

HISTORY OF IDENTIFICATION IN THE OTTOMAN LANDS: FROM THE  
SECURITY OF THE PERSON TO THE SECURITY OF THE STATE:  
IMPLEMENTATION OF *MÜRUR TEZKERESİ*  
IN THE NINETEENTH CENTURY

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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

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## Thesis Abstract

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”

The subject of this study is the analysis of the implementations about the control of mobility within the Ottoman lands with regard to the discussions and theories about state formation and similar practices in the world and in the history of the Ottoman Empire. In this thesis, I focus on the implementation of *mürur tezkeresi*/travel permit, which was sort of an internal passport and which was stated to be compulsory for traveling within the Ottoman lands throughout the nineteenth century. Based on my investigations in the archival documents including general regulations and specific orders, and considering the literature on the issue, it is understood that, the implementation was not successful in preventing the migrations or controlling every step of the subjects. This fact made me question the mentality behind these implementations which lasted during a whole century. I was inspired by the arguments about identification practices in different places in the world, especially in Europe, through different tools one of which is the control of mobility via passports and internal passports. Also theories about the new regulations in the Ottoman lands after Tanzimat edict fostered my inquiry. Firstly, I try to show the background of the implementations about control of mobility in the Ottoman lands and discuss the mentality and motivation behind these. I continue with the theoretical and informational discussions about identification practices and mobility control in the European context. In addition to the literature review about the control of mobility in the Ottoman lands and in different contexts, dealing with the Ottoman reform arguments focusing mostly on the Tanzimat period and presenting two examples of approaching reform from the history of Egypt has provided me with a springboard to accurately approach the mentality behind the application of internal travel permits in the nineteenth century Ottoman lands. By means of these investigations, this study offers a re-evaluation of the implementation of control of movement to see the transformation of the mentality through a social historical reading of the period and to have an access to the minds of rulers in the nineteenth century Ottoman state.

## Tez Özeti

Fatmanur Samastı, “Osmanlı Topraklarında Kimlik Saptamanın Tarihi: Kişinin Güvenliğinden Devletin Güvenliğine: Ondokuzuncu Yüzyıl’da Mürur Tezkeresi Uygulaması”

Bu çalışma, Osmanlı topraklarında hareketliliğin kontrolünü sağlamak üzere yapılan uygulamaların, devlet oluşumu hakkındaki tartışma ve teorilere, ayrıca dünyadaki ve Osmanlı tarihindeki benzer uygulamalara atıfla incelenmesini konu edinmiştir. Bu tezde, Osmanlı topraklarında ondokuzuncu yüzyıl boyunca seyahat etmek için zorunlu tutulan mürur tezkeresi uygulamasına odaklanılmaktadır. Genel nizamnameler ve hususi emirleri içeren arşiv taraması ve bu konuya deyinen literatür, uygulamanın göçleri engellemek veya vatandaşların hareketini takip etmek konusunda çok da başarılı olmadığını göstermektedir. Bu durum, uzun bir yüzyıl boyunca uygulamaların neden devam ettirilmeğe çalışıldığını ve arkasındaki mentaliteyi sorgulama ihtiyacı oluşturmuştur. Dünya’da, özellikle Avrupa’da kimlik saptama pratikleriyle ilgili teorilere pasaport ve iç pasaport uygulamalarının da katılmış olması bu tez için de bir çıkış noktası oluşturmuştur. Özellikle Tanzimat dönemiyle birlikte gündeme gelen reform ve devletin kendini yeniden kurgulaması tartışmaları da tezin argümanında önemli bir yer tutmaktadır. Tezde öncelikle, Osmanlı topraklarında hareketliliğin kontrolünün evveliyatına bakılmış, eski dönemlerdeki uygulamaların motivasyonu ve mentalitesi tartışılmıştır. Avrupa bağlamındaki kimlik saptama ve hareketin kontrolü tartışmaları da tezin ikinci bölümünün konusu olmuştur. Tanzimat döneminde yoğunlaşan Osmanlı reform tartışmaları ve Mısır’da yapılan yeni uygulamalara sosyal tarih bakışıyla bakan iki örnek, bütün bu geçmiş ve farklı bağlam incelemeleriyle birlikte, Osmanlı ondokuzuncu yüzyılındaki mürur tezkeresi uygulamasını ele almak için temel bakış açıları sunmuşlardır. Bu tez, yapılan incelemelerle, hareketin kontrolü uygulamalarının sosyal tarih okumasıyla yeniden değerlendirerek, dönemin bağlamına ve yöneticilerin mentalitelerine dair daha fazla fikir sahibi olabilmeyi amaçlamıştır.

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## CHAPTER 1

### INTRODUCTION

To be governed is to be under surveillance, inspected, spied on, superintended, legislated, regulated, restrained, indoctrinated, preached at, controlled, appraised, assessed, censored, commanded....To be governed is to be noted, registered, enumerated, accounted for, stamped, measured, classified, audited, patented, licensed, authorized, endorsed, reprimanded, prevented, reformed, rectified, and corrected, in every operation, every transaction, every movement.

PIERRE-JOSEPH PROUDHON, “*Idée générale de la révolution au XIXe siècle*”<sup>1</sup>

If to Marx the Capitalist state exercised monopoly over the means of production, and for Weber the state exercised monopoly over the organized means of violence, for John Torpey (2000) the modern state exercises monopoly over the means of movement.<sup>2</sup>

In the awarded film of Elia Kazan “America, America”, the dream of Stravros, a young Greek boy from Kayseri who wanted to reach America after he succeeded in coming to Istanbul, was based on the life story of Kazan’s uncle. In the film, the turning point for the boy in his American dream was the acquisition of the pass permission documents of his friend. Hohannes, his friend, who assisted him on his way to İstanbul with the same dream of America, got tuberculosis on the way. When Stravros was accused with a crime and was deported back to İstanbul from the port, Hohannes offered his own

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<sup>1</sup> Jane Caplan and John Torpey, “Introduction,” in *Documenting Individual Identity: The Development of State Practices in the Modern World*, ed. J. Caplan, J. Torpey (Princeton, Oxford. : Princeton University Press, 2001), p.1.

<sup>2</sup> Elia Züreik and Mark B. Salter, “Introduction,” in *Global Surveillance and Policing: Borders, Security, Identity*, ed. E.Züreik, M.B.Salter (USA, Canada: Willan Publishing, 2005), p.1.

documents so that he may go to America in his place. At the beginning of the twentieth century, he succeeded in going to America by changing his place with his friend.<sup>3</sup>

Today it seems almost impossible to make such deceptions due to the strict systems and detailed descriptions and identifications stated on the documents developed at different times. When someone wants to travel abroad, he has to face many procedures for getting a passport or a visa. Today, the US government uses passports with chips which contain the information about the holder in a 64 KB chip, which includes the passport holder's name, address, date and place of birth, along with a digital photograph.<sup>4</sup> These chips have enough space so that fingerprints or iris prints can be added.<sup>5</sup> It is said that with this system, it is also possible for the US government to follow the tracks of its citizens upon each registration in another country. The long lasting investigations at the airports and the process for visa implementations could cause many to ask the question “Am I a criminal?” However, in spite of the developments in identification methods, the fears of forgery and deception still continue, something which is highly noticeable in the treatments towards foreigners.

Since its inception as a social institution, the primary purpose of the nation-state has been to provide security within a geographically defined territory against both external and internal threats. Throughout many political, economic, and social changes,

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<sup>3</sup> Elia Kazan, “America America”, 1963.

<sup>4</sup> Ryan Singel, “American Passports to get Chipped”,  
<http://www.wired.com/politics/security/news/2004/10/65412>.

<sup>5</sup> Ryan Singel, “Passport Chip Criticism Grows”,  
<http://www.wired.com/politics/security/news/2005/03/67066>.

ranging from the emergence of nationalism, the industrial revolution, two world wars, and the development of the nuclear weapons, states have remained at the forefront of organized protection, and the protection of national security has been its hallmark.

The problem of borders is the result of two powerful governmental desires: security and mobility. Every individual has a human right to mobility. The benefits of mobility are: trade and tourism, culture and diversity, diplomacy and information exchange. Exception to the norm of freedom of movement is described in the European Convention on Establishment and the United Nations Covenant on Civil and Political Rights: “National security, public order, public health or morality”<sup>6</sup>. The dangers of mobility can be described as vectors of threats: security and crime, political and cultural difference, health and disease. A state has pressing governmental incentives to define, police and protect its borders. The definition of state borders takes place at the physical limits of the state, and also at internal points of entry- such as airports, sea-ports, and railway stations. The policing function can be described as discriminating between desirable and undesirable travelers. The protection of a state can be described as maintaining the bureaucratic and physical power to exclude dangerous travelers.

Simon Cole argues that in our own time, even “respectable” citizens can feel the web of surveillance tightening around them. Fingerprinting and new identification technologies are extending identification from criminal justice into “civilian” areas like welfare and medical disbursement, immigration, banking, and workplace security, as

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<sup>6</sup> Daniel C. Turack, *The Passport in International Law*, (Lexington, Mass., Toronto and London: Lexington Books, D. C. Heath and Company, 1972), pp. 3-4.

biologically defined identities play an increasing role in everyday social and governmental interactions.<sup>7</sup>

Although these implementations and arguments could be thought to belong to contemporary times, after some research, it becomes clear that the tradition of identifying people has a long history. In one-way or another, history is full of identification practices. David Lyon says that we have to consider the relatively long history of the surveillance society to understand the mentality of today's surveillance society. According to him, the first examples of the registers of births, deaths and marriages by the "modern governments" and the registers of the workers by the modern enterprises could be attributed as the first developments of surveillance.<sup>8</sup> Although Lyon's research into the roots of the surveillance tendency is well-done, Valentin Groebner provides a wider perspective in his inquiry, giving examples of surveillance strategies even from the Middle Ages. He successfully tries to connect these implementations with today's mentality and practices concerning surveillance and control by means of different tools. For him the history of bureaucracy in early modern Europe is the history of practices of authentication and identification.<sup>9</sup>

It is important to be aware of the discussions about the modern state while dealing with identification practices and its transformation in the nineteenth century.

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<sup>7</sup> Simon A. Cole, *Suspect Identities: A History of Fingerprinting and Criminal Identification*, <http://books.google.com.tr>, pp. 3-4.

<sup>8</sup> David Lyon, , *Elektronik Göz: Gözetim Toplumunun Yükselişi*, trns. Dilek Hattatoğlu, (İstanbul: Sarmal Yayınevi, 1997), p.17.

<sup>9</sup> Valentin Groebner, *Who Are You? Identification, Deception and Surveillance in Early Modern Europe*, trns. Mark Kyburz and John Peck, (New York: Zone Books, 2007), p.16.

The general tendency in the analyses of state formation has focused on the processes states pass, to penetrate societies. The content of this penetration started to be discussed thanks to the theories and examples Foucault provided introducing the concept of “governmentality” which connotes modern governance including the areas of policing, population and power.<sup>10</sup> According to John Torpey, techniques of identification should also be included in the discussions about the formation of modern state, since the regulations about movement, contributes to “the very ‘state-ness’ of states.”<sup>11</sup>

Modern governance, which was regarded as the increased penetration of states into society could falsely lead the reader to view the state in a uni-dimensional way in their dealings with society. However, reconsidering especially the Ottoman experience of modernity serves to correct this view with a powerful argument. When we take into account İslamoğlu’s discussion about the transformation from particularistic arrangements of early modern states to the new state’s generality of practices, we come across certain flexibilities in these generalities. What she points out within these generalities is the active role of the society who also contributes constantly through negotiations to the shaping of these generalities.<sup>12</sup> This active role of society in the shaping of new regulations, in addition to the other discussions about the formation of state and identification will form the background arguments throughout this study.

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<sup>10</sup> John Torpey, “Coming and Going: On the State Monopolization of the Legitimate ‘Means of Movement’,” in *Sociological Theory*, Vol. 16, No. 3 (Nov., 1998), p.240.

<sup>11</sup> Ibid.

<sup>12</sup>Huricihan İslamoğlu-İnan, “Politics of Administering Property: Law and Statistics in the Nineteenth-Century Ottoman Empire,” in *Constituting Modernity: Private Property in the East and the West*, ed. Huricihan İslamoğlu (New York: I.B. Tauris, 2004), pp. 277-86.

The object of my inquiry through this thesis is to analyze the control of mobility with special reference to internal travel permit implementation in the nineteenth century Ottoman lands inspired by the arguments about the historical roots of identification practices and surveillance tendencies of the states. The excerpts above and the arguments about surveillance and identification reflect the intellectual practices on the meaning of modern statehood or the process of giving meaning to the new governmental practices in the nineteenth century, with theoretical glasses, especially Foucauldian ones. Hoping to bring the tradition of looking at the nineteenth century practices of the governing groups a broader approach to reveal unseen motivations, intentions or unintended conclusions, I want to touch upon the Ottoman practice of control of movement in the nineteenth century.

*Mürur Tezkiresi*/Travel Permit is the name given to a kind of internal passport used in the Ottoman lands throughout the nineteenth century. Although the orders and permissions concerning movement or migration in the Ottoman lands were present since the fifteenth century under the names *İlcan-name*, *icazet*, *izn-i şerif*, *hükm-i şerif*, and from the eighteenth century onwards *Yol Emri*<sup>13</sup>, (meaning permit or order for travel/pass), with an overall search in the archives it could be understood that the orders were decreed in very few cases before the eighteenth century. Moreover, for the eighteenth century practice of travel permit which was called *Yol Emri* (road order), Kütükoğlu states that it was issued in general for the secure pass of foreign ambassadors, merchants or religious men who were mostly “approved” or “known”

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<sup>13</sup> Hamiyet Sezer, “Osmanlı İmparatorluğu’nda Seyahat İzinleri (18-19.yy),” *Tarih Araştırmaları Dergisi*, No.33, 2003, pp.108-9.

personas.<sup>14</sup> However when the new orders, admonitions concerning the new orders, and punishments to the defiant are taken into account, it could be clearly seen that the nineteenth century experience of internal passport system in the Ottoman lands was addressed to anyone who wants to “move” within the boundaries.

In order to analyze the issue of internal travel permit system in the nineteenth century Ottoman lands, first I want to look at the previous implementations and the identification practices in the Ottoman lands as well as those in different European contexts. After talking briefly about the nineteenth century environment of the Ottoman lands, I will look at the literature concerning the freedom of movement and go on with the issue of the control of mobility in the nineteenth century Ottoman lands. The practices of the states concerning movement were in general held within the discussions about the formation of modern state and surveillance strategies that were dominating the new governmental practices. I probe into how we can consider the nineteenth century regulations concerning movement in the Ottoman lands as part of a transformation into a new “governmentality”. What could the documents of the orders on the freedom of movement say about targets of the government other than migration control or the protection claims of the state? How should we see the ‘disorders’ that emerged throughout the enactment of these orders on the restriction of movement? In order to answer such questions, I examine different regulations for orders and try to associate these with the changes in the Ottoman government. The Prime Ministry Archive of the

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<sup>14</sup> Mübahat Kütükoğlu, “Mürur Tezkeresi”, *Türkiye Diyanet Vakfı İslam Ansiklopedisi*, (Ankara : Türkiye Diyanet Vakfı, 2006), v. 32, p. 60.

Ottomans is the primary source for my investigations of the implementation and its development.

With these investigations based on these questions, I tried to revise the existing literature about the regulations of *mürur tezkeresi*/travel permits, which generally concentrated on the end-results of the implementations. Historians, viewing the regulations about control of passes solely as a matter of security and migration, end up regarding it as a failure which was abolished at the beginning of the twentieth century. Having noted that the implementations that followed general regulations changed throughout the long nineteenth century, I asked the question how it could be possible for a state to insist on regulations, which produce no gains for such a long time. Arguments about new governmentality and controlling tendency of the nineteenth century states helped to give meaning to this long ‘unsuccessful’ implementation throughout the thesis

In the first chapter I try to provide a snapshot of the organizations and the regulations about the mobility of people in the centuries before the nineteenth century in the Ottoman lands. In this section, the concepts and the documents that could be thought as the first examples or roots of the travel permit implementations are also mentioned in addition to examples of some decrees or permissions from the transcribed collections and from the works of some historians. By investigating the periods and the implementations before nineteenth century, we may have a more historical approach to the implementations in the nineteenth century Ottoman lands. This also makes it possible to have a comparative approach with the past examples in order to see the



development of the functions and mentality of implementations about control of mobility. Moreover, dealing with previous implementations would allow us to see the continuities, from the early modern state into the nineteenth century, which are generally imperceptible in the boisterous atmosphere of the reforms.

The second chapter opens another window to different contexts to enlarge the view for my study. While benefiting from Valentin Groebner's study to develop an idea of identification practices in the European Middle Ages, the theoretical approaches for the nineteenth and twentieth century practices of identification documents provide a theoretical perspective to analyze the regulations about the internal travel permits in Ottoman lands. The Russian example of internal passports will also be mentioned in order to have another example of the same implementation and to see the motivation and the mentality behind it to have a proper stance while looking at the Ottoman case.

In the third chapter, before going into the detailed analysis of the implementation of travel permits, I present the general environment/situation of the nineteenth century in the Ottoman lands with reference to the theories of new governmental practices and the new mentality of the nation state. In addition to the general theories and the approach towards nineteenth century reforms, Khaled Fahmy's study on Egypt's health reforms present another perspective while looking at the Ottoman reforms. The negotiation and the new governmentality arguments of Fahmy are mind-opening while investigating the process of the enactment of the travel permits in the nineteenth century Ottoman lands.

In the fourth chapter, starting with the literature about the *mürur tezkeresi*/travel permits, I deal with the content of general regulations and the selected orders that are issued throughout the century. The order examples selected from different times and the contents of the orders provide information about the development of the regulations throughout the century, and broaden our perspective in understanding the mentality of the nineteenth century state regarding the controls of travel permits and some other identification practices. In addition to the especially functional continuities with previous implementations, what comes prominent in the nineteenth century is the change in style and mentality of the state more than petty functional developments.

The last chapter provides more selected cases and problematic conditions from the archival sources in order to have an idea about the reception of the identification practices of the rulers. Selecting the most emphasized categories from the archives, I try to show the implementations based on the interest of the rulers changing according to different contexts and different groups. Also providing selective problematic cases help to give some idea about the people who were addressed by means of these implementations.

All in all, the investigations starting from the historical identification examples in the Ottoman lands and continuing with different contexts in the world provide a better perspective while looking at the internal travel permit implementation in the Ottoman lands with a critical approach. Observing the change from the first examples, and reading the theoretical approaches for the European identification practices makes one question if the intentions of the rulers were same from the beginning for the

regulations about the control of the mobility of people, and also if the contemporary web of surveillance has been shaped by the nineteenth century nation state interests. With these questions in mind, we could track the reflections of these interests in different identification practices like the *mürur tezkeresi/travel permits* in the Ottoman lands.

## CHAPTER 2

### THE HISTORICAL PROCESS OF IDENTIFICATION: TRAVEL PERMITS AND SECURITY IN THE OTTOMAN LANDS

It is important to dig deeper to see the roots or the first examples of the travel permits in the Ottoman Empire. This chapter will offer a background of the orders or any implementations concerning the physical mobility of people with an overall search in the literature. Then, it will continue with examples of implementations through transcribed collections of *Muhimme*, and the *ahkam defterleri* and will offer a search in the secondary literature about the issue in the continuing centuries. The general impression one gets from the inquiry is that one may distinguish two types of treatments in those early examples: one is towards foreigners, and the other towards the subjects migrating to the capital city.

#### Guaranteeing the Safety of Travelers: *Aman*, *Ahidname* and *Ilcan*

“If any one of the polytheists ask an asylum of thee, grant him an asylum, that he may hear the word of Allah, and then let him reach his place of safety”  
Qur’an, Et-Tawba 9/6<sup>15</sup>

While dealing with the implementations of the freedom of movement in the Ottoman lands, it would be helpful to look at the concept of *aman*, a tradition coming from early Islamic periods. The meaning of the word is trust or guarantee, and in the Islamic

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<sup>15</sup> Majid Khadduri, *War and Peace in the Law of Islam*, (Baltimore: the Johns Hopkins Press, 1955), p.162.

sources such as the *Hadith* and the *Quran*, the words *civar*, *ahd*, *zimmat* or *emn* was used, which connote similar meanings.<sup>16</sup> Demanding *aman* and granting *aman* are the common usages of the word in phrase which gives a clue about the implementation itself.<sup>17</sup>

One of the descriptions of *aman* is the guarantee of life and of property given to a foreigner who wants to enter the boundaries of an Islamic country or who wants to surrender to the Islamic army.<sup>18</sup> According to the Islamic law and Ottoman official writings, the world was described as being made up of *dar al Islam*/the house of Islam which includes not only the domains of Ottoman sultans but also those of other Sunni Muslims and *dar al harb*, which means the house of war.<sup>19</sup> A non-Muslim from *dar al harb* is regarded as a *harbi*, and because *dar al Islam* is legally at war with *dar al harb*, the *harbi* is also regarded as a foreigner with whom the Muslim is at war.<sup>20</sup> A *harbi* has no status in *dar al Islam* unless a Muslim grants him/her an *aman* or safe conduct.<sup>21</sup> Taking this *aman* provides the *harbi* the protected status of a *musta'min* (being protected-or safe) who has the rights to travel and reside securely in the *dar al Islam*

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<sup>16</sup> Nebi Bozkurt, Mehmet İpşirli, "Eman," *Türkiye Diyanet Vakfı İslam Ansiklopedisi*, (Ankara: Türkiye Diyanet Vakfı, 1995), vol.11, pp. 75-81.

<sup>17</sup> Mehmet Zeki Pakalın, "Amanname," *Osmanlı Tarih Deyimleri ve Terimleri Sözlüğü*, (Ankara : Milli Eğitim Bakanlığı, 1983), vol.1, p.55., also in Bozkurt, İpşirli, "Eman": aman diliyor, amana geldi, aman verildi were some of the stated usages.

<sup>18</sup> Bozkurt, İpşirli, "Eman".

<sup>19</sup> Suraiya Faroqhi, *The Ottoman Empire and the World Aroud It*, (New York: I.B.Tauris, 2006), p.2.

<sup>20</sup> Khadduri, *War and Peace*, p. 163.

<sup>21</sup> Hans Theunissen, *Ottoman-Venetian Diplomats: the Ahd-Names: the historical background and the development of a category of political commercial instruments together with an annotated edition of a corpus of relevant documents*, (Utrecht: Electronic Journal of Oriental Studies, 1998), p.24

from four months up to one year without paying the poll tax, which the non Muslim subject of the Islamic state (*dhimmi*) has to pay. This means that *cizye* (the poll tax) also served as a document like a visa which proved important in deciding the freedom of movement of the *dhimmi*. The non-Muslim subject of the state had to prove that he had paid this tax in order to be secure and safe in his moves. And as for the traveler, demanding a security document for more than one year changes the status of the *muste'min* to the status of a *dhimmi*.<sup>22</sup> In this respect, the logic of *aman* and also *cizye* somehow seems similar to visa which provides the holder freedom of movement and security within the boundaries of a foreign state for a limited time period.

Actually, some documents about the *cizye* implementations in the later period give a clearer idea about the content of this 'security'. In 1719, the ambassador of France sent an *arzuhal*/petition to the Sultan saying that although the translators were working in the Ottoman lands with the esteemed permission of the Sultan (*berat-ı şerif*), and as such were exempt from the poll tax, one of them was prevented during his trip to the rural areas by the tax officials. In the document, it is reminded that, these people had the permit, so that they should not be prevented.<sup>23</sup> This document shows that, in order for a non-Muslim to move within the boundaries, he had to submit some type of document showing that he paid the tax if he was in the status of *dhimmi* or showing that he had a permit if he was in the status of *musta'min*.

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<sup>22</sup> Khadduri, *War and Peace*, p. 163.

<sup>23</sup> From the "Registers of Copies of Petitions to the Porte", *French Embassy Archives*, (Nantes: France) (Feb 21, 1719). (Kindly communicated by Edhem Eldem.)

The usage of *aman* has a long history in the Arabic society before the Islamic period. It was applied during war times to the people who surrendered and also for the sake of secure trade between the tribes. Notables of the tribe used to give *aman* to the members of the tribe or also to the foreigners. The person who gives this *aman* (*muemmin*/protector) was responsible for the security of life and property of the *musta'min* who received the *aman*.<sup>24</sup>

In the tradition of Islamic society what seems different is the person who has the right to give the *aman*. Basing the argument to the words of the Prophet, it is believed that any Muslim, even from the lowest social position, such as a slave, may grant an *aman* and it is the responsibility of each Muslim to protect the non-Muslim who receives that right.<sup>25</sup> Khadduri writes that when an *imam* (religious leader) or his representative grants an *aman*, it may be called an official *aman*, while the *amans* granted by individual believers may be thought to be unofficial.<sup>26</sup> However, taking into account the advice of the Prophet about keeping all Muslims responsible for the security of the holder of the *aman* even if it were given by a Muslim slave, in terms of treatments to the holders, it seems strange to distinguish between an official and an unofficial *aman*.

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<sup>24</sup> Bozkurt, İpşirli, "Eman".

<sup>25</sup> "Eman", *İslam Ansiklopedisi, İslam Alemleri Tarih, Coğrafya, Etnografya ve Biyografya Lügati*, (İstanbul: Milli Eğitim Basımevi, 1964), vol. 4, p.240. For different versions of the hadith: also see Bozkurt, İpşirli, "Eman".

<sup>26</sup> Khadduri, *War and Peace*, p.164.

Although it may seem that the *aman* was given only to the nonbelievers, it is understood from some documents which have survived until today that the Prophet also gave *aman* to the Muslims who felt unsecure of their positions and also to the tribes such as the Necran to whom a long piece of *aman* was given. The *aman* begins with a *besmele* (formulas), and it is written on behalf of a title that this is the *aman* that the prophet of Allah wrote for the Necran people. Nebi Bozkurt says that the style of the *amans* that the Prophet wrote was followed by many sultans and official people and formed the basis for the written *amans*.<sup>27</sup>

In the periods following the time of the Prophet, the *amannames/aman* letters given for the purpose of safe travel and trade also started to be widespread. So the scope of the *aman* had extended, now referring to the documents which were given to persons or groups, and which served as immunity in the war period and as insurances to the foreigners coming to Islamic countries for the purpose of travel, trade, education or diplomacy. İpşirli states that, although the root of the implementation of *aman* in the Ottoman state is found in the Islamic tradition, its usage varied in accordance with the variety of states and people Ottoman state was in contact with. Since this implementation is also related to the power of a state in international relations, as the situation of Ottoman state changed in the international arena, its form also changed.<sup>28</sup>

The most widespread usage of the term in the Ottoman sources was the typical *aman* applied before or just after conquest of a place or a castle. This type is more an

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<sup>27</sup> Bozkurt, İpşirli “Eman,” Khadduri publishes the content of this *aman* in his book as well , see *War and Peace*, p. 206-9.

<sup>28</sup> Bozkurt, İpşirli, “Eman,”.



immunity guarantee for the *dhimmis* after a conquest. Another widespread usage of the *aman* was for the ambassadors, consuls or traders from European states, that is, within the arena of political and economical problems. İpşirli states that *mürur tezkeresi*/travel permits and passports taken by the European or American travelers or adventurous rich people from their consulates during the 19<sup>th</sup> century can also be regarded as a type of *aman* used in the Ottoman lands.<sup>29</sup> The first two types of usage of *aman* and *amanname* connote a similar meaning with *ahidname* (‘treaty’) that Hans Theunissen held in detail in his work.

Hans Theunissen goes over the literature about the *ahidnames*, which are generally known, in the western literature as capitulations.<sup>30</sup> While warning the reader to think contextually and carefully before using the term *ahidname* interchangeable with capitulation, he gives useful information about the type of the document and its usage. He especially emphasizes the diplomatic and paleographic aspects of these documents, which for him were neglected for a long time.<sup>31</sup> Although the naming or the category of the document is controversial, the meaning and the function of the document do not change much within these discussions. Those documents served to give privileges to the holder or to authorize him to act in the name of the sultan.

The privileges concerned in the *ahidnames* were general privileges such as the freedom of trade and free movement of the ships of the contractual states. In addition to

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<sup>29</sup> Ibid.

<sup>30</sup> Theunissen, *Ottoman-Venetian Relations*, p.6.

<sup>31</sup> Ibid., p.3.

the privileges it grants to the holder, *ahidnames* also put some responsibilities on the holder such as not being disloyal to the state. Kütükoğlu states that in the implementation of these *ahidnames* nothing went smoothly and many promises from both sides were broken sometimes. Also, many people tried to benefit from the deficits of the system, trying to get the privileges through these documents. However, she adds that the rulers of Ottomans tried hard to implement this system.<sup>32</sup>

According to Theunissen, a new category in addition to *dar al harb* and *dar al Islam*, called *dar al sulh* or *dar al ahd* (by an arm truce called *hudna*, *ahd*, or *sulh*) had emerged due to the impracticality of the previous division.<sup>33</sup> In this context, we may say the non Muslim state as a whole has been given an *aman* in return for a tribute paid to the rulers of the Islamic state. The status of the people from *dar al ahd* was controversial between the Islamic jurisprudence schools; while some accepted them as *musta'min*, some others included the category of *dar al ahd* within *dar al islam* and define the status of the people there as *dhimmis*.<sup>34</sup>

Giving the differentiation made by the Muslim scholar al-Kalkashandi, between *aman amm* and *aman hass*, Theunissen mentions that the *aman* which is given to a group for general protection and privileges by rulers, *imams* or their representatives is different than the *aman* given for personal protection which can be given by any Muslim. This new category of *dar al ahd*, and the definition of *aman amm*, seem to

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<sup>32</sup> Mübahat Kütükoğlu, "Ahidname," in *Türkiye Diyanet İslam Ansiklopedisi*, 1988, vol.1, pp. 535-40.

<sup>33</sup> Theunissen, *Ottoman-Venetian Relations*, p.25.

