Her ne kadar, Cavid Bey'in ve genel olarak hükümetin vurgunculuğa karşı tavrı yukarıda aktarılan bakış açısı etrafında şekillenmiş olsa da 1917 yılının Bahar aylarında İstanbul'daki sosyo-ekonomik eşitsizlik göz ardı edilemeyecek boyutlara varmıştı. Ayan üyesi Salih Paşa, İstanbulda çok az sayıdaki ailenin günde beş öğün yemek yerken, geniş halk kitlelerinin beş günde bir yiyecek kuru ekmeği bile zorlukla bulduğunu söylüyordu.⁹⁸² Varolan ekonomik zorluklardan en çok etkilenenler şüphesiz ki kent yoksulları ile sabit gelirli memurlardı. Bu iki grup aslında başkent nüfusunun çoğunluğunu oluşturuyordu. Sıradan halk kitleleri savaşın getirdiği zorlukları en ağır biçimde deneyimlerken, İTC'ne yakın olan esnaf, bürokrat ve savaştan kar sağlayan küçük bir kesim lüks içinde yaşamaktaydı.⁹⁸³ Başkent halkının bu duruma karşı tepkisi artmaya başladığında, İTC hükümeti daha somut adımlar atmak zorunda kaldı. 1917 Nisan ayında vurgunculuk ve fiyat artışının engellenmesi için bir kanun yapıldı. Ancak bu kanunun ne derecede etkili olduğunu tahmin etmek oldukça güç. Çünkü, savaş sonuna kadar fiyat artışları devam etti. 24 Mayıs 1917'de Dahiliye Nezaretine bağlı Men'i İhtikar Heyeti adında vurgunculukla mücadele eden bir heyet kuruldu. Ancak bu heyetini yetki alanı yurt dışından gelen yiyecek dışı tüketim maddelerini kapsıyordu. Yani, vurgunculuğun asıl konusu olan temel gıda maddelerine dair herhangi bir yaptırım yoktu. Aslında savaş sonuna kadar alınan hiç bir önlem, İstanbul'da vurgunculuğun engellenmesini ya da kontrol altına alınmasını sağlayacak türde

⁹⁸¹ MAZC, 3/3, 47, 22 Mart 1333 (March 22, 1917), s. 313.

⁹⁸² MAZC, 3/3, 31, 6 Şubat 1332 (February 19, 1917), s. 500.

⁹⁸³ François Georgeon, "Gülüşün ve Gözyaşlarının Kıyısında", *İstanbul, 1914-1923*, Stefanos Yerasimos (ed), (İstanbul: İletişim Yayınları, 1997), s. 82.

değildi. Ahmet Rıza'nın Meclis-i Ayan'da yaptığı bir konuşma mevcut durumu özetler nitelikteydi:

Dört seneden beri işe mütealikle yapılan kanunlar, ittihaz edilen tedbirler de hep akim (sonuçsuz) kaldı...Suiistimal, hırsızlık, aleni irtikab, küçük büyük spekülasyon gittikçe arttı. O derece ki kanunlar, kararlar menafi-i şahsiyeye (kişisel çıkar) temine hizmet etmekten başka bir şeye yaramadı. Ahali geçen sene erzak tedarikinde müşkilat çekmişti, bu sene ne yapacağını büsbütün şaşırıyor. Ne yiyeceğini, kime müracaat ve şikayet, hangi kanuna tevfiğe hareket, hangi memurun sözüne, Hükümetin mi gayr-i resmi şirketlerin, cemiyetlerin mi, kimin ermine itaat edeceğini bilemiyor...Bu müsavatsızlık (eşitsizlik) kanunların tatbikatında da görülüyor. 14 kuruştan yukarı mubayaa edilmediği (satılmadığı) resmen bildirilen şekeri 250 kuruşa kadar satan, mazhar-ı himaye oluyor, 20 paralık kibriti 30 paraya satan, Divan-ı Harbe sevk ediliyor. Biri yer biri bakar, kıyamet ondan kopar derler. Biri mazhar-ı muavenet ve iltimas olarak kazandığını zevk ve safahat aleminde bol bol israf ediyor, diğeri geceleri karanlık ve soğuk bir odada aç uyuyor⁹⁸⁴

Bu alıntıda açıkça belirtildiği gibi, vurgunculuğun engellenememesi, kanunların düzgün uygulanmaması ve savaş boyunca gittikçe yaygın hale gelen rüşvet, halkın dayanma gücünü zorlayacak bir seviyeye ulaşmıştı.

