

Surveillance and the transformation of public sphere in the Ottoman Empire

Ferdan Ergut

History Department, Middle East Technical University, Ankara, Turkey.

Abstract

This article aims to historicize the transformation of the public sphere in the late Ottoman Empire as an unintended consequence of the surveillance practices of the state. This transformation is explained with reference to two crucial large scale processes: state-making and capitalism. It takes the police and policing practices of the state as an arena within which the struggle over the control of the public sphere was waged. By analyzing those practices especially in relation to two different social groups - vagrants and workers- the article aims to show how the penetration of the state into the daily lives of the people and the intrusion of capitalism into the relations in the work place effect the transformation of what is "private" and what is "public". The story of this transformation in the Ottoman Empire is the story of the dissolution of the traditional social control systems, such as guilds, neighborhood and family.

Keywords: Police, state, public sphere, Ottoman Empire, surveillance, workers, vagrancy.

1. Introduction

I will focus in this article on the struggle between state and societal forces waged over the issue of who will get the upper hand in social control mechanisms. The outcome of this struggle is very effective in construction of the public sphere. As Quataert writes "control of public space should be understood as an extension of the struggle for political clout and social pre-eminence" (2000: 154-155). The struggle that Quataert mentions can most clearly be observed by

examining surveillance practices of the Ottoman Empire through public order policing, especially the policing of the vagrants and of the labor. I should note that, I think of this process as the *unintended consequence* of the struggle among various actors, including the state.

Vagrancy statutes are the principal means for the police in controlling the lives of the poor. They are “liable to indiscriminate use because such laws refer to a condition or subjective state rather than an objective set of behaviors. In effect, this amounts to judging the person rather than an act (Hagan 1994: 3). Similarly, the regulation of the work force in the name of public order gives very important tools to the state to control the leisure activities of the poor. We will see how and why the issues related to workers were perceived as public order issues in the Ottoman case. I will also analyze one crucial dimension of those regulations that would help us to understand the development of capitalism in the Ottoman Empire: the separation of the economy from the “political”.

Although the police are considered as public force, policing historically existed in both public and private spheres. Especially in those times when the state lacked “infrastructural power” there were entities, which had the capacity and will to maintain order in both of these spheres. As Shearing states eloquently, “over time, one of these entities, the nation-state, has obtained supremacy over the definition of both these spheres. It has defined itself as the ultimate guarantor of order within the territorial boundaries defined by the network of states. States, in seeking to realize their claims to supremacy have sought to set limits on what private entities can do to preserve peace” (Shearing 1993:206).

The institutionalization of a centralized police force is intimately linked with the distinction between the “public” and the “private.” In fact, this distinction is the basis of all kinds of bureaucracies, irrespective of their traits (Silberman 1993: 418). It is not a coincidence, therefore, to observe a striking correlation between major surges in professionalism and the changes from private to public auspices in policing. Especially as the traditional structures lose their vitality, a reliable instrument of forceful regulation is required (Bayley 1985: 50).

However, state-making is not the only causal variable to explain the police and policing in a particular context. We have to consider also the development of capitalism. As far as policing is concerned its net effects can be observed on two dimensions: capitalism causes modifications in law and related areas such as the definition of crime

and deviance (Giddens 1981; 1987) and by introducing the working class into the arena, capitalism forces governments to be more sensitive to their control. As the poverty increased and became more visible under the conditions of capitalism so as the crime. “There reemerged a fear of the ‘dangerous classes’, a term used to describe those who posed a threat to ‘law and order’ and, of course, to those who stood most to gain from the newly emergent capitalist society” (Hester and Eglin 1992: 149).

One consequence of all these interactions between state agents and the people is the re-definition of the “public” and “private” spheres, which has important repercussions for policing. Understandably, the police can rarely intervene in the private sphere. If it does, it faces strong resistance. This is largely because of the special characteristic of ‘private places,’ which Stinchcombe defines as follows: “[T]he legal existence of ‘private places’ ... is the main source of the capacity of small social systems to maintain their boundaries and determine their own interaction without interference from the outside.... Access to private places itself [is a] sufficient evidence that a man has a legitimate relation to the social structure” (Stinchcombe 1963: 151). The basis of the present discussion is the familiar distinction between *Gemeinschaft* and *Gesellschaft*. In this context, rural areas, as far as they form “small social systems,” can be considered as “private places.” Under such conditions, it is unlikely that people will appeal to law and/or its enforcement. Even if they appeal to state law, law-enforcement agencies will themselves be reluctant to interfere in a domain perceived as ‘private.’ The conceptualization of privacy is crucial for understanding different police behaviors in different contexts. A study conducted on the concept of ‘privacy’ in different cultures can lead to interesting results. In a liberal society, such as the United States, the police had no concern for the rule of law in arrest, search, interrogation, etc. for the entire nineteenth century. There was only one exception: A rising concern of testimony by suspects (Walker 1993: 35).

In a paternalistic traditional society, on the other hand, the search of private houses might be the most sensitive issue from the very beginning. In traditional societies, like the Ottoman society, neighborhood (*mahalle*) was considered as “private” sphere. The dead end or very narrow streets were closed to outsiders. Nobody could even enter to *mahalle* without giving the name of at least one resident as reference (Aydın et al. 2005: 278). As we will see below, the perception of “privacy” is crucial both to understand the surveillance

practices of the state and hence, the transformation of the public sphere.

In short, one can expect that, during the initial periods of state formation, more domains are treated as 'private.' As the state consolidates itself, the number of public domains increases. This may occur also because of economic changes. With the dissolution of traditional social structures, the demands on the police increase: "Thinking themselves more vulnerable to incursion from the larger society, they extend moral demand and expectations to a wider environment than in the past was thought relevant to daily life" (Silver 1967: 22).