<sup>34</sup> *Ibid.*

emerge as a consequence of an increase in political and commercial contacts between Muslim and non-Muslim states. Theunissen states that, although the process from particular *amans* to general safe conducts are not so clear, in the thirteenth century, safe-conducts was an established and fully developed instrument given by Muslim rulers to a non Muslim group providing commercial privileges.<sup>35</sup>

Theunissen states that, at the end of the fifteenth century, the *ahidnames* started to take the form of a *nişan* (order). Namely, from unilateral treaties granting rights, *ahidnames* turned into reciprocal treaties which necessitated promises from both sides for the secure inhabitation of their subjects in the agreed state. He takes this as the *nişanization* of the *ahidnames*. The second half of the sixteenth century is taken as the second stage of *nişanization* process, which once again turned the form of the *ahidnames* to unilateral treaties which concluded peace and granting rights and privileges. For Theunissen, this *nişan* type of Venetian *ahidname* can also be considered as a kind of *aman*, which not only granted commercial privileges, but also established peace in the form of a unilateral instrument.<sup>36</sup>

Thus, the literature about *ahidname* provides us to see another part of the picture about guaranteeing safety. Given or prepared for a group or a state, the *ahidnames* not only served as a treaty for peace or a type of political instrument between the states, they also grant, to the subjects of that state, privileges in commercial activities and

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<sup>35</sup> Ibid., p. 27, for a detailed discussion about the nature of treaties, see pp.27-37.

<sup>36</sup> Ibid., pp. 306-9.

freedom of movement within the host country they travel as in the early Islamic *aman* tradition.

In the light of this general review about the probable roots of the implementations about the movement or passage of people from place to place, we may have a look at the early examples concerning this mobility issue. The two documents which Şinasi Tekin claims to be first examples of passports in the Ottoman state dates to the period of Sultan Mehmed the Second. The term encountered in these early examples which refer to the travel permit was *ilcan*, and it was cited in documents as *ilcan mektubu* or *ilcan-name*.<sup>37</sup> V. Menage describes the word as being formed from *il* meaning peace and *can* as (guarantee of) life. And claims that the *ilerjan* word, which is another possible reading of the same word, is a result of the misreading of v (vav) as r (rı) because of the similarity in the writing of those letters in Arabic. The word, with vav would be *il u can*, in which *u* (v) means “and” and makes the meaning the same: peace and guarantee of life.<sup>38</sup>

The first of the two documents which Tekin discusses on the travel permit given to a non-Muslim man who wanted to settle in the Balkan region of the Ottoman lands with his family. In the document it is declared that this man, called Franko Bobaniç wants an *ilcan mektubu* in order to come from Dubrovnik to the Porte. The document,

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<sup>37</sup> Şinasi Tekin, “Türkiye’de Onbeşinci Yüzyıla Ait İki Pasaport,” *Tarih ve Toplum*, No:23, 1985, pp. 9-11.

<sup>38</sup> Victor Ménage, “Seven Ottoman Documents From the Reign of Mehemmed II.,” *Documents from Islamic Chanceries*, ed. S.M. Stern, vol 3 of *Oriental Studies*, ed. S.M. Stern and R. Walzer, (Oxford,1965), p. 97-8. in Kaşgarlı Mahmud, *Divan-ı Lügat-it Türk*, çev. Besim Atalay, (Ankara: TDK, 2006): il: iki beg arasında barışıklık –iki beg birle el boldi:iki beg birbiriyle barıştı.

sealed by the Grand Vizier, conveys that no one should obstruct him, and that he and his family should be treated just as other subjects in the place he wants to settle.<sup>39</sup>

The second document that Tekin gives place in his article is about the secure pass of the Venetian ambassadors who were coming to the Porte.<sup>40</sup> This second document comes from the Venetian archives and is included in the documents V.Ménage discusses with in his article. Ménage, gives a background of Ottoman-Venice relations in the period, indicating the war period that started on 28 July 1463 and talks about the sixteen years of struggle full of efforts of negotiation stated in his words as “hardly one of the sixteen years passed without a peace-feeler being extended by one side or the other”<sup>41</sup> The seven documents he analyses which are reflecting these negotiation efforts of the time were discovered by John Wansbrough in the Venetian archives under a file which has no hint that ottoman documents are included in it.<sup>42</sup> Five of these seven documents Ménage tackles with are about the passes and are the assurances of security for the holders of the documents.

One of them is a decree addressing the *sancak beys* of *rumeli* commenting them to grant passage and protection to a Venetian ambassador travelling to the Porte. In this decree there is not a term referring to the name or type of the document as *ilcan mektubu*, but it only states the demand of ambassador’s coming to the port and the

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<sup>39</sup> Tekin, “Türkiye’de İki Pasaport,” (First decade of Cemaz-I 867/ 22Jan-1Feb 1463) p.9.

<sup>40</sup> Ibid., p.10-11.

<sup>41</sup> Ménage, “Seven Otoman Documents,” p. 81.

<sup>42</sup> Ibid.

admonition to the administrators on the way.<sup>43</sup> In another document drawn up in Italian by Mehmed the Second, permitting the Venetian ambassador to travel to the Porte, the term “*seculo saluo conducto*” is used to refer to the document.<sup>44</sup> Most probably for this reason, Ménage uses the term “safe-conduct” to refer to these documents and like Theunissen, states that there seems to have been no single term regularly used for safe conduct in Ottoman usage. He states that in the later safe conducts of 1559 and 1581 published by J.H.Mordtmann, the documents are generally called *hüküm* (judgment) or *ferman* (order) and sometimes referred to as *icazet* or *izn* (permission).<sup>45</sup>

The document which Şinasi Tekin also handled was decreed in order to be a security assurance to the Venetian ambassadors and include the term *ilcanname*. In the decree, sealed by the sultan, it is stated that without consideration as to whether the peace treaty is completed or not, the ambassadors’ security should be carefully regarded.<sup>46</sup> Another *ferman* addressed to the ambassadors of Venice, says that they should not hesitate to come to the Porte.<sup>47</sup> The document is written to make the ambassadors feel secure about their travel to the lands of the state with which they are at war. In the last of the five documents about the secure pass of the holder, it is again

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<sup>43</sup> Ibid., (Mid decade of Rabi’I 882/ 23 June-2July 1477) p. 83-4.

<sup>44</sup> Ibid., (25 Feb 1478) pp. 85-6.

<sup>45</sup> Ibid., p.98-9.

<sup>46</sup> Ibid., p.88-9., Tekin, “Türkiye’de İki Pasaport,” (First decade of Muharram 883/4-13 April 1478). pp. 10-11.

<sup>47</sup> Ibid., pp.87-8.

stated not to prevent the entrance or departure of the Venetian ambassador to the Porte.<sup>48</sup>

It seems that the documents Ménage presents in his article reflect a similar mentality behind the *amannname* and *ahidname* practices. What comes to the foreground is the secure pass and stay of the holder in the Ottoman lands. Since the documents were issued at wartime between Venice and the Ottoman Empire, they also reflect the legal part of the issue, which I mentioned while talking about *aman*. For instance, the ambassadors of Venice, being the subjects and ambassadors of a state which was at war with Ottoman Empire, felt insecure about going to the Porte. This feeling itself and their demand for security seemed to have been taken as a call of *aman* and lead to the emergence of such documents promising a safe travel or stay for the holder. It is important to note that the documents were generally prepared for the officials of states, such as their ambassadors. Or, as we saw in the functions of *aman*, traders seem to have been another important factor for the implementation of such documents. However, the wanderers or travelers for their own sake were not in the scene yet, nor do we have any records of treatment towards such people in the early periods, or the enactments were so rare that I did not come across such early travel permits in my research. It seems that documents granting secure travel or stay were issued in response to needs.

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<sup>48</sup> Ibid., pp.90-1.

## Dealing with the Security of the City: *Kefalet*

*Kefalet* (guarantorship) is defined as sharing the responsibility of a person who is indebted to someone, or taking the responsibility for the surrender of someone.<sup>49</sup> Like *aman*, *kefalet* issue is detailed in the Islamic law and there are different requirements for different types of *kefalet*. Pakalın analyzes these types under separate titles as *kefalet-i maliy(l)e*, *kefalet-i müteselsile* and *kefalet-i nefsiyye*. The first one, *kefalet-i maliy(l)e*, necessitates giving guarantee to pay a stated amount of money; namely, it is an economic guarantorship. *Müteselsile* is an agreement to standsurety for each other, that is, a reciprocal guarantorship. And the last one, *kefalet-i nefsiyye*, is to stand surety for the individual person, like a promise to bring that person when demanded.<sup>50</sup>

*Kefalet* came to the scene in the sixteenth century, within the Ottoman lands when there was also an issue of controlling migration from the rural areas to the capital city. Though we cannot know to what extent the orders were effective or applicable, reading the documents written by the rulers makes us at least understand that this was one of the agendas. One comes across with the orders in the collection of *muhimmes* ('important issues') which Ahmet Refik tackles in his book series named "*Life in*

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<sup>49</sup> H. Yunus Apaydın, "Kefalet," *Türkiye Diyanet Vakfı İslam Ansiklopedisi.*, vol. 11, pp.168-177, "kefalet", *İslam Ansiklopedisi* (M.E.B, 1967) vol.6, pp.168-77.

<sup>50</sup> Pakalın, "kefalet-i müteselsile," vol.2, pp.271-2.



*Istanbul*”, categorized according to the centuries.<sup>51</sup> In one of the documents addressed to the judge of Haslar (the region around Eyüb), the subjects who leave their lands and come to settle in Istanbul is the concern. It is stated that in addition to the harm caused by the abandonment of the lands due to migrations, these newcomers also were causing subsistence difficulties to the residents in the regions in which they were starting to settle. The document decrees the determination of the number of people who came and constructed new buildings in the past five years, and the prevention of such constructions and settlements of those who came after that. The demand of *kefalet* may also be seen in the document. Hence it is noted that anybody who causes disorder or who does not have a *kefil* (guarantor) should also be punished.<sup>52</sup>

The *kefalet* issue is held more clearly in another sixteenth century document which forbids the pass of the people from the ports who have no *kefil*. It is noted in the document that only after determining who the *kefil* of the person is, and what other information there is about the person, the port officer would let him pass to the next port. Also, in the decree, there is a warning and threatening tone saying the admonition is written due to certain complaints about people who are causing distress in certain regions. This fact shows negligence in the examinations in the ports and the decree demands from the officers to be more cautious about the issue.<sup>53</sup> Eleven years after the decree mentioning the restrictions and controls of the migrations and migrants in

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<sup>51</sup> Ahmet Refik Altınay, *Onuncu Asr-ı Hicride İstanbul Hayatı*, haz. Abdullah Uysal (Ankara: Kültür ve Turizm Bakanlığı Yayınları, 1987)

<sup>52</sup> *Ibid.*, (27 safer 975/2 Sep 1567), p.205.

<sup>53</sup> *Ibid.*, (3 Zilhicce 975/30 April 1568), p.115.

Istanbul, it seems the tone becomes stricter, as can be seen from a document addressed to the judges of Istanbul, Galata and Üsküdar. Here, it is said that those who are causing distress in the districts should be sent back to wherever they come from even if they came and settled in Istanbul in the last five years. All the people of Istanbul should stand surety/be recorded with a *kefil*, and all of the residences should be checked from the residents of the districts to the people staying in the rooms of foundations, in the caravanserais, etc., so that no one should be left without standing surety or recording a *kefil*.<sup>54</sup>

From then on, it becomes a rule in the law of the Ottomans that the inhabitants of a district should be guarantors of each other (*müteselsilen kefil*), so that each of them would be responsible in an incident in which the criminal is unknown.<sup>55</sup> To have an idea about the implementation's later and more developed condition, we may look at Kırılı's work where he talks about the *kefalet* system while giving information about the nature of artisan relations in the eighteenth century Istanbul. According to Kırılı, the principle purpose of the system was to create a unifying system of incorporation where individuals were linked to larger groups through the placement of *kefalet* so that the actions of an individual would implicate the whole.<sup>56</sup> While talking about the *kefalet* organization in the districts, it is noted that the residents had the right to expel "disagreeable" people out of their neighborhood or refuse those who had insufficient

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<sup>54</sup> Ibid., (9 Zilkade 987/28 Dec 1579)

<sup>55</sup> Özer Ergenç, *Osmanlı klasik dönemi kent tarihçiliğine katkı : XVI. yüzyılda Ankara ve Konya*, (Ankara : Ankara Enstitüsü Vakfı, 1995), p. 147.

<sup>56</sup> Cengiz Kırılı, "The Struggle Over Space Coffeehouses of Ottoman İstanbul, 1780-1845," (PhD Thesis: Binghamton University, 2000), p. 73.

references to move into it. By sharing the collective responsibility, all members of the community were knit together in a unifying system.<sup>57</sup>

Although it is hard to believe that these or similar preventions could prevent the migration of people who were not examined in the ports or other check points, just the fact that these decrees were issued reflect the concerns held by the rulers of the time. At least, it seems the agenda of controlling the movement of people towards the capital city started very early in the Ottoman lands. Also, we may infer ideas about the ruling and the controlling style of the rulers by means of these implementations. The inclusion of the community in the sharing of responsibility could be regarded as part of the security and protection mentality which we had come across in the first examples of mobility control like *aman*. By ensuring that individuals in society kept each other in check, it seems that the rulers, rather than controlling every step of every individual, had arranged a system within which control was established by itself.

### Sixteenth Century Onwards

#### Guaranteeing the Safety: *Yol hükmü, Menzil emri, Menzil hükmü*

Having introduced to the early terminology related with the issue, I will continue to present examples chronologically. During the same years, one can come across some documents about the security of travelers that were issued by the Ottoman rulers. These documents, dealing with the movement of people from one place to another were

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<sup>57</sup> Ibid., p.76

recorded in the *defter of muhimme* number seven, which collected the important internal and external affairs written between the years 1567-9. The term *yol hükmü* (road decree) appears in the documents inside this collection. The documents that we come across show that it was customary to write such a document or a note to the document about the secure pass of the holder when necessary. For instance, in the decree giving information about the payment of the salaries of the janissaries in Bagdad, it is added to the end that a *yol hükmü* is written in accordance with the law to convey these salaries to the destination.<sup>58</sup>

In another document, which talks about the transportation of some goods for the soldiers from Cezire, a small note appears on the document saying the *yol hükmü* is given until the stated person transporting those goods reaches his destination.<sup>59</sup> Also, we come across very brief decrees only including the information stating for what purpose the men are going to that place. An example is a document saying the *yol hükmü* is given to translator İbrahim Bey who is going to the King of *Beç*.<sup>60</sup>

When we turn to the seventeenth century, we come across in the *mühimmes*, a series of decrees named *yol hükmü*, *menzil emri*, *menzil hükmü*, which makes one think that dealing with the mobility issue had become more widespread and standardized in this century.

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<sup>58</sup> Hacı Osman Yıldırım, et alii (eds.), *7 Numaralı mühimme defteri : (975-976/1567-1569) : özet-transkripsiyon-indeks*, 3vols. (Ankara: Devlet Arşivleri Genel Müdürlüğü, 1998) vol.1, Document no: 627, p.307.

<sup>59</sup> Ibid., no: 719, p.350.

<sup>60</sup> Ibid., no: 1137, p.542.

As in the examples of decrees including *yol hükmüs* issued at the end of the sixteenth century, the general custom in the seventeenth century was to also add a note to the related document to provide a secure travel for the holder. Actually, it could be said the demand of such documents is closely related with the need of security. The document issued in the beginning of the seventeenth century shows this link of security saying that the traders who were trying to go from Istanbul to Ankara were faced with difficulties on the road because of some people who demanded money from them, which was an illegal act. These men stated, according to the document, that they could not make a profit due to the difficulties and preventions they faced with on the road and they want a decree (*emr-i şerif*) for this reason. The decree addressed to the judges from Üsküdar to Ankara, says not to let anyone to get in the way of these men or to cause any difficulties for them.<sup>61</sup>

In the defter number 85, the *muhimmes* written in the years 1630 and 31 were collected. In one of the documents the route and the number of the men who will be given *menzil emri* are stated.<sup>62</sup> Similarly, for the officers of the state other decree examples exist, in which their routes are indicated with a note of the word *menzil* meaning halting place and serving as the name of the document.<sup>63</sup> This, then, seems to carry a meaning of a security conduct for the holder and to also indicate the connection between the holder and the authorities.

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<sup>61</sup> Ahmet Refik Altınay, *Hicri Onbirinci Asırda İstanbul Hayatı : 1000-1100*, (İstanbul: Devlet Matbaası, 1931), (13 S 1018/ 17 May 1609), p.39.

<sup>62</sup> Hacı Osman Yıldırım, et alii (eds.), *85 numaralı Mühimme defteri (1040-1041(1042)/1630-1631(1632) özet-transkripsiyon-indeks*. (Ankara: Devlet Arşivleri Genel Müdürlüğü, 2002), document no: 15, p.11.

<sup>63</sup> *Ibid.*, no: 262, 662, p.160 and 402.

The meaning of *menzil* becomes clearer in the following documents. At the end of the document written for Officer Kapıcıbaşı Kenan, who was charged with some responsibilities in the Edirne region, it is added that for this man, *menzil* and *yol hükmü* are written.<sup>64</sup> Existence of the *menzil* and *yol hükmü* words together makes one think about the difference between the two words. In another document which includes a note addressed to the officers enroute from Bogdan to Asitane, a *menzil bargiri* (horse for halting place) and *yol hükmü* were written so that these officers should support the group which was bringing the brother of the voivode of Bogdan to Asitane with horses and ensure their security.<sup>65</sup> Adding *bargir*, meaning horse, to the term makes us think that *menzil hükmü* is more than just a security document which also provides the holder with easy access to the needs such as horse during his travel.

It seems from this and from all other documents that have reached our investigation from the fifteenth to the seventeenth centuries that the movement of the foreigners and the subjects was somehow the concern of the Ottoman rulers. However, in order to understand the mentality it is important to understand the reasons behind issuing such documents. From the variety of documents we consider in this chapter, it can be understood that in the fifteenth century, documents called *aman*, *ahdname*, *ilcanname*, *ilcan mektubu*, *yol emri*, *menzil emri/bargiri* or safe conduct were issued to provide a secure pass for known and official persons. In the sixteenth century, the movements towards the capital city also started to be questioned, with decrees

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<sup>64</sup> Ibid., no: 270, p.164.

<sup>65</sup> Ibid., no: 589, p.358.

demanding intense checks and investigations from the officers, and bringing the *kefalet* issue onto the scene. In the seventeenth century we witness documents concerning the movement of those subjects of the Ottoman state who are mostly officers of the state or traders. In addition, the security and the needs of the holder were the main concern for issuing those documents.

### Describing the Person

Although we may see the concern of security in the control of movements in the classical age, another type of record exists which has nothing to do with the security of the recorded name, but provides a picture from the history of identification. In the classical age, it seems that some people were registered in the court records with reference to their appearance. What we come across most in the sixteenth century Üsküdar court records are the cases of slaves who were caught and delivered to their owners or to the responsible official (*amil*). These texts also contain information on the money to be paid for their sustenance.

In the court records of Üsküdar number 1, there were many cases of fugitive slaves. Two of them were caught in the Öküz port in Üsküdar, and one is recorded as a slave who is dark hazel eyed, medium height, blond, Bosnian and named Balaban, and the other is described as a tall, bearded, blond and hazel eyed slave named Merd. They were delivered to the *amil* Mehmed bin Bekir and the money that would be paid for

sustainance agreed on was 2 *akces* per day.<sup>66</sup> Another Russian slave was caught in Üsküdar whose name is recorded as İsa bin Abdullah, and who is described as a short blond man with sky blue eyes, separate eyebrows, no facial hair, and, wearing a black hat and a blue caftan.<sup>67</sup>

It is understood that if anyone who was caught in the ports could not prove his freedom, he could be sold as a slave. Such people's appearances would be noted in the registers, which included details similar to those that were going to be noted in the registers and travel permits a hundred years later. As can be seen from the description of physical appearance, the clothes also were recorded. The hats and the caftans or other outfits could be noted in the records.<sup>68</sup>

Also at the middle of the same century we come across with similar descriptions, such as the case of a caught slave who was described as tall, with separate eyebrows, blue eyes, blond hair, who wore *ağrız* (a type of a seamless shirt) and shirt inside, confessed his status as a slave, and since his owner was not known, was delivered to the “*zaim*”, the name given to the holders of a major tax grant.<sup>69</sup>

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<sup>66</sup> M. Akif Aydın, et alii (eds.) *İstanbul Kadı Sicilleri Üsküdar Mahkemesi, İnumaralı sicil, (H.919-927 / M. 1513-1521)*, (İstanbul: İSAM Yayınları, 2008), [4a-1], p.111.

<sup>67</sup> Ibid., [29b-3], p.158-9.

<sup>68</sup> Ibid., Some ex: kısa boylu açık kaşlı gök gözlü kösecü'ş şekli sarışın başına kara külah ve eğnine gök kaftan giyer Rusiyyül asl abd-ı abık (p.158), nam uzun boylu açık kaşlı gök ela gözlü sarışın saçlı başına şapka ve eğnine kara ağrız giyer Hırvadiyyü'l asl abd-i abık (p.159), yeniçeri isa bir uzun boylu çatık kaşlı kara gözlü kösecü'ş şekli buğday tenli başına keçe takke ve eğnine kara kebe giyer bosnaviyyü'l asl (p.193)

<sup>69</sup> M. Akif Aydın, et alii (eds.), *İstanbul Kadı Sicilleri Üsküdar Mahkemesi, 26 numaralı sicil (H. 970-971 / M. 1562-1563)*, (İstanbul: İSAM Yayınları, 2010), 940 [89a-5], p.417.



Although these are not direct examples of travel permits, in terms of the mentality of identifying people by recording their appearances, these may be regarded as the first examples of identification. Such descriptions and details about the persons did not appear in the travel permits in the same period, however, the developments in the regulations about travel permits and the contents of the later travel permits - especially nineteenth century- could be compared with these first examples of describing the person. Also these examples reflect the areas of identification and control of the rulers in these centuries.

But criminal cases were not the only situations where appearances were described in the documents. Another interesting category where we see such detailed descriptions and identifications was the orders written for foreign citizens who had the right to move in the Ottoman lands by means of the granted *ahidname* to his state or for him. In the document written for Nikole son of İstefan, he was described as middle heighted and with moustache.<sup>70</sup> As can be seen, before nineteenth century, such identification practices could be observed in the documents prepared for the control of foreign non-Muslims.

### Guaranteeing Safety and Controlling: Eighteenth century

While the few mentioned attempts, in the sixteenth century, of controlling the mobility towards Istanbul were focusing more on the generated problems than preventions, the

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<sup>70</sup> Archives Capuchin Order in Paris, 1172 (1758-59). (Kindly communicated by Edhem Eldem)

controls became more widespread and the preventions started to be highly debated throughout the eighteenth century. In this regard it seems there exists two types of documents, the first of which includes the debates about the movement towards Istanbul, the preventions of the migrations toward Istanbul, and the problems that came to the scene after these migrations. The other type of documents can be regarded as the continuation of the tradition of giving documents when demanded or for the secure pass of the holders who are the officers or personas related with the authorities of the Ottoman state or other countries.

Although one of the first attempts of the founders of the Ottoman Empire was to increase the population of Istanbul with the settlement of people from different parts of the conquered lands, from the seventeenth century onwards, the policies on population started to change.<sup>71</sup> Even in the sixteenth century there is no evidence of a forced migration towards the capital city which might then become an attractive center for the migrants according to Faroqi.<sup>72</sup> In the seventeenth century, due to wars and uprisings, there was an uneasy atmosphere in the majority of the lands which affected the increase of migrations towards the capital city. In the eighteenth century the scene changed completely and as Cengiz Kırılı points out, throughout the century preventing migration was a pressing problem for the Ottoman authorities.<sup>73</sup>

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<sup>71</sup> Münir Aktepe, "İstanbul'un Nüfus Meselesine Dair bazı vesikalar," *Tarih Dergisi*, C:IX, S: 13, (İstanbul Edebiyat Fakültesi Basımevi, 1958), p.1.

<sup>72</sup> Suraiya Faroqi, "18. yy Büyük İstanbul'una Göç," *18.yy Kadı Sicilleri Işığında Eyüp'te Sosyal Yaşam*, ed. Tülay Artan, (İstanbul: Tarih VakfıYurt Yayınları, 1998), p.33.

<sup>73</sup> Cengiz Kırılı, *PhD Thesis*, p. 98.

One of the first attempts in this regard in the eighteenth century was during the reign of Ahmed III. The copies of the order (*ferman*) issued in 1721 were sent to many of the administrations in the Ottoman lands and gives promising information about the ongoing movement of population, its causes and the strict order about the prevention of these movements.<sup>74</sup> It is said in the order that subjects from different occupations migrate to Istanbul to get rid of the burden of some of the newly issued taxes and this causes more burdens to the subjects who stayed in their lands, and causes unemployment and difficulties in Istanbul. So it was strictly forbidden to migrate to Istanbul and the order warns all of the administrators so that they will not let anyone escape from their area of administration.<sup>75</sup>

Aktepe argues that the tax pressure introduced by Sultan Ahmed to pay for his wars spending made the subjects vulnerable to the burdens and made them leave their lands to seek for opportunities in the capital city which had some special tax exemptions. So the attempts of increasing the revenue of the state did nothing but stimulate the movement towards the capital city.<sup>76</sup> In response to this fact, the Sultan continued to send warnings and tried to prevent these migrations. Another document dated 1724 says that, although it was previously ordered that there was no permission to leave the lands or occupations in the hometown, and that the administrators should be cautious on the issue, a group of women migrated to Istanbul. This shows that there the

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<sup>74</sup> The places included: Üsküdar'dan Trabzon'a varınca Karadeniz sevhilinde.., Anadolu, Sivas, Karaman vilayetlerine; Ankara Hüdavendigâr sancakları mutasarrıflarına; Edirne bostancıbaşı ve İstanbul'dan Edirne'ye..

<sup>75</sup> Aktepe, "İstanbul'un Nüfus Meselesi," pp.4-5.

<sup>76</sup> Ibid., p.6

order was disregarded. The order repeated the previous one saying that regardless of whom or from which administration anyone is, no one should be allowed to migrate.<sup>77</sup>

In the same year, the sultan complains in another order that the moving houses from Edirne and its surroundings continue although this was forbidden, and holds the officers responsible for this situation and threatens them with severe punishments.<sup>78</sup>

The third period of the Safavid Wars made the subjects more vulnerable and accelerated the migrations according to Aktepe.<sup>79</sup> It can be understood from the continuing orders that the Sultan tried hard to prevent these migrations; for example, in an order addressed to the customs officer of Istanbul in 1729, it is said that the migrations from Anatolia and Rumelia can not be prevented, and the customs officer is responsible of this. In addition, it is noted in the order that from then on, if anyone comes through the gates of Istanbul, he/she should not be allowed in and should be sent back to his/her homeland.<sup>80</sup>

In the first years of the reign of sultan Mahmud I, the chief janissary of Istanbul sent a letter to the judge, chief janissary commander, voivode and customs officer, remind them that difficulties such as illnesses like plague occurred as a result of migrations to Istanbul and orders them to strictly control their ports and prevent any

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<sup>77</sup> Ibid., (1136 evail-i ramazan/ end of may 1724) p.7.

<sup>78</sup> Ahmet Refik Altınay, *İstanbul hayatı : Hicri Onikinci Asırda : 1100-1200.*, (İstanbul: Enderun, 1988), (1137 evail-i Ra/1724 Dec) pp. 80-1.

<sup>79</sup> Aktepe, "İstanbul'un Nüfus Meselesi," p.9.

<sup>80</sup> Altınay, *Hicri Onikinci Asırda*, (1142 evail-i Ca/ 1729 Nov), pp.105-6.

passes from Anadolu and Aydın via the sea way.<sup>81</sup> The uprising of Patrona Halil and two other uprisings in the continuing years were associated with the increase of migrations in this letter and in some other documents. It can be said that controls on the entrance to Istanbul were increased after these uprisings. As can be seen in the order dated 1731, not only the people who migrate to settle down but also the ones who have something to do in the city also started to be questioned.<sup>82</sup>

In order to increase the motivations for not leaving their homelands and moving to Istanbul, some type of tax exemption was offered by the sultan to the administrations. The order giving this exempt, dated 1734, threatens the administrators and the subjects saying if any misconduct is heard of, a tax will be collected from the people of that *kaza* (district) and the officials who permit those people will be punished harshly.<sup>83</sup> In a supporting order, the sultan mentions the harsh punishment that would be given to the officials who permit migrations towards Istanbul.<sup>84</sup>

The individual travel permits during this century which are placed in the *ahkam defterleri* (books of orders) make us see the applicability of the orders more clearly. We come across many types of documents from 1740 to 1765 in the published *defters* which are issued for the people who want to enter or leave Istanbul. The documents which are termed *yol hükmü* or *menzil hükmü* or more generally *emr-i şerif* or *ferman-ı*

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<sup>81</sup> Aktepe, “İstanbul’un Nüfus Meselesi,” p.10.

<sup>82</sup> Ibid., (evasıt-i Ra 1144/ Oct. 1731) p.11-2.

<sup>83</sup> Ibid., (evasıt-ı Receb 1147/1734) p. 13-5.

<sup>84</sup> Ibid., p.15-6.

*alişan* (glorious order), are published under some categories based on the reason of the travel. Some of the titles of these categories are about inheritance, visits of acquaintances or for health reasons, debt issues, special cases, designation or moving houses.

For instance, it is stated in one of the documents that an *emr-i şerif* was issued in order not to cause any difficulty to the pass of four women who reside in Istanbul and wanted to go to Edirne to arrange the accounts of their farms and estates.<sup>85</sup> We cannot get an exact idea about the process of acquiring an *emr-i şerif* from this case, but the term used in the document “*mümanaat olunmaya*”, which means not to avert or cause difficulty, gives some perspective about the format of the implementations. In response to the increase in paper works in the eighteenth century, these orders concerning the control of the mobility also increased. This increase in the orders made it necessary to create exceptions in order to be in compliance with the orders.

One example under the category of special cases is the pass permission given to a person called Ali, who demanded this document because of the difficulty he and his wife had come across while trying to return to Istanbul from Edirne. After some investigations, and after the interrogations made with the imam, muezzin and people of the district in which they claimed to live, it was understood that they were living in that district before and went to Edirne for some reason with a burden of four cars.<sup>86</sup>

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<sup>85</sup> Ahmet Kal'a, et alii (eds.), *Istanbul Ahkam defterleri: İstanbul'da Sosyal Hayat*, 2 vols., (Istanbul: İstanbul Büyükşehir Belediyesi Kültür İşleri Daire Başkanlığı İstanbul Araştırmaları Merkezi, 1997), (3-12 Agst. 1742), v.1, p.1.

<sup>86</sup> Ibid., (evail-i C sene 1155/ 3-13 Agst. 1742), pp.1-2.

Similarly, after the demand of Fatıma Hatun who wanted to go to and come back from Edirne for some legal reasons, a *ferman-ı alişan* was issued to provide an easy and secure travel for her. It is important to note, as understand from the *ferman*, that she had faced with some difficulties on the way which is why this document was demanded. Moreover, it is understood that her state of inhabitancy in the district had to be proved as we see here it was declared by the people of the district.<sup>87</sup>

The individual pass documents for special cases continued to be issued in which we may see the reflections of the practical implementations mentioned in the general orders as well. It is declared in one of the documents that Fatıma hanım who claimed to live in Edirnekapı, a district of Istanbul, went with a friend and with her mother to Edirne because of the death of an acquaintance. During their return, they were prevented from entering the city due to the orders applied. For this reason, she wants a document or permission in order not to be stopped. It is important to note that, in the document it is written that if their cause of travel is proven, they may be given permission.<sup>88</sup> As in the previous documents which point out the interrogations to prove the claim of the demander, this document also wants to give the message that it is not given easily, and that the controls are strict.

If we continue with the general orders, the evacuation of Istanbul seems to be the next step of the sultan in the following years. Some orders were given to the imams to control their districts and find people to be sent back, mostly the new comers of no

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<sup>87</sup> Ibid., [evail-i B 1158/ 30 July- 8 Agust. 1745), p.202.

<sup>88</sup> Ibid., (evail-i C 1155/ 3-12 Agust 1742), pp.6-7.

more than 10 years, and who were seen as the causes of the uprisings in Istanbul.<sup>89</sup> The controls in terms of the entrance to Istanbul also increased such that the traders who continuously came and went to Istanbul were also subjected to controls.<sup>90</sup> It seems that while dealing with the population of Istanbul, Mahmud I also dealt with the rehabilitation of the boondocks (*taşra*), giving orders to the administrators about how to treat the subjects in order to get rid of poverty.<sup>91</sup> However, the precautions Mahmud I took did not help to calm uprisings in Istanbul. The victories of the Safavids and the rumors in Istanbul spread by the collaboration of the artisans and the unemployed people resulted in uprisings and lead the Sultan to take harsher precautions. In 1743 the Sultan ordered the head of the janissaries, Hasan Paşa, to kill the suspects.<sup>92</sup>

We come across document examples in those years which make one think that the entrance to Istanbul was being taken seriously. Even when the destination was not Istanbul, the people who were passing through Istanbul for other visits also faced with preventions such that we see these documents giving orders to not cause difficulty to them during their pass from Istanbul. We may have a look at two *fermans* giving permission to the Jews who demanded to visit Jerusalem and had to pass through Istanbul for that reason. In one of them, a man, who is said to be too old and referred as *pir u ihtiyar*, wants to visit Jerusalem with his wife. In the document, there is not much detail, but it says to not prevent this man and his wife from entering Istanbul in order to

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<sup>89</sup> Aktepe, "İstanbul'un Nüfus Meselesi," p. 16-20.

<sup>90</sup> Ibid., p. 20.

<sup>91</sup> Ibid., p.21-2.

<sup>92</sup> Ibid., p. 23.



continue on their way to Jerusalem.<sup>93</sup> However, in another document giving permission to the Jewish man Mosi who want to pass through Istanbul with his daughters and two of his relatives for the same reason, they were asked to show witnesses from the Jewish community of Istanbul whose name were known by the authorities.<sup>94</sup> Here one may think that it was just a coincidence that a witness was demanded form one and not from the other, or one may take the term used to call the old man, which actually does not name but emphasizes his age, as a clue that the orders and demands were done according to the dangers in the minds of the state. They may not have seen it necessary for the old man to find a witness because of the lack of the possibility of his lying or of causing any problems by staying in Istanbul or in Jerusalem. Similarly for the Muslim subjects of the state who wanted to pass through Istanbul for *hadj* some *fermans* were written that they should not be prevented provided that they do not spent much time in Istanbul.<sup>95</sup>

The *ferman* dated 1747 also shows how harsh the punishments were to the people who succeeded escaping from the gazes of the control officers. In the order, if the people who were accused made complaint about the administrators in their hometown and if the complaints were true about these administrators, the administrators get a

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<sup>93</sup> Ahmet Kal'a, et alii (eds.), *Istanbul Ahkam defterleri*, (1-10 Oct. 1742), v.1, p.38.

<sup>94</sup> *Ibid.*, (14-22 June 1743), pp.84-5.

<sup>95</sup> *Ibid.*, (25 May-3 June 1743), p.84., (evasıt-i Ca 1159/June 1746), p.238.

punishment (from a harsh warning to an execution). If the complaint is not true, then the punishment was for the accused which was execution.<sup>96</sup>

The content of some individual pass permission documents strengthens the effect of the orders. It seems that if someone leaves Istanbul for a reason, it was not easy to come back. The person who faced difficulties in his/her return should explain the reason of his/her departure to get the right of return to his/her home. When Mehmet went to baths of Daglar in Kocaeli for a therapy for his wife and his mother, they were prevented from entering Istanbul from *Iznikmid* due to the orders. They had to declare their reason for leaving, and find some witnesses to prove their residency in Istanbul in order to have a *ferman* giving the order to the administrators not to prevent them on their way.<sup>97</sup>

In addition to demanding proof for residency in Istanbul and the reasons for travel, the documents also started to emphasize the limits or the conditions of the permission; repeating at the end who wanted that document, in order to remind that only the ones whose names are stated in the document would benefit from the permission.<sup>98</sup> In addition, in some cases the *fermans* were granting the permission based on some conditions. When one of the officers of state demanded to have permission for his mother to come to Istanbul with two companions and two helpers, he stated that they

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<sup>96</sup> Aktepe, "İstanbul'un Nüfus Meselesi," (evsıt-ı Şevval 1160/ Oct. 1747), p. 24.

<sup>97</sup> Ahmet Kal'a, et alii (eds.), *Istanbul Ahkam defterleri*, (evail-i M 1164/ Dec 1750), v.1,pp. 336-7.

<sup>98</sup> Ahmet Kal'a, et alii (eds.), *Istanbul Ahkam defterleri: İstanbul'da Sosyal Hayat*, 2 vols., (Istanbul: İstanbul Büyükşehir Belediyesi Kültür İşleri Daire Başkanlığı İstanbul Araştırmaları Merkezi, 1998), (evahir-i R 1168/ 4-12 Feb 1755), V.2, p.54.

would return to Edirne. It is also stated that the document was issued in order not to cause any difficulty for the pass of the stated five women, provided that they returned back to Edirne.<sup>99</sup>

These individual cases to exceptional conditions were so widespread that in the coming year it is seen in one of the documents that these exceptions were also starting to be standardized by adding a general note under the special case. One man who wanted to go from Üsküdar to his hometown became ill in the road, but could not return because of the preventions in Iznikmid. It is written in the order that in conditions such as visiting a hometown (*sila-i rahim*) the officers should not prevent entry.<sup>100</sup> However, stating the cause of the visit could not be sufficient each time, as we may see from the document granting permission to the two women who went to visit their hometown to Karaman and were prevented in Karamursel from going back to Istanbul. Only when their residency in Molla Husrev district was proven in the court by the *imam, muezzin* (caller of Muslims to mosque for daily praying) and the people of the district, did they may have the right to have that *ferman* as a travel permit.<sup>101</sup>

As can be seen, the orders concerning the individual permissions and general orders about the movement of people in the eighteenth century were focused on the passes to Istanbul. The problem exists only when the destination or the stopover is Istanbul. In the great majority of permissions the direction was from Edirne to Istanbul.

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<sup>99</sup> Ibid., (evail-i C 1169/ 3-12 March 1756), p.370.

<sup>100</sup> Ibid., (evasit-i N 1175/ 5-14 Apr. 1762), pp. 252-3.

<sup>101</sup> Ibid., (evasit-i Ca 1178/ 6-15 Nov. 1764), pp. 389-90.

Only few cases exist that are not permissions to enter Istanbul, but for example one is a permission to go to *hadj* and the others are from Iznikmid or Karaman etc. to Istanbul. Also in the eighteenth century, we come across with the functional role of the *ahidname* for the foreign traveler through the orders including information about the holder and about the *ahidname*. In these documents, the officials of *cizye* were addressed not to cause difficulty for the pass of the holder due to the *ahidname* in the hand of the traveler.<sup>102</sup>

The regulations that were applied to the whole population were based on the interests about the capital city mostly. Aktepe thinks that especially Mahmud I tried to take important precautions to organize the movements of the population with the intentions of supplying security and welfare and not disregarding the necessities of the people of the city.<sup>103</sup> However, problem of the movement towards Istanbul could not be solved as can be detected from the continuing efforts made in the second half of the century and in the following centuries. Aktepe also mentions the *ferman* of Mustafa III not to break the continuity of his argument. In that order dated 1763, the subject is the dispatchment of the idle and unemployed people from Istanbul, especially the group of Kurds to their hometowns.<sup>104</sup>

The script Aktepe took from Cevdet Paşa gives an idea about the end of the century saying that the controls in Istanbul were done with three year intervals previously and the people who had no *kefil* and no job in Istanbul were to be sent to

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<sup>102</sup> Archives Capuchin Order in Paris, 1170 (1756-57), (Kindly communicated by Edhem Eldem).

<sup>103</sup> Aktepe, "İstanbul'un Nüfus Meselesi," p. 27.

<sup>104</sup> Ibid., (evasit-i Şevval 1176/ end of April 1763), p. 28.

their homelands. After a break in the continuity of the controls, it is stated that, the interval of controls started to be six months at the end of the century.<sup>105</sup>

The implementations seem very interesting, especially when we consider the practices about the *kefils/guarantorships* and the kicking out of the idle people. Although the orders tried to give a smooth picture of organized control, both the inconsistencies in the individual permission documents, the repeated general precautions about the increasing movement toward Istanbul and the difficulty in detecting the unwanted elements give clues about the arbitrariness of the governing methods. It can be clearly seen that there has to be many hidden elements and there had to be many victims who could not afford known *kefils*. This is not to question the intentions of the sultans but to show the operation of the states: It seems during the eighteenth century that the practices of the state about the issue inevitably started to be transformed from something concerning security of travelers to an implementation including surveillance and arbitrariness.

After dealing with all these examples of decrees and documents, the factors behind the measures can be questioned more clearly. Faroqhi states that the rural population had always served as an important tax base for the state and the rulers were anxious about migrations from the rural areas to the cities since they could cause danger for that tax base.<sup>106</sup> From all the decrees Aktepe published, this idea of the rulers could clearly be seen. In addition, Faroqhi makes an important detection about the mentality

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<sup>105</sup> Ibid., p. 29.

<sup>106</sup> Faroqhi, “18. yy. Büyük İstanbul’una Göç”, p.34.

behind all these controls in the eighteenth century. After the years of the plague epidemics in the empire during the eighteenth century (between 1701-50 37 epidemics, between 1751-1800 31 epidemics, the most dangerous being between 1739-43), it seems that Ottoman state needed the immigrant flows to the capital city because of the workforce needed for the army as well as the palace. The workers with low incomes were most probably the immigrants, Faroqhi concludes: It can be argued that controlling the migrations towards Istanbul is more an economic and demographic conjunctural problem than being a principle.<sup>107</sup>

Cengiz Kırılı talks about the motivations of provisioning Istanbul, regarding the tax base and immigrant threat in the uprisings. For him, the first reason for these precautions could be because of the difficulty of feeding an overpopulated city. Like Faroqhi, he also adds to the motivation of the precautions the social status of the immigrants who are mostly peasants and occupying an important tax base for the state. Lastly he mentions the approach toward the immigrants which increasingly become negative in that they are perceived as a threat as they were involved in janissary-led urban uprisings.<sup>108</sup>

By questioning the tradition and methods in issuing the individual documents, we may draw some conclusions about the mentality behind the implementations. Generally, we see/read that the orders or *fermans* were written in response to a demand of permission or safety. In each of the orders, it is noted that the person is faced with

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<sup>107</sup> Ibid., p.35.

<sup>108</sup> Kırılı, *PhD Thesis*, pp.98-100.

obstacles in his/her attempt to go to Istanbul because of the obedience to the stated rule about the permission of passes.<sup>109</sup> Here, the reader may think that the orders about the preventions of migration were applied so well that anybody who wanted to move had to face the state to get his special permission. Moreover, all such individual permissions seem to state the reasons and include a process of interrogation which gives the message of a pure process of applying the orders and being aware of the exceptionalities, namely controlling the conditions which are out of the rules.

This could lead the reader to a dichotomous way of thinking: one is that each and every person was subject to the prevention from entering the city of Istanbul because every time we read about the problems faced. Or, one may think that there were also many unwritten cases, unwritten because they were the unseen cases which escaped from the gaze of the state. The third way of reading this could be as the deliberate attempt of the state to increase its effect of power, each time stating that the rules are obeyed in great harmony, and that no one could go beyond the rules until the point where the controlling power granted some exceptions when it was suitable.

All in all, we may also witness from the documents held in this study that, in the eighteenth century, we still do not see a standardized control of movement in terms of implementations and definitions. However, we may say that throughout the general orders as well as the individual cases, the exceptions and the definitions of residents and migrants started to take shape.

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<sup>109</sup> Mukaddeman sadır olan emr-i şerif mucebince...

## Conclusion

In this chapter, I tried to develop a familiarity with the concepts concerning the practices about the physical movement of people in the Ottoman Empire. *Ahidname*, *kefalet*, *aman* and also *cizye* concepts served as a basis for the implementations of forms of travel permits in the Ottoman lands. Although it can be understood that the general mentality behind these first examples in the early periods of the Ottoman Empire was the safety of the travelers, the addressees of these implementations, that are mostly the non-Muslim subjects, *musta'mins* or *dhimmis*, makes the reader to look at the security argument more cautiously. From these implementations, it is possible to see many steps ahead and may even reach today's functions of passport and visas. As we mentioned in the *aman* discussion, it could be argued that there was a selective implementation especially towards the non-Muslim groups, subjects or foreigners in terms of controlling movement in these early periods.

With the titles of *ilcan*, *Yol emri*, *menzil emri*, *menzil hükmü*, *emr-i şerif*, *hükm-i şerif* or *ferman*, the implementations continued throughout the centuries. Before talking about the nineteenth century practices about the mobility of people, we may draw a picture of mentality about the condition until the end of the eighteenth century. We may think that although the safety of travelers has a long history, the safety or the controllability of the new state is a new issue at least for the Muslim subjects of the state. Especially in the eighteenth century the difficulties and impossibilities of the enactments may support this argument. We understand from all the documents held in



this chapter that the implementations could not be held successfully; so the existence of the repeated precautions, and orders could lead us to question if there is another mentality behind the insistence of these controls in the later periods. The claim of the power of the state to control and protect may lead one think that there is an instrument trying to redefine itself and also its treatment towards others. It seems that nineteenth century implementations strengthen these suspicions.

## CHAPTER 3

### HISTORY OF IDENTIFICATION IN EUROPE AND RUSSIA: STATE AND FREEDOM OF MOVEMENT

“The history of identification is equally a history of narratives. .. It is a history of stories that focus on the moment of recognition” Groebner (*Who Are You?* ,p.21)

Having dealt with the previous implementations in the Ottoman lands about the mobility of people makes it possible to evaluate nineteenth century as a continuation of a tradition instead of falling into the error of the tendency of reading the period of modernization or *Tanzimat* as solely imported practices that come into the world of the Ottomans in that century. Before jumping into nineteenth century Ottoman practices about identification and mobility of people, it would also be beneficial to look at the examples of similar implementations in the world especially in the nineteenth century. This would open a perspective for regarding the Ottoman experience in a more contextualized manner, and would prevent the mistakes of evaluating the Ottoman examples as unique.

#### Forms of Identification in the Early Middle Ages

Passports are generally evaluated within other registration practices such as identity documents or other forms that have a similar function to that of passports. However,

despite the importance given to such practices of identification in the contemporary world, the earlier history of these practices has not been paid enough attention. Although the records of such practices were used as primary sources and were subjected to critical assessment, the records themselves were of secondary importance to the objectives of researchers and generally were not taken as the independent focus of their research.<sup>110</sup> General inquiries about the practices of identification were focused on the nineteenth century which would provide a base of literature for the evaluation of nineteenth century Ottoman practices of identification. However, as we have focused on much earlier phases of the practices in the Ottoman Empire, Valentin Groebner by presenting a history of identification from the earlier phases in Europe, makes us remember that not all traditions were invented in the nineteenth century. As Close puts it, Groebner makes a strong case for the late Middle Ages as the birthplace of modern systems of identification.<sup>111</sup> Saying we may find the roots and similar implementations in the Middle Ages or in previous centuries is not to say there is nothing special to the nineteenth century in terms of practices and reforms. However, more than the practices and innovations, one may witness a change of mentality. Even in many practices such as the controls about the mobility of people, which have a long history and are not novel inventions of the nineteenth century, this mentality change could be observed.

Groebner says that he will talk about the histories or pre histories of identification and its documentation. Clarifying the basic term he uses throughout his

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<sup>110</sup> Jane Caplan and John Torpey, "Introduction" in *Documenting Individual Identity*, p.4.

<sup>111</sup> Christopher Close, "Review on *Who Are You? Identification, Deception, and Surveillance in Early Modern Europe*", *H-HRE, H-Net Reviews*, <http://www.h-net.org/reviews/showrev.php?id=13577>, (September, 2007).

inquiry, he says much from the very beginning of his book. Rather than using the word “identity” which he sees as an ambiguous term blurring the boundaries between self-definition and external definition, he prefers to use “identification” which connotes a process that involves more than one person. Taking into account several factors in the process of identification allows him and the reader think more flexibly while dealing with different forms and styles of identity issue.

Groebner unravels the fact that identity papers and passports are in fact thoroughly medieval.<sup>112</sup> For him, the history of compulsory identity documents in Europe remains largely unwritten.<sup>113</sup> He argues that the origins of the modern state, which is characterized by modern historians as the development of bureaucratization, social control or state formation, goes back to the centuries between 1400 and 1600. The modern state for him, connotes more and more direct contact with official systems of written registration, examples of which he presents throughout his book.<sup>114</sup>

Separating the book into two parts as natures and objects, he tries to read the process of identification from different categories. The nature part deals with the collective and individual categories that were used to describe a person while the other part looks at the objects that were instrumental to identification.

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<sup>112</sup> Groebner, *Who Are You*, p. 8.

<sup>113</sup> Valentin Groebner, “Describing the Person, Reading the Signs in the Late Medieval and Renaissance Europe: Identity Papers, Vested Figures, and the Limits of Identification, 1400-1600,” in *Documenting Individual Identity*, p. 20.

<sup>114</sup> *Ibid*, 16.

Groebner states in the first part that not only images, but also seals, coats of arms and other insignia were thought to represent a person just as well as a portrait. Recording names and using names as tools of identification was and still is another widespread tendency. However, as Groebner provides us with many medieval cases of misidentification by means of names, one may still witness today the misunderstandings caused by the sole usage of names while identifying someone.

Clothing also appeared to be part of identification similar with the Ottoman Middle Ages in the cases of the fugitive slaves. Detailed descriptions began to appear in European history of identification in the late fourteenth and beginning of the fifteenth centuries and the systems of monitoring and registration intensified in the fifteenth century. The descriptions of the persons including their clothes in addition to hair color, height, etc, blur the distinction between the clothes and the bodies. This fact is widespread for the Middle Ages as so that it is common to attribute to late medieval European dress the function of social affiliation.<sup>115</sup> Like the fugitive slaves recorded in Üsküdar court registers, in the 1420s and 1430s, the descriptions of wanted persons who could be identified only in terms of their clothing and the distinguishing marks on them were associated with the Hussites.<sup>116</sup>

Moreover, the skin also played an important role so that Groebner says the history of identification in Europe could begin literally on the skin giving the examples

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<sup>115</sup> Groebner, *Who Are You*, p.75-7.

<sup>116</sup> *Ibid.*, p.84.

of the literal characters that are known through their scars and wounds.<sup>117</sup> Also the distinguishing skin marks had become the hallmark of identification during the end of the sixteenth century as in the case of the first Martin Guerre trial; 45 witnesses out of the 150 stated that the real Martin Guerre had a scar beneath the eyebrow unlike the trickster.<sup>118</sup> The natural properties also became one way of identification such as the color of the skin. However, Groebner argues based on some examples that the natural properties that are different from the defined norms are generally used in the identification process. Namely, only “others” bear skin marks that provide details about them against their will.<sup>119</sup>

We see that the body and any physical property related with the body such as clothes, body marks, scars, skin colors could become indicators of identification in the late middle ages. When we consider the documents about the slaves in the Ottoman lands from the fifteenth and the sixteenth centuries, it seems that there is not much change in human behavior across time and space.

The second part of the book deals with the written documents in the process of identification. Groebner is dealing in this part with the “objects that identified a person either as being themselves or as who they claimed to be.”<sup>120</sup> The object part in general refer to the documents such as letters of conduct, letters of introduction, and passports

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<sup>117</sup> Ibid., p.97-103.

<sup>118</sup> Ibid., p. 115.

<sup>119</sup> Ibid., p. 146-7.

<sup>120</sup> Ibid., p. 151.

as documents whose aim was to give details about a person not in his absence, but in his presence unlike the kind of identifications such as wanted circulars and personal descriptions whose purpose was to record persons on the run.<sup>121</sup>

The chapter about the letters resembles the Ottoman cases in the Middle Ages. Here also, the travelers, who were most probably close to the authorities due to their position, demand letter like documents in order to show their linkage with the authorities to assure their security. One of the first examples of such documents is the decree of 746 of the Lombard King Ratchis, which prohibits entering or leaving the kingdom without royal epistles.<sup>122</sup> Another interesting source is the travel account of Augsburg patrician Sebastian Ilsung who was traveling in 1446 from Germany to Santiago de Compostella. He added to his travel account all of the recommendation letters through which he get his letters of safe-conducts and passages he needed on the way.<sup>123</sup>

It was not only merchants who sought such recommendation letters and safe conducts but also pilgrims.<sup>124</sup> Groebner talks about the different vernacular names given to the safe conducts by the thirteenth century which were commonly referred as *conductus* in the twelfth century. The interesting note Groebner adds to the evaluation of these documents is that, these form of letters not only served to safeguard its bearers,

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<sup>121</sup> Ibid., p.154.

<sup>122</sup> Ibid., p. 156.

<sup>123</sup> Ibid., p. 162.

<sup>124</sup> Ibid., p. 161.

but by means of seals which seem to be added to fasten the letters, actually the issuer of the documents were made as visible as possible.<sup>125</sup> Rethinking the Ottoman *yol* and *menzil emri* documents, one may feel a similar mentality. It could also be thought that the seals and any other symbols indicating the authorities were serving for the visibility of the authorities in addition to providing secure pass of the bearers.

Acquiring such documents could not be enough sometimes because the process included a deception part as well. Even though the documents with the seals on them seem to provide a strong and secure impression, the pilgrim Sebastian IIsung was arrested in 1446 during a military conflict between the Swiss and the House of Austria. Although he was carrying his safe-conducts with him, this did not prevent his being regarded as an Austrian spy. According to the author, written evidence furnished by letters of recommendation and safe conduct started to be regarded insufficient and had to be supplemented with further unwritten “true signs” that should be sought in the political and diplomatic practices.<sup>126</sup> The fact that these documents could be used as tools of deception, or could be regarded as deceptions also allows Groebner to read them as history of transformation in premodern Europe. The documents transform the person who had the chance to produce a sealed letter as valid proof of personal identity into whomever and whatever the document “certified”.<sup>127</sup>

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<sup>125</sup> Ibid., p. 157.

<sup>126</sup> Ibid., p. 164.

<sup>127</sup> Ibid., p. 171.



Passports were introduced from the middle of the fifteenth century on, as a new form of authenticating, identifying and transforming individuals. The difference of these new forms from the previous letters and safe conducts is its being obligatory on all travelers.<sup>128</sup> As we witnessed in the Ottoman case, Groebner also detects that the previous official letters or safe conducts had been issued to a limited circle of individuals -either those on official mission or those conveying costly goods. This makes these previous documents a privilege and a cost for the bearer. According to Groebner, with the introduction of passports which were obligatory for a wider circle of individuals, there appeared a fundamental change in how identity was documented in writing at the end of Middle Age.<sup>129</sup>

We learn that the earliest systematic references to invalid passes are about the “passports” and safe-conduct papers of gypsies in Europe.<sup>130</sup> In 1471 Bern gave an order to expel all Gypsies from its territories.<sup>131</sup> Daniel Nordman gives the information about the emergence of a form of passport or laissez passer between the second half of the fifteenth and end of the sixteenth century which evolved as a recognized travel document out of safe conducts handed out to diplomats, couriers and especially merchants in the high and late Middle Ages.<sup>132</sup> It seems that the emergence of such documents in the Ottoman lands show parallels in terms of functions. As we have seen,

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<sup>128</sup> Ibid.

<sup>129</sup> Ibid., p. 174.

<sup>130</sup> Groebner, “Describing the Person”, p.20.

<sup>131</sup> Groebner, *Who Are You*, p. 179.

<sup>132</sup> Groebner, “Describing the Person”, p.20.

the first examples of documents concerning the mobility of people were addressed to the known personas such as diplomats and merchants. However, Ottoman state made it compulsory for the whole population much later.

The discussion about the authenticity of the documents is another important part for our concern. Groebner discusses in detail the role of seals and signs in determining the authenticity of such identification documents. Many innovative techniques were developed to assure this authenticity such as using different colors, a qualified substance etc. However, as Groebner puts it, the very tokens of authenticity could be reproduced in the age of technical reproduction, be it on clothes, merchandise or written documents.<sup>133</sup> With his inquiry about the identification practices from the mid-fifteenth to the end of seventeenth century, Groebner concludes that what the scribes of early modern Europe produced in their urge to register everything was mountains of paper abounding with forged attestations, false details and invented names.<sup>134</sup>

What we get from this inquiry of Groebner from the Middle Ages of Europe considering the early Ottoman cases as well, is that practices of documenting identity reflects the ambiguity of the measures and standards. When the world did not have the opportunities of today's recording technologies, the arbitrariness could be seen much clearly. However, we have to keep in our mind that, "the ambiguity of the links that tied together a person's name and physical description in the Middle Ages and the

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<sup>133</sup> Groebner, *Who Are You*, p.186.

<sup>134</sup> *Ibid.*, p. 219.

Renaissance offer good reasons why we should never fully trust the bureaucratic claims of our own official registers to know us to be ourselves alone, and no one else.”<sup>135</sup>

### Nineteenth Century Identification Methods: Surveillance, One Way or Another

In his book “Invention of the Passport: Surveillance, Citizenship and the State”, John Torpey talks about the freedom of movement and the monopolization of the legitimate means of movement by states through the passport systems. The point which leads me to try an alternative perspective during my search about the conditions in the nineteenth century Ottoman Empire concerning freedom of movement was Torpey’s association of the process of monopolizing the legitimate means of movement with the comprehension of how modern state actually works.<sup>136</sup>

The creation of a “legible people” has become a hallmark of modern statehood according to the editors of “Documenting individual Identity” and surveillance is a mechanism that employs many administrative practices which make society legible.<sup>137</sup> According to Caplan and Torpey, through the nineteenth century, the development of

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<sup>135</sup> Groebner, “Describing the Person”, p. 27.

<sup>136</sup> John Torpey, *Invention of the Passport: Surveillance, Citizenship and the State*, (Cambridge University Press, 2000), p. 5.

<sup>137</sup> Caplan and Torpey, “Introduction,” in *Documenting Individual Identity*, p. 1; Cengiz KIRLI, “Surveillance and Constituting the Public in the Ottoman Empire,” in *Publics, Politics and Participation: Locating the Public Sphere in the Middle East and North Africa*, (N.Y: Colombia/SSRC Book, 2008, Forthcoming) p.7.

documentary practices which are indirect means of registrations, passes and etc., every citizen was to be made visible to the state.<sup>138</sup>

### Bertillonage, Fingerprinting Technologies: Just for Criminals?

As we have seen, in the Middle Ages, the fugitives or criminals were to be “identified” mostly while the other people who were ruled were “secured” in response to their demands. Also in the nineteenth century some new systems were discussed and developed to be used in the criminal cases. These systems later on served for the identification of the people who were not criminals but who were only wanted to be held under control. The Bertillonage system was one such system which was offered in 1880s in France as a solution to the problem of recidivism and ineffective means of identifications after the abolishment of branding by hot iron in 1832.<sup>139</sup> It was based on the measurement of certain dimensions of the body including head, arms and legs and based on the assumption that human bone structure is almost fixed by the age of twenty and from then on skeleton varied in its dimensions from person to person. This measurement that obtains descriptive data derived from specific bone measurements was called anthropometry.<sup>140</sup> Although, at first, this implementation was intended for

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<sup>138</sup> Caplan and Torpey, “Introduction,” in *Documenting Individual Identity*, pp.7-8.

<sup>139</sup> Martine Kaluszynski, “Republican Identity: Bertillonage as Government Technique,” in *Documenting Individual Identity*, p. 124-5.

<sup>140</sup> *Ibid.*, p.125.

recidivists, according to Kaluszynski, anthropometry placed identity and identification at the heart of government policy and revealed itself as a technique addressed to society at large by making it compulsory to access many social services thus, anthropometry started to be used mainly as a tool of access to citizenship.<sup>141</sup>

Since anthropometry could be used only for people after the age of twenty, it was criticized in England because of being functionless for juvenile cases and also because of the difficulty in obtaining reliable measurements. The governor of one of the prisons offered the method of fingerprinting to be the primary system of identification.

<sup>142</sup> Fingerprinting was another system Bertillon discovered in 1902 as a means of identifying criminals and it became accepted as an adequate means of forensic proof from then on.<sup>143</sup>

#### Tools of Surveillance: Registrations, Identity Cards, Passports

After being acquainted with the systems which emerged to serve for the solution of criminal cases, it will be beneficial to look at the development of identification practices through other tools and documents. In the useful edition of Torpey and Caplan, we

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<sup>141</sup> Ibid., p. 123,138.

<sup>142</sup> Anne M. Joseph, "Anthropometry, the Police Expert and the Deptford Murders: the Contested Introduction of Fingerprinting for the Identification of Criminals in Late Victorian and Edwardian Britain," in *Documenting Individual Identity*, p. 169.

<sup>143</sup> Kaluszynski, "Republican Identity," p. 128.

come across different evaluations of different cases which are regarded as examples of the process of documenting individual identity. While the inquiries and the comments regarding different forms of identity documents serve as a theoretical base for my inquiry about the Ottoman travel permits, the articles on the passport implementations in different countries provide a way of thinking to understand the mentality of passports and its transformation over time. Focusing on the nineteenth century does not mean, as we may understand from Groebner's examples, that passports started to be used in the nineteenth century. However, the highly increased interest towards passports in the nineteenth century is because they were rarely used, according to Fahrmeir, in early modern Europe.<sup>144</sup>

Gerard Noiriel takes the 1792 decree as an important break for France's process of identification of her citizens. In the constitution following this decree it is stated that births, marriages and deaths will be certified for all inhabitants without distinction.<sup>145</sup> The form of the registers before this decree was not this individualized. In the seventeenth and eighteenth century registers an individual was identified by his family and Christian names, and the date and the place of birth were not commonly stated. Noiriel states that substitution of a civil to a religious ritual was common and, namely by declaring the civil status to the municipal official, the individuals became a member

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<sup>144</sup> Andreas Fahrmeir, "Governments and Forgers: Passports in Nineteenth Century Europe," in *Documenting Individual Identity*, p. 219.

<sup>145</sup> Gerard Noiriel, "The Identification of the Citizen: the Birth of Republican Civil Status in France," in *Documenting Individual Identity*, p. 28.

of the civil community.<sup>146</sup> The new decree was to replace all existing provisions aimed at preventing fraud, but what is mostly believed was that the new civic ritual would ensure the identification of citizens.<sup>147</sup> This belief could be read as a sign of the transformation of the mentality of issuing such identification documents.

The reaction of the people also strengthened this way of thinking. As Noiriel points out, especially in the countryside many people saw no advantage in declaring their civil status. He explains this fact by bringing a convincing explanation that if people did not see what rights were attached to civil status, they would regard it solely as obligations which were brought by the integration into civil life.<sup>148</sup> Conscription, aimed at recruiting male members for the military service, was an apparent obstacle to the establishment of civil status. In a contemporary report about the evasion of conscription it was stated that “a multitude of young people who do not want to serve in the army for dislike of it or for other reasons sought pretended marriages as a way of avoiding the military or labor conscription.”<sup>149</sup>

In addition to controlling the citizens, control of the foreigners was also an issue. The French foreigner’s law of 1889 included the children of the immigrants in the French nationality.<sup>150</sup> Also, the government asked from foreigners who wanted to reside in France to record themselves in the town hall of their residence. When they were

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<sup>146</sup> Ibid., p. 30.

<sup>147</sup> Ibid.

<sup>148</sup> Ibid., p.38.

<sup>149</sup> Ibid., p.39.

<sup>150</sup> Torpey, *Invention of the Passport*, p.106.

registered, they would receive a registration card for a fee. Even in 1888, the system of “anthropometric” identification which was organized to track recidivist criminals was extended to the entire foreign population of France.<sup>151</sup> It seems that these practices have to do with the control mechanism of the states which could be left beyond the area of internal control mechanisms such as identity cards for the citizens. By including the foreigners in one of the implementations being held, inland control would be more possible and secure for the rulers.

Noiriel reminds us that bureaucratic administration is closely linked with the technology of communications. So it seems hard to imagine the bureaucratization process of the states at the beginning of the nineteenth century when writing was still the only means of communication.<sup>152</sup> However, despite everything, the administrative system established itself under the empire slowly so that we reach the administrative routines of today which we take inherently so that no one can imagine that once they had been contested.<sup>153</sup> Another important point Noiriel brings up is that we should not regard all these processes as one way effort of the states. People also contributed to the process of bureaucratization manipulating the existing rules in accordance with their interests. The progressive bureaucratization is held from the perspective of Weber here,

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<sup>151</sup> Ibid., p.107.

<sup>152</sup> Noiriel, “The Identification,” p. 40.

<sup>153</sup> Ibid., p. 48.



saying that our entire life is held within its iron cage, yet at the same time without it, modern life would become impossible.<sup>154</sup>

As a continuation of the tradition in the Middle Ages, the personal name was still a component within the tools of identification in the nineteenth century France, England and Germany.<sup>155</sup> The task of the name was to guarantee an exact identification of the person. Although it seems that stabilizing names can not assure the administrative enactment, Caplan argues that for the official character of the French system, we can say that there is an obvious close, yet ambiguous relationship among naming, citizenship and control.<sup>156</sup> Noiriél also supports this argument by saying control of names represented a powerful factor of national integration.<sup>157</sup>

There was a relatively liberal attitude toward freedom of movement in Europe during the late nineteenth century while the concerns about specifying the subjects and others was on the agenda as one may witness from the implementations of different registrations and identity documents. Torpey says that in the US, the development of passports and identification documents grew dramatically toward the end of the century.

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<sup>154</sup> Ibid.

<sup>155</sup> Jane Caplan, "This or that particular person: Protocols of Identification in Nineteenth-Century Europe," in *Documenting Individual Identity*, p. 49.

<sup>156</sup> Ibid., p.58.

<sup>157</sup> Noiriél, "The Identification," p. 47.

By means of this growth, the US became a pioneer in the shift toward more rigorous and bureaucratic mechanisms for regulating movement.<sup>158</sup>

While talking about the freedom of movement in Europe in the second half of the twentieth century, it is important to watch the process of surveillance by means of different types of documents and registration practices some of which are mentioned. Moreover, not everybody was able to take advantage of the liberal environment as we may see selective implementations to different alien groups such as the Chinese in the US and the Poles in Germany.<sup>159</sup>

For Torpey, the various identification certificates inspired by the exclusion laws functioned as the equivalent of passports for those wishing to gain entry into the US during the period in which the exclusion laws were in effect. This continued to play an important role in the administration of Chinese exclusion for years to come.<sup>160</sup> In Germany, after a long period of freedom of movement in the nineteenth century, in 1879, passport requirements were imposed on those who were coming from Russia. Although the reason for this selective implementation was declared as a protection for the plague, the influx of Russian-Polish labor probably played a role as well.<sup>161</sup> After 1894, only passports but no visas were required for those entering Germany from Russia. As can be seen, the migrant poor in general were regarded with suspicion and

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<sup>158</sup> Torpey, *Invention of the Passport*, p. 93.

<sup>159</sup> Leo Lucassen, "A Many-Headed Monster: the Evolution of the Passport system in the Netherlands and Germany in the long 19th cc.," in *Documenting Individual Identity*, p. 236.

<sup>160</sup> Torpey, *Invention of the Passport*, p.102.

<sup>161</sup> *Ibid.*, p.109.

tried to be kept under control and expelled.<sup>162</sup> Lucassen argues that surveillance systems were used not so much to curb immigration, but to detect unwanted aliens. As Hans Ulrich Wehler puts it, “liberalism always stops at the gates of the lower classes.”<sup>163</sup>

The regulation of passport systems is generally evaluated as part or as a continuation of the development of identity cards. For David Lyon, identity cards are a product of modernity that emerged as a means of rationalization for the “nation-states” which were invented during the nineteenth century. An important aspect of this rationalization is determining the members and non-members of a given nation-state. To connect someone with a bureaucratic record of membership, some form of a document was needed. Passports in addition to ID cards started to serve this need, and became the primary means of regulating means of movement.<sup>164</sup> According to Torpey, together with other mechanisms of making a “legible people”, by monopolizing the legitimate means of movement, states were “embracing” their citizens in order to exclude the unwanted. Passports and any identification documents have been central to this process of embrace.<sup>165</sup> Most of the historical tension between the freedom of movement and strict controls is largely a conflict between the needs of a modern economy and the

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<sup>162</sup> Lucassen, “A Many-Headed Monster,” p. 236.

<sup>163</sup> Ibid., p.253.

<sup>164</sup> David Lyon, “The Border is Everywhere: ID Cards, surveillance and the Other,” in *Global Surveillance and Policing Borders Security, Identity*, (Cullompton ; Portland, Ore. : Willan, 2005), p. 69.

<sup>165</sup> Torpey, *Invention of the Passport*, pp. 2-6.

political control aspired to by state officials for the purpose of taxation, conscription, and surveillance of suspect populations.<sup>166</sup>

The motive behind the reorganization of passport systems and the registrations for identification was quite political according to Fahrmeir. These implementations were supposed to prevent the assembly of discontented persons at strategic locations and the infiltration of the country by the agents of hostile foreign governments, as well as to suppress vagrancy, banditry and crime. However, the content of these documents could never provide the truth a hundred percent about the person whom the document was representing. In addition to name, estate, place of birth, residence and age, there were categories about the description of the appearance such as hair color, brow, color of eyebrows, of the eyes, nose, mouth, shape of chin, etc, all of which could be turned into subjective information changing from person to person even in the recording process.<sup>167</sup> The validity period, the risk of being caught because of deception and the visas renovated by intervals were elements reducing the risk of forgery until the development of some other more precise methods such as fingerprinting, Bertillonage and photographs.

Although the subject of passports is held within the discussions about surveillance and controlling state, namely serving the state's interests, it should also be taken into account that, as Weber argued while referring to bureuacratization in general, without "it", modern life would be impossible. Leo Lucasen puts in his list about the

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<sup>166</sup> James C. Scott, "Review on The Invention of the Passport," *The Journal of Modern History*, Vol. 74, No. 1 (Mar., 2002), pp. 142-4.

<sup>167</sup> Fahrmeir, "Governments and forgers," pp. 219-24.

functions of passport, the advantages for the holder such as the right to move freely, a proof of one's nationality, a proof of one's identity, the right to assistance by embassy and consulate, protection against expulsion. These functionalities resemble the cases of pass permissions in the Middle Ages which seem to care more about the holder's security than his identity.

While the international passport system ambiguously serves both to facilitate the rights of the holder abroad and to secure state control of movement across international boundaries, internal passports "may be a state's principal means for discriminating among its subjects in terms of rights and privileges. In particular, passes may be used to regulate the movements of certain groups of subjects, to restrict their entry into certain areas, and to deny them the freedom to depart their places of residence".<sup>168</sup> Lyon's remarks on the ID cards, more than international passports, could be used to understand the mentality of internal passports as well. He thinks that ID cards, by keeping the trace of citizens within the borders of the nation-state, were a major step forward in the surveillance capacities of any nation-state.<sup>169</sup> It seems that internal passports, as well, worked as ID cards to be a gaze on the citizens.

John Agar, in his article about Britain's identification practices, points to the process of the construction of national identity and national administrative policies of

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<sup>168</sup> John Torpey, *Invention of the Passport*, p.165.; Marc Garcelon, "Colonizing the Subject: The Geneology and Legacy of the Soviet Internal Passport" in *Documenting Individual Identity*, p. 83.

<sup>169</sup> Lyon, "The Border is Everywhere," p. 66.

which he takes the introduction of ID cards as a fruitful example.<sup>170</sup> Although the timeframe of his focus of interest goes beyond the nineteenth century, some of his useful remarks will shed light on the understanding of the mentality of similar implementations in history. He takes the twice repeated introduction of ID cards in Britain during the First World War. Although there appeared different types of registration forms from the mid nineteenth century on, he states that more and more information on population began to be acquired by government in early decades of the twentieth century.<sup>171</sup> The act determining the content of the registers enlarged from then on, to all the population, except some of the young and old, would have an individual place in the official records.

The opposition of the public seems to be helpful in analyzing the Ottoman case as well. Agar offers three sources to see the resistance part of the picture, namely the attitudes of the public. Maintenance problems, the evidence of new “crimes”, and reaction of the press to the National Registration were held as the clues to reach attitudes towards the implementations.<sup>172</sup> He classifies some possible new deception crimes that could be outcomes of the creation of new official identities. These are: pretending to be someone else, pretending to be more than one person or pretending that someone else existed.<sup>173</sup> Having noted all these possibilities, Jeremy Bentham’s words

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<sup>170</sup> John Agar, “Modern Horrors: British Identity and Identity Cards,” *Documentin Individual Identity*, p. 101.

<sup>171</sup> *Ibid.*, p. 104.

<sup>172</sup> *Ibid.*, p. 112.

<sup>173</sup> *Ibid.*, p. 113.

become much more convincing. Only the extreme measure of tattooing the population would solve the moral and political question “who are you”.<sup>174</sup>

### Internal Passport: Mentality Behind the Internal Control in Nineteenth century Russia

Charles Steinwedel in his article on making social groups in Late Imperial Russia, emphasizes written documents in the files of bureaucracies in order to investigate the process of connecting the subjects with the state. For him, metrical books and internal passports were such written documents that linked the individual subject with the regime. He mentions the metrical books in Russia which included registration of births, marriages, deaths at first, and with the advent of the nineteenth century, started to include dates of births, baptisms of all Orthodox children, as well as names, estate statuses, and religious confessions of their parents.<sup>175</sup>

As another tool for the linkage of the subject with the state, Steinwedel talks about the two functions of the internal passports based on the 1894 law on certifications of residence. One of these functions is to serve “as a certificate of identity” and the other is to establish “equally the right of absence from the place of permanent residence in those cases when this right must be certified.” In the course of the eighteenth and<sup>the</sup> nineteenth century Russia, passport rules became detailed to reflect the empire’s

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<sup>174</sup> Ibid., p. 118.

<sup>175</sup> Charles Steinwedel, “Making Social Groups, One Person at a Time: The identification of Individuals by Estate, Religious Confession, and Ethnicity in Late Imperial Russia,” in *Documenting Individual Identity*, pp. 67-9.

complex social distinctions as can be understood from the implementations of the rules in which we see a selective sanction to the tsar's subjects.<sup>176</sup> According to Steinwedel, "policies regarding metrical registration and passports reflected the tsarist state's efforts to "level" the tsar's subjects before its centralizing authority".<sup>177</sup> Torpey also believes that Russian internal passports depended on and were deeply implicated in the revision of ethnic categorizations<sup>178</sup>

Marc Garcelon studied the internal passport system in the Soviet period that he sees as only a transformation for the society from being under tsar's personal dominion to being under centralized Party's dominion. The internal passport system was an instrument of controlling the agrarian population under both tsarist and Soviet dominion. For him, the Soviet passport system was precisely a mechanism of administrative domination of the Soviet population. The genealogy of the Soviet internal passport reflects a distinctively Soviet pattern of "internal colonialism" which is defined by Michael Hechter as "the political incorporation of culturally distinct groups by the [dominant] core". Political domination of the *patrocrats* was affective in subordinating the agrarian "periphery" to the urban-*apparatus* "core" and internal passports became an arena for the *apparatus* to consolidate its dominant position and inculcate cultural standards of "new Soviet men" among the peoples "living beneath the edifice of the Party-state."<sup>179</sup> However, according to Garcelon, the process could not

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<sup>176</sup> Ibid., pp. 73-4.

<sup>177</sup> Ibid., p. 81.

<sup>178</sup> Torpey, *Invention of the Passport*, p. 3.

<sup>179</sup> Garcelon, "Colonizing the Subject," p. 84-7.



end with the dissolving of national identities into a generic Soviet identity as leaders hoped, but the internal passport system replicated particular national identities. And this persistence of national identities had an important role in the disintegration of the Soviet Union.<sup>180</sup>

In Steinwedel's article we also have some ideas about the features of internal passports in late imperial Russia which could be compared with the Ottoman case. Only with the permission of their husbands or fathers women of all status groups could receive their own passports and some people completely lacked the right to have passports. And passport rules changed little between 1857 and 1894. Despite great transformations in legal and political spheres, information written on the passports slightly differs between privileged and non-privileged groups. Both stated the holder's full name, estate status, date of birth or age, religious confession, marital status, and whether the holder was subject to military service obligations. While literate and probably privileged passport holders signed their passport booklet, illiterate passport holders had their height, hair color, and special marks recorded <sup>181</sup>

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<sup>180</sup> Ibid., 99-100.

<sup>181</sup> Steinwedel, "Making Social Groups," p. 75.

## Conclusion

It is understood thanks to the investigations and approach of Groebner that, Europe's history as well was full of identification practices in different contexts. Similar to the previous Ottoman implementations, the addressee and the mentality of these could be differentiated from the nineteenth century counterparts. Although there were few groups who were involved in the identification practices in the earlier ages, the usage of passports for all travelers by the fifteenth century seems much closer to the nineteenth century mentality of identification documents in European context. Especially the usage of passport in eliminating the gypsy groups in these early times makes these documents seem as a tool of the state used for its interests more than a protection document for the holders.

As could be seen, the process of identification in the European lands was much more connected with identity cards than passports. Especially before World War 1, it seems that most of the countries in Europe and the US as well, adopted a relatively flexible system of mobility. Entrance to the lands of these countries was free. However, after the First World War, it became more the concern of states to determine some rules for the movement towards their boundaries. Many states started to adopt new rules for the control of movements. This process shaped the later mentality of these states; As Torpey states, the reimposition of passport controls by numerous countries and the US during the First World War and their persistence after the war enhanced the ability of

governments to identify their citizens, to distinguish them from non-citizens and thus to construct their realms as “nation-states”.<sup>182</sup>

However when the practices about identity cards and registrations are taken into account the intentions of the rulers about controlling the population came into the scene. And the adoption of passports systems in a stricter manner could be thought as an extension of these identification practices. When all the conditions are taken into account it seems that passports were being used simply as identification documents rather than as a border crossing authorization.<sup>183</sup> As one may say for the registrations in France for the foreigners, the documents of passports were a part of a system of surveillance of foreigners “as complete and total as feasible, as well as of an extensive bureaucracy for their supervision and control.”<sup>184</sup> Also as can be seen in the Russian example of internal passport implementation the same tools could be used within the boundaries for some reasons, ensuring their control as well as detecting the selected citizens and non-citizens for the state.

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<sup>182</sup> John Torpey, *Invention of the Passport*, p. 121.

<sup>183</sup> *Ibid.*, p.110.

<sup>184</sup> *Ibid.*

## CHAPTER 4

### THEORIES ABOUT NINETEENTH CENTURY OTTOMAN REFORMS

In this chapter, I will try to provide a snapshot of the era of reforms in order to see our subject in a contextualized manner. Although until now it could be said that it is not only in the nineteenth century or not only in the Ottoman Empire that the subject of the physical mobility of people was taken into account, the peculiarities of the nineteenth century in the Ottoman Empire is undeniable. Having seen the evaluations about the nineteenth century experiences of the Ottoman state may provide a better approach to the mentality of the implementation of internal travel permits. Therefore, in this chapter, I will have a brief look at Tanzimat reforms, centralization arguments and approaches towards them. In order to present the discussions about reforms and their reception more specifically, I will deal with the study of Fahmy on the Egyptian state and society about the conscription and health regulations which may open new perspectives for understanding the motivation of the regulations on travel permits.

#### Centralization Arguments and Tanzimat Reforms

Şerif Mardin states that the momentous changes in the nineteenth century have been analyzed from two vantage points; introduction of new features of governmental

practice, judicial procedure, economic development, military innovation and forming a uniform means of expression by means of vernacularization.<sup>185</sup> Both of these points help us while giving meaning to the activities of the state in the era of reforms. He sees the efforts of the state strengthened by the charter of Tanzimat as a pursuit of creation of a “public”. It seems from the edict that the state also tries to characterize itself by some definitions such as “freedom promoting imperial thoughts”.<sup>186</sup>

Modernization all over the world was regarded largely as reevaluating the administrative structure in a centralized manner with the creation of a new bureaucracy and new regulations. According to Karpas, the incentive of centralization had formed the basis of Ottoman modernization efforts in the nineteenth century.<sup>187</sup> Quataert also saw the long nineteenth century as a period of changes where we increasingly see the influence of the state in everyday lives. The abolition of the Janissaries, the weakened power of the provincial notables, new technologies used to destroy domestic powers and to increase the control over the population were all variables for Quataert for the establishment of a central state by means of a new bureaucracy.<sup>188</sup>

This process of creating a new bureaucracy or trying to shape a new governmental tradition by the mentioned changes above was concretized with the

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<sup>185</sup> Şerif Mardin, *Religion, Society and Modernity in Turkey*, (New York: Syracuse University Press, 2006), p. 124.

<sup>186</sup> *Ibid.*, p. 129.

<sup>187</sup> Kemal Karpas, *Osmanlı Modernleşmesi, Toplum, Kuramsal Değişim ve Nüfus*, çev. Akile Zorlu Durukan, Kaan Durukan, (Ankara: İmge Kitabevi, 2002), p.77.

<sup>188</sup> Donald Quataert, *The Ottoman Empire: 1700-1922*, (New York: Cambridge University Press, 2000), p.62.

Tanzimat reforms. Çadircı provides a well organized picture of the reforms which were targeted and started to be applied in the Tanzimat era. Basically, he lists the fields of reform as central administration, provincial administration, military, police, education, press, communication and transportation, judiciary, economy and industry.<sup>189</sup> New influences from Europe in the nineteenth century can not be denied, but as Çadircı notes, the general transformation that the Ottoman state had passed could not be explained solely with European influences. In addition to the European influence that prepared a base for the changes in the institutions, many institutions no longer corresponded to Ottoman needs of the nineteenth century so that reform seemed unavoidable.<sup>190</sup>

Whatever the motivation or the motor force of these reforms was, the long nineteenth century was a period of unprecedented integration for the empire, of strengthening the center, and of imperial power bearing upon the provinces in addition to the port cities. This centralization and integration tried to be achieved through reorganizing the government administration, establishing judiciary and executive councils in provincial centers, reconstructing legislation and the law which penetrated and shaped with a previously unknown intensity all aspects of life such as building laws concerning civil records, health and education.<sup>191</sup> One of the new regulations based on these new laws was about the mobility of people within the Empire through the

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<sup>189</sup> Musa Çadircı, "Tanzimat" in *Osmanlı 6, Teşkilat*, 183-210. (Ankara: Yeni Türkiye Yayınları, 1999).

<sup>190</sup> Ibid., pp. 196-7.

<sup>191</sup> Jens Hanssen, Thomas Philipp, Stefan Weber, "Introduction," in *The Empire In the City: Arab Provincial Capitals in the Late Ottoman Empire*, (Beirut: Orient Institut, 2002), p. 4.

implementation of a sort of internal passport. This will be held discussed in the next two chapters through the perspectives acquired until now by means of the discussions and arguments about reforms in the Ottoman Empire and the regulations on the mobility in European contexts.

How to analyze all these transformations in the nineteenth century formed the greater part of the debate. James Scott puts forward the term legibility as the central feature of modern statecraft.<sup>192</sup> For him, the practices of modern statecraft like the introduction of freehold tenure, the establishment of cadastral surveys and the standardization of legal discourse were attempts at legibility and simplification which were aimed at the end at subjugating land and population to state taxation.<sup>193</sup> İslamoğlu criticizes the outcome of this view since it includes for her, a technicist conception of modern state domination “which positions statecraft or administration too readily in opposition to society which comprises a domain of politics involving negotiations among multiple and diverse actors”.<sup>194</sup> She argues that the early modern administration style in the Ottoman state was based on particularistic settlements, which addressed individual circumstances in a given locality or in relation to the status of a given person or group, negotiated between the ruler and the different groups.<sup>195</sup>

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<sup>192</sup> İslamoğlu, “Politics of Administering Property,” p. 276.

<sup>193</sup> Ibid., p. 276.

<sup>194</sup> Ibid. p. 277.

<sup>195</sup> Ibid., p. 282.

For the nineteenth century practices of administration, İslamoğlu suggests a blurring of distinction between state and society.<sup>196</sup> Although it seems that the new state was represented through the generality of its practices instead of the constituting particularistic claims, this does not mean an erasure of the local or the society where there are no longer negotiations for the constitution of social reality. These negotiations were made from then on not through addressing individual circumstances but by continuously negotiating and reformulating general categories, procedures and regulations. At the same time, the new state sought to ensure its hegemony through maintaining the generality and uniformity of its practices, seeking to subject all groups and regions to the generality of its claims.<sup>197</sup> This view opens new perspectives for making social history of the practices in the nineteenth century. By means of this approach, administrative practices or regulations could be seen as negotiated settlements between the ruler and different groups regarding their claims over access to resources, to their revenues or to their use.<sup>198</sup>

Constitutions of individual properties were taken as the leading example for this approach in which the state chose the most desirable situation for İslamoğlu, which was attaching every parcel of taxable land to an individual who will be responsible for paying the tax on it. Surveying and registration practices served this need of

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<sup>196</sup> Ibid., p. 277.

<sup>197</sup> Ibid., pp. 282-6.

<sup>198</sup> Ibid., p. 279.



constitution.<sup>199</sup> According to İslamoğlu, these surveys represented a different state environment in the nineteenth century, where beginning in the 1830s, the central government started to apply population censuses, income registers and cadastral surveys.<sup>200</sup> İslamoğlu states that for the utilitarians the legitimacy of modern administration was summed up in the notion of security.<sup>201</sup> She adds that steeped in the liberal ethos of the time, the Tanzimat edict also assigned the central government the task of providing the security of property and life for its subjects.<sup>202</sup> This security legitimation could also be seen in the main discussion of this thesis regarding the implementation of travel permits and its reception.

The changes mentioned in Çadırcı's article served İslamoğlu's claim about the ability of the new state to administer effectively and equitably on the basis of the generality and uniformity of rules, regulations and procedures transcending individual circumstances. By instrumentalizing this new general rule in the enactment of new regulations, the central government and bureaucracy could make an ideological distancing. This new governmental hegemony was no longer represented by a just ruler, but rather the generality and uniformity of administrative practices in which the figure

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<sup>199</sup> Ibid., p. 294.

<sup>200</sup> Ibid., p. 296.

<sup>201</sup> Ibid., p. 288.

<sup>202</sup> Ibid., p. 293.

of the bureaucrat upholding general rules came to embody the entity of the new hegemony.<sup>203</sup>

Mardin's claims about center-periphery relations also strengthen the negotiation argument in which a more active role was attributed to the subjects in the reform processes. For him, the relation between center and periphery was shaped by constant "undimensional" confrontation, and subversion (rebellion and bribing) by the periphery.<sup>204</sup> While reading the relations between the subjects and the rulers, this perspective seems to fit many conditions like the examples of Fahmy from different fields of reform in Egyptian society.

Fahmy talks about a shift from rituals of public punishment to routines of legal code while talking about the role of the police in the nineteenth century Egypt. In my opinion, his analysis of the developments and reforms in the nineteenth century provides a perspective for understanding other developments or implementations in the nineteenth century. He states that he offers a social history of legal reforms. He reaches at the conclusion that in the strategies of the new governmental practices, assisted with innovations or changes in the implementations, more abstract means were discovered, such as law, as deterrent strategies. The idea of the inevitability of punishment became possible by this abstract tool of law. In this new style of treatment, rather than the gazes of the populace, their minds were targeted. This style of looking at the reforms can be

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<sup>203</sup> Ibid., pp. 309-10.

<sup>204</sup> Hanssen, Philipp, Weber. "Introduction," in *The Empire In the City*, p. 10.

very fruitful in understanding many other standardization and codification efforts in the nineteenth century.

The theories and approaches developed for understanding the structure of the state after the globalization arguments in the twentieth century seems to degrade the importance of nation-states at once. However, the later studies of anthropologists at the margins in general showed that there are different actors that act as state and many practices somehow embody a concept of state. All the evidences lead to a belief that state might be something else than a social body that stays above society. Instead it might be a way in which political power is organized. In this form of the concept of the state, it is also believed that state operates as text, fetish and fantasy; it is an effect that emerges in the everyday operations. Namely, no matter if there is a concrete establishment called the state, the definitions and the image which the rulers determined for themselves shape the everyday operations of people. The rulers as well as the subjects try to draw their paths in accordance with these definitions by bringing a variety of flexibilities to the environment.

These flexibilities could be witnessed more in the margins where there are more elements which are distant to the defined norms and rules. Margins and the state at the margins were discussed by Veena Das by stating that the subjects at the margins were considered as unlawful and unruly. For her, the state is experienced in the margins through the 'illegibility' of its documents and practices. The illegibility of the state in the margins can also be read referring to the 'exception' concept of Agamben. By bringing some exceptional conditions to the rules, the applicability and the embrace of

the determinations could be enlarged. While the rulers would not lose their sovereignty and powerful image because of a great amount of resistance and unlawfulness, the subjects would benefit from the advantages provided by the rulers in accordance with their interests. In general state of exception provides a theory of sovereignty that is both inside and outside the law.<sup>205</sup>

This approach to the state of the twentieth century, taking the shape of everything and acting as a state of exception, can be observed as well in the nineteenth century implementations. When we read about the twentieth century state as arbitrary and as a state of exception, it sounds more plausible to come across with such cases in the so called bureaucratized nineteenth century state. It would be surprising how different figures of the processes managed to deal with the transformations in the mentality of the state, in Fahmy's terms for Egypt, a new state that was capable of shaping people's lives in new, unprecedented ways.<sup>206</sup> The ones whose lives are claimed to be shaped are not passive elements in this shaping process. As Fahmy says, "The logic, practices and agencies of the modern state had become so pervasive that even acts of resistance to them necessitated resorting to these same practices and agencies."<sup>207</sup>

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<sup>205</sup> Veena Das and Deborah Poole, "State and its margins : comparative ethnographies," in *Anthropology in the margins of the state*, ed. Veena Das and Deborah Poole, (Santa Fe, N.M.: School of American Research Press ; Oxford [England]: James Currey, 2004), pp.9-13.

<sup>206</sup> Khaled Fahmy, "The Anatomy of Justice: Forensic Medicine and Criminal Law in Nineteenth-Century Egypt" *HeinOnline—6 Islamic L. & Society* 1999, p.243.

<sup>207</sup> *Ibid.*, p. 247.

The implementations that started to emerge or take different shape in the nineteenth century could be somehow regarded as the beginnings of new ways for the state to penetrate society not so indirectly. Namely, contrary to twentieth century practices which gave rise to evaluations of decentralization or to the collapse of the nation-states, nineteenth century practices coming after Tanzimat reforms were usually regarded as the centralization efforts of the Ottoman state.

### Conscription and Reforms in Health Institutions in Egypt

According to Fahmy, important institutions that changed the face of the Egyptian society should be analyzed by paying attention to the impact of these institutions on daily life.<sup>208</sup> The new regular army and the processes in its establishment and the medical institutions are the ones which I will mention in order to have an alternative approach and theoretical background while analyzing the *mürur*/travel permit regulations. In addition, Fahmy's emphasis on the reception side would provide a view point for my analysis of the archival documents in understanding how the implementation of the strict rules about the travel permits was received by the populace.

The conscription and regulations about health services in the nineteenth century Egypt are evaluated by Fahmy within the discussions of new governmentality, the

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<sup>208</sup> Khaled Fahmy, "Medicine and Power: Towards a Social History of Medicine in Nineteenth-Century Egypt," in *Cairo Papers in Social Science*, v.23, no:2, p.1.

dominant property of which is the penetration of the state into the life of the subjects. This approach provides a picture for us to deal with the regulations concerning the prohibition of passes and implementation of travel permits in the Ottoman lands.

The foundation of the new regular army in the Ottoman lands at the beginning of the nineteenth century brought many dimensions to governmental duties.<sup>209</sup> Conscription which is the recruitment of soldiers for the regular army was one of these dimensions. Fahmy unravels the origins of the idea of founding a modern, disciplined army.<sup>210</sup> He starts with the conscription level which could be regarded as an alternative identification process in the nineteenth century Ottoman lands, and also could be thought to be a motivation for other identification practices. In addition, Fahmy offers a perspective for their reception by providing scenes of opposition. The state, in dealing with this opposition resorted to various policing and surveillance practices. These practices and the newly established institutions serving these practices changed the manner in which the state controlled society and altered the relationship between the population and the government.<sup>211</sup>

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<sup>209</sup> Avigdor Levy talks about the process of educating the new army, supply of the officer corps and integration of the old ruling class into the new military leadership. Avigdor Levy, "The Officer Corps in Sultan Mahmud II's New Ottoman Army, 1826-39," in *International Journal of Middle East Studies*, 2 (1971), pp. 21-39. Also, Hakan Erdem questions the ethnic dimensions in the establishment of the new regular army. Hakan Erdem, "Recruitment for the 'Victorious Soldiers of Muhammed' in the Arab Provinces, 1826-8," in *Histories of the Modern Middle East: New Directions*, Gershoni, Israel and Woköck, Ursula (eds.), (Boulder: Lynne Rienner Publishers, 2002), pp. 189-206.

<sup>210</sup> Khalid Fahmy, *All the Pasha's Men: Mehmed Ali, his army, and the making of modern Egypt*, (New York: Cambridge University Press, 1997), p. 77.

<sup>211</sup> *Ibid.*, p. 78.

Before training troops, the pasha had to strengthen his own position as the master of Egypt.<sup>212</sup> Massacring the Mamluks and disciplining the Albanians, enslaving the Sudanese and conscripting the Egyptians were the various dimensions through which the Pasha planned to achieve his aim of establishing a proper regular army. The change from using direct and harsh conscription methods like using police force to using other types of identifications to be used for conscription is the general observation of Fahmy. What Fahmy says about the meaning and the consequences of conscription practice enlarges our perceptions about the identification practices in general, and would serve as an argument while thinking about the motivations of the Ottoman implementation of travel permits: “Conscription, the population’s aversion and reaction to it, and the government’s attempts to counteract this resistance formed the impetus for the implementation in Egypt of a radically different system of controlling and governing the country. Resorting to physical force as represented by the conscription gang was no longer thought effective in tapping the country’s human sources. Gradually a shift to more subtle, hidden techniques of power took place, represented by the *tezkere*, the register, and ultimately the census.”<sup>213</sup>

Fahmy also intricately connects the medical reform in nineteenth century Egypt with state interests. For him, improving health conditions by means of medical reform would enhance the productive capacity of the subjects and fighting capacity of the

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<sup>212</sup> Ibid., p. 82.

<sup>213</sup> Ibid., p. 111.

army.<sup>214</sup> Although Fahmy deals more with the reception end of the issue, the implementations within the medical reform he mentions give a promising amount of information about the state's interest as well which will be the first part of my analysis in the *mürur tezkeresi*/travel permit implementations.

The activities held in the reform process were vaccination against smallpox all over the country, weekly registrations of births and deaths, urban sanitation measures, quarantines and an elaborate system of forensic medicine to ascertain the causes of death and/or accidents.<sup>215</sup> The production of medical knowledge in Fahmy's terms also adds to state's establishment of its new governmental tradition, connoting tighter control among the subjects. This production of knowledge could be thought as part of the production of an "external factor" which is above subjectivities, that is Islamoglu's argument of transformation from peculiarities to generalities.

Fahmy says that the doctors empowered with the newly coined, precise language of pathology and anatomical medicine, started to have a new position of power in society to watch, record and treat the patients with an unlimited authority. The objectified scientific language of the new medicine justified the new social position of the doctors where they gained the upper hand in the doctor patient relationship.<sup>216</sup>

It seems that while stating some rules and regulations the state also tried to form a new language defining its roles and its demands in a more uniform way similar to

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<sup>214</sup> Fahmy, "Medicine and Power," p. 2.

<sup>215</sup> Ibid.

<sup>216</sup> Ibid., pp. 17-8.



İslamoğlu's arguments about the new understanding of state domination. The shifts in medical science and changes in the social position of doctors are related to the change in the role of the state which becomes a more active and intrusive state than it had ever been in the history of Egypt.<sup>217</sup> However, İslamoğlu argues that state's domination changed in the nineteenth century from a particularistic treatment to a uniform language through the efficacy and the generality of its practices, including legal codes and cadastres. She thinks that these generality claims of the government started to erase the particularistic claims through individually negotiated settlements.<sup>218</sup>

This point of view is questioned by Fahmy in his evaluation of the reception part of the picture. What is argued there is that although state formed a more precise and uniform language to treat its subjects, the implementations always opened a way for negotiation with the subjects because the subject end of the picture is not a stable and passive entity. In a Thompsonian approach, Fahmy gives the agent an active role in making of its history.<sup>219</sup>

It is understood for Fahmy that people realized the strong connection between the medical reforms and the various attempts by the *khedives* to control the societies they ruled.<sup>220</sup> The appointment of hundreds of doctors who graduated from Qasr al Aini to various government institutions increased the inevitability of the state's control

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<sup>217</sup> Ibid., p. 19.

<sup>218</sup> İslamoğlu, "Politics of Administering Property," p.285-6.

<sup>219</sup> Edward P. Thompson, *The making of the English Working Class*, (New York: Vintage Books, 1966, c1963), p.9.

<sup>220</sup> Fahmy, "Medicine and Power," p. 3.

through health. Being sent to schools, factories, dockyards and government establishments and the appointment of female graduates and graduates of the School of Midwives to the police stations in urban centers and in provincial headquarters in rural areas,<sup>221</sup> shows the scope of the dissemination of medical reforms in the everyday life of people in Egypt. For instance, the new graduates who were appointed to health clinics were responsible for overseeing all sanitary operations including street cleaning and garbage collection. There was even a proposal for the punishment of those who were caught littering the streets.<sup>222</sup>

Through these various institutions, he thinks that the medical reform had an impact on the population of Cairo or Egypt, which resulted in people's realization that their bodies were literally touched by these institutions that left few aspects of daily life unaffected.<sup>223</sup> The dissemination of the effects of medical reform in various institutions only gives a clue about the mentality of the state, but not so much about the reaction of people.

According to Fahmy, in terms of understanding the reaction of people and also the intention of the state, the forensic medicine part of the medical reforms provides much more evidence. For him, the close connection between medicine and law was firmly established by the early 1850s, specifically in the investigation of homicide

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<sup>221</sup> Ibid., p. 27.

<sup>222</sup> Ibid., p. 28-9.

<sup>223</sup> Ibid., p. 26-7.

cases.<sup>224</sup> However, we may see that other areas such as education and health could as well serve the control mechanism of the state by various ways intentionally or unintentionally.

Strengthening his argument with different case examples, Fahmy reaches interesting results while providing scenes from the reception part of the picture. We may have access to a story of a woman who escaped her village because she was pregnant out of wedlock, when she was caught by the gaze of the state during the “illegal” burial of her child. Even though she managed to hide from the authorities until the baby was born, when the baby died, during the burial of the child, the situation was detected. The man who protected her, the midwife who helped her give a birth, all were accused along with her for not informing the state about all these processes.<sup>225</sup> In another case, a figure called Ali Efendi who represents the cooperation with the authorities informs the death of his mother immediately to the officials. Even while talking about the process of her mother’s death, which happened by falling out the window, he gave information about his being a proper citizen. He stated that although he was constantly reminding her mother to not throw the dirty ablution water from the window, she continued doing that and that is why most probably she fell down that morning.<sup>226</sup> Namely, it could be thought that he was trying to show his sensitivity about the rule of not throwing dirty water. Fahmy says that most of the popular reactions to

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<sup>224</sup> Fahmy, “The Anatomy of Justice,” p. 236.

<sup>225</sup> Fahmy, “Medicine and Power,” pp. 31-33. (for a detailed version of the case)

<sup>226</sup> Ibid., pp. 35-6. (for other case examples used for Fahmy’s conclusions look pp.31-40)

state's interference in matters of death lay between these two extremes, one of which was hidden cases or escapes and the other was negotiation and cooperation.

Fahmy also asks the question how the state could legitimize its action of penetrating into this intimate part of life, that is death, in other words, how the populace could tolerate these demands of the state. In this part, a case example is one where the workers complain about their patron beating them and causing the death of their fellow worker demand the post-mortem evaluation of the body. This type of usage of the system by private individuals opens a double reading of the intrusiveness and efficiency of the state public health policies for Fahmy. Because of these properties of the system, it was realized that these very same methods could be resorted to by private individuals in their complaints about injustice.<sup>227</sup> Based on some other cases, Fahmy says that, “the common people understood that medical evidence, including autopsy, played an important role in the law, and that they were willing to go to great lengths to manipulate the legal system to their benefit.”<sup>228</sup>

What Fahmy points out in this process is also the intricate role played by the intermediaries between the state and the populace those are the nurses, midwives, undertakers, etc.<sup>229</sup>, which could also provide a picture in our analysis of the regulations made on the mobility of people in the Ottoman lands. As also mentioned here, the case of the women who were caught by state's gaze includes the intermediaries in the story

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<sup>227</sup> Ibid., p.37.

<sup>228</sup> Fahmy, “The Anatomy of Justice,” p. 254.

<sup>229</sup> Fahmy, “Medicine and Power,” p. 31.

of their escape. The midwife had been persuaded not to inform the authorities about the birth. This fact also shows the flexibility of the system in terms of intermediaries in addition to the populace. Also, he notes in his evaluation of autopsy that he offers a social history of that practice to show how the functions performed by forensic medicine enabled the modern state and those who spoke in its name to exercise greater control over society and how such a disturbing practice was accommodated by the members of the lower classes and how and when these people made use of forensic medicine in their disputes.<sup>230</sup>

Namely, we cannot say that everything went smoothly in the given sequence by the state due to the passive absorption of the subjects all the new regulations. On the contrary, the reactions and the manipulations of the society add much to the shaping of this establishment process. When we look from this perspective to other reforms or implementations of the nineteenth century state, we reach a more flexible and plausible way of thinking in understanding the state as well as the society in the age of reforms. As Fahmy puts it for the regulations in the health issues, “the hospitals, clinics and various health centers that were established in Egypt in the nineteenth century were important sites in which modern power was produced, received, contested and negotiated.”<sup>231</sup> All in all, he argues for the reform process in Egypt that the need to

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<sup>230</sup> Fahmy, “The Anatomy of Justice,” p.226.

<sup>231</sup> Fahmy, “Medicine and Power,” p. 40.

exercise better control over the population and to monitor crime are as great a motivation as the liberal ideas borrowed from Europe.<sup>232</sup>

## Conclusion

The attempts of centralization and the new relations of the ruler and the ruled, in Foucault's terms, the new type of governmentality, shaped the nineteenth century experiences of the Ottoman state, as well. While taking into account the new practices and implementations, it seems useful to keep in mind the change of mentality in the rulers dominating the nation state establishments in the nineteenth century. Arguments about Tanzimat reforms and centralization and the discussions about the form and governing style of the nineteenth century through new institutions and new perspectives helps us to have a theoretical base before focusing on the regulations about travel permits in the nineteenth century. Fahmy's arguments about conscription and the regulations on health institutions helped to have much better of idea about the motivation of identification practices. In addition Fahmy's comments on the health reforms and their reception give an idea about handling a reform, to understand it from many perspectives, to see the flexibilities and the negotiations all of which were among the theoretical discussions. Moreover, the emphasis of Fahmy on change and transformation in the abstract terms such as knowledge and definitions showed that

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<sup>232</sup> Fahmy, "The Anatomy of Justice," p.224.

while one looks at the regulations s/he should be aware of the existing implementations. What is seen as “new” could be just a mentality change towards the existing realities. Not to trivialize the new regulations, but to give the attention to the mentality change would also be beneficial in understanding the practices about the mobility of the people within the Ottoman lands.

## CHAPTER 5

### NINETEENTH CENTURY *MÜRUR TEZKERESI* IMPLEMENTATION IN OTTOMAN LANDS: NEW GOVERNMENTALITY

*“A passport can be compared to an issue of Army equipment which the recipient uses but which is not his property, and which he is bound to return eventually.”*

*Manchester Guardian, 26 October 1955*

After the announcement of the Tanzimat reforms nineteenth-century internal passports did not appear upon the scene in just a couple of nights. As we have seen, from the sixteenth century onwards various kinds of official controls were in use, especially where migrations or entrances to the Ottoman capital city were at issue. Although before 1800 people wishing to enter Istanbul did not need to present a specific document, the sultans issued decrees ordering the control of gates and ports. People with no jobs were expected to leave Istanbul; in addition the institution of *kefalet* (guarantorship), and regular inspections to determine the jobless, all showed the administration's determination to control movement. Yet in the nineteenth century there were significant changes, apparent when the historian analyzes the different measures taken and evaluates them within the parameters of the time. This chapter will deal with the *fermans* issued and regulations promulgated in the nineteenth century with respect to the application of internal travel permits. We will also discuss different additional regulations and official reminders concerning this issue: the documents in question



show the mentality of the Ottoman rulers and their officials, and especially their attitudes to the subject population.

### *Men-i Mürur* and *Mürur Tezkeresi* – A Literature Review

The comments previously made on freedom of movement and the internal passport system in Russia help us in the analysis of official attempts to restrict movement in the Ottoman lands. But first I will review the work that has been done on internal passports in the sultans' territories.

I was surprised to find but very few historians who have commented on the *mürur* regulations applied in the nineteenth-century Ottoman lands. Moreover those scholars who have dealt with the issue have interpreted the implementation of such orders solely in the context of security and migration. They have not asked the question how, regardless of the affirmed intentions of the ruling groups, these implementations served the needs of a nineteenth-century state trying to know and control its population. I have come to ask this particular question only because of the research undertaken in different European contexts and also because of the work available on the Ottoman history of previous centuries.

Musa Çadırcı has considered nineteenth-century Ottoman internal passports as part of a project to ensure internal security. His article shows that security measures were undertaken especially to deal with disbanded ex-soldiers; they increased with the

abolition of the Janissaries.<sup>233</sup> Hamiyet Sezer has found that unemployed military men were sent to their homelands, for this purpose they received *tezkeres*/ travel permits; and local administrators were instructed to prevent their return.<sup>234</sup> This type of usage of the *tezkeres*, namely to send unwanted elements from Istanbul to their homelands is comparable with Russian internal passport applications which according to Steinwedel served to restrict the entry of certain mostly ethnical groups into certain areas.<sup>235</sup>

In the Tanzimat period, the institutionalization of the control of travelers is linked to the establishment of *defter nazırlıkları* and *mukayyidliks* (office of registers) after the 1830 census and the issuance of a new order in 1841.<sup>236</sup> Before that period the *mürur tezkires* were issued by *kadıns* and *naıbs* (judges and their representatives) in their respective districts.<sup>237</sup> The regulations concerning the *men'i mürur* (travel prohibitions) of the nineteenth century date mainly from 10 February 1841, with additional clarification in the *Men'i Mürur Nizamnamesi*, (regulation of travel prohibitions) of 1260 (1844); further details appeared in 1303 (1887).<sup>238</sup> Throughout the century many

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<sup>233</sup> Musa Çadırcı, *Tanzimat Sürecinde Türkiye: Ülke Yönetimi*, (İmge Kitabevi, 2007), p.145.

<sup>234</sup> Hamiyet Sezer, “Yeniçeri Ocağı'nın Kaldırılışının Taşradaki Yansıması (1826-1827),” *Tarih Araştırmaları Dergisi*, c19, .s30/10, 1997, pp. 227-8, Çadırcı, *Tanzimat Sürecinde Türkiye*, p. 155.

<sup>235</sup> Steinwedel, “Making Social Groups,” pp. 73-81, 3.

<sup>236</sup> Çadırcı, *Tanzimat Sürecinde Türkiye*, pp. 147-8.

<sup>237</sup> Sezer, “Osmanlı İmparatorluğu'nda Seyahat İzinleri,” p. 114.

<sup>238</sup> Rona Aybay, “Son Dönem Osmanlı, TBMM Hükümeti ve Erken Cumhuriyet Dönemlerinde Pasaportlar”, *Tarih ve Toplum*, Ocak 1985, no.13 pp. 46-7; Musa Çadırcı, *Tanzimat Sürecinde Türkiye*, pp. 154-6.

admonitions went to local administrations and the center received many letters of confirmation from its provincial subordinates.<sup>239</sup>

According to Çadırcı the order known as *Men'-i Mürur*, issued to prevent migration from one city to another or from villages to cities, was undoubtedly the most important internal security measure of the Ottoman lands.<sup>240</sup> Kırılı also believes that after increasing migration to the capital city the most conspicuous measure taken by the rulers was the issuance of *mürur tezkeresi*/ travel permits. As internal passports were compulsory for people who wanted to travel within the Ottoman lands, state officials needed to do additional bureaucratic work and would-be travelers had to comply with a series of regulations. We learn from Kırılı's inquiries that when an immigrant arrived in Istanbul at the checkpoints near the city gates he was questioned by members of the Bostancı corps. The would-be migrant not only had to present his *mürur tezkeresi*/ travel permit, but also needed to declare a 'reliable' permanent resident who would stand surety for him. The person standing surety then had to sign the *tezkere* of the transient at the office of the *muhtesip* in Istanbul.<sup>241</sup> As we have seen in the first chapter, starting from the 1700s, the authorities often counted transients residing in inns, bachelors' chambers, dervish lodges, and *medreses* (madrasa).<sup>242</sup>

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<sup>239</sup> BOA, A.MKT.UM 54-92, 07 C 1267 (9 March 1851).

<sup>240</sup> Musa Çadırcı, *Tanzimat Sürecinde Türkiye*, p. 144.

<sup>241</sup> Cengiz Kırılı, *PhD Thesis*, p. 101.

<sup>242</sup> *Ibid.*

İlber Ortaylı has discussed the *mürur tezkeresi* in a similar perspective. Referring to the responsibilities of village headmen including the control of *mürur tezkiresi*/ travel permits, he has pointed out that these permits were of limited effectiveness even in Istanbul, to say nothing of the empire as a whole.<sup>243</sup> In addition to the prevention of internal migration these documents were meant to protect the holder from arbitrary treatments along his/her route.<sup>244</sup> This latter approach could be read as a continuation of previous attempts to control movement in the Ottoman lands: earlier permits like the *yol* and *menzil* orders also were given out in response to demand by the would-be traveler. In addition officials probably wanted to increase government legitimacy and also their familiarity with the local population.

An article by Mehmet Demirtaş contains a relatively detailed analysis of the *mürur tezkeresi* / travel permit application in the nineteenth century.<sup>245</sup> The author also dwells on the problem of migration to the capital city from the sixteenth century onwards and its real or imagined consequences such as corruption, difficulty in feeding the population, high prices, increase in theft, murder and fires etc., all these concerns being exemplified with reference to the archival sources. Relating these difficulties to the increase in migration Demirtaş argues that the Ottoman rulers tried to solve the attendant problems by issuing regulations about migrations, the most important of which was *men'i mürur*. This prohibition was updated in the nineteenth century

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<sup>243</sup> İlber Ortaylı, *Tanzimat Devrinde Osmanlı Mahalli İdareleri (1840-1880)*, (Ankara: Türk Tarih Kurumu, 2000), pp. 109-10.

<sup>244</sup> Mübahat Kütükoğlu, "Mürur Tezkiresi".

<sup>245</sup> Mehmet Demirtaş, "XIX. Yüzyılda İstanbul'a Göçü Önlemek İçin Alınan Tedbirler: Men'i-Mürur Uygulaması ve Karşılaşılan Güçlükler," in *Belleten*, C:LXXIII, no: 268, December 2009, pp. 739-41.

especially after the abolition of the janissary corps.<sup>246</sup> However Demirtaş ignores the mentality behind the rules, which were to be applied not only with respect to Istanbul but also to travelers from and to provincial cities in the Ottoman lands; or to be exact the author is quite aware of this fact but does not discuss the broader implications.<sup>247</sup> Demirtaş has provided some examples of the *tezkeres*/ permits given to people wishing to visit Istanbul for personal or business reasons and for a limited time period. In these examples the holders needed to assure the authorities of their eventual return.<sup>248</sup> I regard these documents as the ‘direct descendants’ of the eighteenth-century examples discussed earlier on. Migrants needed to provide guarantors as they had done before; and the migration of entire families (*ev göçü*) was prohibited during the 1800s as in earlier times.<sup>249</sup>

There were certain prerequisites for the acquisition of a *mürur tezkeresi*/ travel permit; and a closer look at these requirements indicates some of the expectations of the Ottoman rulers. Demirtaş mentions two important documents that I also have seen in the archives: the would-be traveler had to submit an *ilmühaber* (certificate), a document containing information about his person and place of residence; various officials in the applicant’s hometown were responsible for issuing it. Given the information provided by these *ilmühabers*, only people identifiable to the authorities could obtain the *tezkere* and officials were forbidden to issue such a document to men and women whose

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<sup>246</sup> Ibid., p. 742.

<sup>247</sup> Ibid., p. 745.

<sup>248</sup> Ibid., pp.742-4.

<sup>249</sup> Ibid., p. 746.

conditions remained unknown.<sup>250</sup> Secondly the demander had to provide information about the taxes for which he was responsible, especially if in rare instances entire families received permission to migrate.<sup>251</sup> This rule reflected the fears of the state as noted in the first chapter with regard to the possible imbalance between the rural and urban areas, due to the migration of a large number of village taxpayers to the capital city.

Demirtaş also has communicated some regulations about the standardization of the *tezkeres* including both the relevant fees and the content of these documents: after all the nineteenth-century authorities required a physical description of the holder. Once again the conclusion of this author has motivated me to continue my analysis; for like Ortaylı Demirtaş feels that these regulations could not be applied properly and the problems arising in Istanbul due to overpopulation continued.<sup>252</sup> But if the population and welfare of Istanbul were not or only marginally at issue, the time has surely come to ask ourselves why in the nineteenth century the Ottoman state attempted to control all mobility within its lands, not only travels to Istanbul. Why did such a great state insist on a set of measures which apparently did not prevent the increase of population within the capital city? If the administration continued to pay for measures of control and its members knew very well that they were ineffective, presumably Ottoman officials had other aims in mind, which they never explicitly formulated. Modern historians also

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<sup>250</sup> Ibid., p. 751 (mechul-ul ahval kimesneler).

<sup>251</sup> Ibid., p. 740.

<sup>252</sup> Ibid., p. 752.

agree on the ineffectiveness and even failure of this measure, so that today's scholars really need to address the reasons for its longevity.

When taking into account the process of implementation, a more differentiated historical analysis allows us to go beyond merely observing the “unsuccessful” end results of the Ottoman internal passport experiment. A social history covering internal passports in the nineteenth-century Ottoman lands may open up new perspectives.

#### Enactment: Re-reading the Rules, Shaping Flexible Moulds, and Testing Measures of Surveillance

Ottoman historians have not studied the regulation of travel within the wider perspective of nineteenth-century transformations in governmental traditions. Because of the continuity with eighteenth-century practice they have taken these regulations for granted; and novelties like the formation of ministries or reforms in education have typically taken center stage, while our problem remains a side-issue. Yet when historians approach internal passports not as a tradition but as a novelty the latter have much to teach us about overall changes in governmental practice.

Taking into account the literature concerning passports throughout the nineteenth-century world, it becomes possible to ask whether travel permits or passports in general were really issued as a rationalization tool for the newly established nation states to determine their members and nonmembers as Lyon has argued, or as a

means of “embracing” the citizens in order to exclude the unwanted elements as Torpey has claimed. Through the relevant general regulations (*nizamname*) and other decrees, and the reminders and supplements sent to local administrators, we may gain an idea of the mentality of the central state with respect to its subjects. With this aim in mind I will analyze some of the more significant orders concerning internal travel permits in the Ottoman lands; I will compare documents from different dates in order to make nineteenth-century changes more visible.

Although internal travel permits in the Ottoman Empire form the main topic, for the processes of identification concerning us here ‘ordinary’ passports, in other words documents needed to travel outside the Ottoman domain will be a complementary source. For this reason, I have selected some rules and orders concerning passports that have mostly been issued together with the regulations concerning internal travel permits.

As we have seen, in addition to domestic concerns the Ottoman state in the previous centuries had attempted to control the entries and departures of foreigners. Orders issued in the nineteenth century are more detailed, officials trying to achieve a more standardized procedure. Although we know that neither foreign nor internal passports were invented in the 1800s the difference in tone and addressing is a novelty, as well as the claim of the new *nizamnames* to embrace the whole population. The researcher is bound to question what policies were behind this flood of stamped and written paper.



## The Main Regulations

The *nizamnames* about internal movements were issued at different times with later additions or changes according to circumstances. We have already encountered a sultanic command issued in 1841 (1256) transcribed and summarized by Musa Çadircı. This “*Men’i Mürur Nizamnamesi*” generally restricted the movement of the population. According to the order, no one, without exception could travel from one place to another, if he/she did not carry a travel permit. Apart from describing the physical shape of the document Çadircı has also transcribed and summarized sections dealing with unknown persons, with those who could not find guarantors (*kefil,*) and with people who were not subjects of the Ottoman state. A closer look at some of the articles of the *nizamname* allows us to see in some detail what the Ottoman state in the Tanzimat period expected from those of its subjects who wanted to travel.

From the first article it is obvious that the *nizamname* is part of the Tanzimat project since the reader learns that it will be applied in the regions where the Tanzimat regulations also apply. From the second article the “embracing” tone of the state is apparent especially from the note about travelers without *tezkeres*: no one can pass from one place to another without a *tezkere* whatever nation he may belong to. If the demander of the *tezkere* is not indigenous he should declare the names of two people from the region willing to be his sureties. While going from village to village within the same district, there is no need for travel permits. However, when someone wants to move from one city to another, he should first of all declare the destination and reason

for this travel to the religious head (*imam*) or village headman (*muhtar*) of his district to get a *tezkere*. This *tezkere* is not the actual *mürur tezkeresi*/ travel permit since the document tells us that this preliminary *tezkere* should be brought to the district assembly (*kaza meclisi*) to be exchanged for the actual travel permit.<sup>253</sup>

Further on we find the rules concerning people who want to depart from the Ottoman lands. It seems that travel permits which we may describe as a sort of internal passport were also compulsory for travels abroad. However when the traveler wished to leave the Ottoman lands his documents needed additional signatures or seals. If somebody who was not a state official wanted to depart, as a first step he had to acquire a testimonial from the *İhtisab* Ministry and bring that to the Ministry of Foreign Affairs.<sup>254</sup> After receiving the *mürur tezkeresi*/ travel permit he was to go to the *İhtisab* Ministry a second time and also have the document sealed by the ambassador of the place he was planning to go. If he did not live in Istanbul, he was to obtain a signature from the relevant provincial consulate. If none was available in the area where the would-be traveler resided, he was to find a suitable consulate while on his way and there obtain the necessary signature.

Foreigners were in no different position: they also had to obtain signed or sealed travel permits from the officials in charge of such matters, either when crossing the

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<sup>253</sup> Çadırcı, *Tanzimat Sürecinde Türkiye*, pp.159-67.

<sup>254</sup> The *İhtisab* ministry in the capital and subordinate directorates in other cities were founded in 1826 after the abolition of the janissary corps. These organizations were responsible for security and municipal projects. It was one of the duties of the *ihtisab nazırı* to control migrants from Anatolia and check the relevant *mürur tezkeres*. Due to numerous irregularities, widespread corruption, and also the establishment of police and gendarmerie (1845-6) the *İhtisab* ministry soon became defunct. (İlber Ortaylı, *Tanzimattan Sonra Mahalli İdareler*, Ankara 1974, pp.111-3).

borders or else after arriving at their respective destinations. When a foreigner came to Istanbul, he also had to submit his *tezkere*/ travel permit to the *İhtisab* Ministry. If travelers arrived by sea, the shipmasters were held responsible for controlling and signing the travel permits on board ship. In another text, called the passport chamber regulations the responsibilities of foreigners within the Ottoman lands were further spelt out. The order held them responsible for carrying *mürur tezkeresi*/ travel permits in addition to their passports while moving through the Ottoman lands.<sup>255</sup>

A proper *mürur tezkeresi*/ travel permit had to contain the following: name and reputation, age and profession, appearance, original hometown (place of birth) of the holder and his/ her place of current residence, destination, name of the place where he/ she had obtained the relevant document, the date of issue and his/ her nationality. The authorities also warned all would-be travelers that they were responsible for submitting the *tezkeres* to the *zabtiye*/ gendarmerie officials or else the headmen of the districts or other administrative units (*kaza, kasabat, kura*) where they arrived. In addition, the text repeated that foreigners needed to acquire and carry *mürur tezkeresi*/ travel permits while journeying within the sultan's territory as well.

There were also articles that warned the addressees about the fines and punishments in case of disobedience. If those who did not carry a *mürur tezkeresi*/travel permit were caught, they were to be sent to the nearest district assembly to be questioned. If no one from that region was willing to stand surety for the culprit the latter was to be arrested. After three days local officials were to prepare a new *tezkere*/

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<sup>255</sup> Çadırcı, *Tanzimat Sürecinde Türkiye*, p. 167.

travel permit containing the reason for the arrest; after that they were to send the unfortunate man back to his place of origin. The latter had to follow the route stated in the document and if not, he would be arrested for a month in the place where he arrived. Whoever stated a name different from his own would also be punished as a forger. Further on the regulations detailed the procedures applicable to merchants and tradesmen who routinely traveled, in addition to the fees payable for all documents issued.

Obviously the state tried to draw boundaries and establish systematic regulations about travel within the Ottoman lands. However, it is not clear to what extent these rules were applied or even applicable. Even if we do not come across many documents recording irregularities, the rules were probably too complicated for a newly established administrative system. Thus it must have been all but impossible to catch people using fake names; for it is hard to imagine that the officials granting the *tezkere*/ travel permits knew everyone in the district in name. Apart from using someone else's *tezkere*, a would-be traveler might also obtain a permit by presenting himself as someone else, perhaps a personage who appeared as more trustworthy and had a better reputation in his place of residence.

Çadırcı has stressed that this new *nizamname* was a recapitulation of pre-Tanzimat rules; thus with this ordinance, some rules that previously had been applied informally turned into formal rules and regulations. Yet the text studied by Çadırcı was not the first case of rules being integrated into a *nizamname*; on the contrary archival documents show that there had been an earlier *nizamname* in operation, dated to 1242

(1826). Recorded by the scribes working for the judge of Nif/ Kemalpaşa this document already had stated that according to the *Men-i Mürur Nizamnamesi* it was prohibited to travel without a *tezkire*/ travel permit. The central administration also warned local authorities to prevent entire families from moving to Istanbul.<sup>256</sup>

Indeed, we may read the texts discussed by Çadırcı keeping in mind historical discussions about the set of policies known as the Tanzimat. Tanzimat regulations have been criticized because they had been adopted from abroad and applied strictly without any preparation on the part of Ottoman officials and their subjects. Yet from the seventeenth century onwards, officialdom had tried to prevent people from entering Istanbul; therefore one may infer that there were also Tanzimat practices whose ‘ingredients’ were already present, even though not formalized or put down in writing. In the case of regulations concerning movement within the Ottoman borders, we also witness the bureaucracy widening its horizons and ambitions. Various articles in the *nizamname* show that the aim was a wider and stricter control of population movements, over and beyond trips to Istanbul. Except for travel between villages, movements from any small administrative unit to another supposedly were under state control. However, the special references to the capital city reflect the weight of Istanbul in the eyes of its rulers.

A copy of a new *nizamname* has recently turned up in the archives, which is almost contemporary to the one Çadırcı has transcribed. This new *nizamname* was recorded in the archives without referring to the term *mürur*, but rather under the title

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<sup>256</sup> BOA, C.DH, 6115-123.

“*nizamname* concerning the entrance into and departure from the empire as well as travel within the [Ottoman] borders.”<sup>257</sup> This *nizamname* which is composed of 17 articles in general deals with the situation of foreigners traveling within the borders of the Ottoman state and also the regulations about entrance and departure. Once again we learn that it is compulsory for would-be travelers both local and foreign to acquire a passport in accordance with current regulations. Foreigners also need to get a visa in their passports from the ambassador or consul of the Ottoman Empire stationed in the relevant foreign states, and also from the consulates of their state situated in the Ottoman lands. If there is no representative of the Ottoman state in the state of the passport holder, he has to do the same thing in the first place he finds such a representative. The procedures after his entrance to the lands of the Ottomans are also stated in detail and travelers are reminded of the obligation to get internal travel permits and attach them to their passports when traveling within the Ottoman boundaries. The validity of the travel permit is one year and each time when traveling from one place to another a visa is required. As to the traveler’s wife and members of his family below the age of fifteen, they do not need to pay the cost of a separate travel permit but rather their names will be recorded in the document of the traveling senior male.

Our text also determines the punishments for contravention. Those who do not carry a passport or *tezkere*/ travel permit, or who have an invalid passport or travel permit should be arrested so that they may state an excuse or declare a reliable surety in order to get a new document. If unable to do so, they will be sent back to their region of

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<sup>257</sup> BOA, A.DVN 6-32, 16 B 1260 (31 July 1844), Also under the title, “passport odası nizamnamesi”, Çadırcı, *Tanzimat Sürecinde Türkiye*, pp.167-75.

origin, accompanied by officials whose expenditures the traveler will have to pay. For the foreigners, if their excuses are accepted and their ambassadors stand surety for them, new travel permissions will be prepared. If not, with the aid of the relevant ambassadors they will be expelled from the empire. For foreigners the punishment for using the passport or *tezkere*/ travel permit of someone else is only expulsion; according to the laws Ottoman subjects will be severely warned and punished.

After I had transcribed this *nizamname*, I realized that under the title “The *nizamname* of the passport chamber” and with a different date, namely 1283 (1867) the same *nizamname* is available in print: it features in the first volume of the collection of laws known as *Düstur*. Musa Çadircı has transcribed this text together with the *Men-i Mürur Nizamnamesi* of 1256 (1841).<sup>258</sup> It seems that when preparing the *Düstur*, the compilers forgot to add the real date of issue so that Çadircı also has taken this text as a separate regulation.

Furthermore the *nizamname* on the regulations about citizenship (*tabiiyet-i osmaniyye*, 1285/1869) is worth mentioning since it is also related to the identification practices of the state and will enhance our understanding of the officials’ way of thinking. If one of the parents of a new-born child was a citizen of the Ottoman state (*devlet-i aliyye*), s/he was to be recorded as a citizen. If the parents were foreigners but the baby was born in the sultan’s state, he could demand the right of citizenship within three years after reaching adolescence. Even if not born in the Ottoman state a man might demand the right of citizenship after living on Ottoman territory for five years.

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<sup>258</sup> Çadircı, *Tanzimat Sürecinde Türkiye*, p. 167-75.

The rules about changing citizenship are also mentioned and the authorities emphasize the need for informing the state about such changes. People who choose the citizenship of another state without informing the Ottoman authorities are subject to expulsion. These rules are also in accordance with the rules concerning travel since it is taken for granted in this *nizamname* that the entrances into or departures from the Ottoman lands are firmly under control, and the same thing applies to the time spent by foreigners on Ottoman territory. Especially the additions made to this *nizamname* at the end of the century reflect the concern of the state on with the movements of locals and foreigners in the Ottoman lands.<sup>259</sup>

In 1869 (1286) a *layiha* (proposal) relevant to passport and *mürur tezkeresi nizamnamesi* was issued which only concerns foreigners. In the first article, some sections of which have later been canceled, the authorities state that foreigners who are traveling within the borders of the great Ottoman state had to carry with them passports validated by the relevant embassy or consulate; otherwise they would be charged three *mecidi* gold coins. In addition to the fine, the government could ask for a *kefil*/ guarantor from those foreigners who came to the Porte without a passport and with the intention to settle in the Ottoman lands. The consulates were accepted as *kefil* where the subjects of their states were at issue. Those who could not find the demanded *kefil* could be sent back to their countries of origin. While the third article specifies the fees payable for new passports and obtaining visas, the fourth article, reorganized and added on to the end of the *nizamname*, states the responsibility of the shipmasters of foreign

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<sup>259</sup> “Tabiiyet-i Osmaniyye Kanunnamesi, 7 § 1285/ 20 ocak 1869”, in *Düstur* 1/1, (Matba-i amire, 1389), pp. 16-8.



ships. The latter have to present the passports of all passengers to the official in charge of quarantine. The fifth article specifies the fines payable for traveling within the sultan's "well-protected domains" without a *mürur tezkeresi*: these amounted to two gold *mecidi*. As for the following article it determines the fee for obtaining a *mürur tezkeresi* which is 10 *kuruş*; these documents were to be valid for one year in every place of the "well-protected domains".<sup>260</sup>

It seems from this document that foreigners had to carry both a passport and an internal travel permit to travel within the borders of the Ottoman state. This demand may be used as an argument against our previous interpretation that the *mürur tezkeresi*/travel permit was a surveillance tool invented by the Ottoman bureaucracy to control the local population. It seems that the standardization of each rule was a painful process and controlling the sultan's subjects did not mean ignoring the foreigners. Apparently the reasons for issuing travel documents went beyond the vexed questions of taxation and recruitment for the newly established modern-style army.

Another attempt at issuing a new *nizamname* occurred in the year (1303) 1887 which was also published in the *Düstur*.<sup>261</sup> In this *nizamname* which consists of three parts the public is again reminded that it is compulsory for both Ottoman and foreign citizens to obtain *mürur tezkeresi*/travel permit before traveling in the Ottoman lands. Once again we learn that these documents only are necessary for movements between

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<sup>260</sup> BOA, HR.TO 474-26, "Pasaport ve mürur tezkeresi nizamname layihası" (5/2/1869).

<sup>261</sup> "Mer'iyeti ahkamına bilistizan iradei seniyei cenabı padişahi şerefmüteallik buyurulan mürur nizamnamesi", (zilkade 1304/ 08.08.1887), in *Düstur* 1/5, (Ankara : Başbakanlık Neşriyat ve Müdevvenat Genel Müdürlüğü, 1966), p.862.

great cities while there is no need to apply for a travel permit when moving from one village to the next or between different administrative units within a single large city.<sup>262</sup> Another regulation concerns the number of documents to be issued for a single family. While the wife always appears on the same document as her husband, only children and servants under twenty years of age are recorded on the same travel permit as the household head. The information that will appear on the *mürur tezkeresi*/travel permit is stated in the *nizamname*: nationality (*tebaiyet*), hometown, place of residence, occupation, age and appearance, name of father and the latter's occupation, also place of birth and destination. As we have seen the names and ages of the wife and children, relatives and servants under the age of twenty appear in the same document, which was valid for one year and cost 5 *kuruş*. Also at each new entrance and departure the holder had to pay 2 *kuruş* for the registration of his movements. People who could not afford this fee might receive the *tezkeres*/travel permits without payment and also be excused the money due when renewing registration. Tradesmen who continuously traveled from one place to another did not have to register at every move but needed to renew their registrations in six month intervals.

The second part of the *nizamname* concerns the submission of the *tezkere-i osmaniyye* and the *ilmühaber* required to apply for a *mürur tezkeresi*/travel permit. The *ilmühaber* should contain the following information: employment and profession of the holder in addition to his age and appearance, his destination and people accompanying him if any; if the holder travels along with his household, the names, occupations, and

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<sup>262</sup> Ibid.

ages of the people in his company should be stated as well. According to the occupation of the applicant he can obtain this first preliminary certificate from a variety of places. Officials file an application with the department where they work, while ordinary residents should apply to the local *imams* and *muhtars*. As for students, the teachers of the schools they attend will issue the relevant documents, while non-Muslim citizens should turn to the heads of the relevant religious communities. Inhabitants of rental business structures (*hans*) with the consent of the chief steward (*hancılar kethüdası*) should receive the *ilmühaber* from the person responsible for their room (*odabaşı*), and the citizens of foreign states may request it from the chanceries of their embassies or consulates. The fee for these documents is 3 *kuruş*; and without this *ilmühaber* no *tezkeres*/ travel permits will be issued. After these technical issues follow the rules concerning the usage of this document; when demanded by the police, all travelers have to show their *tezkeres*.

The third part deals with the fines. Those who do not carry the *tezkere* or have not had it registered before each trip should pay a fine ranging from one to five *beşlik* (five *kuruş* altogether) and if later on, they can supply a known and trusted surety they may apply for a new *tezkere*/ travel permit or renew the registration of their permits. If those who lost their *tezkeres* can prove their employment, they can get a new one. Suppliers of documents are also targeted: if officials demand more than the stated fees, they will be punished in accordance with the penal code. People who commit forgery by changing or destroying their permits or those who register the *tezkeres* with false names or show fake sureties will be punished as forgers and imprisoned according to the penal

code.<sup>263</sup> Once again both foreigners and subjects are required to carry travel permits and must submit them when the police so demands.

In later years we encounter some detailed additions to the regulations discussed so far. The articles issued in (1324) 1906 as an addition to the *nizamname* of citizenship of (1286) 1869 merely repeat the rules concerning changes of citizenship and the need to inform the state about such occurrences. Given the emergence of what we might call a tourism-related infrastructure, travelers are now required to submit a document to the owners of hotels, apartments or hostels. The owners of these places have to countersign their forms (*beyanname*), which include information about the traveler's reason for coming, as well as the duration of his stay and the places he plans to visit.

In this additional regulation, there also appears an example of a proper *beyanname* which seems to be another form of travel permit or internal passport. The information to be given in the *beyanname* includes the name, reputation, profession, nationality, religious sect, place of birth and residence of the holder. In addition, the latter has to declare the date of his arrival, the date and place where the *tezkere* was issued, and also the approximate duration of his stay in Istanbul. Also the document should state if the visitor has been to Istanbul before, and include the reason for his present coming. Below this information, there is a section to be filled in by the owners of hotels and other residences confirming that the person whose information is given above carries a passport with him/her and has entered Istanbul and reached the place under the management of the undersigned. Also there is an admonition stating that after

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<sup>263</sup> Düstur 1/5, (18 zilkade 1304/ 08.08.1887), pp. 861-5.

having been filled in and signed by the owners of the guesthouses, these documents should be sent to the relevant police administrations. The travelers whose information or travel permits are not complete will not be accepted into the guesthouses and the owners will be held responsible for any gaps in the documentation.<sup>264</sup>

It became clearer after reading these main regulations that according to the state bureaucracy the travel permit was a compulsory document for everyone traveling in the Ottoman lands. In spite of the strict tone of the general regulations, both the frequency of reminders and repetitions and also the problematic cases to be discussed in the next section challenge the historian to question the applicability of these rules.

In the beginning of the twentieth century internal travel permits supposedly were abolished. Yet as for the proposed new law which was to replace the previous regulation of population and travel (*nüfus ve mürur nizamnamesi*) it indicates the mentality of the bureaucracy involved.<sup>265</sup> For now officialdom demanded even more information about the subjects and new opportunities were created to monitor the population; therefore it makes sense to think that travel regulations were an excuse for the control of the population more than an attempt to prevent irregular migration. In the new order, the document known as *tezkire-i Osmaniyye*, which came to be a compulsory identity document at the end of the nineteenth century, has been further

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<sup>264</sup> “7 Şevval 1285 tarihli Tabiiyet Kanununa müzeyyel bazı mevaddı mühimme, 14 s 1324/ 8 nisan 1906” *Düstur*, I/8, Başvekalet Devlet Matbaası, Ankara 1943, pp. 495-497.

<sup>265</sup> BOA, IMLU 12-26, 1332-L-5 (14 agust 1914), also in *Düstur*, II/6, Dersaadet: Matbaa-i Amire, 1334, p. 1244.

detailed and turned into a booklet called *hüviyet cüzdanı* which serves as an identity card.

In the proposal which was approved by the assembly instituted in (1326) 1908, each Ottoman subject (*bilumum osmanlılar*) was held responsible for ensuring that his name entered the population registers, be it as a resident or else as a guest. People born in a given region and those who came and settled later on featured as residents. Guests were men and women who came for a limited period, be it for official, commercial or educational purposes.

The information demanded for the records were the following: name, reputation and religion of the owner of the document, in addition the sects and communities of the non-Muslims. In addition the booklet stated the name of the holder's father and mother as well as the father's place of birth. Moreover with respect to the holder the document was to state the following: place and date of birth and place of residence, profession and literacy, the army department the holder belonged to, height, color of eyes, face and moustache, beard and hair, and further distinguishing properties. If the holder was married, the document was to state if his wife was recorded or not and whether her father and mother were alive or dead; the officials also demanded to know the military rank and department of the wife's father, in addition to the date of the register. An identity card would be issued to Ottoman subjects including all of this information and this document was to be submitted for travels within the Ottoman lands and also abroad.

The citizens of foreign states would also be recorded in the population registers by submitting their passports and/or other official documents. To be an Ottoman citizen

thus was not a prerequisite for inclusion in the population registers. The regulations repeat that foreigners traveling in the Ottoman lands need to submit their passports when demanded.

Like the *tezkire-i Osmaniyye* earlier on, the new identity card also had to be submitted for any official procedure: buying, selling or transferring real estate, applying for employment, attending a school, demanding retirement or unemployment benefits, and obtaining a passport or marriage license all fell into this category. If the applicant could not submit his identity card, all procedures would be postponed until he did so. Those who were arrested and did not have their identity card with them would be treated according to the laws after having been issued an identity card based on the information provided. People not recorded or who had lost their identity cards had to obtain the document known as *ilmühaber* from their respective places of residence just as when applying for a travel permit. Any mistakes concerning ages and names would be corrected in the presence of all claimants in open court.

The fines are stated as 25-50 *kurus* for those who do not register themselves and twenty-four hours of imprisonment for those who could not afford the fines. Men who refrained from recording themselves to escape from the army draft would be punished according to the laws. People destroying their identity documents, employing fake IDs or submitting someone else's document would also be punished according to the penal code. The officials responsible for irregularities in recording were to lose half a month's salary the first time around. When caught a second time they were fined a full month's salary and if caught a third time, they lost their jobs.

In the proposed document there are separate sections for the birth, marriage, death, and travels of the subject concerned, along with a separate section detailing fees. Evidently from the very first moment in the world people were held responsible for making themselves known to the authorities in order to continue their lives more or less smoothly. For example it was compulsory for the parents to prepare an *ilmühaber* for a new-born child in front of witnesses and village headmen. This document was to include the name and date of birth of the child, the name of his/ her father and mother, and the district, street and number of the family dwelling; it was also necessary to state the names, professions, reputations and residences of the witnesses. Failure to do so merited punishment, including a one day imprisonment or fines of 20-25 *куруş*. As for abandoned babies, if there was not a special note stating his/ her religion or community, the child would be recorded as a Muslim. It seems that for those who did not have any problems with the authorities, registration could bring advantages later in life. However, those who did not fit into the ‘proper’ citizen definitions of the state or might want to escape from official attention were in a difficult position, which became harder day by day.

Conscription was one of the new regulations of the Tanzimat state in the nineteenth century which in and of itself affected many other practices as well. For registrations and identifications could serve to determine the number of young men capable of induction into the army and make it more difficult for them to escape. Being a candidate soldier might well be a problematic condition; and escapees and deserters would certainly want to avoid the gaze of the state. In the next chapter, this issue will be discussed in more detail.



### Specific regulations

After dealing with the general rules, I will now discuss archival documents treating specific cases. My search in the archives has focused on the term *mürur tezkeresi*, which was the most widely used equivalent for ‘travel permit’ in the nineteenth century, different from the *yol emri* used mostly in the 1700s and before. Reminders on the part of the central government and letters of confirmation from local administrators were very frequent; obviously the issue was very much on the agenda. Also there were some new regulations concerning the issue, appearing as separate decrees rather than within a general *nizamname*.

Different from the orders mentioned by Çadırcı, Aybay and Sezer, there were many reminders addressing local administrators such as *valis* (governors) or *kaimakams* (district governors). One of the most widespread documents which we may regard as forming part of a tradition established since the seventeenth century reminded the relevant officials to be careful about preventing travels especially to Istanbul, and never give permissions to men without travel permits.<sup>266</sup> Local administrators also were often told to send people in the latter category back to their hometowns.<sup>267</sup> Although many years had passed since the government had first emitted these regulations, even at the

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<sup>266</sup> BOA, C.DH 11079, 1255.Ş.29 (Jan 4, 1840), also BOA, A.MKT.UM 381-75, 1276. Ca.12 (Jan 6, 1860).

<sup>267</sup> BOA, A.MKT.UM, 216-65, 1272.Ra.15 (Dec. 24, 1855), A.MKT. UM 216-91, 1272.Ra.17 ( Dec 26, 1855).

beginning of the twentieth century similar reminders were still continuing. In (1318) 1901 local administrators once again learned that travel permits should be issued in accordance with the laws and the relevant revenues recorded properly as stated in the (1311) 1894 decision of the council of the state.<sup>268</sup>

In response to reminders of this type administrators wrote letters confirming that they had understood what was wanted. In 1267 (1850) one official informed the sultan that the required documents including the regulations concerning the responsibilities of the officials in charge of passports and travel permits had been copied and sent out to all administrative units of the empire. From then onwards, or so it was hoped officials were in a better position to comply with the rules.<sup>269</sup>

The reminders, additions and confirmations following the main *nizamnames* seem to reflect the shock both of the population and the state apparatus itself. After all it was a great claim to monitor the mobility of the entire population; and the language used in the reminders tried to strengthen the points made in the *nizamnames*. Apparently the rulers wanted to feel or at least give the impression that it was easy for the state to set rules and to ensure their application. However, when we investigate the process a hundred years after the event, this illusion completely dissolves. Already in the seventeenth century migrations to the capital city could not be prevented as expected, as apparent from the often repeated admonitions to prevent the migration of unemployed

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<sup>268</sup> BOA, DH.MKT 2474-102, 1318.Z.29 ( Apr 18, 1901).

<sup>269</sup> BOA, A. MKT UM 42-17, 1267.2.7, (Dec 11,1850).

and unknown persons to Istanbul. Throughout the 1700s this kind of paperwork continued.

Some new additions to the regulations also demonstrate changes of perspective on the part of the Ottoman state apparatus. Although according to already the very first *nizamname* no one should have been allowed to travel without a permit, in the coming years many new decrees about the same issue appeared, due to malfunctioning and also to add details for better enactment. Sometimes, officials at the center simply wanted to ensure that local authorities did not forget all about the *nizamnames*. In one of these decrees the responsibilities of the people involved in the enactment of the rules were explicitly stated. The owners of residences accepting visitors were also held responsible for demanding the travel permits of the people who wished to stay in their places. If someone appeared without a travel permit or with a permit that did not seem to belong to him or was not sealed by the relevant officials the village headman had to send the culprit to the head of the district. If such a person was caught in a district center, the head of the district should send him to the governor for punishment in accordance with regulations.<sup>270</sup> As for the officials and the owners of lodging houses who did not enforce the rules, they were threatened with imprisonment from ten days to one month, while those who guided such people, and assisted or lodged them would be imprisoned for a period from one to three months.<sup>271</sup>

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<sup>270</sup> BOA, A.MKT. MVL 1-66, 1261.C.25 (31 May 1845).

<sup>271</sup> Ibid..

As already noted after the government had instituted population registers, in (1282) 1866 there followed a new type of identity document called *tezkire-i Osmaniyye*; it was to facilitate conscription. In the order which declared the procedures for issuing this identity document and other necessary paperwork the administration also considered it important to supply all officials with copies of these documents so that they could act in accordance with the new regulation.<sup>272</sup>

When at the end of the nineteenth century the *tezkire-i Osmaniyye* became compulsory for all subjects, it also became a precondition for an internal travel permit or passport.<sup>273</sup> In a decree dated (1321) 1903, officials providing travel permits and village headmen or *imams* marrying people without seeing the *tezkire-i Osmaniyye* were threatened with punishment after interrogation in the assemblies of their local districts. Particularly officials were warned to be more careful in controlling the *tezkere-i Osmaniyye* before giving permission for marriage procedures to begin.<sup>274</sup>

In (1310) 1893 five years after the issuance of the regulations prohibiting travel (*men-i mürrur*), a new document specified further details. While at that time the fines for destroying travel permits or using fake ones already were stated in the penal code, the legal position of people using someone else's permit was not clear. Therefore the new

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<sup>272</sup> BOA, I.MVL 538-24167, 1282.R.9 (Jan 26, 1866).

<sup>273</sup> DH.MKT 1371-9, 1304.M.14 (Oct 12, 1886).

<sup>274</sup> BOA, DH.MKT 753-27, 1321.Ca.17 (Sept 9, 1903).

regulation determined that in such cases the relevant fine was to be the same as that payable by travelers with no *tezkere* at all.<sup>275</sup>

Photography also gained importance as a means of identification. While in (1254) 1839 the first usable photographs appeared on the market in France the new invention took about ten years to arrive in Istanbul.<sup>276</sup> For identification purposes however photography only became useful at the end of the nineteenth century, when procedures had become cheap and easy.<sup>277</sup> Already Sultan Abdülaziz had ordered his officials to take and preserve photographs of criminals like purse-snatchers and thieves; the practice became much more widespread in the reign of his successor Abdülhamid II.<sup>278</sup>

As we have seen, nineteenth-century Ottoman rulers tried to prevent the entrance of criminals to the capital city by forbidding local administrators to give travel permits to such people.<sup>279</sup> In (1283) 1867 with the entrance of photography and lists of ‘suspicious characters’ available to the police these regulations became easier to apply.<sup>280</sup> Perhaps these efforts to develop new ‘certain’ methods for identification meant that the previous policies concerning the refusal of travel permits to known criminals

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<sup>275</sup> BOA, MV. 72-95.

<sup>276</sup> Gülden Sarıyıldız, “Osmanlı Bürokrasisinde Fotoğraflı Belge Kullanımı”, *Tarih Dergisi*, No: 47 (2008), İstanbul 2009, p.183.

<sup>277</sup> *Ibid.*, p.185.

<sup>278</sup> *Ibid.*

<sup>279</sup> BOA, A.MKT. UM 100-16, 1268.Ş.05.

<sup>280</sup> Sarıyıldız, “Osmanlı Bürokrasisinde Fotoğraflı Belge,” p. 185.

had not been very successful. Moreover from the very beginning photography served not only for recording criminals but also peddlers, emigrants, expelled people, army deserters, demanders of citizenship, people excluded from citizenship, and travelers entering the Ottoman lands with their passports; for Sultan Abdulhamid II wanted the faces of all these people conveniently recorded on paper.<sup>281</sup>

From both the general regulations and the supplementary details, it is clear that the state tried to increase its controlling capacity and wanted to avoid malfunction and being misled by its subjects. Documents with photographs facilitated identification: they became especially popular among officials issuing travel permits in the Balkans where banditry and uprisings were rife. By putting photographs on the passports or travel permits of suspects, officialdom hoped to prevent different types of forgeries.<sup>282</sup> However, photography was not feasible in every administration providing travel permits. Moreover the subjects could change their appearance by means of different clothes, or dyeing their hair, moustache or beard; these devices made the efficiency of the photograph questionable. Recording a set of anthropometric data, known as Bertillonage was an alternative occasionally practiced; and the inspector of the office dealing with *hatt-ı imtiyaz* suggested its use. At the end of the century, in (1315-6) 1898 and 1899, both fingerprinting and Bertillonage began to be used in the Ottoman lands.<sup>283</sup> In different places and at different times both photography and fingerprinting

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<sup>281</sup> Ibid., p. 186.

<sup>282</sup> Ibid., p. 189-90.

<sup>283</sup> Ibid., p.195.

thus served Ottoman officials in their efforts to identify the members of an increasingly restive population.<sup>284</sup>

Our documents reflect these searches for a ‘sure’ identification. Thus in one document officials recorded the height of the subject under discussion. As a reason they claimed that although the properties stated on the travel permits were useful for identification purposes, still loopholes remained. After all some people had similar faces and/or coloring, and therefore certain persons had started to obtain travel permits with the purpose of selling them to those who resembled them but could not get such a permission in legal ways. Therefore the height of the traveler measured by a special device should also be added to the documents which would make everything “crystal clear”.<sup>285</sup>

It is interesting to follow the process which began with the granting of *yol izni* or *hükümü şerif* as travel permits which just had a name on them, and ended with detailed descriptions of the appearance of the holder of the relevant travel permit: from the color of his hair and moustache to his exact height, everything was now on record. But what became reality in the late 1800s certain officials already had envisaged half a century earlier. In (1253) 1838 when internal travel permits were still a novelty, one document

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<sup>284</sup> Ibid., pp.200-1.

<sup>285</sup> DH.MKT 708/18, 1321 S 16 (May 13, 1903).

talked about the necessity of recording the owner of the passport on the document, referring to his physical properties.<sup>286</sup>

### Selective examples reflecting the procedure

After reading the *nizamnames* and additional decrees about the control of movement, it may be interesting to investigate the actual passports or internal passports held by subjects of the Ottoman state. In addition some examples will give us a better idea about the procedures that would-be travelers had to follow.

Given new regulations the content and information contained in the travel permits changed over time, with standardization the net result. I will here translate two travel permits from (1263 and 1318) 1847 and 1901 and one passport from 1849. In order to show what happened after our period, I will also add a document from the twentieth century. Certainly twentieth century regulations are not the concern of this thesis; but when an acquaintance gave me a document from his archive I realized that in the first quarter of the twentieth century control of internal movement still persisted.

In the *mürur tezkeresi* dated (1263) 1847 it says:

\_\_\_ named person who is the subject of \_\_\_, and the resident of \_\_\_, this time will go to \_\_\_. This *mürur tezkeresi* has been issued so that he will not be detained by *zabtiye* officials or others and if needed can call upon the help and protection of those officials.

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<sup>286</sup> HR.MKT 1/1, 1254.R.26 (Oct 14, 1838).



Date:

Appearance: age, height, beard, moustache, eye, special characteristics.<sup>287</sup>

In the archives I have found an empty passport form dated 1849 which was intended as a sample passport to be printed:

Because [the bearer of the passport] is going from the great Ottoman state to \_\_\_ for trade reasons it is necessary for the realization of a great *saltanat* and state, as well as being a tradition of this state, to protect and support the stated man in the place where he will go and also in the places where he may stop during his travels. For this reason of protection, this official document is being issued and given to this man so that he may travel and pass from one place to another and freely trade at his destination, without being prevented or disturbed by anyone, due to this document showing that this man is clearly under [Ottoman] protection.

Appearance: age, height, hair, eyebrow, eye, mouth, beard, moustache, countenance, color.<sup>288</sup>

After a half century and after the additions and new regulations previously discussed travel permits became longer; in (1318) 1901 a travel permit took the following shape:

The carrier of the document who had brought his *ilmühaber* to the \_\_\_ [the place where he has to submit it, for instance the ambassador when foreigners wished to travel] to make it recorded that he will go with \_\_\_ assistants [number of people who will assist him], and take this document [with him] in order not to be prevented by the officials of the great state while on the road and if needed to [obtain] help and protection from those officials.

Destination and condition: name, place of birth, place of residence, profession, name and birth place of father, destination, citizenship, religious sect

Appearance: age, height, eye, nose, mouth, beard, chin, face, color, special permanent characteristics.<sup>289</sup>

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<sup>287</sup> BOA, I.MVL 109-2488.

<sup>288</sup> BOA, HR.MKT 28-32. See, Appendix A.

<sup>289</sup> BOA, A.MKT MHM 525-25. see, Appendix B.

In addition, in 1338 (1920) we find a document called a travel sheet (*seyahat varakası*) which includes similar information and some additional details and seems to follow a different format; this is a surprising find as we think that by that time internal passports had been abolished. The document, issued for a woman who wanted to travel to Istanbul seems to show that for a while at least travelers needed to obtain permits.

*Seyahat varakası*

Name and reputation, name of father, age, citizenship, height, eye, moustache, beard, hair, special characteristics

Place of birth, place of residence, destination, reason of travel, route to be followed, duration of stay, names and ages of the persons from the family who will assist [the bearer]

As there is no problem in the travel of \_\_\_ named gentlemen/lady whose name, reputation, route and destination have been recorded above, this travel document has been issued and given to the stated person by the Adapazarı police department. Fi \_ sene 133\_ legal seal

On the reverse:

The document concerning sureties (*kefalet*) and a declaration (*beyanname*) have been received. According to the investigations made it is recorded in the document that \_\_\_ is originally from \_\_\_. In the stated destination\_\_.<sup>290</sup>

In my opinion, the content and wording of these documents say something about the mentality and intention of the state bureaucracy in those times. In the first sample travel permit the words are in accordance with the purpose of the document which claims to provide protection for the holder. When compared with eighteenth-century practice the information concerning appearance and residence indicates the beginnings of recording

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<sup>290</sup> Archive of İbrahim Altan, I want to thank him providing me with this document and encouraging me in my study. To see the document, Appendix C.

and registering for the purpose of surveillance and control. The emphasis however is on the protection of the holder by means of the document.

When reading the second document issued in mid-century we do gain the impression that the author(s) are in the business of stressing the role of the Ottoman state. Every time the document emphasizes the protection of the holder, the author(s) point out that this protection is the work of the “great state”. As the first document was issued for internal mobility and the second one for travels abroad it seems meaningful to have a simply worded document in the first case, since within the Ottoman borders there was special no need to be demonstrative. By contrast when the document was to be taken abroad, the glory of the “great state” seemed to need emphasizing.

However in the third document an internal travel permit from the early twentieth century, we encounter the same emphasis on the “glorious” nature of the Ottoman state. This observation strengthens our argument that in addition to defining and controlling its subjects the nineteenth-century state also wished to redefine and legitimize itself in the eyes of the public. From now onwards the image of the state in the eyes of its subjects/ citizens was a major issue for officialdom, of course in addition to the all-important controls. . Especially as the state needed to legitimize its constantly demanding character in the face of the many changes in the style of governing throughout the long century of transformation. Indeed, the emphasis on security that could be found in all documents show the concern of legitimacy of modern

administration which revolved around the notion of security.<sup>291</sup> From the exaggerated security concern of various states ‘dealing with each subject one by one’, we can deduce that the meaning of security gradually changed and shifted closer to the interests of the ruling groups: ordinary subjects by contrast came to be a minor consideration.

Some examples concerning permission procedures indicate the growing power of the bureaucracy. After the would-be traveler had applied for a document, in the early 1900s a sultanic order was issued as had been the case in previous times. But earlier on, the order was in and of itself the travel permit, while in the course of the nineteenth century the order became an intermediary document, needed to obtain a travel permit which was standardized in time. Thus bureaucratization resulted in an increase of paperwork, as happened in the case of a man named Kostaki who with his family wanted to travel to Bursa for five to ten days; he hoped that a change of environment would help cure his illness. In the relevant order we find a general statement that people who have paid their taxes and do not have any other problems detected by the judge may be given travel permits to visit a certain region for a specified time.<sup>292</sup> In another document, a man named Ahmed son of Ali from Kastamonu wanted to move to the capital because he declared that he could not earn a living in his own district. The relevant order stated that if he left no outstanding taxes or property in the stated region, he and his family could be given permission to move to Istanbul.<sup>293</sup>

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<sup>291</sup> İslamoğlu, “Politics of Administering Property,” p. 288.

<sup>292</sup> BOA, A.MKT.UM 157-4, 1270.Ş.11 (8 May 1854).

<sup>293</sup> BOA, A.MKT UM, 62-40,1267.Ş.05 (June 4, 1851).

Sometimes groups of people asked for travel documents together. Thus the Ottoman consul in Tiflis asked for permission to give passports to certain Ottoman subjects and people of Van who wanted to return to their homelands.<sup>294</sup> In another document the sultan's representative in Algeria was reminded that those foreigners who wanted to travel to the Egyptian peninsula should follow the *mürur* regulations and also obtain permits for internal travel.<sup>295</sup>

As we have seen according to the general *nizamnames* foreigners received their travel permits by means of their embassies. Numerous documents record this procedure. In one such order the priest Cevani Toyomiç having expressed his desire to travel in the vicinity of Skopje, the embassy of Austria wrote a request for the safe journey of this priest and his protection in the places where he stayed.<sup>296</sup> The official Ottoman answers to this request appear on the same paper under the title of *buyruldu* (ordered). On the top of the documents we find a note that in accordance with the demand of the stated embassy a road order/ *yol emri* has been issued.

It is of special interest to find the permission request of the traveler, archeologist and art historian Charles Texier which given his French nationality was written by the French embassy.<sup>297</sup> In the document, the embassy asked for a *yol emri*, which was meant to protect an important person visiting the Ottoman lands. Thus it seems that use

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<sup>294</sup> BOA, HR.TO 354-114, Sept 27, 1897.

<sup>295</sup> DH.MKT 865-21, 1322.R.13 (May 27, 1904).

<sup>296</sup> BOA, A.DVN.DVE (2) 2-37, 1258.3.15 (April 25, 1842).

<sup>297</sup> BOA, CH 4-178, 1249.M.15 (Jun 3, 1833).

of the word *yol emri* continued for a long period especially in international bureaucratic contexts. Many other examples from other embassies followed the same procedure.<sup>298</sup>

There are also many separate travel permit orders written for the women who wanted to move within the lands. From these orders, one cannot realize a specialized treatment towards women. However, one document, although it was not a frequently repeated one, seems to provide information about the rules regarding the travels of women and the approach of the rulers towards women's travel.

In this document, it is stated that, it has to be more difficult for women to get travel permits, as their travel conditions would be more difficult than men. It is ordered to the administrators to give travel permit to a woman, only if no one except her could do her work in the destination.<sup>299</sup> Although this document renders the Ottoman case similar to the Russian one where women's movement depended on the permission of their husbands or fathers, this does not really seem to be the overall case. Indeed, there were many examples in the later dates that show the orders of permissions for women which did not depend on their husbands. However, as we saw in the regulations, if travel was made together with the family the wives could be recorded on the same permission document.

For the separate travel of a woman we may give a document of *arzuhal* as an example where the demand was made by her son in law, It is understood that a woman named Aişe, was not be able to go to *Dersaadet* from *İskenderiyye* because her travel

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<sup>298</sup> A.DVN. DVE (3), 4/24 [1258-7-3], A.DVN. DVE (3), 4-b 97 [1260-1-21].

<sup>299</sup> BOA, İ.DH 199-11303, 1265.N.1 (July 20, 1849).

was prevented. In the *arzuhal*, her son in law states that the daughter of the stated women was in *Dersaadet* and her travel was in accordance with the rules.<sup>300</sup>

Another interesting permission demand was of a woman who wanted to go to America to find her husband who had left her without maintenance for fourteen years. It is interesting that the permission was said to be given to the woman and the name and the reputation of her husband was asked in order to facilitate the process of finding him.<sup>301</sup> It is hard to imagine the outcome of such a case of finding someone who had left his house fourteen years ago. However, it seems that getting the travel permit was not so difficult for this woman although her demand did not seem very plausible or applicable. In terms of this travel permit, it is possible to think that the officialdom might have wanted to get rid of a woman without maintenance.

## Conclusion

At almost yearly intervals the Ottoman rulers of the 1800s issued new regulations about the control of the mobility of the people inhabiting their lands. These repetitions could be read as documenting changes in government policy, or else as indicating failures in the application because the authorities felt the need to repeatedly remind their subordinates of the same principles. But we may also view these reminders as indicating

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<sup>300</sup> BOA, A.DVN 103-20, 1271.B.20 (April 7, 1855).

<sup>301</sup> BOA, DH.MKT 240-29, 1311.Za.18 (May 22, 1894).

a kind of success: the subjects had accepted the principle of mobility control, and now the time had come to regulate the details. Or else these reminders may have been a tool of bureaucratic legitimization. We may also remember Khaled Fahmy's arguments about the establishment of police institutions in nineteenth-century Egypt: by means of abstract tools such as law, the minds of the populace were targeted. We could read the repeated efforts of the Ottoman state to establish a standardized regulation of mobility as a similar kind of targeting. By stating the amount of fees and penalties, the sultan's officials seemingly tried to convince their subjects of the applicability and uniformity of the stated rules.

The standardization of documentation preceding the travel permits also seems to reflect the interests of nineteenth-century states. As David Lyon argued in the case of identity cards, these practices may be considered products of modernity, in other words as a tool for determining the members and non-members of a given nation state. As the case of metrical books and internal passports in Russia, the documents used for the control of movement in the Ottoman lands also served to link the individual subject with the regime.<sup>302</sup>

In the course of the nineteenth century, the subjects needed to provide more and more information which ultimately would help officialdom to control them. As Lyon has argued with respect to ID cards, internal travel permits and *tezkire-i osmaniyye* later on seem to have increased the surveillance capacity of the state.<sup>303</sup> Also by means of

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<sup>302</sup> Steinwedel, "Making Social Groups...", p. 67.

<sup>303</sup> Lyon, "The Border is Everywhere...", p. 66.



these general regulations, emphasis shifted from the ruler to the rules as Huricihan İslamoğlu has argued in the context of property regulation. Put differently the embodiment of the new hegemony came to rest on the shoulders of the bureaucrats who were the appliers of the general rules<sup>304</sup>

As İslamoğlu has argued, the style of rule also changed, namely from particularities to generalities.<sup>305</sup> However, negotiations between the subjects and their government did not disappear, as obvious from the reformulation of general categories and regulations, as happened in the case of travel permits throughout the nineteenth century. In the next chapter we will look at the other side of the coin, namely cases in which state officials reformulated the general rules for particular cases. The application of travel permits in the Ottoman nineteenth century is a prime example supporting the argument that ‘negotiation’ continued.

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<sup>304</sup> İslamoğlu, “Politics of Administering Property,” pp. 309-10.

<sup>305</sup> Ibid., p. 279.

## CHAPTER 6

### RECEPTION: FACING THE POPULATION

“The only real security that a man can have in this world is a reserve of knowledge, experience and ability.” Henry Ford <sup>306</sup>

What was the reaction of the people to all of these implementations? We have seen that throughout the nineteenth century, the Ottoman state continued to remind its subjects of the rules on the internal travel permits. It seems hard to have an idea as to how all these practices were received by the people to whom they were the addressed. However, the manner of the implementations themselves, the repetitions, and the warnings could be clues for guessing how the practices about controlling movement were received by the people. In addition, as Faroqhi puts it, although the reaction of the common people to the demands of the state machine is rarely documented in the archival sources, if there appears to be a “problem” according to the state officials, we may have a chance of reaching some clues as to the intentions and fears of the common people in the archival sources, as well. <sup>307</sup>

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<sup>306</sup> [http://thinkexist.com/quotation/the\\_only\\_real\\_security\\_that\\_a\\_man\\_can\\_have\\_in/208897.html](http://thinkexist.com/quotation/the_only_real_security_that_a_man_can_have_in/208897.html).

<sup>307</sup> Faroqhi, “Introduction,” *Osmanlıda bir köle*, p.21.

Reading the Problems from the Decrees and Cases:  
Reception and Deception, Controlling but Who?

“History of the identity document and official production of certainty is necessarily a history of identification as fiction, of deception, pretense and ambivalence.” Groebner<sup>308</sup>

In this part, from the selected documents of some cases that were documented in the archives, I will try to see the reflections of the implementations on the people. By doing this, one may also have the chance to see if Fahmy, Caplan and Torpey’s arguments about the active role of the receivers are viable for the internal travel permits. Fahmy points to the process of constant interaction between the ruler and the subjects as each tried to outwit the other during the reform process and the new registration practices of Mehmed Ali of Egypt.<sup>309</sup> Caplan and Torpey state that, conceding that the powers of states to classify, codify and identify have increased in the modern period does not mean that “all the human life now proceeds under the heel of an incessant and ill-intentioned surveillance.” Instead, they give human agency a decisive role in the genealogy of the identification practices.<sup>310</sup>

Firstly, I selected randomly from the decrees or orders written on the grounds of some problems which arise during the implementations. The repetition of the reminders

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<sup>308</sup> Groebner, “Describing the person,” p.27.

<sup>309</sup> John Dunn, “Review on *All the Pasha’s Men*, Khaled Fahmy”, *The Journal of Military History* © 1999 *Society for Military History.*, p,979.

<sup>310</sup> Caplan and Torpey, “Introduction,” pp.7-8.

and additions which I dealt with in the previous part could also be regarded as pointing to problematic conditions. However, for that part, we can not say a hundred percent that these decrees were issued because of problems in the implementations. The repetitions could be done just to strengthen the seriousness of the issue or just to give the impression of a controlling state that is aware of everything in its imperium.

After looking at the general rules, reminders and additional regulations, I tried to see the main categories in the minds of the rulers, or the main problematic groups for them, within more than two thousand documents. I concentrated on the orders that had special notes about some selective categories of subjects such as the poor, beggars, *serseri*, *hali mechul ešhas* (vagabonds and unknown people), strangers and improper ones. I also selected some of the documents whose subjects are defiant, the ones who broke the order, or who were seen as a threat such as soldiers and or certain Armenian communities at a certain period. These categories give an idea about the unwanted or problematic elements for the state from within the subjects. By looking at these categories of the state and by looking at the reactions of these groups via the problematic case examples, we may open a perspective for understanding the negotiation arguments that shows the flexibilities determined according to conjunctures and the active role of the agency in the processes.

When I tried to look at the other side of the coin, namely those who were affected by the new regulations, it seems that the mostly stated groups in the regulations were the ones who were caught as criminals or who needed to cover themselves as being recidivists. In addition to the intermediary groups who were the applicers of the

rules and who came into the agenda by bribery issues, I will talk about three types of the fleeing subjects with the examples from documents. As Agar puts it, new deception crimes emerged as outcomes of new official identities: those who are pretending to be someone else, pretending to be more than one person or pretending that someone else exists.<sup>311</sup> Similarly in the Ottoman example the people who saw it necessary to do forgery chose to get fake *tezkires*/travel permits or use another persons's travel permit. In general, people who used such deception methods were the ones who had criminal records, the ones who were escaping from military duty and the non-Muslim groups who were treated according to the general context of the period. I will try to show these categories with reference to decrees and with a special case example referring to the decree which was written on the generalized problems.

### Intermediaries and Problems in the Operation

As İslamoğlu argues, the new governmental hegemony in the nineteenth century was based on generalized rules and practices in which the figure of the bureaucrat upholding general rules came to embody the entity of this new hegemony.<sup>312</sup> These bureaucrats and officials of the state, intermediaries as Fahmy puts it, are also sources to understand the reception of the implementations. When any misconduct occurred, the first place to

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<sup>311</sup> Agar, "Modern Horrors," p. 113.

<sup>312</sup> İslamoğlu, "Politics of Administering Property," pp. 309-10.

address was these intermediaries. However, when we consider the reminders and admonitions, it can be seen that these intermediaries themselves could be the agent of misconduct in many cases. So before going into the reception part, which mostly refers to the subjects who are faced with the implementations, it would be beneficial also to see some documents connoting the reception and enactment of the rules by the agents of the state.

Demirtaş mentions some of the problems which arise during the implementations. My observations in the archives support Demirtaş's categories of and add some other case examples and problematic categories to be analyzed. One great problem was the corrupt behavior of the officials because of bribery. There exist several documents concerning complaints about such officials in different circumstances. In terms of finding a guarantor for instance, the heads of the quarters, *hans*, and bachelor rooms continued renting rooms to men without guarantors. It is stated in one of the decrees that such behavior would be punished with hard labor.<sup>313</sup>

In the year following the Crimean War and after the declaration of *Islahat fermanı*, (Reform decree/edict) we find a decree addressed to all great cities of the state<sup>314</sup> and the responsible administrators. It is understood that the decree was written in order to emphasize some problems regarding the implementations such as giving the *mürur tezkeres*/travel permits to some unknown persons who wanted to go to different places for a living, etc. It is stated in the decree that it was understood based on

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<sup>313</sup> Demirtaş, "XIX. Yüzyılda İstanbul'a Göçü Önlemek," p. 748.

<sup>314</sup> İzmir, Edirne, Adana, Ankara, Erzurum, Bagdad, Bosna, Musul, Cezayir, Haleb, Harput, Kurdistan, Hüdavendigâr, Amasya, Biga, Lazistan, Basra, Canik are some of the stated cities in the decree.

investigations and notifications that the officials were overlooking such cases for the sake of money, giving permission to people without questioning who they were or what their purpose was. The importance of the implementations were reiterated saying that the regulations on the passes were the first among the duties of the *zabıta* and any contrary situation would be a great offense the result of which would not only affect the officials of *tezkire*/travel permits, but also any other officials in the same region. After threats and admonitions come exhortations about proper and careful application of rules.<sup>315</sup>

In a more specific example, we come across with a *nüfus nazırı* (population official) in Batum who is in charge of checking the documents of the passengers and ensuring the continuation of their trip. The problem arose when five women who were going to *Dersaadet* passed from his region of administration and demanded permission to continue on their way. Hasan Efendi, the official, who was in charge of the travel permits, demanded a bribe from them and wanted one of them to stay as a servant for him. Because of the complaints of the women about the difficulty they had with that official, a decree was written to the *Lazistan mutasarrıflığı* (administration) saying that the stated official should be punished. If those women who wanted to continue their way to *Dersaadet* fulfilled the necessary conditions to make such a trip, it was ordered in the document that their pass should be allowed.<sup>316</sup>

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<sup>315</sup> BOA, A.MKT.UM 258-100, 1273.S.28 (Oct 27, 1856), also another similar order, A.MKT.UM 269-83, 1273.C.9 (Jan 4, 1857).

<sup>316</sup> BOA, A.MKT.UM 391-44, 1276.C.25 (Dec 20, 1859).

We see that operational problems always existed from the very beginning of the implementations to the very end. For instance when it became a rule to write the appearance of the holders on the document, it aroused suspicion when it did not get. When Mehmed Bey finished his duty in one of the districts and took a permission document to return to his homeland, it was understood that his appearance was not noted on the document, which caused suspicion. It is reminded in the document that the rule of writing the appearance should be followed properly.<sup>317</sup>

Another problem that came into the scene and was reflected in the decrees was that the number of the issued internal and external travel permits did not correspond with the actual number of people that entered and left the capital city. The officials and the police were accused of being neglectful of the issue. The document proposes an immediate regulation of a new *nizamname* the preparation of which was postponed by the assembly.<sup>318</sup> The *nizamname* which was mentioned in the previous section came in the same year.

With the establishment of the new *nizamname* in 1887, using the same *tezkire*/travel permit for recording the family members who were below twenty years of age came as a rule. The age was previously determined as fifteen in the regulations made in 1844. After some years passed, in one document, we may see glimpses of problems giving clues about the implementations. A document which was addressed to the administrators of the great cities reminded them of the rules on the travel permits

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<sup>317</sup> BOA, A.MKT.MVL 126-31, 1277.N.21 (April 1, 1861).

<sup>318</sup> BOA, DH.MKT 1373-33, 1304.M.20 (Oct 18, 1886).



while traveling with family. When a person was moving somewhere with his family, e.g. his wife, relatives and children, only those who were below twenty could be recorded on the same permission document. Despite this, many people who were above twenty and who did not have any blood connection with the owner of the travel permit, were being recorded on the same document. It is stated that this was contrary to the laws and against the gains of the treasury because of the incomplete fees.<sup>319</sup>

The insistence of the rulers about the implementation of the rules made the administrators ask detailed questions and this interest in the content of the rules strengthened the effect of state control. For the rules about the age of the people who may be recorded on the same document with the head of the family, the authorities were asked that although it was clear in the *Mürur Nizamnamesi* to add people below twenty to the same document, the age limitation was not clear in the Passport Regulation about the family and servants of the man.<sup>320</sup>

Although there was the rule of using the same permission document while moving with a family, it was not found suitable to use the *tezkere*/travel permit of the family head while moving alone. Emilyya, whose father had been given a *tezkere* and whose name was also recorded on the same permit, wanted to move to *Dersaadet* with that document and her pass was approved by the official in Mudanya. In the order the officials were warned not to allow such a case again. It is said in the document that the rule about recording the family members on the same document did not mean that those

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<sup>319</sup> BOA, DH. MKT 2069-66, 1312.N.2 (Feb 26, 1895).

<sup>320</sup> BOA, DH.MKT 2224-126, 1317.Ra.16 (Agt 23, 1899).

who was allowed to be recorded on the same document could also use the document without the presence of its owner.<sup>321</sup>

### Unknown people and criminals

In a document dated 1268 (1852), the regulations and admonitions about the criminal people were stated. It was said that people who were from the provinces or from other areas and who had been involved in different crimes such as theft should be sent to their hometowns and for this reason they should never be given *mürur tezkeresi*/travel permits for their return to the capital city. Since it was heard that those type of people returned to the capital city and continued to disrupt the lives of people, the administrations, the heads of districts and the officials of *tezkere* were warned to be more careful about the control of this issue.<sup>322</sup>

As we have also witnessed in the documents prohibiting the entry of the unknown people to Istanbul, there appears to be a widespread usage of this category of “unknown personas” in the orders about the regulation of mobility. Although it had been ordered not to give the travel permit to people who could not make themselves known via the documents they got from their residence, or via the surety they submitted, it is understood that, for the sake of financial gain, some officials prepared

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<sup>321</sup> BOA, DH. MKT, 590-10, 1320.B.5 (Oct 7, 1902).

<sup>322</sup> BOA, A.MKT.UM 100-16, 1268.Ş.05 (May 24, 1852).

travel permits for such people. This type of treatment was threatened with punishment not only to the person who prepared the permit, but to all officials of the region.<sup>323</sup> In a previously mentioned document which was reminded the proper enactment of the *mürur* regulations, the emphasis of being known versus unknown was also made. In the beginning of the decree, it was declared that there would not be any difficulty for the ones who were registered or known in one way to the authorities in getting or demanding travel permits. On the contrary, people who were not known would not be allowed to get the permit.<sup>324</sup>

In one of the files about fake permission documents, we are confronted with a person who tries to escape from the gaze of the rulers because he is a “forger”, not only because of the fake travel permit, but also because the fake travel permit was thought to mask other crimes he had made until then. The story of *Moralı Yusuf* was an interesting and long story and had gotten attention because of a disagreement with his companion in one of his stops, which was a guesthouse in the city of Bursa. Stating his name as *Süleyman Paşazade Emin Beg* from the Egypt region (*Mısırlu elinden*) and stating his occupation as an animal purchaser, *Moralı Yusuf*, with his companions *Katip Süleyman bin Mustafa* from *Burdur* and *Mehmed bin Abdullah* from *Haymana Ovası* was denounced by his friend *Süleyman* when they had a conflict in the city of Bursa. When his friend *Süleyman* denounced that the *tezkires* they had were fake, and that the so

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<sup>323</sup> A.MKT UM 269-83, to see the usage for the unknown people: “taşralara meçhul-ül ahval kesana mürur tezkeresi verilmemesi ve tezkiresiz olanların dahi mahallerine iadesi [...]” 1273.C.9 (Jan 4, 1857).

<sup>324</sup> BOA, DH.MKT 2474-102, to see the usage for the “known” people: “Mürur tezkiresi usulu esbab-ı inzibatiyeden olmasına binaen ahvali mazbut ve malum olan kimsenin mürur tezkiresi ahzında düçar-ı müşkilat olmamasu [...]” 1318.Z.29 (18 Apr 1901).

called Emin Beg was a forger who had swindled the people from his hometown and from some other places by taking 3836 *kuruş*, Moralı Yusuf stated the above made-up history about his name, occupation and place of residence. However when the documents about this interrogation were sent to Istanbul, the criminal record of Yusuf became apparent. As it is stated in one of the following announcements to the central administration, Yusuf had been interrogated because he had stated his identity as a military commander who had come from Greece to Istanbul, and his forgery was found out. When these were presented to the accused, he “had no strength for denial” and confessed his crimes. With his assets, he was delivered to *Zabita* in order to have his punishment.<sup>325</sup>

It is highly arguable to think that there could be many more people who had succeeded in escaping from state’s gaze one way or another with fake documents, etc. than ones like Moralı Yusuf, who because of his disloyal companion and because of his previous criminal records, was stopped. However, at least from this document, we may see how the regulations concerning the restriction of movement within the Ottoman lands made it difficult for a criminal to continue on his way.

This could also be understood from the new regulations and additions made about the issue still at the beginning of the twentieth century. In 1906, an addition was made to the penal code concerning the people who used the pass permissions of others and those who intentionally gave their own *tezkeres* for the use of other people. The

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<sup>325</sup> BOA, İ.MVL 109-2488, 1263.Z.16 (Nov 24, 1847) , to see the travel permit of Moralı Yusuf, see Appendix D.

punishment for these crimes was stated as imprisonment from one week to one month, which was 25 *kuruş* before.<sup>326</sup>

After the abolition of the travel permits, it could be understood from some of the claims of the administrators that although there could have been many unseen cases and the implementations were not so successful, these controls about the passes served much to the interests of the states. It is said by the governor of Halep in 1914 that after the abolition of the application of *mürur tezkeresi*/travel permits, the escapes of people abroad increased, and this was dangerous for the strength of the state. In addition to the people who were escaping military duty, it was also declared that there were many criminals who were in these groups. In the answer to this demand, it is said that because there had been new regulations for the candidate soldiers, there was no need to make new regulations about the passes which had already been abolished.<sup>327</sup>

### Reflection of the Armenian Issue

Within the people who were interrogated or punished because of fake *tezkere*/travel permit, non-Muslims were also widespread. It seems especially that the conjuncture affected the attitudes toward different communities and orders about them in terms of travel permits. When we take into account the conjuncture, some of the emphasized

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<sup>326</sup> BOA, İ.DUİT 79-6, 1325.S.23 (Apr 6, 1907).

<sup>327</sup> BOA, DH.EUM.EMN 97-21, 1329.Ş.29 (March 9, 1914).

documents about these groups become more meaningful. For instance, the implementation of the rules for the Armenians sometimes took a different shape or necessitated some exceptions. When we look at the years of problems with the Armenians, we see many precautions taken for the passes of this community within the Ottoman lands. In 1893, it is understood that some of the Armenian subjects were leaving the Ottoman borders to go to America or some other places although this had been prohibited. To prevent this, an order was issued warning the administrators to assure the return of these people by demanding declaration of the exact destination and duration of stay and a strong surety to guarantee their promise.<sup>328</sup> The rules about getting the travel permits were reminded. It was said that *mürur tezkeres*/travel permit served for one year to travel within the boundaries of the Ottoman lands while the destinations and durations should be stated correctly. It is said that if these rules had been obeyed properly, the escapes of the laborers would not occur.<sup>329</sup> In the year just after the conflicts in *Dersaadet*, many documents were issued warning the

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<sup>328</sup> BOA, DH. MKT 19-34, the see a part of the process of the escape of the Armenians: “vilayat-i saireden ziyaret veya icra-yı sanat ve ticaret zımnunda kuds-i şerif ile memalik-i mahrusa-i şahanenin cihet- i sairesine gideceklerini beyan ile yedlerine mahalli nüfus idarelerinden alelade birer mürur tezkeresi alub iskeleye gelerek vapura girenlerden bazıları bir daha harice ayak basmayup istedikleri yerlere kadar gitmekte hiç bir taraftan bir maniye tesadüf edemeyeceğine ve bunların iskelelerde tefrik ile taht-i temine alınmaları kabil olamayacağına nazıran bu misüllü eşhasa mahallerince mürur tezkeresi verilir iken beyan ettikleri mahallerden gayrı bir yere gitmeyeceklerine dair teminat-ı kaviyye alınmış ve bu suretle teminat-ı kaviyyeye rabt olduğunun zeyli tezkireye derc edilmesi iş’ar olunuyor.” 1310.L.22 (May 8, 1893).

<sup>329</sup> Ibid.

administrations to be cautious about the suspected people among the Armenians while giving the pass permissions.<sup>330</sup>

In the following years some special warning documents continued to be issued to continue the control the mobility of the Armenians. It seemed necessary to create some exceptional treatments with such special documents in order not to deviate from the general rules. Similarly, it was also stated in one of the documents that the pass of the Armenians, their procedure of taking travel permits were just same as the other subjects of the Ottoman state. Because of this general rule, there was a special warning regarding being careful about the Armenians who were coming from the sea.<sup>331</sup> This means that because Armenians could also get travel permits according to the rules, the controls and interrogations should be made more strictly in order to prevent the pass of the “malicious” Armenians. Of course, this put the whole community under suspicion, and it can not be said that within this environment it was the same for all subjects to get travel permits. When the individual examples are investigated, it would be clearer to see the condition of the community after the conflicts.

In 1894, when some of the Armenian families who were living in Varna, Pazardjik and some other regions for eight to ten years demanded to return to their homelands in Bitlis, their procedure of getting travel permits seem to have been hardened. In the document, it was said that these people seemed to have some

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<sup>330</sup> Warning the administrators in Kayseri and some other places to be more cautious in investigations before giving pass permission because it is declared that there are suspicious people within the Armanians, BOA, DH.TMIK.M 8-71, 1314.M.19 (June 28, 1896), a similar warning document for the administrators and officials of Amasya DH.TMIK. M 9-81, 1314.M.30 (July 10, 1896).

<sup>331</sup> BOA, DH.TMIK.M 143-3, 1319.Ş.7 (Jan 16, 1919).

acquaintances from the “malicious” Armenians which made the police hesitate to give them the permits. When they insisted on their demands by explaining their being citizens of the Ottoman state, their situation was opened to debate. With their insistence, they lead to the issuance of that order which reminded and warned the administrators to be more careful about the Armenians in their passport controls and not to give permits to those who had not visaed their passports in the trade ministry.<sup>332</sup>

Another Armenian citizen from Harput was accused of escaping to America by using the travel permit of a Greek man. After stating this event, it seems that a mob was detected which helped people find legal *tezkeres*/travel permits of legal people and helped those who wanted to escape from the gazes of the state. After stating the places and professions of those who were included in these illegal activities, the police was warned to be more careful in investigating the written appearance in the documents and comparing them with the holder of the document.<sup>333</sup>

When we see the order on the punishment that was determined to be given to the Christians who took a *tezkeres* with a Muslim name<sup>334</sup>, it could be understood that there were many such cases which lead to this order. Another document shows that there

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<sup>332</sup> BOA, DH.MKT 249-36, 1311.Z.16 (June 19, 1894).

<sup>333</sup> BOA, A. MKT. MHM 534-18, 1312.Ş.25 (Feb 20, 1895). For the emigrations to America from Ottoman lands: There was a great amount of emigration of non-Muslim population to America from the first quarter of nineteenth century to the beginning of the twentieth century especially from the West Syria region, see, Kemal Karpat, *Osmanlı Modernleşmesi*, p. 122. Also see, Engin Deniz Akarlı, “Ottoman Attitudes towards Lebanese Emigration, 1885-1910,” in Albert Hourani and Nedim Şehadi (eds.), *The Lebanese in the World : a century of Emigration*, 109-138. (London : The Centre for Lebanese Studies, 1992)

<sup>334</sup> BOA, ZB. 476-46, “İslam namına elde ettikleri tezkire ile öteye beriye giden (kesan) mehakim-i adliyece tezkiresiz addedilerek [..]” 1323.May.16 (May 29, 1905).



were cases in which the Muslim friends of the Armenians gave their travel permits to them for their movement. In the *Malkara* district, it was announced that a woman called *Ayşe*, took *tezkires* for his daughters and with them provided the pass of some Armenian women by dressing them with *Çarşaf* (a type of cloth covering the body and some parts of the face). Although it was later understood that this did not actually happen, it was ordered to make a more detailed and cautious investigation of Muslim women before giving *tezkeres* to them.<sup>335</sup>

Until now, the documents and travel permit problems about the Armenians did not come from the more problematic regions for the state. According to Özbek, security policies of the Ottoman state had changed fundamentally after the treaty of Berlin (1878) and led to changes in different regions of administrations.<sup>336</sup> The regulations about tax collection was also another argument for Özbek which affected the problems in the eastern regions where the Armenian community lived densely, called *Vilayat-ı sitte* (six cities) including Erzurum, Van, Bitlis, Mamüretülaziz, Sivas and Diyarbekir.<sup>337</sup>

Özbek talks about the increase in the number of police forces in these regions as well as the tax collectors.<sup>338</sup> He adds that, the problems in those areas mostly arose

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<sup>335</sup> BOA, ZB. 476-49, 1323 May 17 (May 30, 1905).

<sup>336</sup> Nadir Özbek, "Osmanlı İmparatorluğu'nda İç Güvenlik, Siyaset ve Devlet, 1876-1909," *Türklük Araştırmaları Dergisi*, no. 16, 2004, p.71.

<sup>337</sup> Özbek, "“Anadolu Islahatı,” “Ermeni Sorunu” ve Vergi Tahsildarlığı, 1895-1908,” *Tarih ve Toplum Yeni Yaklaşımlar*, no. 9, 2009, p. 59.

<sup>338</sup> The number of police officials in those cities were: 87-Bitlis, 57-Erzurum, 66-Diyarbakir, 62-Harpur, 82-Van and 37-Sivas in the years between 1880-94. Özbek, "Osmanlı İmparatorluğu'nda İç Güvenlik," p. 78. For the tax collectors, it was decided to employ: 88 in Erzurum and Mamüretülaziz, 87 in Diyarbekir, 81 in Bitlis, 155 in Sivas and 68 in Van in 1896. Özbek, "“Anadolu Islahatı,” “Ermeni Sorunu,” p. 69.

because of harsh tax collection policies of the state from then on. He even gives examples of deaths caused by police brutality because of the non-payment or delay of the taxes.<sup>339</sup> All of these should make the historian more cautious while evaluating the problems in the implementation of travel permits for the Armenian community in vilayat-ı sitte.

It is highly probable then, to come across with more selective sanction of the state in the eastern areas in terms of the implementation of travel permits which could be comparable with the Russian case where an ethnic and class sanction was argued. I claimed in the above examples the efforts of the state to be in accordance with the stated rules while trying to form exceptionalities for the Armenian population which was regarded as a threat. When we consider the region of *vilayat-ı sitte*, the scarcity of the documents about travel permits from that region in spite of the high police force existing there could be read as part of the arbitrariness of the ruling. Although we did not provide documents on such potential cases, one document hints at a selective sanction of the rulers in the region. In the order written for the administrators of Diyarbakır, Bitlis and Mamüratülaziz, it was said that, implementations towards the community of Syrian Orthodox would not be same with the Armenian community. For this reason, it was ordered to prepare travel permits in response to demands of honorable (*ehl-i namus*) members of the Syrian community.<sup>340</sup>

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<sup>339</sup> Özbek, ““Anadolu Islahatı,” “Ermeni Sorunu,” pp. 75-7.

<sup>340</sup> BOA, DH. TMIK. M. 113-38, 1319.B.23 (Nov 5, 1901).

Namely, when these documents are taken into account, we may see that it would be much more difficult for a Christian/Armenian to continue in his destination with a Christian name at that period. This could lead us to search through these documents in the period to understand the historical mentality behind this. The missionary activities, growing nationalistic views, the rebellions for independence and the conflicts started at the end of the century with the Armenian population could have made the state act more cautiously towards non-Muslim subjects who may have been seen as possible sources of disorder. This approach towards these groups made their movement much more controlled in the name of being cautious.

#### Role of Conscription and the Army

The *tezkeres* also served the state's track of the population for the military duty, which was one of the most important expectations of the nineteenth century states from their populations in addition to taxation. Actually, the role of the regulations about the travel permits should also be thought of as part of the regulations about conscription.

It is declared in one of the decrees that there were soldiers escaping from the control points. For this reason, the rulers demanded from the administrators a stricter and better control of travel permits, and to not let anyone through without one. This document reflects the importance of the travel permits for the state in terms of

controlling the army.<sup>341</sup> By means of these permits, the escapes of the soldiers wanted to be prevented. We may see the example of such case where the escapees were caught by means of the procedures of travel permits.

In one of the documents that were addressed to the central commandship, a man called Mehmed Ali bin Hasan who was traveling with a *tezkere*/travel permit which belonged to another man, was understood to be a military escapee. He had also been convicted because of destroying some official documents in the army and was caught when he was at a hotel in Sirkeci, probably due to the denunciation of someone.<sup>342</sup>

In Sivas another interesting case which ended with the capture of a man who still had not done his military duty also reflects the travel permit implementation's deliberate or indeliberate service to the military. When a man named Mahmud bin Veli who was recorded to have been born in 97 (1880), was trying to get a *mürur tezkeresi*, it was understood that his birth date was 93 (1876), and it was corrected. However, the man who went to take the travel permit was not Mahmud himself but he found someone from *nüfus-i mektume*, namely a man from a place which has not been recorded, and gave his identity document (*tezkire-i osmaniyye*) to this man to take a permit in order to work in the road construction in Ankara. Then it was understood that this man named Abdullah bin Ali, who tried to replace Mahmud, was only 17 at that time. Because of

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<sup>341</sup> BOA, A.MKT.UM 215-59, 1272.Ra.4 (Dec 13, 1855).

<sup>342</sup> BOA, ZB 473-106, “[...] aherin mürur tezkeresiyle Dersaadete gelip Sirkecide Osmaniye otelinde misafireten ikamet etmekte olduğu haber alınarak derderst edilmiş olan M.Ali b.Hasan nam şahsın asker firarisi olduğu ve cihet-i askeriyyeye ait evrak-ı resmiiyyeyi tahrif etmek gibi [...]”

this exchange of *tezkires*/travel permits wrong man was forcefully taken for military duty. After all these had been understood, Mahmud was accused of making forgery in order to escape from military duty, and in addition he and Abdullah bin Ali were punished with a cash payment of 25 *kuruş*.<sup>343</sup>

### Negotiation

There were also cases where people obeyed the rules properly and followed the demands of the state. Since there was no problem in the eyes of states, we can not come across with cases of obedience generally. However, both in order to see the reflections of the regulations in practice and to see those who seem to be in harmony with the state, I will mention the related parts from a memoir of travel of Clemet Huart.

In the travel notes of Clement Huart, he noted his experience of travel from Istanbul to Konya where he made observations on the Seljuki monuments and inscriptions in 1891. He mentions that while they prepared for the travel to Anatolia with a small caravan from Bursa, they were reminded about the necessity of getting permission from the governor general of Bursa in order to pass from the region of his administration.<sup>344</sup> The procedure he talks about seems to show the next stage of the process after the embassy's demand of recommendation from the government,

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<sup>343</sup> BOA, DH.MKT 2251-39, 1317.Ca.20 (Oct 25, 1899).

<sup>344</sup> Clement Huart, *Mevleviler Beldesi Konya*, trns. Nezih Uzel, (İstanbul:Tercüman 1001 temel eser, 1978), p. 19.

examples of which we have seen. He says that they brought the recommendation letter to the governor general that was taken from the government by means of the French embassy. The governor general ordered the officials to prepare a pass permission document called “*buyrultu*” and ordered them to send a telegraph to the administrations in their destination informing them of their coming. He notes interestingly that, previously in Turkey there was no chance to travel without the pass permission prepared by the government called “*buyrultu*” which provided facilities of accommodation and food, but for a couple of years, this implementation had been cancelled. He says, from then on, a pass permission prepared by the government again, this time according to the demand of the related embassy, was valid.

His ideas seem to fit to the group of cooperators of Fahmy who seem to obey the stated rules with pleasure. After reminding the readers who were planning such travels the importance of the document process, he says that by means of these documents, travelers will be safe from possible dangers and these controls remove the possibility of distancing from the aims of the travel adding greetings to the insightful people. He, again, without complaining adds the information that the *buyrultu* also provided two gendarme who would protect them during the way and whose daily expenses would be paid by them. He added, however, that although this precaution was somehow an exaggeration, his party had kept quite.<sup>345</sup> However, his words do not question the sincerity of the implementation which is told to be a protection for them.

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<sup>345</sup> Ibid., p.20.

In Kutahya, he again mentions their visit to the office of the governor general where they found two “sullen faced” police. He adds that the difficulty of travelling in Turkey was due to this general reluctant manner of the officers towards foreigners. Huart adds that, this reluctant manner is because of the thoughts of the officers about foreigners. According to them, foreigners ignored learning the Turkish language, because of this made mistakes in each step, and moreover complained about everything afterwards. They had to see the governor in his home where they were given guarantee in case of any possibility of difficulty.<sup>346</sup>

In their entrance to Afyon, they again visited the governor general. Here he also adds the recommendation letters written for the notable Armenians of the city.<sup>347</sup> It seems that, in addition to the recommendation letter or travel permit demanded from the government by the embassy which was to be shown to the governor generals, the embassy also provided the travelers with recommendation letters to provide them accommodation within their cultural environment. Because they resisted the invitation of the governor general for their accommodation, they could not accept the offers that came late from the notables who took their recommendation letters.<sup>348</sup>

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<sup>346</sup> Ibid., pp. 47-8.

<sup>347</sup> Ibid., pp.63-4.

<sup>348</sup> Ibid., p.65.

## Conclusion

It could be seen that the emphasized or dense categories in the archives reflects the reception of the new regulations and gives idea about the mentality and intentions of the rulers, as well. From the problems seen in the case of intermediary elements of the implementations, such as bribery and granting documents for the sake of money, we may understand that these people tried to accomodate the changes to their interests. Those who could not demand or get the travel permits in a smooth way because of their identities which did not serve the state's interest in general or based on the conjunctures, chose to search for other ways in order to continue their ways. As Armenian people tried to get fake *tezkeres*/travel permits or use other people's documents, the soldiers who were escaping from the army chose a similar way.

Actually, it seems that escaping from getting oneself recorded in population registers or dealing with the procedures for getting travel permits should be more preferable when there seems no advantages of being recorded. As Noriel pointed out for the French case, when people saw no advantage of declaring their civil status, they would regard it as being attached to obligations and that is why there was an evasion of



conscription.<sup>349</sup> We also saw that in the Ottoman lands, in order to escape from military duty, people preferred to use fake *tezkeres* and avoided being registered.<sup>350</sup>

It seems that the regulations on the control of passes and the procedures which emerged as a result made the conditions resemble the iron cage of Weber, which is claimed to occur as a result of the progressive bureaucratization. However, when the developments of nineteenth century are taken into account, in order to follow up these developments, such bureaucratization and surveillance methods seemed to be necessary as well in order to keep up with the standards of a nineteenth century nation state. Namely even though it resembles an iron cage, at the same time without it, modern life would become impossible.<sup>351</sup>

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<sup>349</sup> Noiriel, "The Identification," p.38.

<sup>350</sup> For the experiences of non-Muslims in the Conscription: Although there was no demand from the Christian subjects for military until and during the Crimean war, in 1855 based on the assumption that the Russians would head towards Erzurum, many people both from Muslim and Christian population were forced to attend the army. Also for discussions about the compulsory military service for the non-Muslims, see: Ufuk Gülsoy, *Osmanlı gayrimüslimlerinin askerlik serüveni*, (İstanbul: Simurg, 2000), pp. 55-60, 127-61.

<sup>351</sup> *Ibid.*, p. 48.

## CHAPTER 7

### CONCLUSION

In the nineteenth century, the implementation of internal travel permits in the Ottoman lands within other identification practices exhibited a gradual shift towards a state-based mentality where control of the citizens and surveillance for the state's interests came on the scene. In spite of the incapacity of the officers in enacting the new regulations or the resistance of the subjects to the implementations which were seen in different forms, using travel permit documents was compulsory for all subjects theoretically through this long century. This led me to question the mentality behind these implementations and lead to a humble research about these practices in the history of the Ottoman Empire as well as different contexts such as Europe and Russia.

As Valentin Groebner dug out different forms of identification practices from the middle ages, we may also see the effects of implementations from previous centuries like *aman*, *yol emri*, *menzil emri* and *ahidname* on the later passport and internal travel permit implementations in the Ottoman lands. Witnessing the similarity of implementations, functions and reactions of the middle ages in different contexts with the implementations in recent history and even those of today makes us think that whereas the needs and the problems human beings face take different forms, they do not change much. While taking an *aman* for four months provides a non-Muslim the freedom of mobility in the Islamic state in the middle ages, the visa implementation of

today similarly provides free movement to the holder for a limited time in the lands of a country of which he is not a citizen.

The arguments made about the freedom of movement and the introduction of passport systems in the world were also beneficial for a wider perspective before looking at the implementation of internal travel permits in the Ottoman lands. The researchers of European identification practices and documents generally consider the issue as part of the construction of the modern nation state and the surveillance and policing project. This approach towards the implementations in different contexts leads us to reevaluate the documents related to mobility restrictions in the Ottoman lands with a more critical and questioning approach. The theoretical background in considering the nineteenth century state formation reevaluates many documents that had been disregarded because of their face value.

Through the investigation of such a wide context and time span, in addition to similarities in implementations, it is possible to observe a mentality change as well as some new regulations in the nineteenth century. With the introduction of the passport at the end of the Middle Ages, Groebner saw a fundamental change in how identity was documented in writing.<sup>352</sup> Following the trends from the classical ages until nineteenth century in the Ottoman lands, we may also realize the change in documenting the identity which became more generalized and emphasized in the age of nation states. Throughout the orders and regulations made, we see that the rulers wanted to record

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<sup>352</sup> Groebner, *Who Are You?*, p. 174.

everybody one way or another according to the stated rules, and the process turned into a control strategy for the rulers of their populations.

As I stated before, the control of movement in the Ottoman lands was held by the historians of the Ottoman Empire, only as part of a security and control of migration and a population issue, which at the end was not successful. Although the lack of success of the implementation in terms of preventing the migrations and population flows could be a reality, social historians should be interested in the process which may say more than just looking at the results. When the documents are reconsidered with a wider perspective, we can see many more cases showing how the practices of control of movement deliberately or indeliberately served the new governmental practices of the state in the nineteenth century, and how the new concepts of the nineteenth century as military duty and censuses were reflected in the documents concerning the mobility of people. Since these are documents addressed to the whole population, any people in the concern of the state or any subject concerning new governmental practices can pass through this mobility control system. At least this is what I found following my humble research in the archives. As can be seen, we may read a social and conceptual history of the nineteenth century within the richness of these documents.

Saying that the implementations about the mobility of people were one of the tools serving the surveillance interests of the rulers does not mean that there was a strict and smooth going process in a planned way and with a direct intention in terms of controlling the society. Although all these practices and regulations seemed to serve the state's demand to know and control its subjects, they somehow served the security need

and the interests of the subjects. The manipulations through reactions or negotiations, namely active role of the addressee shifted the intentions many times. When we try to see the reception of these implementations by the subjects, we may see that it was not a one-way process.

One way or another, people, like the state, tried to use the new regulations according to their interests. It seems that while some were benefiting from the flexibilities, the others had difficulties in their ways. At the extreme points, as Mardin puts it, the relations between the center and the periphery was shaped by constant “undimensional” confrontation, and subversion (rebellion and bribing) by the periphery.<sup>353</sup> It could be argued then, like İslamoğlu, the administrative practices or regulations could be seen as negotiated settlements between the ruler and different groups regarding their claims over access to resources, to their revenues or to their use.<sup>354</sup>

Both from the selective categories in the orders and from the general statuses of the ones who were punished, we could get an idea about the expectations and the perspectives of the ruling class in the nineteenth century and the manipulation of the implementations by the ruled. Although the aim of controlling the population through travel permits was not directly planned or stated by the rulers, we may see the practicality of the implementation of *mürur tezkeresi* in making available and controlling the criminally or militarily “wanted” subjects or “unwanted” elements who

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<sup>353</sup> Hanssen, Philipp, Weber. “Introduction,” in *The Empire In the City*, p. 10.

<sup>354</sup> İslamoğlu, “Politics of Administering Property,” p. 279.

were seen as possible causes of disorder/uprisings, such as the ex-soldiers or some non-Muslim populations. Namely, with a search in the archival documents on the *mürur tezkeresi*/travel permit implementation, one may witness the problems of the period for the rulers; crimes such as forgery, escaping from military service, and disobeying the orders of the state. Also from the categories of people who tried to escape from state's gaze, one may see the mentality of the rulers as well as the activity of the subjects with a picture of the period concerning treatments and problems.

One may witness the several functions of the passports written by Lucassen, throughout the investigations which are determined for the perspective of state and for the perspective of the holder. Generalizing arguments for the whole identification practices it could be said that identification documents such as the internal travel permits enabled the holder to move “freely”, prove his/her nationality, be protected from expulsion, and in terms of internal travel permits, be protected from other difficulties within the boundaries. Moreover, these documents served the interests of the states to control the entrance and movement of aliens as well as the citizens in case of the internal implementations. All in all, these practices helped the state to monitor the population of citizens and foreigners by means of different forms of identification documents and practices.<sup>355</sup>

Many implementations throughout the world reflect this trend as could be encountered in many new efforts which are generally defined as bureaucratization. The control of movement issue, from being a widespread argument from the middle ages

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<sup>355</sup> Lucassen, “A Many-Headed Monster,” p. 237.

takes a different shape when looked at from this perspective. For instance when one looks at the sixteenth to eighteenth centuries in the Ottoman state, there were several practices aiming at controlling migration and controlling the crime and deviations in the society such as the *kefalet* system and general orders of precautions to prevent problems. However, there was not a one to one identification of the citizens except the slaves or criminals in the name of controlling or securing the population. There seems to be a collective security system involving the whole district and population in the control of the problems. Here, the main aim could be thought to be the security of the population hence the rulers are not interested with the individual members of the district. When we come to nineteenth century practices, the control of registrations and recordings exceeded the control of problems and insecurity in the lands. The new interests of the state such as tax and arm force, and the conditions faced throughout the century such as the relations with different ethnic groups seem to change the content of the movement control practices according to the state's interests.

Although the safety of travelers has a long history, the safety or the controllability of the new state seems to be a new issue when all the developments are taken into account. The difficulties and impossibilities of the implementation also serve this argument. As we may conclude from many different documents held in this thesis, the implementations generally could not be implemented successfully. Repeated precautions and orders makes one think that there should be another mentality and motivation behind the insistence of the implementations. It could be said that the travel permits served to emphasize the power of the state by means of security claims through the control of the subjects. Behind all of the identification implementations, it is

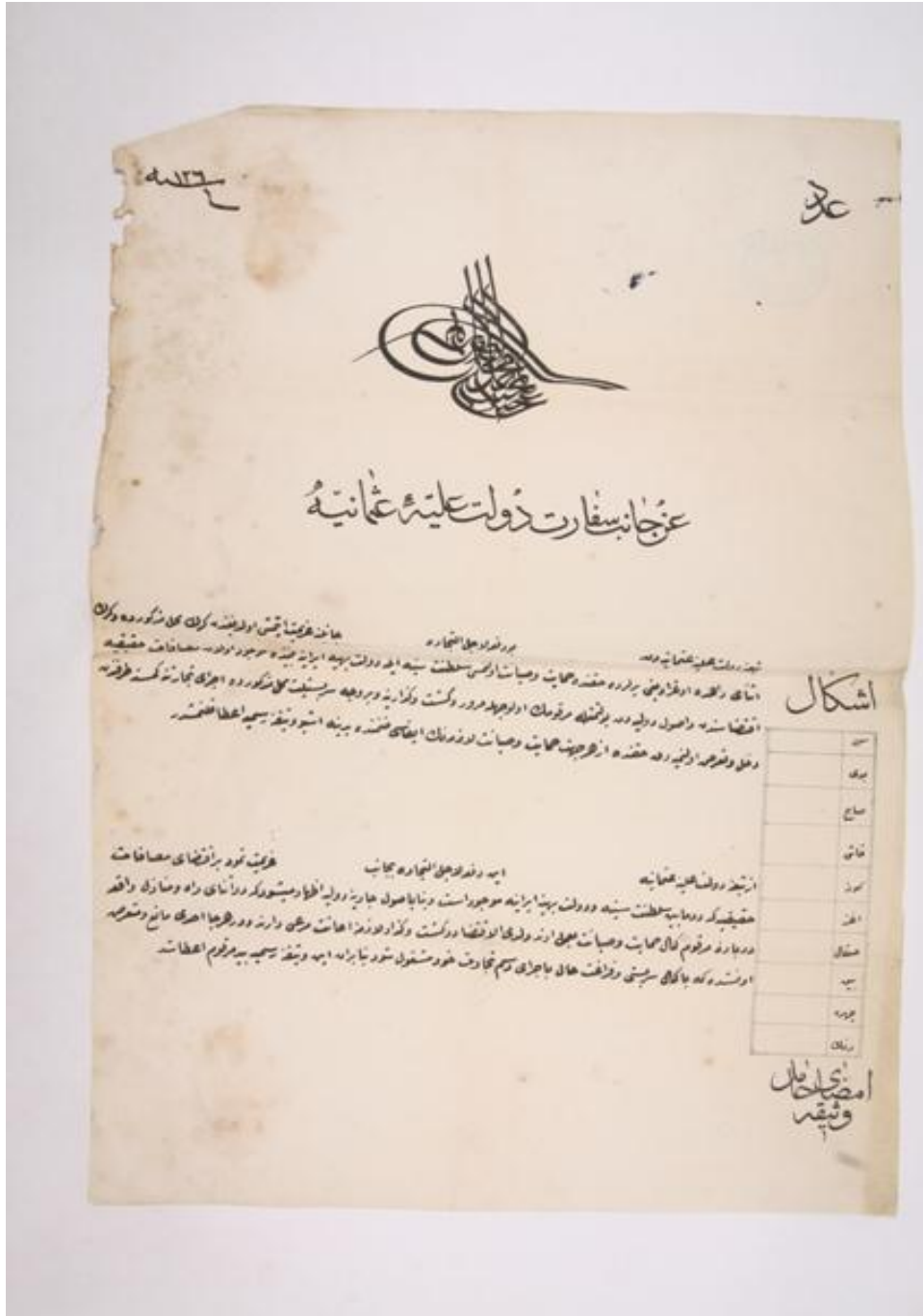
possible to detect a new state which is trying to redefine itself, its imperium and also its treatment towards others.

All in all, it could be said that widening the horizons by applying control of movement to the whole population provided the state with information beyond its expectations and intentions. Although we cannot easily say that the implementations about the control of internal movement were successfully implemented, the language used by the state in its efforts to enact and apply the rules and the problems that arise throughout this process taught much to the rulers, the ruled, as well as to the historian.



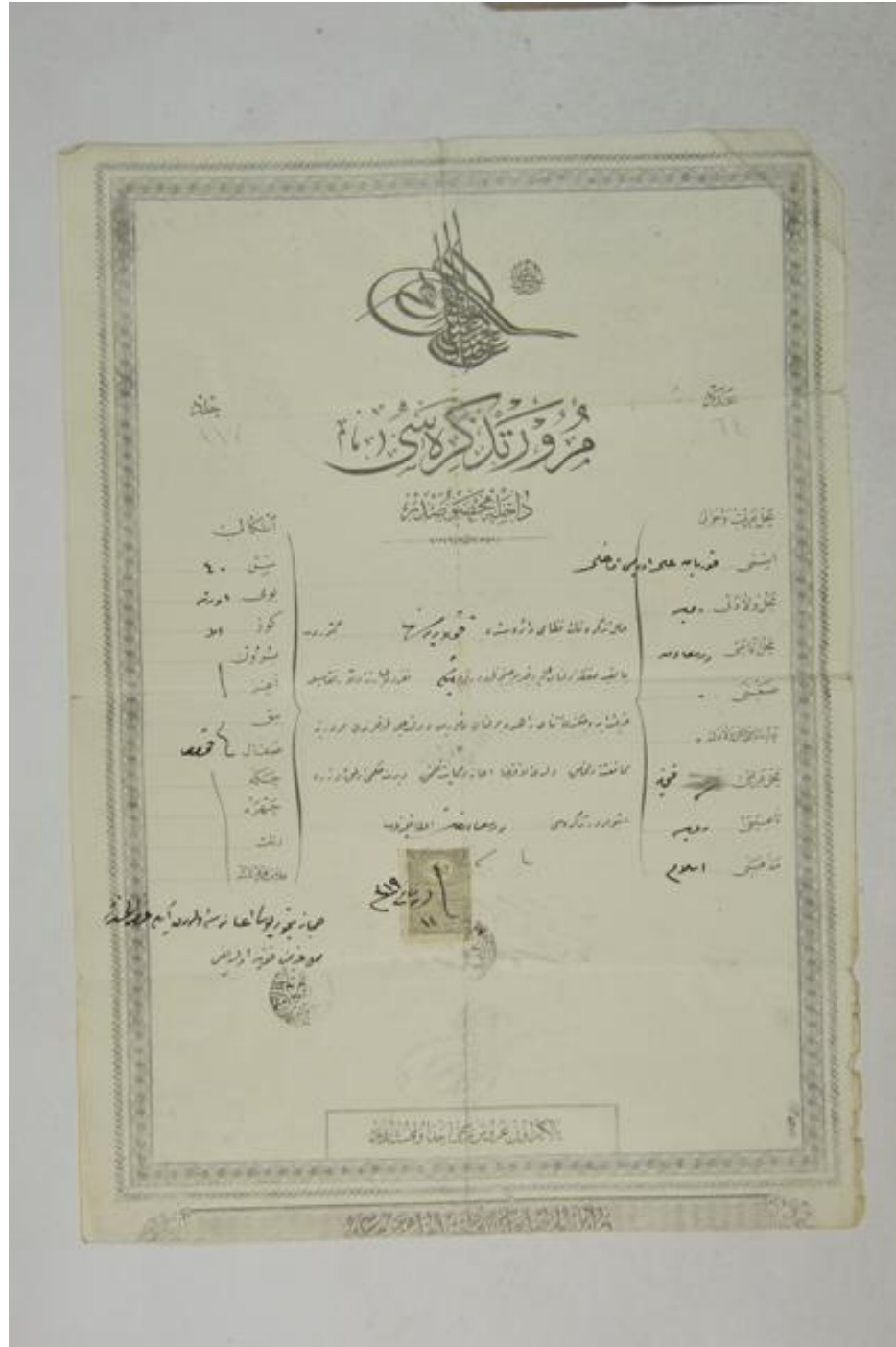
APPENDICES

APPENDIX A: AN EXAMPLE OF A PASSPORT, 1849.



BOA, I.MVL 109-2488

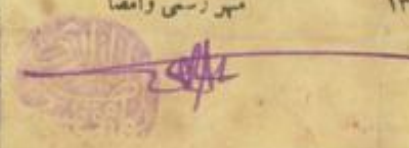
APPENDIX B: EXAMPLE OF A TRAVEL PERMIT, 1901.



BOA, A.MKT MHM 525-2

APPENDIX C: FRONT PAGE OF A TRAVEL PERMIT IN THE TWENTIETH CENTURY:

سیاحت ورقہ سی

اسم و شہر	پدرینک اسم	سہمی نام	پوی	کیر	بنو	سفال	ساج
محمد علی	محمد علی	محمد علی					
علامت ورقہ							
عمل ولادی		اور خاندان					
عمل ادنی		ازہ کیدہ جکی					
نہ ایچون کیدہ جکی		رہی شریہ برای زیارت					
هانکی طرفہ کیدہ جکی		ایرین طرفہ کیدہ جکی					
مدت اقامتی							
فرا دعاتلمہ قدر باندہ بولن نام اسم و سنبری		۱۳۳۵					
<p>بالادہ اسم و شہر و طریق سیاحتی ہر راولان <b>عائد ہا کلاسیک</b> سیاحتیہ بر محدود          کورہ مدیکہ میں انبو سیاحت و ترقیہ ہا تنظیم آمد بازاری پولیس سرگزیدن موصیایہ          ہا نا اعطافتی</p>							
مہر رسمی و امضا		۱۳۳۵					
							
استبدال ہا مہر سی آمد بازاری							

BACK PAGE OF THE SAME TRAVEL PERMIT



From the archive of İbrahim Altan.

APPENDIX D: TRAVEL PERMIT OF MORALI YUSUF WITH THE FAKE NAME:  
SÜLEYMANPAŞAZADE MEHMED EMİN BEG, 1847



BOA, I.MVL 109-2488.

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A.MKT. MVL	1-66/ 126-31
A.MKT.UM	54-92/ 381-75/ 216-65/ 216-91/ 42-17/ 100-16/ 157-4/ 62-40/ 258-100/ 269-83/ 391-44/ 215-59
C.DH	6115-123/ 11079
CH	4-178
DH.EUM.EMN	97-21
DH.MKT	2474-102/ 19-34/ 249-36/ 2251-39/ 240-29/ 590-10/ 2224-126/ 2069-66/ 1373-33/ 865-21/ 708-18/ 753- 27/ 1371-9/
DH.TMIK.M	8-71/ 143-3/ 9-81/ 113-38
HR.MKT	1-1/ 28-32
HR.TO	474-26/ 354-114
I.DH	199-11303
I.DUİT	79-6
I.MLU	12-26
I.MVL	538-24167/ 109-2488/109-2488
MV.	72-95.
ŞD.	2486-25
ZB	476-46/ 476-49/ 473-106



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