Bu tezde ayrıntılı olarak incelenen bir diğer suç kategorisi rüşvettir. Hükümet ve güvenlik güçleri bu suçun varlığını kabul etmekteydi. Suç cedvellerinde ve suç istatistiklerinde bu suça dair sayısal veriler yer almaktaydı. Ancak devlet tarafından yayınlanan verilerin, anılar ve diğer bazı kaynakların bu konuyla ilgili verdiği bilgiyle uyumluluk göstermediği görülmektedir. Anılara ve döneme ait diğer kaynaklara göre, İstanbul'da rüşvet savaş yıllarında gözle görülür biçimde artmıştı. Ancak Polis Mecmuası'nda yayınlanan rakamlara göre rüşvet vakalarının sayısı oldukça düşüktü. Aslında, savaş dönemi ekonomik parametreler – aşırı fiyat artışı, memur maaşlarına enflasyonla orantılı zam yapılmaması, sabit gelirlilerin her geçen gün alım gücünün azalması – gözönüne alındığında, rüşvetin artmış olduğu varsayımı rahatlıkla yapılabilmektedir. O halde, resmi verilerde yeralan rakamlar tam anlamıyla gerçeği yansıtmamaktaydı. Öyleyse rüşvet vakalarının sayısal verilerinin, bu suçun

⁹⁸⁴ MAZC, 3/4, 7, 26 Teşrinisani 1333 (26 Kasım 1917), s. 81.

olduğundan daha az gösterilerek görünür kılınması, hükümetin bilinçli bir stratejisi olarak değerlendirilmelidir. Bu şekilde hükümet bir taraftan bu suçla karşı duyarlılığını gösterirken diğer taraftan düşük suç oranlarına referansla aslında o kadar da önemli bir suç olmadığını vurgulamaktaydı.

Sonuç olarak hırsızlık, vurgunculuk ve rüşvet savaş yıllarının ekonomik dinamikleriyle yakından ilişkili suç kategorileriydi. Hükümetin bu suçların azaltmak ve/ya engellemek için nasıl bir politika izlediği ise daha genel ekonomi politikaları ile yakından ilişkiliydi. Aslında bu suçların engellenmesi ya da azaltılması oldukça kapsamlı yapısal değişikliklerle mümkündü. Örneğin vurgunculukla kararlı bir mücadele sonucunda bu suçun kontrol altında tutulması mümkündü. Bu yapıldığı takdirde fiyat artışları bir nebze de olsa engellenecek, daha düzgün dağıtım mekanizmaları ile herkes en azından temel gıdalara ulaşabileceği için hırsızlık azalacaktı. Diğer taraftan sabit gelirli memurların alım gücü ciddi şekilde azalmayacağı için rüşvet de yaygınlaşmayacaktı. Ancak hükümet, vurgunculukla mücadele etmemeyi, 1917 yılının ortalarına kadar ısrarlı bir şekilde tercih etti. Bunun en önemli sebebi vurgunculuk ile elde edilen birikimin, savaş boyunca iâşe işlerinin yönetimini üstlenmiş olan Kara Kemal ve onun emri altında bulunan esnaf cemiyetleri tarafından, milli şirketlerin kurulmasında kullanılmasıydı. İTC, 1916 yılındaki kongresinde bu ilişkiler zincirini doğrulayarak iâşe işlerinden sorumlu olan Heyet-i Mahsusa-i Ticariyye'nin iâşe işlerinden elde ettiği gelirin, milli şirketlerin ve Milli İktisat Bankasının kurulmasında kullanıldığını açıkça kabul etti. Bu açıdan bakıldığında spekülâtif ticaretle uğraşan esnaf aslında milli burjuvazinin kurucu unsurlarını oluşturmaktaydı. Bu nedenle, İTC'nin vurgunculukla ciddi bir şekilde mücadele etmesi, ekonomi politikasına ters düşmekteydi. Sonuç olarak kent sakinlerinin gündelik hayatlarını en çok etkileyen suç kategorileri hakkında hükümet neredeyse hiç bir somut adım atamamıştı. Hükümetin hem bu suçlara dair politikası hem de dağıtım ve iâşe işlerindeki başarısızlığı derin bir öfkeye ve huzursuzluğa yol açmıştı.

Öte yandan, İTC, savaş yıllarında, kendi yönetiminin devamlılığı ve devletin bekası konusunda gittikçe hassaslaştı. Kendi varlığına tehdit oluşturan suçlara karşı giderek daha radikal tedbirler aldı. Bu konularda çok sayıda düzenleme yaptı. Nüfus üzerine uygulanan politikalar ve özellikle azınlıklar ve yabancılara yönelik uygulamalar bunun bir kanıtıdır. Kısacası, savaş, İTC'ne hem takdir yetkisini arttırması açısından hem de devletin kendine tehdit olarak algıladığı ufak tefek suçlar hakkında bile radikal cezalar uygulayabilmesi açısından oldukça “elverişli” bir ortam hazırladı.

Bu tezde, İTC hükümetinin suç ve cezalandırma politikasının son bileşini olarak aflar ele alındı. Savaş boyunca geleneksel aflardan farklı nitelikte çok sayıda af çıkarıldı. Hükümetin bu aflar konusundaki temel gerekçesi artan hapisane nüfusunun azaltılmasıydı. Ancak 1915 yılının Mart ayında yayınlanan bir geçici kanun, afların ardındaki tek gerekçenin hapisanelerdeki nüfusun azaltılması olmadığını göstermekteydi. 1917'de kanunlaşacak olan bu geçici kanuna göre, orduda görev almak isteyen tecavüz suçluları ve siyasi suçlular hariç tüm suçluların cezalarının ertelenecekti. Yani devlet, suçluları orduda istihdam etme kararı vermişti.