2. "Public" and "Order" in public-order policing in the Ottoman Empire

The definitions of "private" and "public" spheres are constantly at work in public order policing. This is because of the special character of the term "public order." Public order "crimes" are widely open to definition in which many actors involved in the defining process. The outcome of struggles over the definitions of public order crimes, consequently, reflects the power relations within a society and the character of the regime. The lives of those who do not belong to any corporate body such as a family, guild, factory, etc., were treated as "public" and their lives were opened to police intervention. The police themselves justify their policing practices according to the dominant perceptions of "public" and "private" spaces. Furthermore, detection of "disorder" is in itself a subjective judgement that is difficult to disprove. In this sense, public order issues increase the discretionary power of the police. In public order issues, the police "derive their authority from enforcing a 'public interest' that resides neither in politics, nor in law, nor in entrenched constitutional liberties but in traditional beliefs about power and class" (Uglow 1988: 85). It is this problem in which the class character of the police can be detected. The distinction between the "private" and "public" presents a convenient ground for differential treatment of people by the police.

In what follows, I will present the changes in the policing practices of the Ottoman state which would both reflect and shape the Ottoman public sphere. Irrespective of particular social, political or cultural contexts, the policing practices of every pre-modern state (i.e. those who were administered by indirect rule) can be considered as *collective responsibility*. The most common feature of this practice

was to impose a certain amount of money as a fine when a criminal was not caught and returned to state agents by the local population. There are countless documents in the archives on this issue. One shows that, for example, in 1810, the people of an Ankara district were fined 100,000 piasters upon failing to hand over the wanted criminals (CT no.1797). From another document, we understand that the state was able to collect that money. The people of another region, this time in Erzincan, paid 20,000 piasters to the state as a fine for the death of a Janissary in their region (CT no.1530).¹

It was obvious that the state was aloof from the surveillance of the daily life and delegated its policing functions to private initiatives. Its authority was limited to extracting fines when the local population failed to fulfill their 'responsibility.' As Weber wrote "The method of imposing a collective responsibility for the performance of public duties is ... a response to the administrative problems of a regime that does not possess a coercive apparatus extensive enough to enforce the personal liability of the political subjects but instead assigns the power of enforcement to compulsory liturgical associations" (Bendix 1960/1977: 340).

The institution of "collective responsibility" was the inevitable result of what Stinchcombe (1963) calls the "institutions of privacy," which was a major obstacle for the police to take an active role in most of the situations. The distinction between "public" and "private" spheres is crucial in determining the role of the police in a society. The police can only intervene in a situation if it happens in a place considered as public sphere. Otherwise, they are confronted with the established patterns of social relations. Police have developed a variety of strategies for circumventing the constraints of the institutions of privacy. "Central among these have been strategies that have sought to persuade citizens, with access to private places, to do the watching for the police and report what they know to them" (Shearing 1996: 289).

It was the *mahalle imami* (the religious leader of the local community)², who had "access to private places" in an Ottoman city. Hence, in order to better analyze how the system of collective

¹ In order to see the universality of this practice in every pre-modern state it is suffice to give an example from feudal England, possibly the most irrelevant case in comparison to the policing in the Ottoman Empire. "If any member of the group committed a crime, the others had to produce him for trial; if they failed to do so they could be fined or called upon to make compensation" (Critchley 1967: 2).

² Religious leader was rabi for the Jewish and priest for the Christian neighborhoods.

responsibility worked in the Ottoman cities, it seems necessary to understand its basic unit, i.e. *mahalle* (neighborhood). As in the other parts of the Middle East the Ottoman city was not a unified social entity. It was rather, a combination of distinct *mahalles*. According to the official Ottoman definition a *mahalle* was the city district where a community who belongs to the same *mescid* (small mosque) was living (Oğuzoğlu 2000: 136).

The basic elements of surveillance based on collective responsibility were the communitarian ethos of *mahalle* and the family. Neighborhoods were the basic unit in policing the cities and *imams* were responsible for organizing the community for maintaining order. Each person was designated as responsible for another one. Their names were registered. If the perpetrator of a crime could not be found then the whole neighborhood and its *imam* were held responsible (Çadırcı 1991: 71). Because of some corrupt activities of *imams*, from 1830s onwards, *muhtars* had been introduced next to *imams* for the administrative tasks of the neighborhood, including maintaining public order (Çadırcı 2007: 11-15).

In addition to *imams*, the stifling communitarian ethos also helped the police for circumventing the “institutions of privacy.” In many cases the testimony of the respectable persons from *mahalle* determined the decision of the court. In these cases, *kadı* acted just as a notary. If the people of the neighborhood refused to stand surety (*tekeffül*) for the accused that would be enough for his or her punishment (Oğuzoğlu 2000: 136). People can easily be expelled from their neighborhoods because “they were not attending mosque regularly,” or “their wives were loose.” Furthermore, people who did not comply with the “community norms” were stigmatized by blackening their doors (Ergenç 1984 and 1999). In short, it seems that prosecution was probably used in few cases and state officials actively took part in *not* invoking the ‘state law.’

So, arguably the experience of the Ottoman Empire in public order policing points to similar trends to those in other pre-modern states. It operated strictly on the basis of distinction between “private” and “public” spheres. The basic task of the ‘policemen’ was defined as maintaining public order whereby the ‘public’ seems to have been defined in a limited fashion, which left aside most of the domains into which a police force in our times would normally interfere.

3. Law as a field of struggle

The traditional legal structure of the Empire is illustrative of the extent of the state penetration into society. Especially in indirect rules, this aspect of law becomes more apparent. In this kind of rule, cooperation between the state and intermediaries is essential. "For the cooperation to be effective, however, a chain of legal liability had to be forged between the masses, their immediate overlords, and the dominant elite" (Spitzer 1993: 574). If informal process accommodation exists in a society, the people will unlikely be appealing to law. Bayley writes "the gravity of problems will have to be greater to justify an appeal to the police when communities are close and personal relationships intense" (Bayley 1985: 133).

It is in this context that I find it significant to mention the intimate link between the process of state formation and the reorganizations in the field of criminal law in the Ottoman Empire. If we look at the registers of that allegedly almighty *kadı* during the sixteenth century, we will see that although there were many criminal cases, they contain only a record of bare facts of cases and no verdict without exception. "There is no instance of someone's actual trial for murder" (Gerber 1994: 67). Gerber states that "this pattern is repeated again and again - the *kadı* hears the case but does not decide one way or the other" (Ibid. 67). In seventeenth and eighteenth centuries, *kadis* started to deliver verdicts in most of the criminal cases. However, in many cases, he behaved according to custom rather than to law, allowing the relatives of a murdered person to decide the punishment (Ibid. 72).

Gerber's findings are mostly from Bursa. However, the observations from other areas also support his findings. Relying on the evidence from the eighteenth century Ottoman Selonica, Ginio argues that most of the cases were solved through compromises reached with the help of mediators and *kadı*'s role was confined to validating these compromises (Ginio 1998: 192).

This indicates that deviance control and order maintenance were mostly treated as local matters. We should remember the fact that the criminal law of the state is only one of the responses amongst the many to the problems of deviance. As Tamdoğan-Abel shows for the eighteenth century Adana, in many cases, the problems were solved within the communities (families or *mahalle*) without going to court (2000: 401).

When we come to the nineteenth century, on the other hand, we see a state, which tries to get the upper hand in controlling the daily lives of the people by introducing the concept of “public crimes” for those violations, which were previously considered as “private.” The turning point was *Tanzimat* in 1839. Equality before the law was introduced into the Penal Code in 1840, in accordance with the *Tanzimat* Edict. Yet the decisive organization in these terms came with the new Penal Code enacted in 1851. Those people who wrote the Penal Code were from the reformist wing of the bureaucracy and they also wanted to write the civil law. However, indicating the fierce struggle between the traditional and modern bureaucrats within the Empire, their stance was not accepted and the conservative scholars won the battle. And the Civil Code (*Mecelle*) was written according to the Islamic law³. The chair of the commission who codified the *Mecelle*, Cevdet Paşa, mentions in a letter, his struggle with those who tried to “imitate” the French civil law. We also know that the reception of a “*code civil*” (or *code Napoleon*) was the stance taken by the leader of the reformist bureaucracy, Ali Paşa (Veldet 1940: 187 and 200). Although the *Mecelle* was intended to be a “civil law,” most of the crucial issues that should have been incorporated such as individual, family, inheritance and property rights were excluded and left to the Islamic jurisprudence (*fikih*) (Ibid. 191).

The struggle which was waged on the legal issues can be illustrated with reference to a particular new regulation introduced by Penal Code of 1851. As was stated previously, in the classical legal system of the Ottoman Empire, most of the crimes were treated as private matters and in most of the cases, *kadıs* did not give any verdict and allow the family members who were effected from the crime to decide punishment. It was only with this Penal Law that the state became responsible for deciding the punishment even if the plaintiff withdrew the case. That means, “with the abolition of a principle of the Islamic criminal law which was, in fact, part of the private law, the concept of ‘public prosecution’ took its place in Turkish legal system” (Üçok-Mumcu 1987: 322).

The dialectical (and contentious) history of the state formation resulted in the inclusion of “personal crimes” of the previous period into the field of public law. That was an indication of a coming era when the state would attempt to gain control of public order issues.

³ Writing of *Mecelle* (collection of codes) started in 1868 and ended in 1876.

However, because of the delicate balance of power between the state and the strongmen in the nineteenth century, the former had to leave many aspects of the private law as part of the classical Islamic law which enabled the latter to impose their own strategies of social control on to local groups. The fact that the *Mecelle* eschewed regulating these aspects is a clear indication of Cevdet Pasha and his friends' despair and their helplessness in daring to intervene in "private" spheres of Ottoman people (Ortaylı 2000: 143). It seems that the story of the state formation in Turkey from empire to republic can be fruitfully told as the story of the extension of the public over the private sphere. The *Tanzimat* was the transitory phase of this history.

4. Redefinition of public/private distinction: The period of committee of union and progress (1908 – 1918)

Starting with the mid-nineteenth century and reaching its apex at the beginning of the twentieth, with the first bourgeois revolution of Turkey in 1908, the context within which the police was situated changed drastically. One can feel the change just by looking at the enormous increase in the service-related tasks of the new regime police. A brief review of the extensive responsibilities given to the police by various laws and regulations accepted during the period of Committee of Union and Progress (CUP period) will illuminate the role police played in the daily lives of the people. The police were responsible for the following diverse issues: checking the personnel records of those to be admitted to the poorhouse; preventing the insane from physical assaults; keeping the streets open to traffic; protecting the trade-marks; helping the abandoned children and the injured; maintaining the dignity of the operations of religious ceremonies and sacred places; overseeing the organizations of lottery and charities; controlling and checking taverns, money-changers, sewers, prostitutes, weights and measures, bakeries and their bread, vendors, hotels and entertainment places, buildings and streets that could be harmful to life and property of people; checking doctors and pharmacists to see whether they adequately performed their jobs; giving license to porters, commissioners and advertisers and those who would work at hotels and entertainment places; guaranteeing the safety of abandoned property and animals; registering jewelers and their customers; protecting monuments and parks; performing extra duties which would be given during times of earthquakes and fire, contagious diseases and epidemics; enforcing health regulations that

grocers, butchers, barbers and other tradesmen should follow (Yağar 1988: 214-307).

We have to situate the increasing role of the police in the daily lives of the people to a concomitant change in social structure, namely the decline of the traditional social structure because of the solvent effects of modernity. As a result of economic modernization from the second half of nineteenth century onwards, not only the guilds but also the extended families and neighborhood structure began to transform. At the end of the nineteenth century, all of the important intellectuals of the period – irrespectively from their ideological affiliations such as Islamism, Ottomanism or Turkism- believed that family system in the Ottoman empire was in crisis (Duben and Behar 1996: 210).

In the classical period of the Empire, the neighborhood (*mahalle*) had been a closed community. People knew each other and stand surety for each other. Surety, as Ortaylı maintains, was the most crucial institution. It prevented different households to become socially and culturally independent from each other. *Mahalle* was first and foremost a cultural and social unit, rather than an administrative one. Families, whether rich or poor, lived in private homes, which functioned as a protective barrier from the outside world. Other than the religious differences, class or status differences did not matter much at this time (Ortaylı 2000: 21).

This changed with the nineteenth century. The changes can most clearly be observed in the capital city, Istanbul. *Mahalle* lost its distinctive and coherent character as a social unit. Under the conditions of population increase small residential areas ceased to be economically self-sufficient. Muslims began to move to the Galata-Pera district where previously only non-Muslims were living. A multi-centered cultural and social life emerged, in which life styles of different ethnic groups were mixed together. *Mescid* or mosque ceased to be the dominant symbolic figure of the city life. Various entertainment centers, patisseries, boat tours in the Bosphorus, garden parties in the embassies and private parties in summer houses were the new public places (Işın 1999/2003: 85-91).

Especially upper class families began to leave their traditional life styles and experience the “time” in different frames. The novelties such as “night life” or dividing the time between main house and the summer house increased the mobilization of families. For the lower class families the population increase caused disruption in their family patterns. In order to co-opt with the population increase, the row houses spread into every corner of poor *mahalles*. Now, fire or

epidemic diseases could more easily be spread. As Işın argues people began to lose their sense of security. Moreover, the process of modernization loosened the authoritarian traditions within the family life. Family elders lost their authorities, and family members began to take their own responsibilities as individuals when participating in city life. Such liberties were most relevant for the upper class women. The introduction of 'fashion' into daily lives was important in the liberation of women from community pressures. The veil turned into an accessory rather than a religious obligation. Women's faces also began to be liberated from the veil of religion. (Işın 1999/2003: 95-98).

All these enormous social changes altered the authority structures within the city, community, and family. Therefore, it can be argued that a supply and demand kind of interaction existed between the state and corporate bodies. As Silver argues, "the arena of expectation widens as smaller formations - regions, states, local communities - find it harder to control or influence the moral climate in which they live" (Silver 1967: 22).

The relationship between the traditionally autonomous guild structure and the CUP exemplifies the effects of modernity. Just before the outbreak of the First World War, the CUP government began to substitute professional associations instead of the guilds. In a short period the number of associations reached fifty one. They were strictly controlled by the state through various regulations (Toprak 1995: 99). They were united in 1915 under a single organization, the Society of Artisans which was under the official patronage of the Governor of Istanbul and supported by prominent Unionists (Ahmad 1980: 339).

What is crucial in the relationship between the guilds and the Unionists was the consent on the part of the guilds. The change from guilds to Society of Artisans can not be explained only with reference to the coercion of the central state. At the time of their abolition, the guilds had already been rendered ineffective by the economic modernization. Thanks to the war conditions, the CUP was able to exert its will upon an already decayed guild system which was unable to resist the state. Furthermore, as they were incorporated into state structure, artisans became the main social basis on which CUP relied upon for realizing its hegemonic project.

The central government extensively used the artisans in policing issues. In the classical period of the Empire, the guilds were largely autonomous organizations and the state was mostly unable to interfere

in their internal affairs. However, a 1910 regulation brought additional responsibility to artisan associations in policing. According to this regulation:

the artisan associations [would] undertake efforts to provide the progress of the artisans in their profession and art. They [would] help those who had economic difficulties. They [would] provide solutions to disagreements among the artisans. Whenever the government ask[ed] for information about one of them or if any of them was in surety, they [would] help in the process of notification or extraction of the money (Yağar 1988: 237).

The statements at the beginning of the regulation repeated, in fact, the traditional duties of the guilds. Nevertheless, it is apparent in the last sentence that the artisans had become one of the aids of the state in maintaining social control according to the strategy that the state determined by itself. In other words, guilds participated in policing not as a *substitute* to the police force as was the case in the old regime; but rather as a *complement* to it.

According to a similar regulation concerning porters, their leadership (*kethudalık*) was abolished and their rights and responsibilities were transferred to municipality and the police. Also the 'shares' of the *kethudalık* were abolished and thus the post was left without any privilege. From then on, anybody could have been a porter. The new regulations necessitated that porters would take their criminal records from the police station and that they would attach the identity cards prepared by the police to their collars (Polis, 1911: no. 13).

The centralization of crime control and the elimination of buffer zones in maintaining public order also increased the discretionary power of the police. Especially the regulatory role that the police had to take over as a result of its welfare functions helped in this process. If we look at the duties listed above that were assigned to the police, we can see that most of them concerned licensing. These regulations and licenses provided further controls on specified trades and the marginal sectors of the population. One should again remember that these developments corresponded to the decline of constituent communities and to the loss of their vitality.

When the contemporary writings of police officers are examined, it becomes apparent that they began to define their role in such a way that the discretionary power became almost absolute. *Polis* stated as follows: "To delimit the responsibility of the police means to delimit human reason. It is impossible to predict all the evil in

people's mind, to collect them in a book and say to the police officer that he is responsible for preventing what is written in it. [That is why] the police officer must always refer to his own reason and opinion" (Polis 1911: no. 4). One should keep in mind that in public order policing stakes are much higher than their mere enforcement. As a matter of fact one can even argue that enforcement is not the main issue. "Rather they were designed to provide the police with a weapon powerful enough to exercise any level of control over this dangerous segment of the working class that local conditions required" (Harring: 1993: 561). Police discretion is not only unavoidable but also discriminatory "since it inevitably depends on imposing the prevailing values of dominant social groups who set the standarts of respectability" (Waddington 1999/2003: 63).

All the debates on vagabonds and suspects depend, in fact, on the public/private differentiation and "respectability" as its corrolary. As stated in the police magazine in 1911, although the immunity of dwellings should be regarded as sacred, those places open to the public could not be taken as dwellings and therefore they could be put under the police surveillance. The police requested that it be made clear which places were to be accepted as dwellings (Polis 1911, no.2). The issue was important especially for controlling the poor and "dangerous classes."⁴

The responsibility assigned to the police in the 1907 Police Regulation to control single men was significant in this context. As a matter of fact, the link between the police regulation and the regulation on vagabonds was established via the issue of the single men that was defined more generally than the common usage. Single men were defined as "those who stay[ed] at inns, hotels, apartment blocks, or at places that [were] rented while they traveled from one town to another in order to find jobs or just to engage in trade." It was required that the police would strictly check the identification cards of these people, where they stayed and whether they were coming back to their residences every night (Polis, 1912: no. 22).

There are two significant concerns in relation to these requirements. First, anybody who did not pursue a family life was accepted as a potential criminal and thus would be under police control. Second, the places where these people resided - even though they rented them - were not accepted as 'private residences' and the

⁴ For an interpretation of how the issue of vagrancy was perceived in the Ottoman Empire, see Ergut 2002.

police were thus not restricted while controlling them. Evidently, the single man, if also unemployed, was treated as ‘vagabond.’

5. Depoliticizing the economy

In addition to the public order policing, a second theme which is crucial in understanding construction process of the public sphere in the late Ottoman Empire is the regulation of the economic field. Labor discipline was crucial for the CUP in establishing its “national economy.” The period was significant especially in terms of the transition from an economy whose guiding principle was merely fiscalist and provisionist to another one with real economic concerns related to the sphere of production (Toprak 1988). During this time, a “national economy” was created and the ethnic configuration of the economy was drastically changed in favor of Muslim-Turkish merchants and manufacturers. And surveillance of the work force was crucial to imposing the “national economy.” During the debates on the police budget, a deputy stated that, “if the aim is to attract European capital to the country, the maintenance of order [was] necessary. In the present conditions, economic development is impossible” (*Meclis-i Mebusan Zabıt Ceridesi* (henceforth MMZC) 1/2 6: 468).⁵

It is certain that the CUP government supported the bourgeoisie against workers. During the five months that followed the revolution in July 24, 1908 an unprecedented wave of strikes - 111 in total – occurred, especially in big cities like İstanbul, İzmir and Selanik. Following the political liberalization workers started to ask for wage increases (Karakışla 1998: 47). As was written in the newspaper *İkdam* whereas nobody knows what strike meant in the old regime, now they were everywhere, like a “contagious disease” (cited in Şişmanov 1978/1990: 39). The stated reason for most of these strikes was the 20-30% inflation rate of the first two months after the Revolution. Nevertheless, also significantly effective in such mobilization were the increased reactions that could not have been expressed during the Hamidian period. In that sense the CUP regime presented a “political opportunity structure” for different collectivities. It is in these terms that a newspaper, supportive of the CUP regime, asked for temperance from the workers as follows: “We acknowledge

⁵ Of course, the following arguments belong to the “liberal” phase of the CUP government, i.e. from 1908 to 1913. In the second period (1913-1918), CUP adopted a more interventionist economic policy. However, as far as their stance against the workers and capital accumulation is concerned, I think those arguments would help to understand their economic mentality in both of those periods.

the fact that the workers had many complaints about which they could have done nothing during the old regime when the social problems had been neglected. However, isn't it a little bit hasty to bring today all these complaints into the agenda at once to be discussed and to ask for an overall solution to them?" (cited in Gülmez 1983: 12)

As a result of these strikes, the government passed the Law on Strikes on August 9, 1909. As stated by Velahof Efendi in the assembly in 1910, this was the only law prepared for the problems of workers, and clearly took side with the capitalists in order to maintain the capital accumulation (MMZC 1/3 1: 364). According to the article eight, the establishment of unions in companies that provided public services was outlawed. The prohibition of unionization is the clearest evidence that the law took side with the capital owners. The spokesman of the Ministry of Trade and Public Works defended the law in the assembly as follows: "Establishing unions is harmful to the capital. If we give the right to workers to unionize in a period when we urgently need foreign capital, capital owners will be under the threat of the workers. Capital owners will not thus dare to come here" (cited in Gülmez 1983: 112). 'Provocateurs' who attempted to organize strikes in institutions that were obscurely defined as 'public enterprises,' would be punished with imprisonment for a period of one week to six months, or they would be fined from one to twenty-five *liras*. According to the article six, in other types of companies, if the mediation of the state would also prove to be unsuccessful the workers could go on strike. However, the right of those who wanted to work could not be restrained. Demonstrations were also strictly prohibited. This last sentence was also crucial in that it presented a pretext for police intervention in strikes. In most of the cases, the police intervened not to break the strikes but "to preserve the rights of those workers who wanted to continue to work." That was the reason why the strikers were treated as criminals who breached the public order.

The attitude of the police towards the labor problems was not an opposition but rather a denial of the existence of the problem itself. The police textbook of 1910 contains an independent chapter on "socialists and anarchists."⁶ The tone of the analysis sympathizes with the socialists, if not the anarchists. The argument goes like this: Until recent times, people were working ten hours a day in Europe and getting a minimum wage in return. As education spread in Europe, workers began to think that they had their own rights and became

⁶ For the original text see Ergut 2004.

enemies of the life-style of the rich. Later, they joined some “humanists and people with conscience” and together they formed socialism. They organized and used strikes as their biggest weapon to force the capital owners to accept their demands. However, in the course of time, some “provocateurs” emerged and began to provoke workers to strike. Sometimes they beat their friends who refused to leave their work places. And this was where the role of police begins. The police should maintain the personal security of those workers who wanted to work. The interesting part of the argument is about the working conditions in the Ottoman Empire. The author writes that, according to Islamic rules, people had to help the needy. Therefore, Ottoman workers did not need an instrument such as strike (İ. Feridun 1910: 225-234). If, unlike Europe, there was no material basis for a strike in the Ottoman Empire, then the workers who insisted on going strike could only be provocateurs and should be dealt with by police methods. That was the main reason why the labor problems were conceived as policing issues.

This denial, rather than an overt opposition, was the common approach of state managers. In the Chamber of Deputies, when a member proposed a law for improving the conditions of workers in terms of the limitation of working hours and the prohibition of child labor, the *Sadrizam*'s (Prime Minister) response was the following: “I really do not believe in the urgency of a special law on the relationship between workers and capital owners.... If we believed in such urgency, we would include it in our program.... As a matter of fact, any argument for the necessity of such a law is part of a socialist program” (cited in Gülmez 1983: 233-4) When *Sadrizam* made that speech, according to one estimate, there were 50,000 industrial workers in the Empire (Şişmanov 1978/1990: 35).⁷ Velahof Efendi stated that these people worked in harsh conditions. For instance, tailors in Istanbul worked fourteen hours a day and received twenty-four piasters. He concluded, saying the law on vagabonds was enacted in order to deal with masses of people who had become unemployed

⁷ The exact number of the manufacturing labor force in the Ottoman Empire is almost impossible to track down. Quataert argues that, as in the European proto-industrialization process, most of these workers were working in their homes and dividing their times between agricultural and manufactural activities. Şişmanov's number could be taken as the number of the working class which was organized in guilds and/or working in big workshops or one of the few factories. If we include proto-industrial work force we will be speaking of “hundreds of thousands of workers who provided Ottoman subjects with most of the goods that they consumed” (Quataert 1996: 26-27).

because of the collapse of the Ottoman production after the western capital had entered the empire. As a result, the unemployed individual was defined as vagabond and faced grave sanctions (MMZC 1/3 1: 364).

We should dwell upon a very important aspect of this debate, which have enormous implications to understand the capitalist development in the Ottoman Empire. As Giddens (1987: 211) argues, the “depoliticizing of economic relations is basic to class domination.” In this sense, the Factory Act of 1833 in England (Palmer 1988: 25), and the civil code of 1865 in Italy (Davis 1988: 276) -both of which left the economic terrain out of the “political” sphere- reflect the capitalist orientation of the state. Analyzing the insulation of the economy from the political, therefore, provides crucial insights in understanding the emergence of capitalism in Turkey. In what follows, I argue that this process, albeit in embryonic form - and therefore full of with contradictions -, started with the CUP government in 1908. Most of the time, the central government treated economic relations as contractual and hence, outside the political domain. Discussions about the police and state intervention in economic relations give an opportunity to grasp the fact better.

The employer-employee relationship at the workplace became largely autonomous from police regulation after the CUP came to power. In this connection, it is illuminating to examine the Law on Strikes (*Tatil-i Eşgal*) (1909). The first sentence of its second article clearly states that the workers could not demand to intervene in the conduct of their enterprises, or ask for change in their management and work conditions (Gülmez 1983: 201). This article left out many possible fields of struggle from the outset. A memorandum on this article handed out by workers of the Eastern Railways thus criticized: “Let us consider that a company increased its working hours from ten to twelve. Would it not be accepted as related to the company’s internal administrative system?” (cited in Gülmez 1983: 40). The second article prescribed that, in contractual relations, no third party (workers in this case) could basically have any right: “As the state and the company owner have already decided on the management of the enterprise after discussions and [therefore] the intervention of another party in such an agreement between the two sides would be illegal” (Ibid. 52).

The position of the CUP on this issue was stated clearly in its “Political Program” published in 1908 in the section titled “Employers and Workers.” According to the analysis presented in the program,

there were two different approaches developed by the Liberals and the Socialists. The first group has supported the intervention of the state in the relationship between employers and workers only for the matters that concerned the general interest. The second group, on the other hand, by extending the state intervention day by day, laid the grounds for the foundation of “popular participation” (*iştirak-i umumi*)⁸. The program, which considered the ordinary redistributive policies of European states as “socialism,” is against any regulation between employer and employee. It stipulates that both the profit and the possible losses should belong to employers. However, if the state intervenes, the freedom part of the enterprise will be eradicated and only the responsibility part will remain. And this will be unjust (Gülmez 1983: 23). More explicitly, the same program argues that “since both sides would bargain for their own interests between themselves and since the internal conditions of each trade is different from each other, it would be more appropriate not to enact general laws on these matters (Güzel 1993: 81).

The isolation of economic relations from the “political” is also related to the separation between the public and private spheres. The non-intervention policy of the CUP was relevant only for private enterprises. As noted earlier, the state was a party in itself for the public enterprises and protected the capital accumulation. There was a corporatist structure in these enterprises. Three members from both employer and employees were chosen to form a commission under the supervision of one member of the Ministry of Trade and Public Works. If no agreement could be reached the workers could go strike, still without hindering those who wanted to work (Gülmez 1983: 202).

Private enterprises were handled differently. Vartkes Efendi, questioned why the corporatist structure, which was relevant in those companies responsible for “providing public services” was absent in private factories, and asked “why the state [did] not intervene on behalf of workers in private enterprises to protect them from the pains inflicted by the capitalists when they went on strike.” The answer was given by the Minister of Trade and Public Works: “Private enterprises are established only for the economic benefit of the capitalists. It is not proper to intervene in them. For everything is completely determined here according to supply and demand” (cited in Gülmez 1983: 128-130)⁹.

⁸ This is the term for socialism in Ottoman Turkish.

⁹ According to one group of scholars of legal studies “abstention from legal regulation of social and domestic arrangements serves the function of buttressing the position of

In conclusion, I would like to argue that both the police intervention and non-intervention were related to the interests of the new regime and the national bourgeoisie, which increasingly overlapped after the 1908 Revolution. And the heart of the matter for the intervention and/or non-intervention of the police were the definition/construction of the “private” and “public.” The distinction is crucial to understanding the policing practice and its consequences, because “certain activities are the object of police concern not because they occur, but because of *where* they occur” (Clark and Sykes 1974: 482). I hope that, the slice of history that I presented in this article might lead us to rethink about the relationship between the surveillance activities of the state and the construction of the bourgeois public sphere.

References

- AHMAD, F. (1980), “Vanguard of a Nascent Bourgeoisie: The Social and Economic Policy,” in Halil İnalçık ve Osman Okyar, der., *Social And Economic History of Turkey (1071-1920)*. Ankara: Meteksan.
- AYDIN, S., EMİROĞLU, K., TÜRKÖĞLU, Ö., ÖZSOY, E. D. (2005), *Küçük Asya'nın Bin Yüzi: Ankara*. Ankara: Dost Yayınevi.
- BAYLEY, D. (1985), *Patterns of Policing*. New Brunswick: Rutgers University Press.
- BENDIX, R. (1960/1977), *Max Weber: An Intellectual Portrait*. Berkeley: University of California Press.
- Cevdet Tasnifi –Zaptiye. 1750-1850, Başbakanlık Arşivi, İstanbul.*
- CLARK, J. P. and SYKES, R. E. (1974), “Some Determinants of Police Organization and Practice in A Modern Industrial Democracy”, in Daniel Glaser, ed., *Handbook Of Criminology*. Chicago: Rand McNally College Publishing Company.
- COLLINS, H. (1987), “The Decline of Privacy in Private Law,” in P. Fitzpatrick and A. Hunt, ed., *Critical Legal Studies*. Cambridge: Basil Blackwell.
- CRITCHLEY, T. A. (1967), *A History of Police in England and Wales 900-1966*, London: Constable.
- ÇADIRCI, M. (1991), *Tanzimat Döneminde Anadolu Kentlerinin Sosyal ve Ekonomik Yapıları*. Ankara: Türk Tarih Kurumu Basımevi.
- ÇADIRCI, M. (2007), *Tanzimat Sürecinde Ülke Yönetimi*. İstanbul: İmge Kitabevi.
- DAVIS, J. A. (1988), *Conflict and Control: Law and Order in Nineteenth Century Italy*. Basingstoke: Humanities Press International, Inc.
- DUBEN, A. and BEHAR, C. (1996), *İstanbul Haneleri*. İstanbul: İletişim Yayınları.

those who hold power already” (Collins 1987: 99). See also his discussion of two concepts of privacy: “intimacy” and “estrangement.”

- ERGENÇ, Ö. (1984), "Osmanlı Şehrindeki 'Mahalle'nin İşlev ve Nitelikleri Üzerine", *The Journal of Ottoman Studies IV*: 69-78.
- ERGENÇ, Ö. (1999), "Osmanlı Klasik Düzeni ve Özellikleri Üzerine Bazı Açıklamalar", *Osmanlı Ansiklopedisi*. Vol. 4. Ankara: Yeni Türkiye Yayınları: 32-39.
- ERGUT, F. (2002), "Policing the Poor in the Late Ottoman Empire." *Middle Eastern Studies*. 38 (2), 149-165.
- ERGUT, F. (2004), "Polisin Gözüyle Sosyalistler, Anarşistler ve Grev", *Toplumsal Tarih*, no. 130, 82-86.
- ERGUT, F. (2007), "Osmanlı'da Devlet-Toplum İlişkisini Polis ve Polislik Pratikleri Üzerinden Düşünmek" in F. Ergut and A. Uysal (eds.) *Tarihsel Sosyoloji: Stratejiler, Sorunsallar ve Paradigmalar*, Ankara: Tarih Vakfı ve Dipnot Yayınları.
- GERBER, H. (1994), *State, Society, and Law in Islam*, New York: SUNY Press.
- GIDDENS, A. (1981/1995), *A Contemporary Critique of Historical Materialism*. Second Edition. Stanford: Stanford University Press.
- GIDDENS, A. (1987), *The Nation State and Violence*. Berkeley: University of California Press.
- GINIO, E. (1998), "The Administration of Criminal Justice in Ottoman Selanik." *Turcica*.
- GÜLMEZ, M., ed. (1983), *Türkiye Belgesel Çalışma İlişkileri Tarihi*. Ankara: TODAİE Yayınları.
- GÜZEL, Ş. (1993), *Türkiye'de İşçi Hareketleri*. İstanbul: Sosyalist Yayınları.
- HAGAN, J. (1994), *Crime and Disrepute*. Thousand Oaks: Pine Forge Press.
- HARRING, S. L. (1993), "Policing a Class Society" in *Crime and Capitalism*. Philadelphia: Temple University Press.
- HESTER, S. and EGLIN, P. (1992), *A Sociology of Crime*. London: Routledge.
- IŞIN, E. (1999/2003), *İstanbul'da Gündelik Hayat*. İstanbul: YKY Yayınları
- İBRAHİM, F. (1910), *Polis Efendilere Mahsus Terbiye ve Muamelat-ı Meslekiye*. Cağaloğlu: Matbua-i Hayriye ve Şürekası.
- KARAKIŞLA, Y. S. (1998), "Osmanlı Sanayi İşçisi Sınıfının Doğuşu, 1839-1923." in D. QUATERT and ZURCHER, E. eds., *Osmanlı'dan Cumhuriyet Türkiye'sine İşçiler, 1839-1950*. İstanbul: İletişim Yayınları.
- Meclis-i Mebusan Zabıt Ceridesi*, 1908-1920.
- OĞUZOĞLU, Y. (2000), *Osmanlı Devlet Anlayışı*. İstanbul: Eren Yayıncılık.
- ORTAYLI, İ. (2000). *Osmanlı Toplumunda Aile*. İstanbul: Pan Yayıncılık.
- PALMER, S. H. (1988), *Police and Protest in England and Ireland, 1780-1850*. New York: Cambridge University Press.
- Polis*. (1911-1912), (no.1 – no. 31).
- QUATAERT, D. (1996), "Social History of Labor in the Ottoman Empire," in Ellis Jay Goldberg ed. *The Social History of Labor in the Middle East*. Boulder: Westview Press.
- QUATAERT, D. (2000), *The Ottoman Empire, 1700-1922*. Cambridge: Cambridge University Press.
- SHEARING, C. (1996), "Reinventing Policing: Policing as Governance," in Otwin Marenin, ed., *Policing Change, Changing Policing*. New York: Garland Publishing Inc.

- SILBERMAN, S. B. (1993), *Cages of Reason*. Chicago: The Univ. of Chicago Press.
- SILVER, A. (1967), "The Demand for Order in Civil Society: A Review of Some Themes in the History of Urban Crime, Police and Riot," in *The Police: Six Sociological Essays*. New York: John Wiley & Sons, Inc.
- SPITZER, S. (1993), "The Political Economy of Policing," in David F. Greenberg, ed., *Crime and Capitalism*, Philadelphia: Temple University Press.
- STINCHOMBE, A. L. (1963), "Institution of Privacy In the Determination of Police Administrative Practice," *The American Journal of Sociology*, 64: 150-161.
- ŞIŞMANOV, D. (1978/1990), *Türkiye İşçi ve Sosyalist Hareketi, 1908-1965*. İstanbul: Belge Yayınevi.
- TAMDOĞAN-ABEL, I. (2000), "Hanlar ya da Osmanlı Kentinde Yabancı" in F. Georgeon and P. Dumont (eds.) *Osmanlı İmparatorluğu'nda Yaşamak*. İstanbul: İletişim Yayınları.
- TOPRAK, Z. (1988), "İktisat Tarihi," *Osmanlı Devleti, 1600-1908*. vol. 3. İstanbul: Cem Yayınevi.
- TOPRAK, Z. (1995), *İttihat Terakki ve Devletçilik*. İstanbul: Tarih Vakfı Yurt Yayınları.
- UGLOW, S. (1988), *Policing Liberal Society*. Oxford: Oxford University Press.
- ÜÇÖK, C. and MUMCU, A. (1987), *Türk Hukuk Tarihi*. Ankara: Savaş Yayınları.
- VELDET, H. (1940), "Kanunlaştırma hareketleri ve tanzimat." in *Tanzimat*. İstanbul: Maarif Matbaası.
- WADDINGTON, P. A. J. (1999/2003), *Policing Citizens*. New York: Routledge.
- WALKER, S. (1977), *A Critical History of Police Reform*. Lexington: D.C. Heath & CO
- YAĞAR, H. (1988), *Mevzuat Metinlerinde Polis Teşkilatında Yapı ve Görev, 1845-1923*. Unpublished Ph.D. dissertation, Ankara University.

Özet

Denetleme ve Osmanlı İmparatorluğu'nda kamusal alanın dönüşümü

Bu makale geç Osmanlı İmparatorluğu'nda kamusal alanın dönüşümünü, devletin gözetleme pratiklerinin niyet edilmemiş sonuçları olarak tarihselleştirmeye çalışmaktadır. Bu dönüşüm, esas olarak iki büyük süreçle ilintilendirilerek açıklanmıştır: Devlet inşası ve kapitalizm. Makale, polis ve polislik pratiklerini kamusal alanın denetlenmesi mücadelesinin yapıldığı temel alanlar olarak almaktadır. Bu pratikleri özellikle iki toplumsal grup – "serseriler" ve işçiler – üzerindeki uygulamalarına referansla inceleyen makale, bir yandan devletin gündelik hayata nüfuzunun, bir yandan da kapitalizmin çalışma alanlarına müdahalesinin "özel" ve "kamusal" alanların dönüşümüne olan etkisini göstermeyi amaçlamaktadır. Bu dönüşümün Osmanlı İmparatorluğundaki hikayesi, loncalar, mahalle ve aile gibi geleneksel toplumsal denetim sistemlerinin çözülüşünün hikayesidir.

Anahtar kelimeler: Polis, devlet, kamusal alan, Osmanlı İmparatorluğu, denetleme, işçiler.