Aslında burada bahsedilen düzenli ordu değil gönüllü birliklerden oluşan Teşkilat-ı Mahsusa çeteleridiydi. Bu çeteler hem orduya cephe savaşında yardım etmekteydi; hem de düşmanı içerden çökertme amacıyla istihbarat toplama, düşman devletin sınırları içerisindeki müslümanları propaganda yöntemiyle örgütleme ve ülke sınırları içerisinde bulunan ve devlet tarafından sadakatsiz olarak görülen azınlıkların bastırılması ve yıldırılması gibi işlevlere sahipti. Bu işlevleri ve kullandıkları yöntemler açısından, bu birliklerin ellerindeki gücü kötüye kullandıkları ve bir çok açıdan suça dahil oldukları görülmektedir. Bir taraftan dönemin anılarından bir kısmına ve son yıllarda yapılan çeşitli tarih çalışmalarına göre Ermeni katliamlarında etkin rol oynamışlar, diğer taraftan hırsızlık, yağma ve cinayet gibi suçlara karışmışlardı. Ayrıca hem aflarala hem de bu kanunla hapisanelerden çıkan çok sayıda mahkum başkentin sosyal hayatına dahil olmuştu. İstanbul'da suç oranlarının savaşın son iki yılında büyük bir artış göstermesi şüphesiz bu politikalarla yakından

ilişkiliydi. Kısacası savaş yıllarında imparatorluğun başkentinde suç açısından bir sarmal olduğu ve İTC'nin suç ve cezalandırma politikasıyla bu sarmalın hem oluşmasında etkili olduğu hem de bir şekilde onun bir parçası haline geldiğini görülmektedir.

Sonuç olarak büyük savaş sonunda Osmanlı'da devlet-toplum ilişkileri büyük ölçüde bozulmuştu. İTC, bir taraftan asayiş ve emniyet politikalarıyla altyapısal iktidarını güçlendirmeye çalışırken diğer taraftan bu politikaları son derece otoriter şekilde uyguladı. Ayrıca savaş boyunca uygulanan suç politikası sonucunda İstanbul'da suç oranları arttı. Sıradan halk, hükümetin politikalarından son derece rahatsızdı. Mustafa Kemal'in 1917 yılının Eylül ayında Enver Paşa'ya sunduğu muhtıradan durumu vahemeti anlaşılmaktadır. Bu muhtıradan şöyle denmiştir:

Hükümetle halk arasındaki bağlar tamamen çözülmüştür. Halk dediğimiz şey bugün kadınlardan, sakat erkeklerden ve çocuklardan ibarettir. Bunların hepsinin gözünde hükümet, kendilerini açlığa ve ölüme sevkeden kuvvettir. İdari mekanizma otoritesini kaybetmiştir. Umumi hayat anarşi içindedir. Hükümetin attığı her adım, halkın kendisine karşı olan nefretini arttıracak yolda tesirler yaratmaktadır. Bütün memurlar rüşvet kabul ediyor ve her türlü yolsuzluğa alet olmaya hazır bulunuyor. Adalet mekanizması tamamen durmuştur. Emniyet kuvveti işlemez haldedir. İktisadi hayat korkunç bir hızla çöküntüye doğru gidiyor. Ne halkın ne de hükümet memurlarının yarına güvenleri yoktur.⁹⁸⁵

Tüm bunlar, savaşın kaybedilmesiyle birleşince, İTC, İstanbul halkının gözünde meşruiyetini neredeyse tümüyle yitirmiştir.

⁹⁸⁵ Yalman, *Yakın Tarihte Gördüklerim ve Geçirdiklerim*, s. 290.

APPENDIX M: TEZ FOTOKOPİSİ İZİN FORMU

ENSTİTÜ

- Fen Bilimleri Enstitüsü
- Sosyal Bilimler Enstitüsü
- Uygulamalı Matematik Enstitüsü
- Enformatik Enstitüsü
- Deniz Bilimleri Enstitüsü

YAZARIN

Soyadı : Dölek Sever
Adı : Deniz
Bölümü : Tarih

TEZİN ADI (İngilizce) : War and Imperial Capital: Public Order, Crime and Punishment in Istanbul, 1914-1918.

TEZİN TÜRÜ : Yüksek Lisans Doktora

1. Tezimin tamamından kaynak gösterilmek şartıyla fotokopi alınabilir.
2. Tezimin içindekiler sayfası, özet, indeks sayfalarından ve/veya bir bölümünden kaynak gösterilmek şartıyla fotokopi alınabilir.
3. Tezimden bir bir (1) yıl süreyle fotokopi alınamaz.

TEZİN KÜTÜPHANEYE TESLİM TARİHİ: