

THE LABOR-BASED PRISONS IN TURKEY

1933-1953

by

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Submitted to  
the Atatürk Institute for Modern Turkish History  
in partial fulfillment of the requirements  
for the degree of  
Master of Arts

Boğaziçi University

2006

“The Labor-based Prisons in Turkey, 1933-1953,”  
a thesis prepared by Ali Sipahi in partial fulfillment of the requirements for  
the Master of Arts degree at the Atatürk Institute for Modern Turkish History.

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An abstract of the thesis of Ali Sipahi for the degree of Master of Arts from the Atatürk Institute for Modern Turkish History to be taken June 2006

Title: The Labor-based Prisons in Turkey, 1933-1953

This work scrutinizes special prisons which were founded under the name of “the Labor-based Prisons” in the mid-1930s and encapsulated in time one-third of the convicts although the number of them was under twenty. The increasing intervention of the state in the economic realm in the 1930s provided the base to use convict labor productively. With efforts of the technocratic class, the penal system was transformed as labor-oriented and restructured legally in a company-logic. The Second World War reinforced this system as an independent variable. With the end of the 1940s, the basic economic context disappeared, and finally in the first half of the 1950s the penal system in general and the prison system in particular were transformed from a labor-oriented structure to a system regardless of labor. It can be claimed that in this period the penal system began to be more interested in the political criminals. Accordingly, the labor-based prisons lost the period in which they were held precious, and in the 1960s they were renamed as “the Open Prisons.” Working in prisons has continued, also the number of open prisons and the work-dorms has ascended to date. But, for a profitable production, neither the economic context nor the legal/administrative structure is appropriate. This thesis finds the justification of the existence of productive convict labor only in the focused period, in the economic priorities of the period and in the structure of state apparatus and its relation with the economic sphere.

Atatürk İlkeleri ve İnkılap Tarihi Enstitüsü'nde Yüksek Lisans derecesi için  
Ali Sipahi tarafından Haziran 2006'da teslim edilen tezin kısa özeti

Başlık: Türkiye'de İş Esasına Dayalı Cezaevleri, 1933-1953

Bu çalışma erken Cumhuriyet döneminde “İş Esasına Dayalı Cezaevleri” adıyla kurulan ve sayıları yirmiden az olmasına rağmen mahkûmların üçte birini barındırabilmiş özel bir cezaevi grubunun incelenmesidir. 1930larda devletin ekonomik alana gittikçe artan oranda müdahil oluşu, mahkûm emeğinin üretken bir şekilde ve amaçla kullanılmasına zemin hazırlamıştır. Teknokrat sınıfın aktörlerinin çabalarıyla ceza sistemi emek merkezli olarak yeniden düzenlenmiş ve bir şirket mantığıyla hukuki olarak yeniden yapılandırılmıştır. II. Dünya Savaşı bağımsız bir değişken olarak sistemi beslemiştir. 1940ların sonunda itibaren ise temel ekonomik bağlam ortadan kalmış, ve nihayet 1950lerin ilk yarısında genelde ceza sistemi özelde ise hapisaneler sistemi insan emeğinin merkezî olduğu bir yapıdan, emeğin değerine paha biçmeyen bir ceza sistemine dönüştürülmüştür. Bu dönemde siyasi suçluların ceza sistemini daha çok ilgilendirmeye başladığı iddia edilebilir. Böylece iş esasına dayalı cezaevleri el üstünde tutuldukları dönemi kaybetmişler, 1960'da da “Açık Cezaevleri” olarak isimlendirilmişlerdir. Hapishanede çalışma sürmeye devam etmiş, hatta günümüze kadar iş yurtları ve açık cezaevlerinin sayısı hayli artmıştır. Fakat, kâr amaçlı bir üretim için ne ekonomik bağlam ne de hukukî/yönetimsel yapı uygun değildir. Bu tez *üretken mahkûm emeğinin* sadece odaklanılan dönemde görülmesini, döneme özgü ekonomik önceliklere ve devlet aygıtının yapısı ve ekonomik alanla ilişkisine bağlamaktadır.

## ACKNOWLEDGEMENTS

First of all, I am indebted to the staffs of the Atatürk Institute, Boğaziçi University Library -especially to Bektaş-, Beyazıt Library, Prime Ministry Republican Archive, National Library, İstanbul University Libraries and the Library of TTK in Zonguldak.

I would like to thank İlkey Savcı for giving a helping hand to me. I am grateful to Erol Çatma and Ekrem Murat Zaman, they kindly shared valuable documents with me. I would like to thank also Helin Burkay, Abdurrahman Burkay, Ahmet Öztürk and Fadıl Kocagöz for spending effort to provide me crucial contacts. Hür Kalyoncu and Kadir Onar helped me in Karabük, too. Sinan Yıldırım shared his valuable experience in research.

I want to thank Assist. Prof. Cengiz Kırılı, my thesis adviser, for encouraging me through the year. I am also grateful to Prof. Şevket Pamuk and Assoc. Prof. Asım Karaömerlioğlu. Their critical suggestions were valuable for me. Kathryn Kranzler edited this thesis, I am thankful to her. Tracy Deliismail was helpful with her strict critiques.

I should express my hearty gratitude to Fulya for her patience, she listened this thesis numerously. I am also deeply indebted to my friends. Fatih, Erdem, Nurçin and Mehmetcan listened to me and made suggestions; Mustafa encouraged me all the year; Evren, Aykut, Ceren, Egemen, Azer shared my anxiety; Erkal, Ilgın, Başak, Haydar, Mehmet and Pınar provided a sincere friendship.

And finally, I want to thank my family for their support.

## CONTENTS

I. INTRODUCTION .....	1
II. THE FOUNDATIONAL AND LEGAL STRUCTURE.....	17
Working in Prison .....	18
Discourse.....	21
Practice.....	32
The Establishment of the Labor-based Prisons.....	41
The Old Prisons.....	53
Labor-based Prisons as Companies.....	59
Concluding Remarks.....	67
III. WORKING OUTSIDE – INDUSTRIAL PRISONS.....	73
Zonguldak .....	95
Other Mines.....	108
Karabük.....	112
Kayseri .....	115
Concluding Remarks.....	118
IV. “AGRICULTURAL COLONIES” .....	124
Agricultural Policies and the State.....	124
Penal Agriculture .....	132
İmralı Penal Colony .....	137
Experience of a Political Prisoner in İmralı.....	157
Critiques.....	161
V. CHANGING STRUCTURE AFTER THE 1950S .....	164
VI. CONCLUSION.....	185
BIBLIOGRAPHY.....	190
APPENDIX.....	203

## CHAPTER I

### INTRODUCTION

[L]aw exactly is the application of an equal measure, nothing more.  
Evgeny B. Pašukanis<sup>1</sup>

The aim of this work is to scrutinize the use of prisoners for productive work by the state in Turkey, in other words, an attempt to write the history of convict labor. Such a history would naturally constitute its own periodization according to the peculiarities of work of prisoners. Thus, the choice of the early-Republican Era, more exactly the period between 1930s and 1950s, is not arbitrary, not a constriction according to academic expertise. It will be claimed that the convicts as a *productive* labor force were *only* exploited in this time interval due to the concurrence a number of economic, sociological and intellectual priorities. *The Labor-based Prisons* were the fruit of this context, and they lost their importance, as well as their unique name, when the context changed after the 1950s. Hence, the simultaneous and diachronic context of the prisoner labor will be evaluated. The former one will be the organic part of the story told in this work. The latter, the historical adventure of convict labor in the capitalist world system, as well as some theoretical deductions, are demonstrated in the following paragraphs.

An analysis of work in prison could be a part of the story of the evolution of prison houses, a part of the history of judicial contemplation on *punishment*. Such a well legitimate narrative, however, should not shadow the history of the *practices* of, the *technologies* of, punishment as such. Convict labor is not only a type of

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<sup>1</sup> My translation (“...*hukuk, tam olarak, eşit bir ölçünün uygulanmasıdır ve bundan fazlası değildir.*”)Evgeny B. Pašukanis, *Genel Hukuk Teorisi ve Marksizm*, trans. Onur Karahanoğulları (İstanbul: Birikim Yayınları, 2002 [1926]), 193.

punishment –leave aside if it is an instrument to punish- but it is also a labor form, in the end, one of the *unfree* labor forms. Hence, the capitalist world economy should be considered with all its relations to human labor. It should be insistently for this work because the subject in question is productive convict labor. It will be argued that the labor-based prisons were the product of an era when the productive aspect of convict labor superseded its *punitive* aspect. Therefore, this research is a process of thinking about the *economic-legal* history of Turkey as well as on the relationship of law and economy in general. To begin with, the place of unfree labor in the age of free wage labor will be considered.

As is widely known, there is a strong tendency to think of capitalist development with free wage labor.<sup>2</sup> The great narrative of modernization, including many Marxist currents, told a progressive evolution of capitalist relations which would emancipate itself from “feudal relics,” namely forced labor. The ‘dull’ economic constraints would supersede brutality and force in the long run. However, especially after the crisis of the economic system in the late 1960s and early 1970s, such a positive story was problematized by intellectuals and scholars. In the Marxist wing, it was witnessed new readings of Marx’s works, and revisions in the ‘principles’ of capitalism. The survival, even emergence, of unfree labor forms in the world, especially in the undeveloped part of it, but also in the ‘First World,’ brought questions about the ‘free’ nature of capitalism. As a result, unfree labor forms began to be considered not as an obstacle to capitalism but as one of its components. These critiques have twofold effect for this work. On the one hand the relationship between

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<sup>2</sup> For a representative of this point of view in Turkey, see Süleyman Özdemir, "Türkiye'de Zorunlu Çalışma Uygulamaları," in *Sosyal Siyaset Konferansları* (İstanbul: İktisat Fakültesi, 1998). Özdemir claims that forced labor is peculiar to the undemocratic regimes, and that Turkey abandoned to apply to forced labor with the end of World War II when single-party regime came to an end and the age of democracy began.



unfree labor and the capitalist system became a legitimate, even urgent for some places, problematic; hence revisions from the side of capitalism. On the other, the histories of unfree labor became more dependent on world-capitalism in contrast to arguments which regarded them as pre-capitalist; hence, revisions from the side of unfree labor. Wallerstein was a prominent figure at the intersection point of these discussions: as a symbolic example, he cautioned that the dynamics of slavery in the southern states of U.S. could not be written without an analysis of the world system at that time.<sup>3</sup>

The world system thesis was revolutionary while it brought the whole geography of the world into a coeval time of economic interdependency. However, unfree labor forms, according to Wallerstein, were primarily peculiar to peripheries while in the core countries free wage labor was dominant if not exclusive.<sup>4</sup> This view was criticized on the grounds that capitalists prefer using unfree labor conjecturally due to the limitations of the labor control mechanisms.<sup>5</sup> Accordingly, the emphasis was shifted to the problem of labor recruitment and of profit. This point enables us to think of unfree labor through the class struggle. The particular balance of class forces would be determinant in the labor form of the production process, either free or unfree.<sup>6</sup> Consequently, the decline of brutality could not be regarded as the development of pure economic relations. In contrast, “[unfree labor relations are]

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<sup>3</sup> Immanuel Wallerstein, "American Slavery and the Capitalist World-Economy," *The American Journal of Sociology* 81, no. 5 (1976).

<sup>4</sup> *Ibid.*: 1212.

<sup>5</sup> Marc W. Steinberg, "Capitalist Development, the Labor Process, and the Law," *The American Journal of Sociology* 109 (2003): 451.

<sup>6</sup> Such an argument is advocated, especially in the fifth chapter, in Tom Brass, *Towards a Comparative Political Economy of Unfree Labour : Case Studies and Debates* (London: Frank Cass, 1999).

how the capitalist world market *circulates its defining commodity*: labour power.”<sup>7</sup>

The social division of labor, which can easily include extra-economic relations, is the base of commodity production. Hence, “extra-economic coercion is not reducible to physical maltreatment.”<sup>8</sup>

Once we leave aside modernization theory, namely a linear development to the hegemony of free wage labor in the rational capitalist economy, however, new problems come forth because this conclusion does not criticize the categories of free/unfree labor, only the centrality of the former. The debate that occurred between Brass and Banaji would be helpful for us in this regard. Brass claims that if a worker is unable to offer his/her labor-power voluntarily, he/she is unable to commodify his/her labor-power. On the other hand, the capitalist economy uses all unfree labor forms in the appropriate conjunctures, that is to say, capitalism causes a ceaseless *de*-commodification. With varied labor policies, such as using migrant workers or convicts, employers hinder a consciousness among workers from forming. Hence, capitalism employs repeatedly “*deproletarianization*.”<sup>9</sup> The political implication of his claims is struggling for our (lost) proletarianization: He rejects the central role of free labor in the economic world-system, and (but) he made free labor “the *standpoint* of the critique of capitalism.”<sup>10</sup> This is the point of Banaji’s critiques. He

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<sup>7</sup> Philip Corrigan, "Feudal Relics or Capitalist Monuments? Notes on the Sociology of Unfree Labour," *Sociology* 11, no. 3 (1977): 438.

<sup>8</sup> Brass, *Towards a Comparative Political Economy of Unfree Labour : Case Studies and Debates*, 15.

<sup>9</sup> The “deproletarianization” thesis of Brass is articulated in many of his texts. See *Ibid.* and also Tom Brass, "Why Unfree Labour is Not 'So-Called': The Fictions of Jairus Banaji," *The Journal of Peasant Studies* 31, no. 1 (2003).

<sup>10</sup> The term belongs to Postone. See Moishe Postone, "Critique and Historical Transformation," *Historical Materialism* 12, no. 3 (2004).

argues that in Brass “the critique of unfree labour is secured at a price, namely, endorsing the liberal mystification of a ‘free’ bargain.”<sup>11</sup>

The importance of this debate for this work is that the properties attributed to two forms of labor should be reconsidered. Wage-relation is central in such a redrawing. Banaji argues that “vulgar Marxists have worked with a rigid dichotomy between free and unfree labour, suggesting that lack of coercion is a defining feature of wage-labour.”<sup>12</sup> I want to emphasize here that Banaji, as well as Brass, do not take concept of wage labor as equal to free labor; therefore, “unfree wage labor” is a legitimate concept for both scholars. Banaji suggests “think[ing] of capitalism working through a *multiplicity* of forms of exploitation *based on* wage-labour.”<sup>13</sup> In other words, “the wage contract itself can be organised in different ways (under different labour systems).”<sup>14</sup>

The fruit of these thoughts for this study is that: Situating the unfree forms of labor in the centre of the economic system is not adequate; the wage-relation, the compartmentalization of working time and extracting surplus-value from abstract labor measured by time should be detached from the monopoly of free labor and be regarded outside of the free/unfree dichotomy as the determinant of capital accumulation. The experience of convict labor in Turkey shows that conventional wage-relation, bonus and incentive systems and regular eight-hour working day were

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<sup>11</sup> Jairus Banaji, "The Fictions of Free Labour: Contract, Coercion, and So-Called Unfree Labour," *Historical Materialism* 11, no. 3 (2003): 78.

<sup>12</sup> *Ibid.*: 87.

<sup>13</sup> *Ibid.*: 82. “In short, *historically*, capital accumulation has been characterized by considerable flexibility in the structuring of production and in the forms of labour and organisation of labour used in producing surplus-value. The liberal conception of capitalism which sees the sole basis of accumulation in the individual wage-earner conceived as a free labourer obliterates a great deal of capitalist history, erasing the contribution of both enslaved and collective (family) units of labour-power.”

<sup>14</sup> *Ibid.*: 91.

the properties also of prisoner labor. Therefore, the similarities of the conditions of convict labor with ‘so-called free labor’ will be stressed in this work. The argument made above about the centrality of unfree forms of labor in the economic world-system still is relevant because at the last instance convict labor is a form of unfree labor by definition. However, the latter discussion about the redrawing the free/unfree labor categories also is of significance because we will not witness a conventional catastrophic Gulag-story in the following chapters.

The issue of working relations in general and of control over labor in particular has roots not only in economy but also in law. The conceptualization of unfree labor in capitalism has had a similar adventure in law. It was argued that law epitomized free wage labor as the only legal form of labor relation. Yet this argument also should be criticized as rendering unfreedom and illegality identical. Steinberg clearly points out the “legal embeddedness of employment relationship”:

Once we recognize that capitalist development does not necessitate ‘free labor’ we can also investigate the ways in which capitalists can deploy legal frameworks of unfreedom to subordinate labor and how, in certain contexts, these legal foundations provide capitalists with solutions to problems of labor discipline otherwise not available.<sup>15</sup>

This is the point convict labor should be situated in the sphere of the unfree labor category due to its totally legal nature. The employment of criminals who were sentenced to a determinant duration of imprisonment should be seen as a ‘legal framework of unfreedom to subordinate labor.’ In addition, following Steinberg, it can further be conceptualized as an instrument of training the inmates in the direction of ‘labor discipline,’ which is one of the aims of this work. On the other hand, the division of public/private law also can be problematized on the grounds that the exchange relations of labor as a commodity, which would be encapsulated in the

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<sup>15</sup> Steinberg, "Capitalist Development, the Labor Process, and the Law," 446.

latter, was a very act of punishment, in the sphere of the public law.<sup>16</sup> As a result, the history of convict labor will be handled in the contemporary legal as well as economic structure.

The joint-history of prison labor and capitalism should be delineated in order to situate the implications of this work. It is not coincidence that the history of both capitalism and punishment which is told by diverse scholars begins with “the great expulsion of peasants from land in fifteenth and sixteenth centuries”<sup>17</sup> in England, and continues with their detachment from church property and with the abolition of the medieval charity system. The separation of peasants from the means of subsistence was to be transformed in the subsequent periods to “the separation between the workers and the ownership of the conditions for the realization of their labour,”<sup>18</sup> which would be the continuous method of capitalists applied either by economic coercion -accumulation- or by extra-economic –primitive-accumulation. The end of the sixteenth century, accordingly, witnessed the born of the houses of correction (or workhouses) in England for vagabonds, idlers, petty criminals and thieves; they had to work especially in textile.<sup>19</sup> However, the most successful house of correction was the one established in Amsterdam, in the hegemonic city of the late sixteenth and early seventeenth century. The difference between the two countries

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<sup>16</sup> Steinberg points out that the concept of law of Marx is very similar to that of the political-economists: “The general expression of capitalist civil society is articulated in the bourgeois concept of the free juridical person. The very act of commodity exchange, of which the labor market is one form, is based in contractual relations between formally free and equal persons. The bourgeois state is built on the division between public and private law, and the actions of individuals within economic institutions becomes the province of the other.” In *Ibid.*: 447.

<sup>17</sup> Dario Melossi and Massimo Pavarini, *The Prison and the Factory - Origins of the Penitentiary System*, trans. Glynis Cousin (London: Macmillan Press, 1981), 12.

<sup>18</sup> Quoted from Capital in Massimo De Angelis, "Marx's Theory of Primitive Accumulation: A Suggested Reinterpretation," *University of East London, Department of Economics, Working Paper*, no. 29 (2000): 7.

<sup>19</sup> Melossi and Pavarini, *The Prison and the Factory - Origins of the Penitentiary System*, 14.

was that the labor reserve of England consisted of the above-mentioned dispossessed people; hence, higher wages in Holland. In other words, the labor shortage for manufacture and industry made the capitalists use unfree forms of labor for two purposes: to reduce the cost of labor power in the short run and to discipline people in the way of regular wage labor in the long run: “the houses of correction, where those who were unwilling were forced to make their everyday practice conform to the needs of industry.”<sup>20</sup>

The quotation is from the monumental work of Rusche and Kirchheimer, *Punishment and Social Structure*, first published in 1939 as the first English publication of the Frankfurt Institute. Its main hypothesis deserves to be mentioned partly due to its historical importance, and partly because this work will highly benefit from that. The authors discussed the relation or correlation between labor market and punishment types. The analysis begins with the Mercantilist Era in Europe when the scarcity of labor in Holland determined the form of punishment: putting to work; and continued through the Enlightenment Age and Industrial Revolution. The need for cheap labor was the determinant motive behind the punishment forms. For instance, Rusche asserts that “sentence to the galleys was the most rational way to procure labor for tasks for which free labor could never be found, even when economic conditions were at their worst. Reformation of the convicts played no role in the establishment of further development of galley servitude,” or that “England became the first country to introduce systematic transportation of criminals, a method of punishment made necessary by her colonial expansion,” or even that “the demand [labor demand for colonies] was so great that a

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<sup>20</sup> Georg Rusche and Otto Kirchheimer, *Punishment and Social Structure* (New Jersey: Transaction Publishers, 2003 [1939]), 42.

new crime came into being [in the motherland]– kidnapping.”<sup>21</sup> In other words, the punishment types were formed according to the needs of the capitalist accumulation process.

The other implication of that hypothesis, which has been much used by scholars through statistical methods in the last sixty years, was the cyclic approach to punishment: the economic turns or cycles would correspond the cycles of punishment. In years of high labor supply, the “value” of labor would decline as well as the quality of the treatment of convicts in prison; for instance, no convict labor would be used. In the periods of labor scarcity, the value of laborers would be high, productive prison labor would be introduced, and conditions in confinement houses would enhance. Such a cyclical view also can be constructed through other terms such as imprisonment rates –cyclical rise and decline. In short, Rusche inspired the use of the economic fluctuations of the capitalist world economy to understand the changing forms of punishment. For instance, the periods of 1870-1895, of 1920-1945, and of 1970-2000 were thought as “downswings,” when imprisonment rates increased. However, as Melossi argues, “Rusche did not come to any conclusion about the *size* of the prison population.”<sup>22</sup> The quality rather than the quantity was at the core of Rusche’s analysis. Therefore, in this work, such a direct correlation between imprisonment rates and economic cycles will not be used; however, the relationship between the value of laborers for capitalists and the form/condition of punishment, namely the qualitative deductions of Rusche, will be at the center of the case for Turkey.

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<sup>21</sup> Ibid., 58.

<sup>22</sup> Dario Melossi, "A New Edition of *Punishment and Social Structure* Thirty-Five Years Later: A Timely Event," *Social Justice* 30, no. 1 (2003): 250.

To sum up, the capitalist process was the determinant constraint of the forms of punishment. Labor, thus, was at the heart of punishment: Convicts were used as productive and cheap laborers, as well as they were maltreated to deter the poor people from criminality and prison, and to compel them to accept low wages. If we go one step further from Rusche, as Melossi did, the concept of value of laborers should be widened. Not only the production capacity but also training of the inmates is significant, which would explain the usage of inefficient work in some periods. As Melossi argues, the problematic contains the general “control of the labor force,” namely also “its education and training.” In fact, the “punitive and disciplinary aspect” of the prison labor has superseded in time the “productive aspect” of it, which can be attributed to industrial revolution that hindered profitable production without great capital investment in the prison.<sup>23</sup> Apparently, the outdoor employment of convicts as in convict leasing or public works continued.

Consequently, convict labor as a form of unfree labor is one of the basic elements which capitalists seek to deploy in needy periods. The struggles between different strata would be determinant. As an example, the modern principles of punishment were a fruit of war waged by the bourgeois not (only) against the working classes but against the state power not gained completely yet. The basic principle of exactness of penalties instead of substantive law was the demand of the bourgeois “who had not yet won their struggle for political power and who were seeking legal guarantees for their own security;” thus “the pioneers of reform were thus concerned first and foremost with limiting the power of the state to punish ... by creating fixed rules and subjecting the authorities to rigid control.”<sup>24</sup> Hence, penalties

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<sup>23</sup> Melossi and Pavarini, *The Prison and the Factory - Origins of the Penitentiary System*, 39.

<sup>24</sup> Rusche and Kirchheimer, *Punishment and Social Structure*, 73.



should not only be seen as an instrument of the dominant power, but also the quality of the penalties should be understood in terms of dominant power and dominant economic system. This brings forth the basic question of what the meaning of deprivation of liberty for a limited time interval is since it was founded in the age of capital.

Evgeny B. Pašukanis, a Russian Marxist and expert of law, had impressive thoughts on this issue. According to him, “for it to be possible for the idea to emerge that one could make recompense for an offence with a piece of abstract freedom determined in advance, it was necessary for all concrete forms of social wealth to be reduced to the most abstract and simple form, to human labour measured in time.”<sup>25</sup> Thus, imprisonment and labor forms are related each other even at their roots, not necessarily through convict labor. Moreover, the compartmentalization of the day through measured temporal intervals was one of the main characteristics of the capitalist production process.<sup>26</sup> “Two things were necessary for industrial society to take shape. First, individuals’ time must be put on the market, offered to those wishing to buy it, and buy it in exchange for a wage; and, second their time must be transformed into labor time.”<sup>27</sup> As a result, Foucault asserts about the “capitalist utopia” which was “prison factory”: “in the form of institution apparently created for protection and security, a mechanism was established by means of which the entire time of human existence was put at the disposal of the labor market and the demands

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<sup>25</sup> Pašukanis, *Genel Hukuk Teorisi ve Marksizm*, 191. The English translation of the quotation is taken from Melossi and Pavarini, *The Prison and the Factory - Origins of the Penitentiary System*, 3.

<sup>26</sup> For the difference between task-oriented and time-oriented working, see E.P. Thompson, "Time, Work-Discipline and Industrial Capitalism," in *Customs in Common* (New York: The New Press, 1993).

<sup>27</sup> Michel Foucault, "Truth and Juridical Forms," in *The essential works of Michel Foucault, 1954-1984*, ed. James D. Faubion (New York: New Press, 2002 [1973]), 80.

of labor.”<sup>28</sup> Thus, time as the measure of human labor became the prominent component of factory and prison from the beginning. On the other hand, “deprivation of liberty is considered a natural result of the invasion of property, that is to say, property and personal liberty are assigned equal value.”<sup>29</sup> In other words, first the abstraction of human labor as temporal units and then the appropriation of it as private property became the ground of a form of punishment which appropriates the liberty or time of criminals and use their labor as compensation of crime.

The application of these concepts, however, should be historicized. Auburn Penitentiary was the first prison which was built as a factory, in the beginning of the nineteenth century in America. At the same time, in Europe, another system, the Pennsylvanian System based on solitary confinement was becoming widespread. While at Auburn the productive aspect of convict labor was dominant, at Pennsylvanian system the punitive and disciplinary aspect of work was at the forefront. Most importantly, such a simultaneous differentiation demonstrates that there was no linear development for the punishment systems. Solitary confinement was the epitome of punishment discourse in the States at the end of eighteenth century when urbanization and the population rise as well as the “dissolution of large estates” caused a mobilized and criminal multitude. The outcome was the Philadelphian (Pennsylvanian) penitentiary system based on solitary confinement and unproductive labor. However, in the period after 1820, the demand for labor increased so rapidly in America that labor scarcity for industrial take-off prevailed: Auburn Prison (1824) was the outcome.<sup>30</sup> In Europe, but, in the nineteenth century,

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<sup>28</sup> Ibid., 81.

<sup>29</sup> Rusche and Kirchheimer, *Punishment and Social Structure*, 76.

<sup>30</sup> See Chapter 3 of Pavarini in Melossi and Pavarini, *The Prison and the Factory - Origins of the Penitentiary System*.

in the age of mechanics after the industrial revolution, no one would attempt to establish production units in prison. In the international conferences on prisons, the shared point was the Pennsylvanian system at the same time its homeland abandoned it.<sup>31</sup> In short, the historical conjuncture and economic peculiarities of the country would be determinant in the form of punishment chosen by the ruling cadres.

The reader would probably be suspicious about the economist point of view demonstrated. It is thus necessary to overlay some critiques directed at the Marxist approach to punishment.<sup>32</sup> First of all, the basic attention is given to economic reductionism: the social, cultural and legal changes were underestimated in the development of punishment systems. To compare, Durkheimian or better Eliasian approaches are more sensitive to non-economic factors due to their emphasis upon either social solidarity or cultural values. Although these critiques are valuable for the subject of punishment in general, there is little evaluation about convict labor in the non-Marxist approaches. Therefore, in the limitations of the subject of this study, the cultural dimension would unfortunately be excluded. Second, it is claimed that the inner dynamics of penal bureaucracy, especially the intentions of administrators who are in powerful positions, are regarded as subjugated to the great economic systems. Approving the significance of historical agents, the very rare evidence on

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<sup>31</sup> Ibid., 61.

<sup>32</sup> For the Marxist approach and the critiques directed to it see Chapter 4 and 5, for the culture-based approach see Chapter 9 in David Garland, *Punishment and Modern Society : A Study in Social Theory* (Chicago: University of Chicago Press, 1993). Beside of the Marxist literature on punishment explained in the works cited, there is an article of Marx himself about capital punishment published in 1953 in *New York Daily Tribune*, see Karl Marx, "Capital Punishment - Mr. Cobden's Pamphlet - Regulations of the Bank of England," in *Karl Marx - Frederick Engels Collected Works* (Lawrence&Wishart, 1979 [1853]). On an evaluation of this article, see Jeffrie G. Murphy, "Marxism and Retribution," *Philosophy and Public Affairs* 2, no. 3 (1973). In addition, for a discussion on Marxism and the concept of justice, see Ferda Keskin, "Çağdaş Marksizmde Adalet Tartışmaları," *Felsefe Tartışmaları* 34 (2005). In this literature, the argumentation is based on the concept of right: Marx asks: "Now what right have you to punish me for the amelioration or intimidation of others?" in Marx, "Capital Punishment - Mr. Cobden's Pamphlet - Regulations of the Bank of England," 496. However, while this thesis is about convict labor, not penal law in general, I will not be engaged in this literature.

the experiences of administrators and convicts will be exposed. Last, forceful suspicions and contrary evidenced are stated about the profitability of the disciplinary institutions like houses of correction, workhouses and Auburn Prison. It was claimed that the cost of these institutions was never compensated by convict labor; therefore, the economist arguments should be problematized. In this work, however, the stress will be upon the use of convict labor as a productive labor power. To claim, in the extreme sense, that the whole penal system operated to extract surplus value from poor people by criminalizing and penalizing them would be a too functionalist and unsupportable thesis. Instead, the productive and punitive aspects of convict labor with its educational side can struggle according to the hegemonic value of an age. It will be argued that in the 1930s and 1940s in Turkey the hegemonic value was *labor*.

Until now, some theoretical tools have been explained reinforced by historical facts when necessary, but even a *very short* history of convict labor in the world has not been attempted. For such a summary, evidence from around the world, not only from Europe and North America, should be brought together which is beyond the scope of this work. Nevertheless, it will benefit from the different experiences of different countries in parts of the text. Now, before beginning with the case of Turkey, it is necessary to say a few words on *crime*. Readers who are waiting for an analysis of the crime geography of Turkey, of poor classes and criminals, of the causes of different crimes commit will not find answers to their questions in this work. The reason is not a practical limitation, but a theoretical one. Kirchheimer explains such an attitude clearly:

The bond, transparent or not, that is supposed to exist between crime and punishment prevents any insight into the independent significance of the history of penal systems. It must be broken. Punishment is neither a simple consequence of crime, nor the reverse side of crime,

nor a means which is determined by the end to be achieved. Punishment must be understood as a social phenomenon freed from both its juristic concept and its social ends.<sup>33</sup>

Thus, although there will be demonstrated some historical evidences crime will not be scrutinized here. This, however, does not mean that the history of *criminal attitudes* has no common elements with the history of punishment. In fact, forms of capitalist accumulation are their shared base. For instance, the rising rate of theft in the eighteenth century was not independent from the form of wealth: “The point is that this wealth consisting of stocks of goods, raw materials, imported objects, machines, and workshops was vulnerable to theft.”<sup>34</sup> Adding the lack of old common lands, “it was this new spatial and social distribution of industrial and agricultural wealth which demanded new social controls at the end of the eighteenth century.”<sup>35</sup> Consequently, many criminals against property were hanged in Tyburn, London. In this regards, although Linebaugh, in his monumental work, claims that he investigates “the relationship between the organized death of living labour (capital punishment) and the oppression of the living by dead labour (the punishment of capital),”<sup>36</sup> the course of his work is mainly about the relationship between crime and property, or capitalism in general.

Eventually, the use of convict labor by the state as both a form of punishment and a form of unfree wage labor in Turkey will be delineated in this work. Although the peculiarities of Turkey constitute the body, the historical coparcenaries with the world wide experience will be emphasized. In the second chapter, the historical

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<sup>33</sup> Rusche and Kirchheimer, *Punishment and Social Structure*, 5.

<sup>34</sup> Foucault, "Truth and Juridical Forms," 68.

<sup>35</sup> *Ibid.*, 69.

<sup>36</sup> Peter Linebaugh, *The London Hanged – Crime and Civil Society in the Eighteenth Century* (Cambridge: Cambridge University Press, 1995 [1991]), xv.

background of prison work in Turkey and in the Ottoman Empire is dealt with, but the main body of the chapter is devoted to the institutional framework of the administration and operation of prison houses as well as the foundation of labor-based penitentiaries. Inside-prison-work, which was somewhat marginal is also explained in this chapter. The third chapter contains the prisons where inmates worked in the existing industries together with ‘free’ workers. Mining activities in Zonguldak will be the chief vein of the story. In the fourth, namely the last, chapter, the agricultural prisons will be explained. Again, one of the three prisons, the İmralı Agricultural Colony, will be the master model of them. In the fifth chapter, the change of the penal system in the 1950s, the situation of it after 1960 and today will be evaluated. In the last, namely the conclusion, chapter, besides summarizing the principal arguments of the thesis, the meaning of this research in the present conjuncture will be discussed, and some remarks will be made for further research.

## CHAPTER II

### THE FOUNDATIONAL AND LEGAL STRUCTURE

To say that the convicts were employed compulsorily is not of importance in itself. Convicts have always been put to work, as they are now. The Ottoman Empire employed prisoners in mines and on roadwork. And today, in many prisons in Turkey, convicts are employed in workshops and sometimes are contracted at private enterprises. What this study will problematize is how the penal system operated through convict labor, what the intentions behind the newly constructed prisons were, how ‘free’ and ‘unfree’ labor are defined, how two sciences, criminology and economy, can be compounded around the concept of society, and what the place of convict labor in the history of Turkey. The so-called labor-based prisons are good instruments to answer these questions. In fact, labor defined as unfree may be a key to understanding free labor.

In this chapter, the main properties of the labor-based prisons will be explained. After a short Ottoman background, the working practices in the prisons preceding the new prisons will be evaluated, both in discursive and practical domain. In the following section the structural and legal framework of the new penal system and the new prisons will be demonstrated. The governmental activity will hold a wide space in this story. At last, but of most importance, the bonus system for the administrative branches will be discussed in the light of archival documents. The main argument will be that the labor-based prisons should be evaluated mainly as the state-enterprises with the technocratic class governing them.

## Working in Prison

“The history of prison reform, in short, is a global history.”<sup>37</sup>

The unintended reaction of a scholar who come across this work would probably a curiosity about the Ottoman time, about the historical background, in other words about the *beginning* of the phenomenon, prisoners’ labor. In fact, the prison as we know was already *born* in the third quarter of the nineteenth century in the Ottoman Empire. The second half of the century was the age of reform in all branches of the state administration including prison houses. Abolition of corporal punishment, abolition of capital punishment and rehabilitation of prisons as well as prisoners were all discussed throughout the period. The attempt of the Ottoman governors to reform the conditions of prison houses was due to the prerequisites of the ‘debt-bondage’ demanded by Ottomans in order to afford the cost of Crimean War.<sup>38</sup> After that date, the history of penal institutions of the Ottoman Empire is the history of uninterrupted discourse on insufficiency in the sanitary issues, in discipline, capacity, comfort, and other conditions. The first prison of Ottomans was “opened with ceremonies” in 1871. The compliments of Hüsni Paşa, Zaptiye Müşiri, were interesting: The new prison would be a building with its baths, hospital, mosque, church, and other supplements, in the most historical part of Istanbul, in Sultanahmet.<sup>39</sup> One can assume that he described a palace instead of a penitentiary.

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<sup>37</sup> Frank Dikötter, "Crime and Punishment in Early Republican China: Beijing's First Model Prison, 1912-1922," *Late Imperial China* 21, no. 2 (2000): 141.

<sup>38</sup> Gültekin Yıldız, *Osmanlı Devletinde Hapishane Islahatı (1839-1908)* (Unpublished M.A. Thesis, Marmara University, 2002), 134.

<sup>39</sup> *Ibid.*, 162.



The image of prison, then, was more a touristic shop-window than a prison. As Dikötter stressed,

The prison was a prestige symbol that exerted fascination around the world, as governments enthusiastically invested vast amounts of money in cells and walls—often well beyond their financial capacities—in order to join the privileged group of “advanced nations.”<sup>40</sup>

Beside of this reform movement, prisoners’ labor was exploited in Ottoman time. For instance, *Tershane Zindanı* was used to employ foreign prisoners of war, but in the course of the nineteenth century it was transformed to a place in which Ottoman criminals sentenced to heavy penalties were put to forced work. In addition to this, the petty criminals such as thieves and vagabonds were sent to *İplikhane*, the yarn factory, where yarn needed by navy and army was provided.<sup>41</sup> On the other hand, the new modern prison of Istanbul built in 1871 was also to be equipped with production tools for convicts. However, it seems that even in this prison the productive aspect of penalty was not stressed upon in practice. Basiretçi Ali Efendi, a prominent journalist, who had written about the novelties of this prison -such as manufacture- in the newspaper, was to be frustrated after serving six months’ sentence in that prison. His last comments were not different from the critiques that were devoted to the old prisons in the reform discourse.<sup>42</sup> In a regulation dated 1880, prison work was not only again anticipated but also daily rhythm of working was determined. Every convict would be subjected to forced labor, and punished if he had

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<sup>40</sup> Dikötter, "Crime and Punishment in Early Republican China: Beijing's First Model Prison, 1912-1922," 141.

<sup>41</sup> Yıldız, *Osmanlı Devletinde Hapishane Islahatı (1839-1908)*, 57-58.

<sup>42</sup> *Ibid.*, 169-71.

refused to work.<sup>43</sup> However, these intentions, it can be claimed, did not found the appropriate climate, yet.

In the beginning of twentieth century, the aim to employ convicts continued. In the early 1910s, it was complaint that the allotment necessary for the means of production and for trainees could not be provided because of the wars. Notwithstanding, through the end of the World War, in 1917, the government was still planning new prisons. Interesting for this study, not only manufacture-workshops but also “agricultural farms” (“*zirai tarlalar*”) would be embodied for convicts. Probably, these farms could not be founded but a couple of prisons began to be constructed though slowly. In this regard, Gönen legitimately asks why in the middle of the war the government attempt to give life to such an expensive project, which had been abandoned in 1912 because of the burden of war-situation.<sup>44</sup> One possible explanation is centered in convict labor: The provision problem of first the army and then the urban population, combined with the scarcity of men due to the mobilization and losses, directed the government to care its prisoners as an additional labor force. The agenda for the agricultural farms, thus, was the most logical end of such a policy. Nevertheless, for the Ottoman time is beyond the scope of this work, this argument can not be evidenced. The main point on the Ottoman period is that working in prison and employment of the prisoners were not new issues in the Republic, when necessary, for instance for provision problems, in mines or for needs of the army, Ottoman government attempted to use convicts’ labor-power. The difference of the period of this study is its scope and coherency.

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<sup>43</sup> Hasan Şen, *The Transformation of the Politics of Punishment and the Birth of the Prison in the Ottoman Empire* (Unpublished M.A. Thesis, Boğaziçi University, 2005), 117. And also see Yıldız, *Osmanlı Devletinde Hapishane Islahatı (1839-1908)*, 193.

<sup>44</sup> Yasemin Saner Gönen, "Osmanlı İmparatorluğunda Hapishaneleri İyileştirme Girişimi, 1917 Yılı," in *Hapishane Kitabı*, ed. Emine Gürsoy Naskali and Hilal Oytun Altun (İstanbul: Kitabevi, 2005).

## Discourse

The idea to employ the prisoners, as seen, was in the agenda of intellectuals and administrators since the Ottoman period. In the Republican Era, these projects continued; again, the models were mainly the prisons of foreign countries. In 1922, Celal Nuri was advocating in the official law journal the inner administration of Soviet prisons with an emphasis upon printing house and other production units in them. He was also praising the qualified education branches for inmates.<sup>45</sup> The rehabilitative aspect of the prisons based on work was even suggested for communists: When the circle of *Aydınlık*, such as Namık İsmail and Şefih Hüsni, were arrested in 1923, Ahmed Cevdet wrote in *İkdam* that only land and agriculture would correct these people. The model country was this time Switzerland.<sup>46</sup> In 1927, an inspector of the Ministry of Justice, Raşid, described the modern prisons in France and Germany. He stressed the workshops in the prisons and also the agricultural facilities provided for the prisoners' labor. The so-called prisons in Turkey, according to him, were not built as prisons, but they were converted from old buildings to prison houses. He suggested, thus, building new prisons, but he was aware of the cost of such a project which would be finished in a long period. Therefore, until the buildings were constructed, the convicts should be employed in the jobs beneficial to the public such as roadwork, construction works, and agricultural production.<sup>47</sup> In other words, labor-intensive employment was offered until capital-intensive workshops were built.

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<sup>45</sup> Celal Nuri, "Hapishaneler," *Ceride-i Adliye* 8, no. 2 (1922).

<sup>46</sup> Mete Tunçay, "Komünist Gençleri Ne Yapmalı?" *Toplumsal Tarih*, no. 53 (1998).

<sup>47</sup> Raşid, "Tevkifhaneler ve Hapishanelerimiz," *Ceride-i Adliye* 5, no. 54 (1927).

In the 1930s, the Gand Industrial School-Prison in Belgium was one of the exemplary prisons of the experts. According to Öztunç, there were clean, orderly cells as well as workshops, training rooms, conference and music halls, and library in this school-prison. 16-21 year old juvenile delinquents were the guests of the complex, if they had not been sent to another modern school, the Agricultural School-Prison in Merxplas. Moreover, the inmates were screened for venereal illness, and were not allowed in if they had been sentenced for immoral crimes. After entrance into the prison, the delinquents were put into cells for ten-forty days, and then began to work approximately 6.5 hours a day. Every month a “diploma” was sent to the parents of each inmate, in which notes representing the industriousness or cleanness of inmates were listed. Naturally, life in this facility was decorated by such activities as conferences, musical training and body training.<sup>48</sup>

In 1935, Baykara explained the penal system of Soviet Russia. In Russia, it was the principle to apply all the articles of Labor Code also to prisons because the purpose was to make prisoners accustomed to conditions outside. The program of the Communist Party stated, Baykara wrote, that “there is no criminal who would not be rehabilitated.” The penal system was staged, with first, middle, and advanced levels. The work colonies were only for prisoners who were workers. The others, who had, for example, come to the advanced level, were put to work in “traveling rehabilitation and work houses.” Parole was also implemented.<sup>49</sup>

These examples are representative in so far they demonstrate the interest on productive work appropriated by the reformist discourse on the prison affairs. The

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<sup>48</sup> Muzaffer Öztunç, "Belçika Gand Sınâî Mektep-Hapishanesi Üzerinde Küçük Bir Tetkik," *Adliye Ceridesi* (1939).

<sup>49</sup> Hüseyin Baykara, "Yabancı Memleketlerin Ceza Sistemleri: Sovyet Rusya," *Adliye Ceridesi*, no. 7 (1935): 446-49.

examples derived from foreign countries would not be left in the pages of journals in the subsequent period. The publication on penal system with its models, suggestions and critiques was hand in hand with the mobilization of Turkish intellectuals in the international arena with the support of the government. Thus, as a pillar of penal reform began in the 1930s, the visits of the experts of the young Republic to foreign countries should be considered.

In 1930, it was decided that Prof. Bahattin, expert on penal law, was sent to an international congress on the unification of penal law held in Brussels between 26-30 June, as the representative of the government.<sup>50</sup> In 1935, the council of ministers settled that Mutahhar Şerif, a nominee for judgeship, would be sent to Belgium, France, Germany, Switzerland, Austria, Italy, Hungary, Romania, Greece and Bulgaria to make observations about the organization and administration of prison houses, and about the subject of rap sheets (*adli sicil*). The information to be collected was to form a base for the new prisons that would be established in Turkey.<sup>51</sup> We learn that in a correspondence, in 1938, Mutahhar Şerif Başoğlu was again in Rome for research on the foundations of penalty and execution, but this time as the chief of the General Directorate of the Prison Houses.<sup>52</sup> According to Yalman, Şükrü Saraçoğlu as the Ministry of Justice adopted the ideas of Mutahhar Şerif, his countryman, and applied them to the justice system courageously: “İmralı Island Social Sanatorium”, prison without walls.<sup>53</sup> In 1937, Tahir Taner, professor of penal law at the İstanbul University Law Faculty, and Sadrettin Berk, one of the vice-

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<sup>50</sup> 21/06/1930, Catalog no. [PMRA, 30..18.1.2 / 12.43.20].

<sup>51</sup> 25/02/1935, Catalog no. [PMRA, 30..18.1.2 / 52.13.8].

<sup>52</sup> 03/12/1938, Catalog no. [PMRA, 30..18.1.2 / 85.102.13].

<sup>53</sup> Ahmet Emin Yalman, *Yakın Tarihte Gördüklerimiz ve Geçirdiklerimiz - Cilt 3 (1922-1944)* (Rey Yayınları, 1970), 303-04.

public prosecutors in İstanbul, were sent to Cairo for investigations about penal law.<sup>54</sup> In 1938, the doctor of the İstanbul Prison House, İbrahim Zatî Ögüt, was sent by the government to Rome and Munich in order to investigate prisons and courts, as well as to participate in the first International Criminology Congress in Rome.<sup>55</sup>

A decade after the first visits, integration with the international penal societies was almost accomplished. In November 1948, Tahir Taner, professor of penal law and director of the Turkish Institute of Criminology at Istanbul University, was granted an official allowance to make the Institute a member of international scientific societies such as the International Society of Penal Law, the International Society of Criminology and the International Society for Social Protection. Naturally, the council of ministers confirmed the application.<sup>56</sup> In 1950, Tahir Taner and Nurullah Kunter participated in the 12<sup>th</sup> Congress on Penalty and Execution, held in Lahey. The same year, they also took part in the Criminology Congress held in September in Paris, with Baha Kantar from the Ankara University Criminology Institute, as representatives of the Turkish government.<sup>57</sup> In 1956, Assoc. Prof. Sahir

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<sup>54</sup> 30/12/1937, Catalog no. [PMRA, 30..18.1.2 / 81.107.14].

<sup>55</sup> 18/08/1938, Catalog no. [PMRA, 30..18.1.2 / 84.76.1]. It should be noted that one of the issues stressed in this Congress was the demand for a collaboration of judges and “experts.” See, Lovis Vervacek, "İlk Beynelmilel Kriminoloji Kongresi - Roma (3-8 Brinciteşrin 1938)," *Adliye Ceridesi* (1939): 1296-97. This is significant, for the judges’ more decentralized force was to be transferred to the center through the foundation of public prosecution. In this process, legal experts as representatives of the new criminological trends were advocating a formal law instead of substantial one. In other words, the local relations of the accuser and defendant, as well as of the judge, should not be determinant in the decision process in a lawsuit. This struggle for judgment was expressed in the issues about the judges and their positions in the penal system, even their salaries, and the codes related to them, all discussed in detail in the 1940s and 1950s in the Assembly of Turkey.

<sup>56</sup> It is understood from the correspondence that the 143<sup>rd</sup> article of Turkish Penal Law prohibited the enrollment of organizations in an international society without the permission of the government. 03/08/1948, Catalog no. [PMRA, 30..18.1.2 / 117.52.15].

<sup>57</sup> 02/09/1950, Catalog no. [PMRA, 30..18.1.2 / 123.65.10, file: 76-1708].

Ermand and Minister of Justice, Prof. Hüseyin Avni Göktürk participated in a conference about criminals and penalties held in Geneva.<sup>58</sup>

The official visitations of the experts and bureaucrats manifest not only the steps of participation of a new nation-state in the international collaboration on penal sphere, but it also reveals the actors of penal reform of Turkey in the 1930s. Although this work is an attempt to situate the new prisons of the early Republican Era into the economic context, this does not mean to underestimate the human agency of the activities. In contrast, experts and bureaucrats of the Republic were the locomotive-force, such as Şükrü Saraçoğlu. Contrary to the social control thesis, the reforms in penal system were implemented not as a reaction. As Salvatore and Aguirre assert in Brazilian context, “since factory relations were not in common among Buenos Aires working class ..., the penitentiary could not have developed out of concerns for a militant industrial proletariat.... The penitentiary’s industrial workshops anticipated a discipline tailored to a collective worker that did not exist in the ‘outside’.”<sup>59</sup> Also in Turkey, the labor-based prisons were founded not as an instrument for controlling the masses, but as state enterprises for augmenting the national production. Therefore, the experts and intellectuals were actually in the middle of the developments since the decisions were more technocratic than politic;

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<sup>58</sup> Sahir Erman, "Suçun Önlenmesi ve Suçlular Hakkında Yapılacak Muamele Mevzuunda Birleşmiş Milletler Avrupa Bölgesi İstişari Grupunun Üçüncü Konferansı (Cenevre, 13-23 Ağustos 1956)," *İstanbul Üniversitesi Hukuk Fakültesi Mecmuası* 23, no. 1-2 (1958): 24. In this conference, some decisions were taken about the descriptions of the categories of abnormality and recidivism. Nevertheless, in classification, it was concluded that segregation was not necessary when the issue was working. In other words, neither the peculiarities of abnormal or recidivist was not considered when the issue was employment of inmates.

<sup>59</sup> Ricardo D. Salvatore and Carlos Aguirre, "The Birth of the Penitentiary in Latin America: Toward an Interpretive Social History of Prisons," in *The Birth of the Penitentiary in Latin America: Essays on Criminology, Prison Reform, and Social Control, 1830-1940*, ed. Ricardo D. Salvatore and Carlos Aguirre (Austin: University of Texas Press, 1996), 30.

it is sufficient to regard İbrahim Saffet Omay, the “father” of İmralı Island, which will be described in the forth chapter below.

The above-mentioned experts were employed either in universities, or in public prosecution branches, or in the administration stages of prison houses. Among these circles of law makers and advisers there was a discourse that the penal law of the Ottoman Empire was outmoded and insufficient for a modern republic. Thus, the new penal code dated 1926, quoted from the Italian penal code, was a great improvement on the way to modernization. In a booklet titled “The Juridical Issues in the 15<sup>th</sup> Year of the Republic” (*Cumhuriyet’in XV inci Yılında Adliye İşleri ve Teşkilâtı*) it was revealed that the main deficiency of the old law was the absence of “public law”. The social meaning of the existence of a public law was the appropriation of private legal practices by the state. In 1929, a law of the penal adjudication (*Ceza Muhakeme Usulü Kanunu*) had been promulgated, which had included the rights of both public and individuals. According the booklet, this new law gave prosecutors the right to litigate a public trail. In other words, if a prosecutor was informed of a crime, he would start an inquiry and prosecution without receiving an accusation. The old code had requested that the aggrieved should file a complaint and thus commence a lawsuit. The booklet declared that the code pretended both public and individuals.<sup>60</sup> Thus, the emergence of public prosecutors meant the penetration of the state into the judiciary issues as an active agent. The emergence of “public law” and the public prosecution complemented each other: The prosecutor was the legal personality involved in protecting the rights of the public.<sup>61</sup>

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<sup>60</sup> *Cumhuriyet’in XV inci Yılında Adliye İşleri ve Teşkilâtı* in 1939, Catalog no. [PMRA, 490.01 / 1467.1.1].

<sup>61</sup> There were two types of lawsuits: *ceza* and *hukuk*. If only a person was damaged of the crime, that person should commence a lawsuit; even if the crime was known, no legal process would began automatically. These lawsuits were named as *hukuk davaları*. However, when the crime committed



In this regard, being the employer of convicts and being the privileged accuser in the name of society were complementary issues. The widely research discourse on idle and vagabond people in the economic transformation and urbanization periods in the Western world collaborated with the discourse on criminals. To repair the damage in the society these people caused, employment policies for idle class and punishment methods for the criminal class were to be implemented. And, if these two classes, poor and criminals, did not consist of different people, the convergence of employment and punishment could be justified.

In short, the legal experts mentioned above were the representatives of a new discourse about punishment. The connection between rehabilitation and responsibility was strong in the discourse of criminologists and psychologists. Rehabilitation (*islah*) was first of all an education (*terbiye*). For Dr. Erem, the goal of these two concepts was to transform people from “automatic” beings to individuals who had the capacity to decide and the ability to use this psychological power. “This was then possible by integrating the conscious of convict to the issue, namely, by rehabilitating him by persuasion.”<sup>62</sup> Responsibility (*mes’uliyet*) was thus the key to “give a form” to the criminal in the direction society demanded. In order to rehabilitate the criminal, he had to be “known.”<sup>63</sup> Therefore, criminology emphasized and widened research about the social environment and physical peculiarities of each criminal. On the other hand, responsibility will be seen in the

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was a future threat for other people, the public prosecutor would commence the lawsuit even if you did not made a charge. For example, murder, shooting and theft are crimes brought to *ceza davaları*. M. Aşır Aksu, *Hukuk ve Ceza Davaları Nasıl Açılır?* (İstanbul: Elaziz Halkevi Neşriyatı no. 8, Ülkü Basımevi, 1937), 4-5.

<sup>62</sup> (“*Bu ise hâdiseye, mahkûmun şuurunu katmak ile, yani suçluyu ikna suretiyle islâh etmekle mümkündür.*”) Dr. Faruk Erem, *Adalet Psikolojisi*, 3 ed. (Ankara: A.Ü. Hukuk Fakültesi Yayınları, 1959), 276.

<sup>63</sup> *Ibid.*, 277.

discourse of İbrahim Saffet Omay, the director of İmralı Prison, so that the convicts were responsible for their freedoms in the labor-based prisons. This meant that the director could send a prisoner to the old prisons at any time and take back his right of parole, with the money saved in the bank. This power was represented in the Tör's play, *İmralının İnsanları*: The convicts brought to the island with the director were left without guards by the boat. Accordingly, some of them attempted to escape; however, the others stopped and handcuffed them and waited the director and guards. The responsibility given to ordinary criminals gave its fruit as discipline.<sup>64</sup> On the other hand, the convicts in the Zonguldak mines were, it was said, very docile and obedient in order to stay there.

In the meantime, criminology as a discipline penetrated the domain of the legal discussion in the Republican period. The foundational base became the Criminology Institutes established in İstanbul and Ankara Universities in the mid-1940s.<sup>65</sup> Prof. Burhan Köni, a senior expert, wrote about the science of criminology and its history.<sup>66</sup> According to him, two conceptualizations could be distinguished in the history of the knowledge of crime. In the theory of the "classical school," the stress was upon the crime itself. The criminal, and the individual, was supposed to have free will, and thus be responsible. Therefore, the punishment of each crime should be dispensed to every criminal equally, for they were equally responsible in their behaviors. On the other hand, this classical comprehension of the individual was criticized in the nineteenth century on the grounds that individuals were not

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<sup>64</sup> Vedat Nedim Tör, *İmralının İnsanları*.

<sup>65</sup> İstanbul Criminology Institute was established in 1944. Tahir Taner, "İkinci Milletlerarası Kriminoloji Kongresi - Paris (10-19 Eylül 1950)," *İstanbul Üniversitesi Hukuk Fakültesi Mecmuası* 17, no. 3-4 (1951): 529.

<sup>66</sup> Burhan Köni, "Kriminoloji," *Ankara Üniversitesi Siyasal Bilgiler Fakültesi Dergisi* 11, no. 2 (1956).

equally responsibly, but rather they were different, already before a crime had been committed. The criminal was abnormal; accordingly, the object of analysis was not the crime but the criminal. He had no free will or moral responsibility, rather a social understanding of responsibility prevailed. Theoreticians can be distinguished according to what they accentuated when analyzing the criminal; the object of analysis was but the shared point. While Lombroso argued a link between psychological and corporal abnormality, Ferri analyzed anthropological and social determinants on criminality, as well as some emphasized environmental factors. Such knowledge of the criminal would naturally change the notion of punishment.

The aim of punishment in classical school was to guarantee the equity and justice; therefore, penalty was decided according to the harm of the crime. Hence, compensation was to be decided on the degree of social damage of the crime to society. However, for the critics in the nineteenth century, such compensation was not sufficient; society should be protected by preventing the crime. In other words, not after-punishments but before-sanctions (*müeyyide*) were needed. Özbey explains the emphasis upon the criminal with the concern to guarantee the future. The crime, the action, the verb had been analyzed to “correct the past” (*maziyi tamir*); however, the criminal, the actor, the subject would be researched for “guarantee the future” (*atıyi temin*).<sup>67</sup> These two innovations in criminal law, namely the criminal and the sanctions, made the notion of social control possible. In order to defend society, the crime should be preempted; to prevent crime the abnormal should be treated; to treat the abnormal it should be detected among all individuals; and to detect one such individual, we must know all. Such a way of knowing would result in an idea of authority which knows every point of lives of people in order to prevent the possible

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<sup>67</sup> B. Cevat Hakkı Özbey, "Adlî İnkılâbımızın Elzem Müeyyidelerinden Hapis Usullerinde ve Hapishanelerimizde Reform," *Hukuk Gazetesi*, no. 59-60 (1943): 10.

consequences of possible abnormalities in the courses of their lives. Such factors as family, living place, social environment, psychology and economy were aspects in the formation of the criminal and were to be analyzed for sanctions. In addition, the judicial system was not immune from these improvements in criminology. According to Köni, the lowest and highest limits in penalties served a criminal-oriented penology. All of the crimes had not exact penalties. The judges were to give sentences according to the criminal in front of them within the limits. Namely, each judge was to be a criminologist.<sup>68</sup>

However, such a discourse of criminology was not applied with all its practices necessary. It can be claimed that the discursive domain was manipulated according to the needs of the age, which was *manual labor* in the early Republic. The industrial and agricultural mobilization of the state was the ground on which the discursive tools were utilized. In this regard, the principle of “guarantee the future” would easily mean that the convicts should collect money for after-release period. Hence, they should work in the prison. The principle of “responsibility” of individuals meant, as seen, their self-discipline in the labor-based prisons. As a result, it is argued here that the discursive fields provided tools, methods, but not the ends. The increasing involvement of the state in the economic sphere and the labor problem which continued in the 1930s and 1940s were determinant factors in the establishment of the labor-based prisons and the legal framework accompanying them.

Consequently, the criminological discourse was appropriated by the technocrats, the directors of the prisons, as the justification of putting convicts to work. The main argument was, presumably, that work was an instrument which

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<sup>68</sup> Köni, "Kriminoloji," 83.

served the rehabilitation of the criminal. Sakıp Güran, the vice-director of the General Directory of the Prisons and the Detention Houses (*Ceza ve Tevkif Evleri Umum Müdürlüğü*), asserted that whereas work had been a means of violence in the old days, now, in 1942, the goal of prison work, like that of the whole penitentiary system, was to train, correct, and make the convicts conform to the ordinances as ethically high-principled individuals.<sup>69</sup> To understand the significance of this working-convict image, how the principle of justice was perceived should also be remembered. No work in prisons meant to give more freedom to convicts than to free-citizens, who worked all day. Hence, employing prisoners was not only a right, but also a duty of the state.<sup>70</sup> Society was also a reference point to the correction-through-work discourse. It wanted its people back, but as a good natured man:

Everyone should know that the new prisons want good morality, clear heart, virtue, honesty, dignity, wisdom and work, from the prisoners. In short, they want humaneness. And, again, everyone should know that these enumerated properties are wanted by the nation, by the society who established the new prisons. These are wanted by mother, father, brother, sister, wife, children, intended, lover of the prisoner as member of the nation; and they say:

- O penologist! Send the man of the society, my man, quickly back. But send him as a man who abandoned bad feelings, send him as a family-man, as a patriotic, hard-working, polite, wise man. Otherwise I would regret my efforts of making you a penologist.<sup>71</sup>

Another aspect of this system of penalty was its practicality. The regulatory rules of the prison administration, published in 1941, reveal that the intended end of

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<sup>69</sup> Sâkıp Güran, *Cezanın İnfazı - Sistemler ve Tatbikat* (Ankara: Matbaa Yeni Cezaevi, 1942), 27-28.

<sup>70</sup> *Ceza İnfazında Sistemler ve İmralı Cezaevi*, 2 ed. (Ankara: İdeal Basımevi, 1947), 9-10.

<sup>71</sup> (“Herkes bilmelidir ki yeni cezaevleri hükümlüden; iyi ahlâk temiz yürek, fazilet, namus, haysiyet, doğruluk, bilgi, görgü ve iş istiyor. Velhasıl insanlık istiyor. Ve yine herkes bilmelidirki; bu saydıklarımızı yeni cezaevlerini kuran millet, cemiyet istiyor. Bunları kurucu milletin birer ferdi olarak hükümlünün anası, babası, kardeşi, karısı, yavrusu, nişanlısı, sevgilisi istiyor ve: - Ey infazcı... cemiyetin adamını, benim adamımı çabuk gönder. Fakat gönderirken kötü huyları, kötü düşünceleri, manâsız intikam hislerini terk etmiş, aile sever, yurt sever, çalışkan, görgülü, bilgili insan olarak gönder. Yoksa seni infazcı yapmak için verdiğim emekleri halâl etmem. Diyor.”) İbrahim Saffet Omay, *Cezaevi (İş Esası Üzerine Kurulu)* (İstanbul: Cumhuriyet Matbaası, 1947), 11.

convict labor was indeed a training process during which a prisoner could take up a profession so that s/he could find a qualified job after his/her release.<sup>72</sup> This thought could be heard in the same year in the Assembly. According to a new code in 1941, in the reformatories, the money was to be distributed to all of the convicts, including those who had not worked due to health problems or other compulsory reasons. İzzet Arukan opposed the relevant article, arguing that such an application could not be seen in any working organization. Minister Hasan Menemencioğlu replied the money given to the convicts was not a right, not a wage, but only a form of state relief. It was to help them establish good jobs after their release.<sup>73</sup>

### Practice

The life of convicts in the prisons always was related to their monetary situation outside the prison. They either were sent money and provisions from their relatives, or earned money through gambling, drug business, or maked handiworks for profit. In other words, the state was not responsible for the men confined. The situation of prisons can be understood from the words of a prisoner in Sinop Prison in 1913:

Those years, no ration was given to the prisoner in the Sinop dungeons. We did not left any cats in the prison which was not slaughtered and eaten. ... Those who could not find a cat had to graze in the yard ...<sup>74</sup>

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<sup>72</sup> *Ceza ve Tevkif Evleri Nizamnamesi*, (Ankara: Devlet Matbaası, 1941), 24.

<sup>73</sup> "Ceza ve Tevkif Evleri Umum Müdürlüğünün Vazife ve Teşkilâtı Hakkındaki 3500 Sayılı Kanuna Bazı Maddeler İlâvesine Dair Kanun Lâyihası ve Bütçe ve Adliye Encümenleri Mazbataları (1/626) Üzerine Görüşmeler," *TBMM Zabıt Ceridesi* 19 (1941): 221.

<sup>74</sup> ("O zamanlar tayın çıkmazdı Sinop zindanlarında mahkûma. Kesip yiye yiye kedi bırakmamıştık cezaevinde. ... Kedi bulamayanlar avluya çıktıkları zaman otlardı bey...") Quoted in Tolga Ersoy, *Sinop'un Hamı - Sinop Hapishanesinin Tarihi ve Edebiyattaki Yeri* (İstanbul: Sorun Yayınları, 1997), 50-51.

Thus, the prison work was one of the methods the prisoners gained their bread. We have some scenes of working in prison, from Sinop Prison. In the 1930s, Sabahattin Ali was one of the inmates of this famous prison. He explained that the prisoners occupied themselves with carpentry, carving and jewelry, and sold their products to the ships in the port via commission agents out of the prison. The director and guardians prevented if not overlooked. The prisoners were sharing their profits with the director or giving some money to the guards in order to be allowed to stay in the workshop also at night, when there was a lot of work to do. Mehmet Ali Ayni emphasized the function of guardians to buy raw materials from outside as well as to sell the goods. The amount of this trade was so great that it was sixth on the list of exports from Sinop in 1934-35.<sup>75</sup>

Sabahattin Ali also participated in the work process at Sinop Prison. He helped other prisoners in some work branches and in selling their products in remote cities. However, his memoirs prevents us from describing the prison as a manufacturing center, rather it seems that it was a small marketplace in which the prisoners were small entrepreneurs:

... there were no work-dorms then, everybody worked on its behalf. There were barracks adjacent to the citadel on the present forecourt. Some were ironworkers and some were carpenters. There were good carpenter masters. However, they were unable to hire a shop due to their lack of capital. We were in a good situation. We were bringing walnut lumber from abroad. We hired a barrack. We employed convict labor on a daily fee that was 10 piaster then. We were manufacturing gammons, trays, cigarette boxes, work bags, and plywood from walnut. There was a high demand for these handicrafts abroad. Then, they spread all over Turkey under the name of 'handicrafts of Sinop prison'...<sup>76</sup>

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<sup>75</sup> Ibid., 23-24.

<sup>76</sup> ("... o zaman işyurtları yoktu, herkes kendi namına çalışırdı. Şimdiki dış avluda kaleye bitişik barakalar vardı. Kimi demircilik yapardı, kimi marangozluk. İyi marangoz ustaları vardı. Fakat sermayeleri olmadığı için dükkan tutamıyorlardı. Bizim vaziyetimiz iyiydi. Dışardan ceviz kereste getiriyorduk. Bir baraka kiraladık. Yevmiye ile o zamanın parasıyla on kuruşa mahkûm

The founding of the labor-based prisons did not prevent prisoners from earning their livings. In 1940s, these occupations continued in the old prisons. For example, Orhan Kemal worked in an office (*kalem*) on registers about criminal records.<sup>77</sup> In describing İbrahim Balaban writes that at the bottom floor of Bursa Prison there were workshops for carpenters, weavers, shoemakers and stocking weavers. He worked there for a time before beginning painting.<sup>78</sup>

First, I began to work in the carpenter's shop in order to either forget my captivity or become an artisan. However, after a month, I quit. Then, I managed to operate the sock machine. Due to boredom of captivity, maybe in order to reckon the days, I worked in shoe making. This freak did not last long, I abandon it, too.<sup>79</sup>

At the beginning of the 1940s, Nâzım Hikmet understood from a letter from Piraye that she was in great need of money. Therefore, he decided to set up a weaving workshop with three workbenches to earn money in the prison, and he began to work at an extraordinary pace for a period. The sheets he weaved were submitted to the Weaving Cooperative<sup>80</sup> or sent to the Exhibition for Domestic Products (*Yerli Malları Sergisi*) in İstanbul to be sold. İbrahim Balaban also took part in the exhibition with paintings titled “Portrait of my Mother” (*Anamın Portresi*) and “Weavers” (*Dokumacılar*), the last modeled on Nâzım’s workshop. After this, the

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*çalıştırıyorduk. Cevizden tavlalar, tepsiler, sigaralıklar, dikiş kutuları, kontralar yapıyorduk. Bu işleri dışarda çok rağbet görüyordu. Sonra Türkiye'nin her yerine 'Sinop cezaevi el işleri' diye yayıldı...”) Quoted in Ibid., 63.*

<sup>77</sup> Orhan Kemal, *Nazım Hikmet'le 3,5 Yıl*, 4 ed. (İstanbul: Tekin Yayınevi, 2000), 7.

<sup>78</sup> İbrahim Balaban, *Nâzım Hikmet'le Yedi Yıl* (İstanbul: Berfin Yayınları, 2003), 13.

<sup>79</sup> (“Tutsaklığımı unutmak için belki, yada bir zenaat edinmek için, önce marangozhaneye girdim. Fakat bir ay çalıştıktan sonra bıraktım. Sonra çorap makinasını çalıştırmayı becerdim. Tutsak olmanın sıkıntısı, günleri saymak için belki, kundura atölyesinde çalıştım. Uzun sürmedi bu maymun iştahlılığım, onu da bıraktım.”) Ibid.

<sup>80</sup> Kemal, *Nazım Hikmet'le 3,5 Yıl*, 61-62.



Ministry of Justice organized another exhibition in which two of Balaban's paintings were sold.<sup>81</sup>

During the war, the general scarcity in the country was severely felt in the prisons, food was scarce. Therefore, the prisoners had to look after themselves with their own means. For instance, Balaban began to work in a barbershop three days a week.<sup>82</sup> Orhan Kemal said that Nâzım had great respect for the working prisoners, who did not get involved with drugs or gambling. He visited them in the workshops and sometimes participating in the work.<sup>83</sup>

Toward to the end of the 1940s, the status of work in Bursa Prison underwent changed. In a letter from Nâzım to Orhan Kemal dated 6 June 1949, Nâzım wrote that the prison was becoming a "work dorm" ("*iş yurdu*"). When it was finished, he would have an occupation for earning money, for wasting time and also for gymnastic.<sup>84</sup> As an additional example, in 1989 Taşdemir wrote that convicts generally wanted to work in prison, but like slaves on a plantation, not by force, they wanted to work voluntarily, enjoyably, and to improve themselves (*geliştirici*).<sup>85</sup> In other words, working in prison was approved of by leftist intellectuals, either as a necessary activity for earning money or as an occupation to pass the time. Moreover, maybe not the rehabilitative but the formative character of working was advocated; idleness was criticized not only the state.

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<sup>81</sup> Balaban, *Nâzım Hikmet'le Yedi Yıl* 46-47.

<sup>82</sup> *Ibid.*, 46.

<sup>83</sup> Kemal, *Nâzım Hikmet'le 3,5 Yıl*, 49.

<sup>84</sup> *Ibid.*, 136.

<sup>85</sup> Murat Taşdemir, "Türkiye'de Cezaevi," *Birikim*, no. 5 (1989): 60-61.

In the decades following the war, in many prisons, inmates were involved in doing handiwork. Kısakürek witnessed working branches in Ankara Prison: administrative jobs, tea-making, working as barbers, tailors, and cobblers in workshops.<sup>86</sup> As Burak observed at the end of 1950s, there were workshops in İstanbul Prison, too. Eight to ten prisoners were working in carpentry, 30-40 in shoe-making, and some in ironworks. These inmates earned at most two liras daily, but this was before cost for food, bread and some tax were deducted, after which it became 150-160 piaster. Burak stated that the daily wage of a qualified master outside was 40 liras in those days. Even so, costs were high in prison because the quality and efficiency was low.<sup>87</sup> Also the occupation of the prisoners in the Sinop Prison in the 1960s was finding money. Berin Taşan, the prosecutor in Sinop in those years, remembers many stories related to the methods of the prisoners to find money. For instance, he told, convicts found the biggest death announcement in the newspapers and wrote letters to the family in mourning, pretending as a close friend of the dead man and demanding money. Naturally, according to Taşan, these were idle ones; many prisoners worked in the workshops, to which he gave life, to earn their bread.<sup>88</sup> In other words, the story of the labor-based prisons was not an independent attempt from above. The inmates were involved in a constant search for food and services. The work dorms (*İş yurtları*), which were to be the complementary branch of the labor-based prisons and would have survived until the present, are proof of this situation.

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<sup>86</sup> Necip Fazıl Kısakürek, *Cinnet Mustatili - Hapishane Notları* (İstanbul: İnkilâp Kitabevi, 1955), 169.

<sup>87</sup> Ratip Tahir Burak, *Hapishane Hatıraları* (İstanbul: Güven Yayınevi, 1961), 150.

<sup>88</sup> Interview with Berin Taşan, 24/03/2006, İzmir.

The prisons were deeply affected by the fluctuations in the economy outside. In 1929, the Ministry of Justice took a decision about the provision of bread in the prisons. Because of the insufficiency of allotments, no bread was to be given to those who could afford one *okka* of bread a day.<sup>89</sup> The prisoners were seen as first a burden, not a labor force, it seems, in these years. In 1936, Şükrü Saraçoğlu, the Minister of Justice, talked in the Assembly about the penal system. He mentioned at first of the burden of the prisoners to the state, which had been amassed as 900,000 liras per year. 600,000 liras of this amount was only for the bread distributed to those who could not afford even bread. Saraçoğlu also estimated roughly the aggregate assistance of families of other prisoners as 2.5 million liras yearly. He concluded that they faced a huge group of consumers who were living idle in prisons. Accordingly, it was decided that the cost of a new rehabilitative penal system would be obtained from the prisoners themselves as they worked.<sup>90</sup> In June 1938, the Ministry of Justice sent a circular to prison administrators requesting that they save money, use the budget provided to them providently, and reminding them that they were not entitled to demand additional allocations.<sup>91</sup>

In this context, one can assume that prisoners were given meal. However, this was not the case at least until 1943. Prisoners had to be content with crust<sup>92</sup> the price of which the state tried to collect from them.<sup>93</sup> For the administrative branches, this

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<sup>89</sup> 25/12/1929, Catalog no. [PMRA, 30..18.1.2 / 7.62.19].

<sup>90</sup> "Adliye Vekâleti Bütçe Görüşmeleri - 1936," *TBMM Zabıt Ceridesi* 11 (1936): 234-35.

<sup>91</sup> "Adliye Vekâletinin Tamimleri [Cezaevleri İle İlgili]," *Adliye Ceridesi* (1939): 500.

<sup>92</sup> Mehmet Ali Sebük, *Ceza Evlerinde İşlenen Cürümler ve Firar Hâdiseleri* (İstanbul: Ahmet Sait Matbaası, 1945), 54.

<sup>93</sup> "Ceza evleriyle mahkeme binaları inşası karşılığı olarak alınacak harçlar ve mahkûmlara ödettirilecek yiyecek bedelleri hakkında kanun [Kanun No: 2548]," *T.C. Resmî Gazete*, no. 2747 (1934).

was not an easy job. A news item reported in 1939 reveals that the state was unable to collect this money for years. The Revenue Office (*Defterdarlık*) was able to gather only 50 liras a year, even though the salaries of the four lawyers who were hired to collect this money far exceeded one hundred liras. According to the law, those who refused to give any money despite their ability, which was determined by administrative units, would serve 30 days more. However, according to the news item, this was not an effective method or a disincentive sanction when the inability of the revenue officers to collect that money was taken into consideration.<sup>94</sup> It is now understandable why, in 1940, an amendment was made to the code about the collection of food expenditures from prisoners. According to the article which was amended, the sanction was not longer 30-days confinement, but the expropriation of the convict's property.<sup>95</sup> Consequently, it was claimed that these hard days were to be left behind gradually thanks to the New Prisons. Thanks to convict labor, the burden of prisoners on the state's shoulders was supposed to be diminished since the food expenditures would be automatically cut from the wages of the prisoners.<sup>96</sup> In addition, prisoners were to be entitled to demand meal according to the principle of calorie as in modern countries.<sup>97</sup>

The employment of the "idle" prisoners for the state was thus a direct result of the aim to decrease their burden on the state's budget. Working in prison for the

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<sup>94</sup> *Tan*, 5.10.1939.

<sup>95</sup> "Ceza evleriyle mahkeme binaları inşası karşılığı olarak alınacak harçlar ve mahkûmlara ödettirilecek yiyecek bedelleri hakkındaki kanunun bazı hükümlerini değiştiren kanun [Kanun No: 3757]," *T.C. Resmî Gazete*, no. 4403 (1940). In 1968, the situation was not different; every convict should pay the cost of meal and bread, but in practice, although the Ministry sent every year circulars to the prison administrators, the money that could be collected was composed of only the deductions made from the wages of convict workers. Ali Rıza Mengüç, *Ceza İnfaz Hukuku ve İnfaz Müesseseleri* (İstanbul: Cezaevi Matbaası, 1968), 364-65.

<sup>96</sup> *Ceza ve Tevkif Evleri Nizamnamesi*, 27.

<sup>97</sup> Sebük, *Ceza Evlerinde İşlenen Cürümler ve Firar Hâdiseleri*, 53-54.

state began in Isparta and Ankara at the beginning of the 1930s. In 1936, carpets were produced in Isparta only by prisoners. A team of 200 people was trained in this process and they assigned to other prisons in small groups in order to train other prisoners.<sup>98</sup>

While Isparta New Prison was professionalized in carpet production, a printing house was established in Ankara Prison. This printing house had first been founded in the Ministry of Justice, probably in the 1920s. However, due to its inability to meet demands and lack of space in the Ministry, it was brought to the prison. After a small upgrade in 1930, it began in 1933 to work with the stimuli of circulating capital of 10,000 liras provided by the Ministry of Justice to the Public Prosecution of Ankara. For printing machines, a master was brought from outside. The income, but, was 519 liras at the end of the year, while the monthly wage of the master was already 70 liras: the result was a loss of 303 liras. In 1935, only with the labor of prisoners a net 511 liras were gained by making jobs worth 1,086 liras. Nevertheless, the real improvement happened in 1936 when 6,000 liras from the circulating capital were spent to buy new machines. That year, the work accomplished totaled 8,345 liras, 3,608 liras of which was net profit. The advancement in technology continued the following year, too. One more time new machines were bought, but this time for 20,290 liras, in 1937-38. The profit increased in these years to 4,850 liras.<sup>99</sup>

The orders taken by the printing house in Ankara Prison came from various government departments such as the Ministry of Justice, the public prosecution office of Ankara, the Directorate of Prison Houses, the Directorate of Security

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<sup>98</sup> "Adliye Vekâleti Bütçe Görüşmeleri - 1936."

<sup>99</sup> *Hapisane Matbaası 1933-1937*, (1938), 3-6.

Affairs, the Bank of Agriculture (*Ziraat Bankası*), the Ministry of Health, the Department of Religious Affairs, and also from private costumers. In 1938, 125-150 prisoners were working in the printing house, and their wages were 5-15 liras a month. It was also known that 80% of them had learned literacy in the prison.<sup>100</sup>

Work programs also were introduced into some of the old prisons thanks to the activities of the prosecutors. İstanbul, Adana, Sinop, Aydın, Manisa, Bergama and, most successfully, Ankara were prisons which opened work-dorms.<sup>101</sup> In contrast to the most of the labor-based prisons, this work-dorms system in the prisons spread to in many other prisons. However, they have never been recognized as labor-based prisons, even today, due to their inefficient and insufficient work. The idealist directors or prosecutors were always determinant in the improvement of workshops in prisons. For instance, in the 1960s and 1970s, Berin Taşan, in Sinop, regulated and gave life to workshops in prison. A leftist lawyer in İzmir who was in effect exiled to Sinop because of his opposing articles in newspapers, Taşan wrote and organized a production of a play in prison that was probably a representation of his ideals. The lead character of the play, Ali, had been convicted due to a blood feud. The play began with an inner conflict and finished in a weaving workshop. In the end, Ali was weaving a carpet that would cover the entire square of his village.<sup>102</sup>

In fact, the productive aspect of imprisonment was superseded by its punitive aspect from the 1950s on. It can be claimed that this situation continues now. At least, in 1985, an official report confessed that facilities for work in prisons remained inadequate. The initiative of directors or public prosecutors was the determinant

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<sup>100</sup> Ibid., 6-7.

<sup>101</sup> "Adliye Vekâleti Bütçe Görüşmeleri," *TBMM Zabıt Ceridesi* 25 (1938): 172-73.

<sup>102</sup> Ersoy, *Sinop'un Hanı - Sinop Hapishanesinin Tarihi ve Edebiyattaki Yeri*, 81-82.

factor, namely, there was no bureaucratized order. Even the hand machines for weaving carpets were inactive in some places.<sup>103</sup> The main issue of the early-Republican Era had been not so much the work within the prison walls. When the workshops began to be established in the second half of the 1940s and in the 1950s, the labor-based prisons had already lost their previous importance. The period of 1935-1950 was special in this regard with the extensive privilege of these prisons and the use of the convicts outside of the prison buildings.

### The Establishment of the Labor-based Prisons

The labor-based prisons first came onto scene in the period of Şükrü Saraçoğlu's Ministry of Justice in 1936. The first prison that was constructed solely as a labor-based one was İmralı Agricultural Island Prison, officially established in 1 October, 1936.<sup>104</sup> After eleven years, in 1947, second-year students of Ankara University's Law Faculty made a research trip to İmralı and prepared a booklet titled "Systems in Penal Execution and İmralı Prison" (*Ceza İnfazında Sistemler ve İmralı Cezaevi*). According to this study, sixteen labor-based prisons had been established until that date, at İmralı, Ankara, Zonguldak, Karabük, Sivas, Dalaman, Malatya, Ergani, Isparta, Keçiborlu, Soma, Değirmisaz, and Tunçbilek Prisons, Kayseri Female Prison, "Traveling" Construction Prison, and Ankara Juvenile Reformatory. In total, 5,800 convicts had been accommodated in the new prisons among the aggregate number of circa 19,000.<sup>105</sup> In fact, after the war ended, it seems, these new prisons were improved both in quantity and capacity. Mehmet Ali Sebük stated in

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<sup>103</sup> *Ceza ve Tutuk Evlerin Ziyaret ve İnceleme Komisyonu 1. Raporu*, (1985), 20.

<sup>104</sup> *Ceza İnfazında Sistemler ve İmralı Cezaevi*, 19.

<sup>105</sup> *Ibid.*, 14.

December 1944 there were seven labor-based prisons and that 2,435 of 21,237 prisoners in the country were confined to them.<sup>106</sup>

While talking about labor-based prisons, it is important to mention the different kinds of professions that were carried on in them. Omay gives a detailed list that shows the specialization of these new prisons according to the kind of work executed. The most striking feature of this list concerns the prevalence of mining. Prisoners were extracting coal in Zonguldak and Tunçbilek, lignite in Değirmisaz and Soma, brimstone in Keçiborlu and copper in Ergani. In Karabük, they were working in steel and iron factories. In Kayseri, female prisoners were employed in Sümerbank Textile Factory, like those in Malatya who worked in weaving. Inmates in Sivas worked in cement, in Isparta in carpet weaving and in Ankara with printing, carpentry, tailor work and shoemaking. Another group worked in agriculture, namely prisoners in Dalaman, Edirne and İmralı. However, İmralı constitutes a peculiar case in which various branches of work, ranging from fishing to beekeeping and from onion cultivation to sock weaving, were undertaken.<sup>107</sup> In sum, mining, manufacture and agricultural production were all available in the labor-based prisons. In addition, these new prisons can not be seen as a marginal phenomenon while one-third of the convicts in Turkey were living in them, as numbers above indicated. Detailed information about these prisons will be given in the subsequent chapters; now, the penal system will be described.

In the same year, in 1936, Saraçoğlu announced the new progressive system in the penal system, too. He, as cited above, talked about the huge burden of the prisoners on the state, considered them as consumers, and offered implicitly to make

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<sup>106</sup> Sebük, *Ceza Evlerinde İşlenen Cürümler ve Firar Hâdiseleri*, 27.

<sup>107</sup> Compiled from Omay, *Cezaevi (İş Esası Üzerine Kurulu)*, 26-27.



them producers. Accordingly, the content of this system based on employment should be regulated according to the peculiarities of the country. Namely, because the majority of the population was peasants, and because the working branches should not need great investments, the ministry began with agriculture and the carpet business. Therefore, seventy prisoners were sent to İmralı Island; they constructed the dormitories themselves, and began to cultivate land with their own means. The minister hoped that these prisoners would be able to compensate not only their own consumption but also the costs of the construction materials. Therefore, the government planned to augment the population of the island a few times the following year. On the other hand, in Isparta, a qualified group of 200 prisoners were weaving carpets without help from the outside. Saraçoğlu heralded the opening of 1,500 capacity prison at the beginning of May.<sup>108</sup>

Naturally, these new prisons needed to be presented to the deputies. Saraçoğlu explained that the day time schedules of the inmates were strictly regulated; sleeping, waking up, working, reading were all programmed. Smoking and gambling were forbidden. Food, clothing, and shoes were praised by the prison administration. The progress of carpet production was planned, as was an increase in the populations of İmralı and Edirne for the next year. Additional plans involved agricultural activity in Eskişehir, concentrating juvenile prisoners in a state factory, and operating a few mines.<sup>109</sup>

As a result, from 1936 on, the labor-based prisons, as a new phenomenon, became an important part of the penal system. Two developments prepared the establishment of the new prisons. First, as seen, the production in the Ankara and

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<sup>108</sup> "Adliye Vekâleti Bütçe Görüşmeleri - 1936," 235.

<sup>109</sup> Ibid.

Isparta Prisons had already begun in the beginning of the 1930s. In 1936, they were transferred into the new category of labor-based prisons. Second, the developments in the penal system were determinant for the foundation of the new prisons. First of all, in 1929, the prison houses had been transferred from the Ministry of Interior to the Ministry of Justice. Accordingly, in 1930, a law numbered 1721 on the conduct of prisons was enacted.<sup>110</sup> From then on, the prisons were set within the scope of the penal system and subjected to the concerns about *punishment*.

The punishment-system of the Republican Turkey, which was announced by Saraçoğlu in the Assembly, was shaped as a “système progressif” (*tedricî serbestî sistemi*) or as a “stage system” (*devre sistemi*),<sup>111</sup> which consisted of four stages. The first one was to be spent in the cell day and night, namely in isolation and solitude. This was also known as the Pennsylvanian system. After one to six months, the convict was to pass to the second stage, in which they would spend only nights in the cell. Daytime was earmarked for collective but silent work. This was known as the Auburn system in the criminological literature. As there was no cell confinement in the third stage, prisoners had some privileges. Most importantly, three working days would be equivalent to four days of imprisonment. If the convicts were employed in construction, roadwork, or mines, the ratio would be one to two, as was the case for all in the fourth stage. In this last stage, the prisoner could also demand probation if s/he completed 3/4 of his/her hard-sentence or 1/2 of all other kinds of imprisonment sentence.<sup>112</sup> The other name of this stage system was the Ireland system.

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<sup>110</sup> *Cumhuriyet'in XV inci Yılında Adliye İşleri ve Teşkilâtı* in 1939, Catalog no. [PMRA, 490.01 / 1467.1.1]; see also [PMRA, 30.10 / 20.119.3].

<sup>111</sup> Güran, *Cezanın İnfazı - Sistemler ve Tatbikat*, 43.

<sup>112</sup> Omay, *Cezaevi (İş Esası Üzerine Kurulu)*, 13-14.

A vigilant gaze would recognize the unfeasibility of this ideal project easily. A study carried out in 1947 declared that just a single cell had cost 1,000 liras before the Second World War. Accordingly, even if it were reported that a prison consisting of 50 cells was being constructed in Kayseri, the cell-system generally was regarded as too expensive for a small economy.<sup>113</sup> For a quantitative example, in 1943, there were 19,000 convicts in Turkey 3,350 of which were hard-sentenced.<sup>114</sup> In other words, the stage-system could not be and was not yet in effect. In practice, the two early stages corresponded to the sentence served in the Old Prisons and the last two ones to that served in the New Prisons, namely labor-based penitentiaries.<sup>115</sup>

Güran classifies the prisons in three categories: the old ones, the labor-based ones and the new ones. The New Prisons refer to the ideal prisons which were designed exactly for the stage-system, namely with substantial cells. In other words, a prisoner would stay in the same prison throughout his sentence years. However, because of the absence of this type of new prison, the labor-based prisons were alternatively called New Prisons by other writers like İbrahim Saffet Omay, the director of İmralı prison in mid-1940s. As a result, after 1936, the prisoners in Turkey practically began to serve their sentence in old prisons, but finished it in old or new ones<sup>116</sup> according to some regulations which will be discussed below.

In order to choose the lucky men who would be entitled to be transferred to new labor-based prisons, qualification forms were filled out by prison administrators, including doctors. If a prisoner, according to these forms, showed “good conduct”

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<sup>113</sup> *Ceza İnfazında Sistemler ve İmralı Cezaevi*, 13.

<sup>114</sup> *İstatistik Yıllığı 1942-1945*, vol. 15 (İstanbul: Hüsütabi Basımevi, 1946), 165.

<sup>115</sup> Güran, *Cezanın İnfazı - Sistemler ve Tatbikat*, 56-57.

<sup>116</sup> *Ceza İnfazında Sistemler ve İmralı Cezaevi*, 13.

(*iyi halli*), and met certain prerequisites, he would be allowed to move to the new prisons. These prerequisites, however, made important implications about the composition of privileged men. Besides making some proportional calculations about the years the prisoners had served in the prison, there were significant clauses about recidivism (*mükerrerlik*), the National Protection Law (*Milli Korunma Kanunu*) and crimes “against the personality of the state.” Criminals who had served more than one sentence or had broken laws against the state would stay in the old prisons for the duration of their entire sentences. It is apparent that political prisons were deprived of the right to work in order to be corrected. In addition, petty-criminals did not meet the requirement of the minimum one-year limit to live in the new prisons.<sup>117</sup> Sulhi Dönmezer, however, argued that the success of the labor-based prisons could be measured better if also recidivists had been sent to these establishments. Hence, he assumed, those who were ethically more destitute needed more correction than others.<sup>118</sup>

Consequently, punishment increasingly became more labor-oriented. It is not surprising then that Omay advised that the stage-system be abandoned as it could not be implemented and a new triad system be established on the principle of compensating the days to be served by the days during which the prisoner had worked. At the first stage, one day of work would compensate one day of the sentence; at the second stage, this one-to-one ratio would increase to three-to-four; and in the third stage, to one-to-two.<sup>119</sup> Even if Western systems based on cell-sentence were much discussed among the penologist branches, confining the

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<sup>117</sup> Ibid., 14-15.

<sup>118</sup> Sulhi Dönmezer, "Gene İmralı'ya Dair - II," *İklim - Kültür Dergisi*, no. 2 (1945): 4.

<sup>119</sup> Omay, *Cezaevi (İş Esası Üzerine Kurulu)*, 23.

correction mechanisms to the realm of work was preferred in practice. Punishment was to be suffered corporally through working, which was to heal the soul.

Consequently, 1936 was the year of the establishment of both the new penal system and the labor-based prisoners. Now, the subsequent developments in the legal framework will be delineated. In 1938, Saraçođlu reported to the Assembly about improvements in the penal system. In addition to İmralı, Edirne and Isparta, a new prison had been established in Zonguldak. With 350 convicts, Zonguldak was the “richest” one; the reason for this, according to Saraçođlu, was the good activities of the officer and engineers there. İmralı had 400 prisoners and had improved facilities with various buildings such as a fish house, workshops, stables, gendarmerie building, and roads all over the island. There were 200 people in Edirne cultivating crops. For harvest in İmralı and Edirne, the Ministry planned to send additional 350 and 300 convicts, respectively. With the other supplementations, the population of these four prisons, which was 1,025, would be doubled in two months. A juvenile reformatory was founded in Edirne with a capacity of 200 children sentenced for more than six months, while shorter ones tried to be confined locally. The children in Edirne were also occupied in light agricultural work, and trained under teachers. Besides, in some old prisons production began to be made thanks to the activities of the prosecutors. İstanbul, Adana, Sinop, Aydın, Manisa, Bergama and, most successfully, Ankara were prisons with workshops.<sup>120</sup>

The same year saw the establishment of the foundational skeleton of the administration of prison houses. This completed the process of structural integration of the age-old prisons to the state, which had begun in 1929 with the transfer of prisons from the Ministry of Interior to the Ministry of Justice. In 1938, under Code

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<sup>120</sup> "Adliye Vekâleti Bütçe Görüşmeleri," 172-73.

No. 3500, the General Directorate of Prison Houses (*Cezaevleri Umum Müdürlüğü*) was established. The divisions of the Directorate were of importance here: The first division was responsible for the labor-based prisons, and the second one for the others. In other words, a few labor-based prisons were entitled to constitute the first division, while hundreds of others were in the second division (degree). Moreover, the director of the first division would also be the vice-director of the General Directorate. Consequently, the new prisons were granted as the prisons of the period.

Additionally, according to the sixth article of the code, the labor-based prisons would have legal personality so that the jobs they undertook would be financed with their circulating capital: "In this regard, working becomes one of the usual aspects of prison life in Turkey."<sup>121</sup> This capital would consist of allocations from the state budget, profit as a result of business made with this money, and a withheld amount from the earnings of the convicts. In fact, the daily wage of the prisoners would be determined by the Ministry of Justice, and would be given after deducting the provision costs, and would be banked until their release. The prisoner could not take this money if s/he was sent to central prison for inappropriate behavior.<sup>122</sup> In 1941, escapees were added to this last article. In addition, with the modification in 1941, reformatories were assigned under the same regulations with the labor-based prisons, such as legal personality and circulating capital.<sup>123</sup>

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<sup>121</sup> ("Bu suretle iş; Türkiye ceza evlerinde hapisane hayatının normal bir kaidesi haline gelmektedir.") *Cumhuriyet'in XV inci Yılında Adliye İşleri ve Teşkilâtı* in 1939, Catalog no. [PMRA, 490.01 / 1467.1.1].

<sup>122</sup> "Adliye Vekâleti Cezaevleri Umum Müdürlüğünün Vazife ve Teşkilâtı Hakkında Kanun Lâyihası ve Adliye ve Bütçesi Encümenleri Mazbataları (1/1090) Görüşmeleri," *TBMM Zabıt Ceridesi* 26 (1938): 375-76.

<sup>123</sup> "Ceza ve Tevkif Evleri Umum Müdürlüğünün Vazife ve Teşkilâtı Hakkındaki 3500 Sayılı Kanuna Bazı Maddeler İlâvesine Dair Kanun Lâyihası ve Bütçe ve Adliye Encümenleri Mazbataları (1/626) Üzerine Görüşmeler," 220.

Naturally, this and some other changes in positions needed to be reflected in wages and ranks. In the rank-list of the members of the whole prison administration in 1938 were the general director with a salary of 100 liras, the vice-director and director of first division with 75 liras, and the director of second division with 55 liras. In addition, there were seven ranks for directors of prisons ranging from 20 liras to 55 liras. While there were 24 director positions in the lowest rank (20 liras), in the highest one there were two: Edirne and İmralı. Similarly, among thirteen doctors, the one who worked on İmralı had the highest salary, namely the highest rank.<sup>124</sup> We have insufficient knowledge about the persons in the high positions, but a couple of documents give some information: In 1939, nine personnel were assigned to the Ankara Juvenile Reformatory: A director, two officers also as teachers, a stockroom officer, a clerk, three servants, and a cook. The salary of the director was 150 liras while the lowest one was 30 liras of servants.<sup>125</sup> In 1940, Arif Güngören was assigned to the directorship of the General Directorate of the Prison Houses with a salary of 100 liras. He was the chairman of the court for heavy penalties in Ankara ("*Ankara Ağır Ceza Mahkeme Reisi*").<sup>126</sup> Baha Arıkan, who had been a first class judiciary inspector with 80 liras of salary, became in 1941 the director of the Prison Houses with 100 liras of monthly wage.<sup>127</sup> On June of 1944, Sakıp Güran, who had been the vice-director of Prison Houses and director of the first division, was promoted to be the director of the Prison Houses with a salary of 100 liras. His rank

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<sup>124</sup> "Adliye Vekâleti Teşkilât ve Kadrosunda Yapılacak Değişiklik Hakkında Kanun Lâyihası ve Adliye ve Bütçe Encümenleri Mazbataları (1/1006)," *TBMM Zabıt Ceridesi* 25 (1938).

<sup>125</sup> 22/07/1939, Catalog no. [PMRA, 30..18.1.2 / 88.72.15, file: 25-51].

<sup>126</sup> 19/06/1940, Catalog no. [PMRA, 30..11.1 / 139.18.18].

<sup>127</sup> 29/05/1941, Catalog no. [PMRA, 30..11.1 / 146.13.11].

was also heightened.<sup>128</sup> Two years later, in 1946, his personnel rank was again raised.<sup>129</sup> These numbers, namely the wages, will be significant to understand the dimension of the bonus system, which will be described in the last section of this chapter.

Continuing with the speeches of the Ministry of Justice, in 1943, Menemencioğlu reported to the deputies that there were 8,000 convicts who could work for a long time, from an aggregate 17,671 convicts. Of these 8,000 prisoners, 4,050 were in labor-based prisons, 879 were employed in public jobs, and 2,192 were employed in old prisons. The Dalaman Agricultural Colony was in a trial period that year with its 400 convicts. Menemencioğlu explained that the production in Isparta was high quality, and continued that all women were employed in a factory in Kayseri. He claimed that these women were very content. On the other hand, the wages of the convict-workers varied: 80-100 piasters in general, but for instance, it was 250-300 piasters in Karabük. He accepted that even if in some places more money was given, in others the wages could be insufficient for provisions and clothes so that they could become indebted to the establishment. In addition, the number of escapes in 1942 was 101. This high number was due to the poor security of the agricultural prisons; for instance, in the construction period of Dalaman, escapes were frequently encountered. The cash capital of the labor-based prisons was 129,625 liras in 1943. Additionally, they had 467,000 liras of immovable property, 13,000 liras of agricultural and other equipment, and 67,000 liras of stored food.<sup>130</sup>

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<sup>128</sup> 20/07/1944, Catalog no. [PMRA, 30..11.1 / 168.20.5].

<sup>129</sup> 18/07/1946, Catalog no. [PMRA, 30..11.1 / 185.27.11].

<sup>130</sup> "Ceza ve tevkifevleri umum müdürlüğünün Vazife ve Teşkilâtı hakkındaki 3500 sayılı kanunu değiştiren 4077 sayılı kanunun bazı maddelerinin değiştirilmesine dair görüşmeler," *TBMM Zabıt Ceridesi* 30 (1943): 165.



Menemenciođlu described the works of the Construction Prison. Until 1943, construction teams made up of convicts finished a juvenile reformatory in Kalaba, Ankara, for 120 children; buildings in Kayseri, Denizli, Balıkesir and Manisa for 300 people, and in Dalaman and Eskişehir for 400 people.<sup>131</sup> Additionally, İmralı was again an important part of the budget-justification speech of the Ministry of Justice. The population of İmralı had been increased to 1,100-1,200 convicts, but in the beginning years of 1940s it was reduced due to the provision problems. Some of them were transferred to other new prisons, and thus İmralı had 800 prisoners in 1943. In this regard, Menemenciođlu asserted that İmralı was already inappropriate for agriculture; therefore, beside cultivation, attempts were made to engage the convicts in manufacture. According to Menemenciođlu, in 1942 a crowded group from the Eminönü People's House organized a trip to İmralı. The visitors found the convicts "very quiet."<sup>132</sup> Financially, until 1943, 300,000 liras in total as circulating capital had been allotted to İmralı from the state budget, and in 1943, this amount reached to 500,000 liras after extracting all the costs of the preceding eight years.<sup>133</sup>

In 1945, the population of labor-based prisons was around 6,000. However, plans of the Minister of Justice began change slowly with the end of the war. In 1944, the Minister of Justice, A. R. Türel, mentioned huge central prisons for the first time. He declared that 467 prisons were not necessary for a country; a few huge prisons could accommodate and employ all criminals. Such a regulation would also be economical for the administration body of the penal system.<sup>134</sup> The following

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<sup>131</sup> Ibid.: 165-66.

<sup>132</sup> Ibid.: 166.

<sup>133</sup> "Adliye Vekâleti Bütçesi," *TBMM Zabıt Ceridesi* 2 (1943): 226.

<sup>134</sup> "Adalet Bakanlığı Bütçe Görüşmeleri - Mayıs 1945," *TBMM Zabıt Ceridesi* 17 (1945): 274.

year, Türel continued to explain these plans for future of the penal system in Turkey. First of all, huge central prisons were to be constructed instead of small and redundant prisons. On the other hand, the scope of the labor-based prisons was to be extended. One pillar of this was the workshops in the old prisons; an initial two were opened in 1944. This number reached 11 in 1945, and was to be 21 in 1946. “The work-dorms, according to the law, are institutions based on the employment of inmates, who had worked in the old prisons as a slave of individual capital, by the state with circulating capital.”<sup>135</sup> The other pillar was increasing the number of labor-based prisons and the population in them. In 1945, the Ministry of Justice and Economy made an agreement first to increase the number of prisoners in Zonguldak from 1,200 to 2,000, and second to establish new facilities in the Soma and Tunçbilek mines. Additionally, the population of Dalaman was to be augmented, as well as the activities of the construction team. In 1945, more than 5,500 prisoners were in labor-based prisons while this number reached 6,200 when those in workshops were added.<sup>136</sup> The success of this system was apparent: The labor-based prisons had taken an aggregate 519,022 liras from the budget until 1945. In ten years, they made a net profit of one and a half million liras after the deduction of all provisions and other costs.<sup>137</sup>

In 1949, the status of the labor-based prisons in regard to taxes was changed. With the amendment, these prisons with circulating capital became exempt of taxes

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<sup>135</sup> (“İş yurtları kanuna göre eski cezaevlerinde ferdi sermayenin esiri vaziyetinde çalışan hükümlerin Devlet eliyle ve Devlet tarafından konulmuş bir döner sermaye ile çalıştırılması esası üzerine kurulmuş müesseselerdir.”) “Adalet Bakanlığı Bütçe Görüşmeleri - Aralık 1945,” *TBMM Zabıt Ceridesi* 20 (1945): 221-22.

<sup>136</sup> There were 18174 convicts.

<sup>137</sup> “Adalet Bakanlığı Bütçe Görüşmeleri - Aralık 1945,” 221-22.

for construction, agricultural, industrial and other works, as well as of estate and land taxes for the real estate property they were working in.<sup>138</sup>

The speeches of the Ministers of Justice in the subsequent years revealed the development of the labor-based prisons in Turkey from 1936 to 1949. Even such an overall picture proves the apparent weight of the new prisons in the penal system. Their increasing population of labor-based prisons and opening of the work-dorms in the old prisons provide that a high proportion of the convicts who had a long sentence were covered by the employment system. On the other hand, the privileged position of the labor-based prisons did not prevent the government from erecting new conventional prisons in Anatolia. These construction projects will be described now because although they are beyond of the subject of this work, it will be claimed that the quality of treatment to inmates in general and the quality of the buildings and the facilities in particular are determined by the value given to human body, that is to say, to human labor. Therefore, the roots of the use of convict labor in some prisons on the one hand, and of building robust and clean prisons on the other can be found in the same process: the scarcity of labor in the early Republican era. In addition to this, as will be seen, the provincial demands for conventional prisons were hand in hand with the demands for prisons based on work.

### The Old Prisons

In the 1930s, new prisons besides labor-based ones were constructed, such as those in Bergama and Nazilli with a capacity of 110 people. Also, in subsequent years, new prisons were constructed in Aydın, Çorum and Malatya for 300, in Artvin

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<sup>138</sup> “Ceza ve Tevkifevleri Genel Müdürlüğü Teşkilât ve Vazifeleri Hakkında 4358 Sayılı Kanunda Değişiklik Üzerine Görüşmeler.” *TBMM Tutanak Dergisi* 18 (25.04.1949): 616. For the original code, see: “Ceza ve Tevkif Evleri Umum Müdürlüğünün vazife ve teşkilâtı hakkında kanun [Kanun No: 3500].” *T.C. Resmî Gazete* (13 Temmuz 1938): 10258-59.

for 200, in Bartın for 100 and in Yalova for 50 people. These prisons had such facilities as kitchens, respiration areas, infirmaries and laundry, and the detainees would be separated from convicts, as well as women from men and juveniles from adults.<sup>139</sup>

The construction of robust prisons was one of the demands of the governors of the towns from the central government. In 1933, the complaints of the congresses in provinces (*vilayet kongreleri*) directed to the Ministry of Justice included the unhealthy and dilapidated state of the prisons there. Many provinces requested that one of the prisons to be constructed be located in their county, such as Kütahya, Malatya,<sup>140</sup> Çankırı, Aksaray, and Bolu. The ministry replied to these demands positively; its general reply to the provinces was that the locations of the future prisons had not been decided yet, but that an expert from Italy was to be brought to the country to investigate this crucial issue. Of interest is that the term in the replies to Malatya and Kütahya was “modern prisons” (“*asrî hapishaneler*”), which were the only places which would have labor-based prisons in the near future among the recipients of the ministry’s replies. This term also was used then in the meaning of labor-based prisons. It can be thus concluded that some of the places of new factory prisons were still being determined in the beginning of the 1930s. However, the reply of the ministry to Manisa is interesting in this issue. It was said that the wish of Demirci jurisdiction was to be considered during the programming process of the employment of convicts and detainees, but it was not finished yet. It was clearly

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<sup>139</sup> *Cumhuriyet’in XV inci Yılında Adliye İşleri ve Teşkilâtı* in 1939, Catalog no. [PMRA, 490.01 / 1467.1.1].

<sup>140</sup> For a request only about Malatya, see: 12/12/1933, Catalog no. [PMRA, 30..10 / 81.533.7].

understood that a demand from Demirci for convict labor had been expressed in its correspondence.<sup>141</sup>

In 1937, two prisons, in Bergama and Nazilli, were finished. In 1938, Aydın, Çorum, Malatya, Artvin, Bartın and Yalova Prisons were in the process of construction. For the next years, Saraçoğlu planned İzmir and İzmit as places for new central prisons.<sup>142</sup> Furthermore, he gave the numbers of the prisoners in the country; it should be stressed that the majority of prisoners were murderers. In 1938, 8,000 of the 19,000 convicts and 3,800 of 10,000 detainees were murderers or murder suspects.<sup>143</sup>

In 1940, in the reports of the deputies who made trips to their election districts there were also points related to juridical issues and prisons. For instance, Salih Başotaç, deputy of Erzincan, suggested that an island in Fırat River be home to an agricultural prison with a capacity of one thousand prisoners. Bilecik deputy Dr. Muhlis Suner also wanted an agricultural prison in the Centrum. He claimed that the weather of Bilecik was very good, and that the city was very cheap; thus, the cost of both the prison and the reproduction of the prisoners would be low. Additionally, such a prison would be beneficial economically for the town. On the other hand, almost every deputy complained of a ruined prison in his district.<sup>144</sup> No doubt, the lives of prisoners in the Republic in the 1940s were not significantly different from the criticized Ottoman times. The reports of the deputies about their election districts reveal the tough conditions of the prisons in 1942. For instance, in Gaziantep, 600-

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<sup>141</sup> 04/12/1933, Catalog no. [PMRA, 490.01 / 500.2010.01]. The responses of the Ministry of Justice to the wishes of the provinces.

<sup>142</sup> "Adliye Vekâleti Bütçe Görüşmeleri," 177.

<sup>143</sup> Ibid.: 176.

<sup>144</sup> 23/03/1942, Catalog no. [PMRA, 490.01 / 1467.1.2].

800 convicts were living in an old church with inconveniences in health, correction and legality. The prison in Çankırı was sunless; Rize needed a new prison.<sup>145</sup> These are just a few examples.

In 1945, the complaints expressed to the Ministry of Justice were different; many deputies pointed out repeatedly the bad situations of the old prisons. The advocacy of the minister was based on the extraordinary war times. Türel explained that the construction activities were almost left completely for after the war because of the extremely high costs. However, he continued, the minister had taken some other measures to ameliorate the situation of the prisons. For instance, 7,500 prisoners in all of the old prisons were given one hot plate every day besides bread. Additionally, 75,000 units of underwear, 11,000 pieces of clothing, 1,350 pairs of shoes and 5,000 bedsteads were distributed to the prisoners. Türel asserted that, as a consequence, the death rate had declined: 376 people in 1943, 211 in 1944, and 180 in 1945 from 27-30,000 prisoners. Yet, he was aware that these measures in war years were palliative, but they had great benefits.<sup>146</sup>

In 1946, a short look at the requests related to the judiciary draws a picture full of insufficient and unhygienic prisons in Anatolia. Kayseri, Adapazarı, Siirt, the Çubuk district of Ankara, Karacabey in Bursa, Devrek in Zonguldak, Burdur, Bor in Niğde, and Ordu all wanted new buildings for prisoners. The deputies used the worst words to describe the existing prisons. Among complaints, they wrote that the convicts slept one on top of the other, the toilets were insufficient and unsanitary; the

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<sup>145</sup> 05/02/1942, Catalog no. [PMRA, 490.01 / 1467.1.3].

<sup>146</sup> "Adalet Bakanlığı Bütçe Görüşmeleri - Aralık 1945," 220-21.

buildings were falling down, as in Çubuk. As a solution, the deputies of Ordu offered that some of the convicts be sent to the new prisons.<sup>147</sup>

On the other hand, the deputies in Burdur suggested that the convicts be employed in the lignite mine in Sultandere. They explained that this mine was idle because no workers could be found. It could be made active by employing prisoners as in the Kisarna mineral water establishment in Afyon. Furthermore, they had made a survey among the convicts on whether they wanted to work in the lignite mine and had found 150 convicts ready to volunteer for such a job. The situation of the workshop in the prison was also evaluated in the report. There were 23 weaving machine, six stocking machine and three flannel machine. However, the convicts were not supported by the prison administration and made some work for the outside for only a small amount of money. The deputies wanted them also to be subsidized.<sup>148</sup>

The construction of new prison buildings was an expensive job; therefore such demands continued throughout the period. It is understood from an agreement of the cabinet that 168,673 liras were allotted in the budget of the 1937 for the construction of nine prisons. However, as the Ministry of Public Works forewarned that the construction could not be finished in the course of 1937, therefore it was allowed that a maximum half of the allocation could be spent the next year.<sup>149</sup> In other words, the Ministry of Finance intervened to guarantee that the prisons be built in at most two years. When the demands and the number of provinces without modern or healthy prison buildings are considered, this decree for only nine prisons

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<sup>147</sup> 02/04/1946, Catalog no. [PMRA, 490.01 / 515.2067.1].

<sup>148</sup> 02/04/1946, Catalog no. [PMRA, 490.01 / 515.2067.1].

<sup>149</sup> 15/09/1937, Catalog no. [PMRA, 30..18.1.2 / 78.79.18].

is illustrative. The diffusion of the government via prisons throughout the provinces of Anatolia was not the concern of the early-Republic; such diffusion will be seen in the first years of the Democrat Party Era.

In 1940, a code was passed regarding the construction of new prison buildings. Accordingly, the Ministry of Justice became authorized to make a debt commitment of at most 1.5 million liras with a maximum half a million yearly payment. Also, the Ministry of Finance became empowered to borrow from the national banks for the same purposes.<sup>150</sup> The buildings were to be constructed by the Ministry of Justice itself, not by the Ministry of Public Works. Fethi Okyar, the Minister of Justice, stated that their engineers would be the primary agents, but that they would also take help from the experts of the Public Works. Additionally, he claimed that the prison buildings would be erected according to a standard classified through capacities; in other words, three types of prisons for 100, 200, and 300 inmates.<sup>151</sup>

In the negotiations on the budget of the Ministry of Justice in 1945, the sanitary situation of the prisons was one of the issues. It was pointed out that the health standards at prisons were miserable. Especially, the typhus epidemic of 1943 hit the prison population seriously. Türel, the Minister of Justice, reported on the measures taken in response to this problem. The ministry had distributed clothes, shoes and underwear to the poor convicts. Additionally, steam cabinets (*etüv* and *buğu sandıkları*) had been sent to the prisons in order to clean the cloths of the insiders. Meal was also given to the poor for strengthening their physiological

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<sup>150</sup> "Ceza Evleri İnşası İçin İstikraz Akdine ve Sari Taahhüdat İcarsına Dair Kanun Lâyihası ve Adliye ve Bütçe Encümenleri Mazbataları (1/398) Görüşmeleri - II," *TBMM Zabıt Ceridesi* 13 (1940): 4.

<sup>151</sup> "Ceza Evleri İnşası İçin İstikraz Akdine ve Sari Taahhüdat İcarsına Dair Kanun Lâyihası ve Adliye ve Bütçe Encümenleri Mazbataları (1/398) Görüşmeleri - I," *TBMM Zabıt Ceridesi* 12 (1940): 164.



systems. On the other hand, because of the epidemics detainees and transferred convicts were closed in isolation rooms for fifteen days. Consequently, the minister stated, in 1944, typhus cases in the prisons had declined sharply.<sup>152</sup>

In conclusion, the unhygienic and insufficient properties of the old prisons in Anatolia were a serious problem for the local branches of the judicial administration. As we saw, some, probably insufficient, measures were taken. Nonetheless, our problematic is only the relation between these measures/complaints and convict labor. Pursuing the theoretical structure explained in the introductory chapter, it can be claimed that in the periods of low labor supply, the poor quality of the prisons *became a problem*. The reform discourse also became effective. However, in the beginning of the 1950s, as will be seen in the concluding chapter, the problem was more the luxury life in the İmralı Prison than the bad conditions of the old prisons.

### Labor-based Prisons as Companies

In 1943, Code No. 3500 about the duties of the General Directorate of Prison Houses was modified. The most important amendment was related to the extra payments that would be given to the employees of the labor-based prisons from the capital of the prisons. According to the 14<sup>th</sup> article, those who stayed even at night in prison and worked overtime would be assigned to take monthly a share from the profit of the prison in the preceding year.<sup>153</sup> This regulation deepened the privileged position of the labor-based prisons. The official employees of these prisons, like those of the corporations in the late-twentieth century, were subsidized and stimulated with a share proportional with their extra effort to make a profit.

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<sup>152</sup> "Adalet Bakanlığı Bütçe Görüşmeleri - Mayıs 1945," 263-64, 74.

<sup>153</sup> "Ceza ve tevkifevleri umum müdürlüğünün Vazife ve Teşkilâtı hakkındaki 3500 sayılı kanunu değiştiren 4077 sayılı kanunun bazı maddelerinin değiştirilmesine dair görüşmeler," 171.

The labor-based prisons were to sell their products efficiently for a sustainable profit. This was not a problem in the state enterprises, such as the mine establishments of Etibank or the textile factories of Sümerbank. However, agricultural colonies, namely İmralı, Dalaman and then Edirne, as well as the workshops in the prisons had to market grapes or carpets, which was a job in itself. As seen, İmralı had solved this issue by opening a shop in Mısır Çarşısı in the commercial center of İstanbul. As another example, for the Isparta New Prison, it was thought that marketing its carpets via an outside agent would increase costs. Therefore, it was decided that Sadık Bener, the stockroom officer of the Ministry of Justice, would take on this task. The carpets were first sent to the centre, namely the Ministry, and sold there by Bener to customers, either by cash payment or even by installments. In this regard, which is more important here, the Ministry decided to give to Bener extra payment from the circulating capital of the Isparta New Prison due to his overtime work. Consequently, with the approval of also the Ministry of Finance, 200 liras were given to Sadık Bener in November 1941.<sup>154</sup> According to the archival documents, this practice continued in the following years. In 1942, Sadık Bener was again entitled to take a premium.<sup>155</sup> It is seen that the amount of money increased in 1945 to 300 liras.<sup>156</sup> In 1946 and 1948, there were also two decisions of cabinet for him to take money from the capital of the Isparta New Prison.<sup>157</sup> In 1950, the Ministry officer was İsmail Uzgören, but the procedure was the same; it was declared that Uzgören gained the advantage of 300 liras bonus for his services in

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<sup>154</sup> 16/11/1941. Catalog no. [PMRA, 30..18.1.2 / 96.95.7].

<sup>155</sup> 24/11/1942. Catalog no. [PMRA, 30..18.1.2 / 100.97.14].

<sup>156</sup> 23/08/1945. Catalog no. [PMRA, 30..18.1.2 / 109.52.11].

<sup>157</sup> 28/05/1946. Catalog no. [PMRA, 30..18.1.2 / 111.38.10], and 23/01/1948. Catalog no. [PMRA, 30..18.1.2 / 115.86.5]

1949 on carpet sales.<sup>158</sup> In 1953, Uzgören, as an officer in the Directorate of Prison Houses, gained 400 liras for the carpet sales of Isparta and Sivas, which is the last record we have in the archives.<sup>159</sup>

Such a payout system was not peculiar for Isparta. The director of the Edirne New Prison, İsmail Hakkı, was given a 250 liras bonus for his high capability in the administration and his overtime work for the accounting of circulating capital in 1938.<sup>160</sup> Another prison that deserved bonuses was the Ankara Printing Prison. The printing house in it managed to make 3,000 liras profit in 1936-37; thus, the government remunerated its director Kemal with 125 liras and three employees in printing with 100 liras for each due to his overtime work.<sup>161</sup> The following year, in 1938, Ankara was also given premiums, but this time beside the administrators, two inmates, the workshop chief (*işletme şefi*) Kadri Arısoy and the stockroom officer (*ambar memuru*) İsmail Hakkı Çuldez earned 100 and 50 liras, respectively, while the prize of the director was increased to 200 liras. The same year, the public prosecutor of Ankara, Baha Arıkan, was also granted 250 liras of bounty.<sup>162</sup> The staff of the İmralı Prison was also remunerated only one year after its founding. Ahmed, working on accounting and administration, had 20 liras primary salary and was granted 3 liras. Ali also earned 2 liras beside his salary of 20 liras. Necati, with 40 liras salary, earned extra income. These were to be paid for from the circulating

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<sup>158</sup> 22/06/1950. Catalog no. [PMRA, 30..18.1.2 / 123.54.8].

<sup>159</sup> 12/10/1953. Catalog no. [PMRA, file: 21-34].

<sup>160</sup> 08/04/1938. Catalog no. [PMRA, 30..18.1.2 / 82.29.14].

<sup>161</sup> 18/06/1937. Catalog no. [PMRA, 30..18.1.2 / 76.56.20].

<sup>162</sup> 23/06/1938. Catalog no. [PMRA, 30..18.1.2 / 83.57.7] In the preceding reference, the surnames were absent; therefore, probably printing chief Kadri with 100 liras of bonus in 1937 is Kadri Arısoy. In other words, prisoners were also rewarded in 1937.

capital of İmralı.<sup>163</sup> Next year, the public prosecutor of Mudanya, Süreyya R. Ödüköğlü, was also qualified for his activities related to İmralı.<sup>164</sup>

The officers of new prisons were not the only ones to be rewarded. In 1941, it was decided that Sakıp Güran, the vice general director of Prison Houses, and Mehmet Özen, one of the vice directors of the Directorate of Accounting in the Ministry of Finance, were to be given 200 liras each due to their extra work on the administrative issues of circulating the capital of the new prisons. This payment was to be made from the circulating capital of the Prison Houses. This decision was based on the 22<sup>nd</sup> article of the Code No. 3656.<sup>165</sup> The following year, again Sakıp Güran and İhsan Ünal, an officer in the Ministry of Finance, were granted 250 liras each for their extra work on the accounting staff of the labor-based prisons and in the preparation of a report on them.<sup>166</sup>

It is understood that the remunerations explained were for individual cases, not as a wage throughout the year. For the employees in the prisons, this was not the case. The procedure of giving an amount of dividend from the profits of labor-based prisons to their employees for overtime, but as a monthly wage this time, had become almost a tradition in the 1940s. Thus, it is worth scrutinizing the details of this business.

An ordinance from the government dated 1944 announced that representatives, officers and employees in prisons with circulating capital, namely the İmralı, Ankara, Isparta, Zonguldak, Karabük, Dalaman, Kayseri, Değirmisaz and

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<sup>163</sup> 23/11/1937. Catalog no. [PMRA, 30..18.1.2 / 80.96.6].

<sup>164</sup> He gained 75 liras. 03/01/1938. Catalog no. [PMRA, 30..18.1.2 / 82.1.6].

<sup>165</sup> 31/05/1941. Catalog no. [PMRA, 30..18.1.2 / 95.45.20].

<sup>166</sup> 07/04/1942. Catalog no. [PMRA, 30..18.1.2 / 98.26.19].

Mine New Prisons, and the Ankara Juvenile Reformatory would be paid if they had spent some nights in the prison on business. The justification of this regulation was Article 14 of the Code No. 4358. The monthly wage system for premiums was first applied in this year. According to the ordinance, those above-mentioned employees earned an extra monthly salary the amounts of which was to be listed in attached documents for each prison.<sup>167</sup> In these lists, it is seen that the positions of the employees were decisive in the determination of extra salaries. For example, in İmralı, the prosecutor and director earned 130 liras, while guards were given 15 liras extra in 1944. The positions of those who deserved premium probably covered all branches of prison administration. In İmralı, these people were the director, guards and head guards, secretaries, chiefs of carpentry, construction, fishing and shoe making, administrative officers, even captains, doctors and other health employees. There were 30 people in İmralı who were entitled to receive premiums, and the monthly amount of this money was roughly 1,150 liras, which made exactly 13,620 liras for the year. These payments were given from the profits of the establishment from the previous year, which were 151,743 liras and 53 piasters in total for 1943. The proportion of the extra payments to the total profit varied; for example, only 4,200 liras from 80,732.13 liras of profit was given in Karabük, while in the Kayseri Women New Prison 3,300 liras were expended from 13,355.63 liras for the employees deserving extra payment. On the other hand, the salaries given were related to the nominal profit of the foundation. For instance, in the same year, the head of the prisons was decided to receive between 75 and 140 liras a month, but the director of Isparta received only 30 liras in addition to his regular wage. Probably the

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<sup>167</sup> 15/11/1944. Catalog no. [PMRA, 30..18.1.2 / 106.79.1, file: 21-44].

cause was that the aggregate profit of Isparta in 1943 was less than half of the second least profitable prison, Kayseri.<sup>168</sup>

In 1945, the same activity continued. The only difference was the increased number of prisons with private capital. The Malatya and Keçiborlu New Prisons, as well as the İzmir and Üsküdar Prison Work-dorms were added to the list.<sup>169</sup> When we came to 1946, addition to the prisons in the preceding year, the Construction New Prison with work-dorms in Rize and Safranbolu Prisons gained bonuses, or simply were founded anew.<sup>170</sup> Consequently, in the following years similar ordinances were promulgated by the prime ministry. The latest document I found is dated 1954. The prisons mentioned in the ordinances were changed in the course of these ten years, from 1944 to 1954.

The tables attached at the end of this chapter are compiled from these data and would be explanatory. Table 1 below demonstrates the prisons which were referred to in the regulations each year, and gives the profits of each prison for each year if they were attached to the regulations. Table 2 shows the extra monthly wage given to the directors of each prison; although we have each wage given to the staff of the prisons, in order to be able to demonstrate both the years and the prisons, I chose the highest rank, namely directors, as representatives. It should also be said that the data do not correspond each other exactly. For instance, in a correspondence dated 1951, it was stated that the employees of the 18 new prisons or prison work-dorms were granted premiums. However, there are only four prisons in the attached list, which shows “the net profits of the labor-based prisons, reformatories and the

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<sup>168</sup> [PMRA, file: 21-44].

<sup>169</sup> 06/12/1945. Catalog no. [PMRA, 30..18.1.2 / 109.74.3].

<sup>170</sup> 18/05/1946. Catalog no. [PMRA, 30..18.1.2 / 111.35.11].

prison workshops.”<sup>171</sup> The justification of this issue will be more apparent with the examination of interventions of the Ministry of Finance below.

The assignment of a salary from the profits of the prisons was offered every year by the Ministry of Justice, then requested from the necessary administrative branches, and accepted by the cabinet. The crucial branch was the Ministry of Finance. In 1945, initially, the Ministry claimed that the officers and employees should stay nights *all* days of the month and should work outside regular working hours in order to gain extra payment. A deduction for the nights passed outside was offered, and it was requested that these remarks should be added to the regulation. However, the Justice criticized this attempt on the ground that the labor-based prisons should be promoted and such constrictions were needless and undermining the purposes of establishment of labor-based prisons. Its report explained that Article 14 of Code No. 4358 had been active for two years, and the profits of the new prisons had increased from 202,823.26 liras in 1942 to 531,527.3 liras in 1944. The ministry also asserted that the wage system was accomplished and thus deductions according to the calculation of days were inappropriate.<sup>172</sup>

In 1947, the Ministry of Finance reasserted similar criticisms in its evaluation of the extra wages to be given to the employees of the new prisons, but the result was again on behalf of the Ministry of Justice. Moreover, the Ministry of Finance demanded explanations of the increase and decrease in the offered wages for some prisons. It was pointed out that the wage of the director of the İzmir Prison

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<sup>171</sup> All information is gathered from these documents in addition to the already referred ones: 28/08/1947, Catalog no. [PMRA, 30..18.1 / 114.58.8]; 14/07/1948, Catalog no. [PMRA, 30..18.1.2 / 117.50.12]; 15/08/1949, Catalog no. [PMRA, 30..18.1.2 / 120.60.15]; 21/02/1950, Correspondence in [PMRA, file: 21-76]; 14/12/1951, Catalog no. [PMRA, 30..18.1 / 127.90.19]; 18/11/1953, Correspondence in [PMRA, file: 21-76]; 09/04/1954, Correspondence in [PMRA, file: 21-76].

<sup>172</sup> Correspondence, dated 03/12/1945, from the Ministry of Justice to the Prime Ministry, in [PMRA, file: 21-76].

Workshop had been increased from 40 to 100 liras, which needed clarification. Additionally, a request had been made to raise the wage of the director of the Ankara Reformatory by 20 liras. The fundamental critique of the Ministry was about the high premiums assigned to directors and representatives of the prisons. It was said that they generally were in positions such as public prosecutor or judge simultaneously with the prison administration, and thus they already had perquisites (*yargıçlık ödeneği*) for these occupations. As a result, it was unnecessary to grant additional wages to them. Nonetheless, the Ministry added that the government had already raised all employees' salaries. The reply of the Ministry of Justice was on the grounds of incentive policies and the yearly profits of the prisons. It was argued that there had also been decreases in wages where the profits had fallen. Some establishments such as Üsküdar and Rize, which had taken premiums the previous year, and such as İstanbul, Muğla, Mardin and Eskişehir, which were new, had not been granted any wage contributions due to insufficient profits.<sup>173</sup> It was added that the Ministry of Finance had paid attention to the same issue in 1946, but its requests had been rejected.<sup>174</sup>

Insistently, the Ministry of Finance made same remarks in its 1949 report on the extra payments,<sup>175</sup> but the winner was again the Ministry of Justice.<sup>176</sup> However, in 1951, the report the vice-Minister of Justice wrote to the Ministry that the employees should stay *all* nights of a month in prison in order to be assigned a

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<sup>173</sup> Correspondences, dated 02/07/1947 and 15/08/1947, from the Ministry of Justice and Finance to the Prime Ministry, in [PMRA, file: 21-76].

<sup>174</sup> Correspondence, dated 22/08/1947, [PMRA, file: 21-76].

<sup>175</sup> Correspondence, dated 15/08/1949, [PMRA, file: 21-76].

<sup>176</sup> 16/08/1949. Catalog no. [PMRA, 30..18.1.2 / 120.60.15, file: 21-76].



premium; otherwise deductions should be made for the nights stayed at home.<sup>177</sup> Furthermore, in 1954, the Minister of Justice wrote to the Prime Ministry advocating the same procedure.<sup>178</sup> The result of the correspondences is unknown, unless the extra wages declined in the beginning of the 1950s, as seen in Table 2.

### Concluding Remarks

The economic-legal structure of the penal system and the prison houses is not only significant in itself, has also some implications to understand the governmentality of the Single Party era. The picture of this structure calls to mind the bureaucracy of the transnational corporations and new managerial class of the late twentieth century, and this brings forth the concept of bureaucracy, naturally. In this regard, the thoughts of Weber can be helpful.

According to Weber, in order that social actions constitute a ‘law,’ not usage, customs or convention, but law, “‘a staff of people’ whose members will use ‘physical or psychological coercion’”<sup>179</sup> is required. Therefore, not only the people in the administrative branches are crucial for a bureaucracy, but also the people in legal branches are crucial for a “rational” law. ‘The issue of judges,’ to my mind, is still waiting to be written as a social history; however, the penal system is also in the intersection point of bureaucracy and law. Therefore, people like İbrahim Saffet Omay, or Sakıp Güran, as well as the staff of the labor-based prisons (and only of those), who received bonuses, constituted to some degree the legal structure, or the law itself. Then, what is the relation of these people with the economic domain?

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<sup>177</sup> Correspondence, dated 10/01/1951, [PMRA, file: 21-76].

<sup>178</sup> Correspondence, dated 14/04/1954, [PMRA, file: 21-76].

<sup>179</sup> Richard Swedberg, *Max Weber and the Idea of Economic Sociology* (Princeton: Princeton University Press, 1998), 84.

Weber situated three “legal prerequisites of modern/rational capitalism:” “advanced commercial contracts,” “a legal concept of the modern corporation,” “a calculable legal order.”<sup>180</sup> The last two are related to our issue. The concrete form of the legal concept of the modern corporation is *legal personality*, which means “the complete separation of the legal spheres of the members from the separation constituted legal sphere of the organization.”<sup>181</sup> Moreover, the separation would not only be legal but also economic. In Swedberg’s words, according to Weber,

A modern economic enterprise constitutes a legal personality in this sense but in addition must fulfill the following two conditions: it must have capital, and its members must be able to share in its profits.<sup>182</sup>

Legal personality, capital of its own and share from the profit to its members. These are the properties of a corporation of modern/rational capitalism for Weber, and are also the stressed properties of the labor-based prisons in Turkey. In a Weberian sense, we are dealing not with some prisons but, as indicated in the title of the previous section, with companies. A question emerges then: Should we treat the early-Republican Turkey as a modern capitalist corporation, or, more conventionally, as a bureaucratic state? In other words, what is difference between governmentality of big firms and of the state?

Weber once implicated that they were similar, and once stated that there is a difference, but in both cases he did not make an in-depth explanation.<sup>183</sup> However, it is known that he described bureaucracy as inhuman: “a career based on seniority and achievement,” hierarchy, efficiency, speed, predictability, “they carry out their work

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

<sup>181</sup> Quoted from Weber in *ibid.*, 102.

<sup>182</sup> Ibid.

<sup>183</sup> Ibid., 63, and 236 (fn. 28).

in a precise and impersonal way, with a minimum of feelings.”<sup>184</sup> These are characteristics of the purest form of bureaucracy, but only to some degree of the legal/penal staff explained in this study. In contrast to being impersonal, people like Omay and Güran are representatives of energetic and creative managers; the latter has one work and the former has two works published about the penal system and penal issues. Moreover, it seems that first the second-division of the General Directorate of Prison Houses, and also the sub-divisions of it had autonomy. The circulating capital of the divisions/prisons supports this argument economically, as well as their legal personality, legally. Therefore, the labor-based prison system seems more as a rational-capitalist corporation than as a purest bureaucratic state apparatus. More accurately, it includes the characteristics of both of them.

Then we have corporations but in the state. Weber classified also the corporations tied to the state, however, as foundations not of rational capitalism but of “political capitalism.”<sup>185</sup> Nonetheless, for Turkey, Sümerbank and Etibank should also be incorporated into the analysis. These firms had autonomy in itself regardless of that most managers of them were also in the parliament. It seems that not the members of the state constituted corporations from above, but the managerial-technocratic class constituted the state itself.

Consequently, changing the conventional terminology, it would be helpful to think of the Singly Party state of Turkey as a modern-rational/capitalist corporation, like the transnational ones of today, and of the bureaucrats as the technocratic managerial class. In such an analysis, the sociology of the government would not stem from the intentions of the ruling cadres, but from both their practices and, more

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<sup>184</sup> Ibid., 62.

<sup>185</sup> Ibid., 103.

importantly, their *economic-legal organization*. Still a structuralist approach, but from below.

Table 1 The net profits of the labor-based prisons

The Labor-based Prisons	1943**	1944*	1945*	1946*	1947*	1948*	1949*	1950*	1952*
Zonguldak New Prison	34967.93	52417.85	47499.47	45237.90	124882.16	181912.63	238311.17		
Ankara Juvenile Reformatory	23647.10	13463.95	11576.94	14484.52	18718.79		19569.23	17698.26	22797.28
Maden New Prison	18132.46	31735.64	24252.36	33987.31	38698.37	64775.74	21736.24		
Değirnisaz New Prison	52445.95	70320.18	21569.09	47112.70	51638.71	61930.81	33825.66		9366.10
Karabük New Prison	80732.13	85759.59	32945.09	64624.69	101566.72				
Kayseri Women New Prison	13355.63	16158.34	14391.65	22786.46					
Isparta New Prison	5219.15	7500.00	3500.00	5182.77	9215.65	9148.90	48164.37		
İmralı New Prison	151743.53	137471.53	97541.04	70415.00	68170.36	64836.68			
Dalaman New Prison	23270.98	26728.64	27090.16	19782.28	26752.88				
Ankara New Prison	29638.20	28482.73	26465.28	59478.39	50645.80	51925.82	48932.82	22509.94	62100.22
Malatya New Prison		45521.60	28991.71	54422.89	47940.55				
Eskişehir Women New Prison					19361.67	6093.97	5399.27		
Soma New Prison				19976.35	19998.75	23813.72	38190.23		
Keçiörlü New Prison		6966.99	5104.37	6531.93	6050.89	5871.97			
Sivas New Prison				6338.30	15698.66				
Tunçbilek New Prison				2289.95	14002.95	28806.57	45895.13		11280.42
Construction New Prison			83464.87	17298.19					
İzmir Prison Work-dorm		4304.26	6901.75	20652.66	19866.28	6094.62	10709.22	3322.27	9896.74
Ankara Prison Work-dorm				6571.81	9790.30	6126.55	4306.19	5420.97	2616.46
Sinop Prison Work-dorm				4645.29	3010.93				
Toptaşı Prison Work-dorm				2585.00	2697.12	4822.52	2795.02		
Kütahya Prison Work-dorm				1837.59	2174.53	4643.20	24221.95		
Safranbolu Prison Work-dorm				728.78	6894.95	5332.24	1643.93		
Üsküdar Prison Work-dorm		3487.31	1864.12		6573.79	4633.13	1885.52		
Eskişehir Prison Work-dorm					3551.56				
Muğla Prison Work-dorm					4426.57				1232.56
Rize Prison Work-dorm			813.00			1458.72			
Kastamonu Prison Work-dorm						1844.03			5297.23
Giresun Prison Work-dorm						2380.47	2611.35		1012.16
Aydın Prison Work-dorm				4523.40		7669.92			3606.14
İstanbul Prison Work-dorm						2339.74			
Seyhan Prison Work-dorm						7500.01	10730.31		6844.28
Bursa Prison Work-dorm							4062.69		3213.82
Denizli Prison Work-dorm									3894.95
Total***	433153.08	530318.61	433970.90	531494.16	672328.94	553961.96	562990.30	48951.44	143158.36
Total		522893.41					563990.30		143158.36

\* PMRA File: 21-76

\*\* PMRA File: 21-44

\*\*\* Computer Calculation

Table 2 The extra monthly wage of the directors of the labor-based prisons\*

The labor-based prisons	1944	1945	1946	1947	1948	1949	1950	1951	1952	1953	1954
Zonguldak New Prison	150	150	150	150	150	140					
Ankara Juvenile Reformatory	70	90	60	80	90			30			
Mine New Prison	100		150	150	150	90					
Değirmisaz New Prison	75	90	90	90	90	90					
Karabük New Prison	100	120	120	120	50						
Kayseri Women New Prison	80	120	80	80	100	40					
Isparta New Prison	30	50	20	25	40						
İmralli New Prison	130	140	140	140	140	140					6
Dalaman New Prison	80	90	130	120	130						25
Ankara New Prison	120	140	140	140	140	140		24			70
Malatya New Prison			60	60	60						
Eskişehir Women New Prison					100	40					
Soma New Prison				20	60	70					
Keçiborlu New Prison		80	60	60	60	60					
Sivas New Prison				40	40						
Tunçbilek New Prison				10	10	40					
Construction New Prison			20	20							
Edirne New Prison											60
İzmir Prison Work-dorm		40	40	100	100	40		17			
Ankara Prison Work-dorm				10	60	40					
Sinop Prison Work-dorm				25	20						
Toplaşı Prison Work-dorm				14	15						
Kütahya Prison Work-dorm				15	20	25					
Safranbolu Prison Work-dorm			30	5	30	25					
Üsküdar Prison Work-dorm		25	7		25	25					
Eskişehir Prison Work-dorm					20	20					
Muğla Prison Work-dorm					25						
Rize Prison Work-dorm			7			20					
Kastamonu Prison Work-dorm						15					35
Giresun Prison Work-dorm						20					
Aydın Prison Work-dorm				25		35					35
İstanbul Prison Work-dorm						20					
Seyhan Prison Work-dorm						50		26			
Bursa Prison Work-dorm											
Denizli Prison Work-dorm											
Çankırı Prison Work-dorm						1					

\* Source: PMRA File: 21-44 and 21-76.

## CHAPTER III

### WORKING OUTSIDE – INDUSTRIAL PRISONS

If we must have prisoners always with us, and it seems as if we must, what can be better than that at all events the young and strong among them should lead a healthy, invigorating outdoor life of productive labor?

Constance A. Barnicoat, 1904<sup>186</sup>

The economic history of the 1930s and the 1940s in Turkey, as of many countries in the world, cannot be understood unless the extraordinary conjecture is taken as the primary structural restriction or condition. As is widely known, protectionism and etatism in the economy became the drawing tools of the government in these years. The economic policy of Turkey can be labeled etatist from 1931 on, the final year of the transition period of 1929-1931.<sup>187</sup> In fact, historians use the term “import substitution” for the years of 1923-1950,<sup>188</sup> which is generally attributed only to the period between 1960 and 1980 in Turkey. What is important for the questions at hand is that this period faced a great leap of industrialization under state supervision.

The symbol of this leap was the first Five-Year industry plan of 1934, which was promulgated by Celal Bayar, Minister of Economy, who had replaced Mustafa Şeref Özkan in 1932. The plan was very comprehensive and had pretentious goals. One of these is significant in order to understand state-labor relations in the ongoing

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<sup>186</sup> Constance A. Barnicoat, "The Government Prison Settlement at Waiotapu, New Zealand," *International Journal of Ethics* 14, no. 4 (1904): 444.

<sup>187</sup> İlhan Tekeli and Selim İlkin, *1929 Dünya Buhranında Türkiye'nin İktisadi Politika Arayışları* (Ankara: Orta Doğu Teknik Üniversitesi, 1977), 1-2.

<sup>188</sup> İlhan Tekeli and Selim İlkin, *Uygulamaya Geçerken Türkiyede Devletçiliğin Oluşumu* (Ankara: Orta Doğu Teknik Üniversitesi, 1982), 185-87, Yahya Sezai Tezel, *Cumhuriyet Döneminin İktisadi Tarihi*, 4 ed. (İstanbul: Tarih Vakfı Yurt Yayınları, 2000), 273.

period. The number of workers in enterprises covered by *Teşvik-i Sanayi Kanunu* was 64,988 in 1932, and would be increased, according to plan, by 15,500 more workers. Hence, there would be 25 percent additional employment. Many of these workers would work in the mining factories in Ereğli, Zonguldak, Ergani and Keçiborlu.<sup>189</sup>

Leap was the right word. The most rapid sectors of the plan were the weaving industry and some factories of *Türkiye İş Bankası*: namely, Zonguldak (coal), the glass factory and the Keçiborlu brimstone factory. In addition to these, Karabük (iron), Ergani (copper) and Gemlik (near silk) Factories were finished before World War II began. The process seemed to be appropriate to the plan; actually the capacities of the new factories even exceeded the forecasts, yet the production did not. The conditions of the war years and the insufficiency of the labor supply circumvented the realization of production targets of the plan.<sup>190</sup>

The scarcity of labor was the most significant problem of industry. The vast amount of people in Turkey was peasants and worked in industries only for a short period to pay their debts and contribute to the no-longer-subsistence economy of their households. Hence, the lack of a steady labor force for factories. All intellectuals and advisers, also the state officials, pointed out this issue in their writings. High turnover rates restrained the making of a qualified working class that was urgent for a mechanized and productive industry. Samed Ağaoğlu, a contemporary and eminent intellectual, was only one example who warned about the need for a steady laboring class in order to be able to train them in accordance with

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<sup>189</sup> Tekeli and İlkin, *Uygulamaya Geçerken Türkiyede Devletçiliğin Oluşumu* 180-93.

<sup>190</sup> *Ibid.*, 198-99.



the new requirements of industrial production process.<sup>191</sup> On this issue, the most interesting and useful numbers are given by Ahmet Ali Özeke. He, as Ağaoğlu, stated the problem as the insufficiency of professional-steady labor, not labor generally. The typology demanded was the man who had chosen to be a lifelong industry worker and was living with his family near the factory area. Yet, the fact was contrary. In 1941, the turnover rate in Karabük Iron Factory was 68.3 percent, while in the Ergani copper mines it was 247 percent. In 1935, a worker spent averagely 17 days in mines in Ereğli basin, and, in 1936, 14 days.<sup>192</sup>

There was a great need of labor in the mines by government in the war years, namely the great need for coal. One aspect of the issue was the railroads. In the beginning of the 1940s, the mobilization caused an increase in the volume of transportation; in other words 1-1.5 million soldiers were in a situation of displacement. Independently, the route of international trade in Turkey was changed. The ports of Mersin and Iskenderun were replacing in importance of the ports of İstanbul and İzmir. Now the goods were transported between these ports and industries in the West of the country. These developments gave rise to the demand of coal in railways. An another aspect was the Firing Code (*Mahrukat Kanunu*) which stimulated people to heat with coal instead of wood. In cities the coal heater replaced the wood stoves. In addition apartments with central heating were becoming more common. Some industries like the İzmir İstiklâl Ice Factory, the Isparta Yarn Factory, and the Adana Millî Textile Factory were shifting their energy source from

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<sup>191</sup> Samet Ağaoğlu, "Kalifiye İşçi Meselesi," *İktisadi Yürüyüş* 4, no. 48 (1941): 5.

<sup>192</sup> Ahmet Ali Özeke, "Türkiye Sanayiinde İşçilik Mevzuunun İktisadî Problemleri," in *Ordinaryüs Profesör İbrahim Fazıl Pelin'in Hatırasına Armağan* (İstanbul: İsmail Akgün Matbaası, 1948), 241. Turnover rates were calculated by dividing the number of workers who were employed during the year in question to the number of workers who were already working at the beginning of that year.

fuel-oil to coal. Consequently, coal consumption and need increased rapidly in the 1940s.<sup>193</sup>

However, the labor problem was not only the fruit of the war years. In fact, such a problem became acute in the middle of the 1930s. In the 1920s, the state was not directly involved in the production realm of the country, especially coal production. In Ereğli basin, peasant-workers living in the near villages worked underground for short periods, only to earn necessary amount of money for taxes, and turned back to their land. As Nurşen Gürboğa demonstrates in detail, this situation was not a problem for the managers in the basin as long as this kind of unstable workforce was unskilled and cheap, which was well appropriate with the labor-intensive production process.<sup>194</sup> However, with the 1930s, this situation changed: the state penetrated into the sphere of production through industrialization plans.

By the mid-1930s, the high coal prices and stagnant coal production began to clash with the targets of the Five-Year Industrial Plans of the government. The existing situation would impede the attainment of cheap and abundant coal in the service of the public sectors, particularly in the Karabük steel and iron plants and the state railways.<sup>195</sup>

The immediate result of these developments was a great demand to labor in the mining sector as well as in other industries. The above mentioned labor shortage became thus a problem in the middle of the 1930s, namely before the war began. Nonetheless, the answer of the state to this problem was using “means of extra-

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<sup>193</sup> Ahmet Ali Özeken, *Türkiye Kömür Ekonomisi Tarihi* (İstanbul: Millî Mecmua Basımevi, 1955), 123-30.

<sup>194</sup> “Along with the geographical constraints, the choice of labor intensive production with low wages brought about more opportunities to the companies than the relative cost advantages of mechanization in such a stagnant coal market.” Nurşen Gürboğa Koraltürk, *Mine Workers, the State and War: The Ereğli-Zonguldak Coal Basin as the Site of Contest: 1920-1947* (Unpublished Ph.D. Dissertation, Boğaziçi University, 2005), 397.

<sup>195</sup> Ibid.

economic coercion,”<sup>196</sup> namely acts for binding workers to pits, compulsory labor regime and using convict and soldier labor.

In addition to the lack of a steady industrial working class, absenteeism in workplace was another aspect of worker instability. Özeken indicates that in 1941, 18,576 working days were missed in the Beykoz Leather Factory, while 8,803 of them had no excuse. In 1942, at least 150 workers were absent daily at the Beykoz, Bursa Merinos and Defterdar Yünlü Factories. In another example from mines, in Guleman East Chromes, in July of 1943, 105 of 402 workers came only 10-15 days to the factory, and only 116 of them worked 30 days. The reason was that they were either going to another more profitable job immediately, such as roadwork, railroad, or port works, or they were already working two jobs simultaneously, such as being a miner and a shepherd, a plowman or a salesman. Furthermore, health problems, especially malaria, played a role in absenteeism.<sup>197</sup>

As a provocative instance, the contribution system should be considered, for the purpose of that was “to attach the worker to the factory.” In the Sümerbank enterprises, one and the first of the contribution types was “bonus for regular attendance” (*devam primi*), which was constituted especially for summer months

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<sup>196</sup> Gürboğa gives a perfect summary of the transformation: “Until the 1930s, the rotational work pattern of the mine workers and the continuation of subsisting agriculture ran to the benefit of the companies. However, in the changing conditions in the 1930s, the flexible work pattern began contradict to the production targets. To increase production levels, the companies had to employ more workers in the mines. However, as a result of the low wage policy of the companies, the mine workers arranged their work cycles between mining and farming in accordance to the requirements of subsisting agriculture. At this point, the prevalence of rural pursuits over mining companies were faced with a labor shortage and increases in wages. The free movement of workers between the mines in search of better working conditions and higher wages created a competitive labor market to the detriment of the coal operators. The only way to cope with such problems was to restrict the free exchange of labor and to bind the workers to the mines by means of extra-economic coercion.” *Ibid.*, 400.

<sup>197</sup> Özeken, "Türkiye Sanayiinde İşçilik Mevzuunun İktisadî Problemleri," 243-44.

when workers returned to their villages for harvest. Accordingly, those who regularly worked in these months were to be entitled to receive a bonus.<sup>198</sup>

According to a regulation about rotational workers in the Ereğli basin, a worker-agent who was responsible for finding and dispatching workers to the mines would earn a bonus for workers' attendance. In winter time, if a worker had worked 30 days a month, he would earn two piasters in addition to his wage; interestingly, if the worker had worked 15 to 30 days, he would gain one piaster. In summer time the amounts increased: For 30 days four piasters, for 20-30 days three piasters, and for 15-20 days 1.5 piaster were given as bonuses. Additionally, the officers assigned to be responsible of worker-agents were awarded bonuses equal to one-fifth of the total bonuses earned by the agents.<sup>199</sup> A protocol about this regulation points out that this regulation was made for the future-period after the abandonment of the compulsory labor regime, probably in 1947 or 1948. Additionally, the protocol advised that also workers should earn bonuses for their attendance, not only agents.<sup>200</sup>

The bonus system can be regarded as the measure of the workers' value for the employers, in terms of the Rusche&Kirchheimer's thesis. Gürboğa explains the changing status of labor in the 1930s for the Zonguldak basin:

Until the early 1930s, the living and working conditions of the mine workers did not come on the agenda of either the government or the mine operators. However, in parallel with the rise of the etatist industrialization plans of the government renewed its concern about the conditions of the workers. After the direct involvement of the state in the industrialization process of the country, the market dynamics of the coal sector changed sharply, particularly in the second part of the

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<sup>198</sup> "İşçi ve İctimaî Teşkilât," *İktisadi Yürüyüş* 6, no. 61-62 (Sümerbank Fevkalâde Sayısı) (1942): 11.

<sup>199</sup> ("Bir aylık çalışma devresi tatbik edildiği takdirde: 30 gün fasilasız çalışan işçiler için yevmiye başına (2) kuruş ... 30 günden az ve 15 günden fazla çalışan işçiler için yevmiye başına (1) kuruş prim verilir.") *Münavebeli İşçilerin Celp ve Sevklere Hakkında Talimatname*. Ekrem Murat Zaman Private Archive, Zonguldak.

<sup>200</sup> *Protokol*. Ekrem Murat Zaman Private Archive, Zonguldak.

1930s. Parallel to this process, there appeared a tendency toward creating a productive, permanent and skilled work force.<sup>201</sup>

Hence, especially with the mid-1930s, the concern of the government for care of human labor increased. It was thus no coincidence that in 1936 the Labor Code and the code of the new penal system were promulgated. After then, labor was in the legal sphere of the state. Moreover, the qualitative approach of Rusche has the base on which these two codes can be regarded simultaneously. As he claimed, in the period of labor scarcity, prison labor was implemented and the bad conditions in the prisons were regarded at least as a problem. The Labor Code was also to employ and to care the workers of the industries.

In this regard, like the above-mentioned premium system, a bonus system was applied in prisons, too. In labor-based prisons, convicts who worked overtime were entitled to a bonus.<sup>202</sup> This example calls to mind the discussion on the bargaining power of prisoners. Larry Goldsmith, who gives a vivid account of prison life in nineteenth century Massachusetts, points out that

paradoxically, prisoners sentenced to involuntary labor had at their disposal a leverage unavailable to “free” wage workers selling their labor in an open market: their employers could not simply turn to the market for less demanding or more productive replacements. Prisoners at Charlestown might be compelled to labor in the workshops under threat of punishment, but the system could not function through repression alone.... Prison officials experimented freely in the early years at Charlestown with positive reinforcements in the form of compensation and extra privileges.... The Board first instituted a system of payments for extra work, “for the encouragement of industry and diligences,” in 1806, and a number of prisoners found their punishment rather lucrative under these conditions.<sup>203</sup>

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<sup>201</sup> Gürboğa Koraltürk, *Mine Workers, the State and War: The Ereğli-Zonguldak Coal Basin as the Site of Contest: 1920-1947*, 399.

<sup>202</sup> *Hükümlülere Verilecek Pirim Talimatnamesi*, (Ankara: Yeni Cezaevi Matbaası, 1952), 2.

<sup>203</sup> Larry Goldsmith, "'To Profit By His Skill and to Traffic on His Crime': Prison Labor in Early 19th-Century Massachusetts," *Labor History* 40, no. 4 (1999): 450.

First of all, one must not conclude so easily because the second article of the premium guidebook of the prisons in Turkey evaluated the contrary case, too. If a prisoner worked less than he had to, a deduction would be made from his daily wage. Additionally, the eleventh article revealed that continuous disruption of work process would be terminated by being sent back to the old prisons due to the lack of “good behavior.”<sup>204</sup> In fact, out of 14 articles only the first one dealt with contribution, all others with deduction. This instance made clearer the two-headed system of execution in Turkey. The existence of old prisons functioned as the strikebreaker. Working was remuneration for prisoners, who were to keep this gift. Therefore, prison labor was not to be the same as forced labor; actually, the work in the labor-based prisons did not seem to be compulsory. The alternative was the old prisons, no income and a doubled sentence period. There was a chance to choose, like in a market economy, to work or to languish.

However, such a comment can have unintended implications. The distinction free/unfree labor would be ambiguous, which was also advocated by some of the representatives of the neo-classical school, such as Engerman. He stressed that the “free” choice of the workers in the relations of production was determinant: “the choice between working and starving.”<sup>205</sup> The characteristic factor of the relations in, for example, plantation slavery was not coercion but the balance of power; this was its difference from the concentration camps. Thus, Engerman pointed out the

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<sup>204</sup> *Hükümlülere Verilecek Pirim Talimatnamesi*, 2-4.

<sup>205</sup> Engerman stated that “the choice between working and starving faced by a legally free individual seems no more attractive than a similar choice faced by a slave, and the ruling class may be able to impose legislation which can provide themselves with the same economic benefits under either legal system of labor.” Quoted in Corrigan, “Feudal Relics or Capitalist Monuments? Notes on the Sociology of Unfree Labour,” 443.

concessions made by employers.<sup>206</sup> In this point of view the distinction free/unfree labor is redrawn in the behalf of the free labor category, while the unfree labor is limited only by the extreme cases such as is Nazi Germany, and we can add the Soviet Russia. The conclusion is that capitalism can not survive in an unfree labor regime. However, here, the redrawing is tried to be made in behalf of unfree labor. The coercive character of the so-called free labor should be emphasized. The concept of forced labor can be distinguished from free labor only by the nature of the force, not by its existence. Additionally, the difference between two labor regimes in Turkey, compulsory labor regime in the war time, which will be seen below, and convict labor regime is evaluated. It is claimed here that convict labor regime is more appropriate with free market relations than compulsory labor regime in the Ereğli basin. The latter, as an urgent measure, ceased to be applied in the end of the 1940s, but convict labor continued until today although it lost its importance. One should also remember that some of the directors of the prisons today want to have more autonomy from the Ministry and claim that they can make profitable production. In this regard, the discussion on the privatization of prisons can be seen also in Turkey in the last years, inspired by the famous American experience.<sup>207</sup>

In fact, in thinking on the differences between free and unfree labor, and bonus systems, Soviet camps appear as a fertile model. Borodkin and Ertz give a hybrid perspective by explaining the convergence of the two forms of labor in camps. They assert that although camps were based on coercive measures, varied incentives were integral in this forced labor area. Between 1930 and 1950, the weight of these incentives increased and the Soviet economy merged into a market economy

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<sup>206</sup> Brass, *Towards a Comparative Political Economy of Unfree Labour : Case Studies and Debates*, 149-50.

<sup>207</sup> Interview with İlkay Savcı, 01/03/2006, Ankara.

with “wages and bonuses.” The bonuses were various: better clothing, more food, more skilled positions, and money. The reverse was, but, also valid: “cuts in supplies” in addition to punishments such as cell confinement or communication restrictions like postal service. The conflict between Gulag (Main Administration of Prison Camps) and NKVD (Ministry of Interior) was embodied in the treatment of convict workers. While the Gulag demanded a license to implement some incentive measures to increase productivity (because they were to provide the self-sufficiency of prison camps), NKVD was reluctant to praise such an authorization to the Gulag. The state wing, namely NKVD, was trying to take camps under state authorization, and the growing deficit of prisons was supporting this demand of the Ministry of Interior and undermining the credibility of the Gulag. Within such a context, laborers in camps gradually witnessed some bonuses and the introduction of a money remuneration system. In 1950, a wage system managed to penetrate into the camps. Again in the 1950s, as it had been in the 1930s, the sentence-workday compensation system was implemented: One day of work for two days of imprisonment. Additionally, giving money to workers, which had been practiced since the 1930s, was renamed in the 1940s as “monetary rewards” or “bonus remunerations”: The money was banked in private accounts and only a portion of it was given to convicts every month.<sup>208</sup>

Back to the labor problem in Turkey: As a consequence of the high turnover rates and absenteeism, the qualification process of workers and the intended increase in efficiency were impeded, like the total production. As an answer to these handicaps the government promulgated a decree that constituted compulsory labor regime in the Ereğli Coal Basin on 26 February 1940. The National Protection Law,

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<sup>208</sup> Leonid Borodkin and Simon Ertz, "Forced Labour and the Need for Motivation: Wages and Bonuses in the Stalinist Camp System," *Comparative Economic Studies*, no. 47 (2005).



enacted in January, was the baseline of such a regulation due to its articles allowing compulsory labor in the war years. This law, widely disputed in the history of industrial relations, acted also as a hindrance to the application of the articles of the 1936 Labor Code,<sup>209</sup> which can be interpreted as an answer of the government to the scarcity of industrial labor. It seems paradoxical that the National Protection Law was exacted also for the same purpose. The difference was the liberal nature of the first one.

As a result, with that decree and another one in 1942, which toughened the sanctions of the former decree, a great number of men in the Zonguldak region were compelled to work underground at Ereğli. The numbers are necessary to understand the scope of the imposition. In 1948, 80-85 percent of the workers at Ereğli were forced workers (*mükellef*): of 27,000 workers only 5,000 were free. Some of them were working alternately (*münavebeli mükellefler*), which meant that groups consisted of 15,000 men were working for one and a half months alternately from the pool of 40,000 men at Zonguldak. The other category was steady working (*daimi mükellef*); the members of this category were chosen at the beginning from those who had been working for two years in the basin. During 1948, there were 5,000 steady-forced workers in Ereğli. Additionally, 1,000-1,500 soldiers were employed. In consequence, the employed 20,000 men were “conscripted from a labor reserve consisting of 60,000 men at command.”<sup>210</sup>

The new penitentiary buildings such as the Karabük Iron Prison or Zonguldak Mine Prison did not exist, but only some convicts were sent to factory to work, and

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<sup>209</sup> Cahit Talas, *Türkiye Cumhuriyeti'nde Sosyal Politika Meseleleri (1920-1960)* (Ankara: Siyasal Bilgiler Fakültesi Maliye Enstitüsü, 1960), 17.

<sup>210</sup> (“yuvarlak rakamla 60,000 kişilik emre âmade bir işçi rezervuarından çekilmek suretile temin edilmektedir.”) Özeke, “Türkiye Sanayiinde İşçilik Mevzuunun İktisadî Problemleri,” 256.

this implementation were nominated as new labor-based prisons. However, these names were not only nomenclature; in fact, as we saw, these factories can be seen as prisons themselves, and what is more, they were labor-based without a doubt. If 85 percent of the work force, namely 20,000 men, was employed by force, it is not romantic to label them labor-based prisons. Özekeken even nominate the compulsory labor regime in the Ereğli basin “a collective conviction-psycho.”<sup>211</sup>

It should be added that compulsion was not the ultimate solution. For instance, Özekeken criticized the compulsory labor regime in Ereğli basin. He drew attention to the fact that especially steady workers under that regime felt like prisoners. On the other hand, it was inefficient to employ peasants by force. On the days on which the rotation of workers occurred, production fell dramatically. As a result, he instead advocated social policy measures.<sup>212</sup> Already, the escape rate from compulsory labor regime was 9.7% in 1942 and 10.7% in 1943.<sup>213</sup>

The relation between the labor problem and forced labor was not peculiar to Turkey. For instance, “in the period leading up to Stalinist industrialization, Soviet industry had been characterized by relatively high levels of labour turnover, absenteeism, and extensive control by workers over the organization and use of their work time,”<sup>214</sup> and “during the 1930s the Stalinist regime never found a satisfactory way of controlling job-changing.”<sup>215</sup> Accordingly, the only reason why Stalin sent

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<sup>211</sup> In Ahmet Makal, "65. Yılında Milli Korunma Kanunu, Çalışma İlişkileri ve İş Mükellefiyeti Üzerine Bir İnceleme," *Toplum ve Bilim*, no. 102 (2005): 65.

<sup>212</sup> Özekeken, *Türkiye Kömür Ekonomisi Tarihi*, 195-96.

<sup>213</sup> BUMH, *Etibank Ereğli Kömür İşletmesi Müessesesi 1943 Yılı Umumi Murakabe Heyeti Raporu* (İdeal Matbaa, 1944), 92.

<sup>214</sup> Donald Filtzer, *Soviet Workers and Late Stalinism - Labour and the Restoration of the Stalinist System after World War II* (Cambridge: Cambridge University Press, 2002), 159.

<sup>215</sup> *Ibid.*, 160.

one million prisoners to hard labor camps in the city of Magadan was the gold reserves in that area. The insufficient population around this area gave the government difficulties in finding enough workers to employ in heavy industries such as mine extraction. With the regulations made from 1929 on, the prison system expanded and inmate population increased in Soviet Russia. Dal'stroi, an enterprise of the state trust created in 1931 for highway and industrial construction with "particular emphasis on mineral excavation in the region [Magadan]," had a convict worker population consisting of 85 percent of its total work force. Additionally, the firm increased its worker population three times between 1932 and 1934, from 13,000 to 36,000, which gives a clue about the expansion of the convict system and its links to the industrial needs of the Soviet state.<sup>216</sup>

As another scholar stresses, Soviet Russia, with the end of the 1920s, began to use prison camp labor extensively as a solution to labor shortages because of agricultural collectivization and local conditions. The Five-Year plan for industrialization demanded a great amount of unskilled labor.<sup>217</sup> Additionally, Jakobson paid attention to the collectivization process (from 1929 on) to explain gulags in Soviet Russia instead of the inner dynamics of the existing penal law. Hence, "the shift in emphasis in Soviet penal policy from the reform of convicts to their utilization as a labor force."<sup>218</sup>

The model of Soviet Russia is very significant for us for two reasons: First, the economic development strategy pursued by the states and their agricultural

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<sup>216</sup> David J. Nordlander, "Origins of a Gulag Capital: Magadan and Stalinist Control in the Early 1930s," *Slavic Review* 57, no. 4 (1998).

<sup>217</sup> Judith Pallot, "Russia's Penal Peripheries: Space, Place and Penalty in Soviet and post-Soviet Russia," (2005): 101.

<sup>218</sup> Peter H. Solomon, "Origins of the GULAG: The Soviet Prison Camp System, 1917-1934 [Review]," *Slavic Review* 54, no. 1 (1995): 190-91.

structure were similar; second, the politicians and technocrats in Turkey were already observing Soviet Russia and inspired by the only country that came out nearly undamaged from the Great Depression. As miners and agricultural workers, convicts were widely used in the Stalin Era. As Pallot stressed, a great need for unskilled labor, especially in mines, enabled the governments to use forced labor, be they prisoners or peasants living nearby.<sup>219</sup> Turkey naturally did not experience dissolution in agriculture like the collectivization attempted in Russia. The process of making the peasants steady workers was only attempt in some industrial regions like the Zonguldak mines and the Karabük Factory, via social policy measures such as housing and schooling. The concept of “peasant worker” was not prevailing.

The balance between agriculture and industry, and its relation with convict labor was also apparent in the U.S. South in the nineteenth century. The labor problem was the main stimuli of the convict leasing system. The workers were reluctant to stay in industrial factories. “Irregularity,” “instability,” and “labor turnovers” were the problems: not the shortage of men, but of industrial workers. The manager of a steel company complained that the blacks “were not a saving provident, hard working people” and they “will work only long enough to get a little cash, whereupon they quit work and live in idleness upon their earnings.” Again, the manager of another iron company said that “the average time put in by each of his employees was fourteen and a half days per month; ‘no contracts restraints them.’” Thus, it is fallacious to state the costs as the primary “lament” of entrepreneurial; it was steadiness and calculability too: For the production of iron, they needed a stable outcome of coal. At the last instance, the low cost of convicts were naturally beneficial, but Lichtenstein reminds us that even after the cost of convict leasing

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<sup>219</sup> Pallot, "Russia's Penal Peripheries: Space, Place and Penalty in Soviet and post-Soviet Russia."

increased, the employers did not abandon it.<sup>220</sup> As seen, the same picture was drawn in the 1930s and 40s in Turkey. Additionally,

Because there were too few convicts to drain the agricultural labor supply and because threats of incarceration discouraged agricultural workers from breaking contracts or appropriating disputable property, convict labor (cheap, non-union, immobile, and not very skilled) accommodated the needs of extractive industries without disturbing labor relations in plantation agriculture.<sup>221</sup>

The last words are significant. The labor problem in Turkey was announced by the intellectuals and experts as a lack of steady labor and could not be solved with a single compulsion code, which continued the system of rotation. The labor relations in agriculture were the main obstacle in front of a working class as in the West. Thus, the wide disputes in the Assembly on deeds and judicial issues of the provinces should be read in the context of labor history. Without regarding the attempts to detach peasants from land, it is hard to understand the working classes' history.

On the other hand, the implicit or explicit pressure over free workers must be considered. Prisoners were sent to Zonguldak well before the compulsory labor regime was constituted. The employment of prisoners no doubt had an effect to holding down the wages of free workers. Again in the U.S. South, according to one interpretation, the defeat of the South and the abolition of slavery caused a crisis of control over labor. Convict leasing provided control for the bourgeois over both

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<sup>220</sup> Alex Lichtenstein, "'Through the Rugged Gates of the Penitentiary': Convict Labor and Southern Coal, 1870-1900," in *Race & Class in the American South since 1890*, ed. Melvyn Stokes and Rick Halpern (Oxford: Berg Publishers, 1994), 14-16.

<sup>221</sup> J. Morgan Kousser, "Twice the Work of Free Labor: The Political Economy of Convict Labor in the New South [Review]," *Journal of Interdisciplinary History* 28, no. 3 (1998): 484.

convicts as workers and over free workers by reducing wages thanks to convict labor. Hence direct and indirect control over labor.<sup>222</sup>

In sum, the situation of labor market was determinant for both economic and penal policies of the government in Turkey, as in many countries. On the one hand, with the penal policies the manual labor of criminals were served to the government authorization, but on the other, bonuses given to them and more importantly good conditions in the prisons, as will be seen below, were incentives for the prisoners. These evaluations are well appropriate with the theory of Rusche explained in the first chapter; also Salvatore generalizes this “relationship between coercion and market culture, suggesting that in a situation of labor scarcity, and the military mobilization of subaltern classes, contractualism tends to pervade relations of power, even those previously based upon coercion.” In other words, “coercion always appeared to be accompanied by various types of incentive [in a conjuncture of labor scarcity].”<sup>223</sup>

Back to Turkey, the compulsory labor regime was not peculiar to the Ereğli basin. In June 1940, it was also implemented to “the road, bridge, square and dock works” as a response to the request of the Ministry of Public Works (*Nafia Vekilliği*). The Ministry was unable to find enough workers to employ in construction works and complained that the wages were increasing “extraordinarily.” The decree, promulgated on 17 June 1940, enumerated people who would be subjected to forced

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<sup>222</sup> Mark Colvin, *Penitentiaries, Reformatories, and Chain Gangs - Social Theory and the History of Punishment in Nineteenth-Century America* (New York: St. Martin's Press, 1997), 255-65.

<sup>223</sup> Ricardo D. Salvatore, "Repertoires of Coercion and Market Culture in Nineteenth-Century Buenos Aires," *International Review of Social History*, no. 45 (2000). Salvatore adds that “in this arrangement of power, only political violence was non-negotiable; it offered no alternatives.” This argument is very crucial, and is more explanatory when the labor domain and the political domain are thought in one. In Turkey, the founding of the first trade unions in 1946 and *de-politization* of them in 1947 (with also the support of the scholars of social policy, such as Kessler and Tuna) should be evaluated in this regard.

labor: “a- People who already dealt with the above-mentioned jobs, not primarily with agriculture, b- Unemployed people who could be employed in construction works, except those who lived in the jurisdiction of Istanbul municipality, c- People who dealt with agriculture, but the situation of their land was appropriate to be left.” The duration of compulsion would be five months a year. They would earn “normal wages,” which would be determined by the Ministry of Public Works. The *Mülkiye amiri*, the political governor of the district, would be responsible for the seizing and transportation of *mükellef*. The cost of transportation would be deducted from the wages of the compelled workers; however, it would be given back at the end of the work period.<sup>224</sup>

The war government promulgated another decree about compulsory labor in December 1942. This time the subject was railroads. According to the decree, for mending the damaged parts of the railroad network and to secure the safety of train traffic, a compulsory labor regime was ordered for men living within fifteen kilometers of either side of the rails. Unemployed men were the first nominees; workers, porters and plowmen followed. They would work eight hours and receive bread and food, the cost of which would be deducted from their wages.<sup>225</sup>

Last, compulsory labor also was used before the National Protection Law. The “road tax” ( *yol vergisi*) was the former form of it because it could be legally paid “corporally,” namely by working on roads, according to the 12<sup>th</sup> article of the Roads and Bridges Code (*Şose ve Köprüler Kanunu*).<sup>226</sup> In 1932, 2,211,704 people were

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<sup>224</sup> 11/06/1940, Catalog no. [PMRA, 30..18.1.2 / 91.55..8.]. Compulsory labor regime for roads, bridges, squares and docks. See also "Kararname No:13668/2," *T.C. Resmi Gazete*, no. 4537 (1940).

<sup>225</sup> 17/12/1942, Catalog no. [PMRA, 30..18.1.2 / 100.107..1.]. Compulsory labor regime for railroads.

<sup>226</sup> 13/09/1935, Catalog no. [PMRA, 30..10.0.0 / 155.91..4.]. About the documents of those who paid road corporally although they enounced to pay it by money.

amenable for the road tax; 1,479,161 were to pay it by money, while 732,543 were to work in response. The amount of the tax was 7,988,655 liras, according to the budget of 1932. However, it was confessed by the Minister of Public Works that according to the statistics they managed to collect 70% of it. Moreover, the corporal payment of the tax was not functioning efficiently. The Minister reported that there was in general “no road where workers exist, but no worker where there was a road to make.” Therefore, amenable workers were transported to other regions, and this caused expenditure of great sums of time and money. Workers also were not obedient; for instance, they did not go to the worksites in autumn, but then in spring they went voluntarily.<sup>227</sup>

In 1937, a request from the companies in the Ereğli basin to the government revealed the impact of the road tax for them. They complained that one of the causes of the 1936 labor depression was the road tax for the workers of the basin who had to spend time working on roads prior going to mines. The managers of the companies, therefore, volunteered to pay the tax of their workers.<sup>228</sup> Three years later, the compulsory labor regime in basin would change the scope of the compulsion in the direction of this request.

In May 1943, a dispute about road tax took place. The issue was to raise this tax in cash, which was six liras a year, in order to reach the contemporary prices. While in 1931 the daily wage of a worker was on average 75 piasters, it was now, in 1943, three to four liras. In the mean time, those who could not afford this amount of money were required to work for six to eight days. As a result, poor people were

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<sup>227</sup> 23/10/1932, Catalog no. [PMRA, 30..10.0.0 / 155.90..9.]. The time schedule of workers amenable for road tax.

<sup>228</sup> 26/03/1937, Catalog no. [PMRA, 30..10.0.0 / 155.91..12.]. Road tax of workers in Ereğli coal basin.



giving a much greater amount of tax by working. In other words, the bill was to make justice between corporal and monetary road taxes. Why then there was a dispute? The representative of the budget council opposed the bill on the grounds that the road tax was not proportional with regard to the incomes of the people: namely, that it was unfair. However, no deputy considered this critique. Only one deputy paid attention to the different taxes including property tax, estate tax and animal tax implicating that this disproportionateness was within the scope of other taxes.<sup>229</sup>

The road tax had been applied since the Tanzimat Era, with money or through working. Over the years, the structure of it had been changed. For instance the age limit had been raised from 16 to 20. Then, in 1914-1923, this *mükellefiyet* was not brought to effect. According to the Minister of Public Works in 1943, S. Day, the nature of the tax was based on monetary compulsion in *Meşrutiyet*, but with the Republican Era the tax was again promulgated calculated with four daily wages, namely based on working.<sup>230</sup> Accordingly, in 1943, there were 100,000 corporal compulsory laborers (*bedenî mükellef*); the others were to pay the tax as money.<sup>231</sup>

The road tax was not the only instruments to force people to work for the sake of the state. In 1942, the Assembly took a decision that peasants should work for two months in the construction of village schools (*köy mektepleri*). In 1943, a

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<sup>229</sup> "Eskişehir mebusu İzzet Arıkan'ın, Şose ve köprüler kanununun bazı maddelerinin tadili hakkındaki 1882 sayılı kanuna ek kanun teklifi üzerine görüşmeler," *TBMM Zabıt Ceridesi* 2 (1943): 120-25.

<sup>230</sup> *Ibid.*: 126-27.

<sup>231</sup> *Ibid.*: 130.

resolution was adopted again for compulsory work in times and places of overflow.<sup>232</sup>

Soldier-workers should not be forgotten in this story. On the one hand, with the beginning of the Second World War the working hours in the military factories was increased to 11 hours a day.<sup>233</sup> On the other hand, in the war period, soldiers also were employed in mines as compulsory laborers. Because the labor problem of the Ereğli coal basin was not overcome even by the compulsory labor regime, on 15 September 1942, a law calling for military compulsion was passed. In the following years, this practice was very successful for the official inspectors.<sup>234</sup> In addition, according to a decree in August 1942, those who were working in the Ereğli basin or in the mines of the Western Lignite Company (*Garp Linyitleri İşletmesi*) would be conscripted into the military, but they would spend their military service in the same establishment, working.<sup>235</sup> In the Ereğli basin in 1943, there were totally 4,637 soldier-workers, including the employed and the reservists.<sup>236</sup> The concept of soldier-worker in a mobilization period is interesting when we take into account a circular letter from the Ministry of Justice dated 23 July 1938: it demanded that the prison directors be aware of those convicts who had come to the age of military service in order to conscript them on the first day of the coming-mobilization. They would

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<sup>232</sup> Ibid.: 122.

<sup>233</sup> 18/10/1939, Catalog no. [PMRA, 30..18.1.2 / 88.101..16.]. The rise of the working hours to 11 hours in military factories.

<sup>234</sup> BUMH, *Etibank Ereğli Kömür İşletmesi Müessesesi 1943 Yılı Umumi Murakabe Heyeti Raporu*, 93.

<sup>235</sup> 26/08/1942, Catalog no. [PMRA, 30..18.1.2 / 99.79..2.]. About the military services of rankers working in Ereğli coal basin and Western Lignite Company.

<sup>236</sup> *Halen Silâh Altında Bulunan Mükelleflerden Muvazzaf ve İhtiyat Erlerin Miktarını Gösterir İcmalidir*. 31.03.1943. Ali Kaya Private Archive, Zonguldak.

finish their sentence after the war time.<sup>237</sup> In other words, the compulsion in the war time consisted of both for army and for the industry. The implication of this situation was the convergence of being a prisoner, a soldier and a worker. As Çatma states, the advantage to employ soldiers was the military discipline exerted upon the human bodies in the work place.<sup>238</sup> The use of convict labor can also be interpreted in the same way.

On the subject of construction work, the Construction Prison, one of the labor-based prisons, should be discussed. These convict construction teams were used not to build roads but to construct public buildings. Unfortunately, there is not much information about this prison, probably due to its traveling character. It is learned from negotiations in the Assembly in 1943 that until 1943, the construction teams finished a juvenile reformatory in Kalaba, Ankara, for 120 children; buildings in Kayseri, Denizli, Balıkesir and Manisa for 300 people; and in Dalaman and Eskişehir for 400 people. These buildings were erected totally by convicts.<sup>239</sup> From another source, we are informed that the centre of this prison was in Niğde, and the works done by it from its establishment, 1939 to 1967, are in the following table.<sup>240</sup>

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<sup>237</sup> "Adliye Vekâletinin Tamimleri [Cezaevleri İle İlgili]."

<sup>238</sup> Erol Çatma, *Asker İşçiler* (İstanbul: Ceylan Yayıncılık, 1998), 16.

<sup>239</sup> "Ceza ve tevkifevleri umum müdürlüğünün Vazife ve Teşkilâtı hakkındaki 3500 sayılı kanunu değiştiren 4077 sayılı kanunun bazı maddelerinin değiştirilmesine dair görüşmeler," 165-66.

<sup>240</sup> Mengüç, *Ceza İnfaz Hukuku ve İnfaz Müesseseleri*, 296-97.

**Table 3 The buildings constructed by prisoners between 1939 and 1967**

Year	Buildings Constructed
1939-1940-1941	Ankara Juvenile Reformatory; Balıkesir, Kırşehir and Manisa Prisons
1942-1943	Eskişehir Prison
1944-1945	Ankara and Dalaman Closed Prisons
1946-1947	Kayseri Central Prison
1948-1949-1950	Supplementary construction and general repair of Sinop Closed Prison Construction of Mudanya, Silivri, Şile and Karamürsel; repair of İstanbul
1951-1952	Paşakapı Prison Construction of visiting center of Ankara Closed Prison; construction of
1953-1954-1955	Yerköy Closed Prison; and the cells of Sinop
1955-1956	Construction of district prisons in Araç and Çamlıdere
1956-1957	Construction of Niğde Agricultural Prison Construction of cells and general repair of Aksaray Closed Prison;
1958-1959-1960	supplementary construction in Ankara Juvenile Reformatory
1961	Continuation of construction of Niğde Agricultural Prison
1962	Construction of Kırşehir Court-House ( <i>Adliye Sarayı</i> )
1963-1964	Construction of Niğde E-Type Closed Prison
1964-1965-1966	Construction of Niğde E-Type Closed Prison; and Konya Court-House Construction of Niğde, Afyon, Isparta and Burdur E-Type Closed Prison; and
1967	Konya Court-House

As the table shows, prisoners were used mostly in construction of prison buildings and only a few court-houses. Namely, they were not employed in road work or in building railways. It can be argued that security problems could have prevented this because it is known that a deputy suggested using convicts in road work and the Minister replied that he would take that under consideration.

In world history, the employment of convict workers in construction works can be observed widely, but in general roads rather than buildings are the object of work. Nonetheless, there is an example from Ottoman History. The utilization of corvée labor in Egypt in the nineteenth century has some similarities with the compulsory labor regime in Turkey in the 1940s. Forcing peasants to work is as old as history, only the forms of it have changed. The peculiarity of the reign of Muhammed Ali was the centralization of the capacity to recruit corvées for the public projects of the state. A hitherto local practice was transforming a significant force which burdened the construction of the Mahmudiyya Canal in 1819 and the

Suez Canal forty years later. The regulation of corvées' working was based on the shift system. Groups of 25-30,000 peasants were working for 20-30 days, and then, other groups were brought to the canal. They worked under the supervision of the Suez Canal Company, but the liability of recruiting them belonged to the Egypt government.<sup>241</sup>

The abolition of corvée labor in Egypt was, according to Brown, the result of its successes. The irrigation leap made by Muhammed Ali by corvée labor augmented the agricultural options in the Delta, enabling cultivation also in the summer months. As a consequence, the local landlords began to need more workers especially in summer when, in the past, the government had used to collect the peasants for public projects. In other words, the extensive usage of corvée labor undercut the supply of it for the state. Thus, as Brown clearly demonstrates, the abolition of corvée labor was the job of neither the English occupying forces nor of the resisting peasants; it was accomplished by the local landlords, who not longer wanted to give their work force to the government, seeking become more integrated into the world capitalist trade thanks to the previous activity of their corvées.<sup>242</sup>

To sum up, convict labor can be interpreted in the context of compulsory labor regimes in mines and construction works, even if it can not be reduced to it. Now, it is time to explore the establishments in which the convicts were employed.

### Zonguldak

Convict laborers in Zonguldak have a peculiarity because Erol Çatma, a retired mine worker, has already written their story. *Convict Workers in the*

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<sup>241</sup> Nathan J. Brown, "Who Abolished Corvee Labour in Egypt and Why?," *Past and Present*, no. 144 (1994): 120-23.

<sup>242</sup> Ibid.

*Zonguldak Mines*<sup>243</sup> is the only work written about convict labor in Turkey. Thus, this work will be cited for many times in this section.

In 1937, in the program of the new cabinet of Celal Bayar, it was stated that the employment of the convicts in workplaces had been beneficial to both the employers and the convicts, and that this application would be pursued, especially in the mines.<sup>244</sup> According to Çatma, the first evidence about convicts employed in the Zonguldak mines dates to 1937. In a correspondence from 26 January 1937 it was reported that the project of a building to shelter the prisoners was begun near the 69<sup>th</sup> pit. This building, according to Çatma, was the New Mine Prison itself.<sup>245</sup> The same year, two additional new prisons, one in the Asma district of Üzülmez near the 63<sup>rd</sup> pit and the other in Kozlu near the İhsaniye pits, were built. Consequently, in May prisoners began to work in the mines.<sup>246</sup> After one year, in 1938, 222 prisoners were working in mines for the *Türkiş* and *Kömüriş* companies. These convicts were sent from various prisons in the North western quarter of the country: Ankara, İstanbul, Sinop, Giresun, naturally Zonguldak, and also İmralı. It is worth pointing out that, in this first year, four of ten prisoners who were released were engaged by *Türkiş* for regular employment.<sup>247</sup>

These convicts were working among the free workers, much like free workers. "The convicts worked six days a week in three shifts... They worked under

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<sup>243</sup> Erol Çatma, *Zonguldak Madenlerinde Hükümlü İşçiler* (Zonguldak: KESK / Maden-Sen Zonguldak Şubesi Yayını, 1996).

<sup>244</sup> The statement is quoted in Makal, "65. Yılında Milli Korunma Kanunu, Çalışma İlişkileri ve İş Mükellefiyeti Üzerine Bir İnceleme," 82.

<sup>245</sup> Çatma, *Zonguldak Madenlerinde Hükümlü İşçiler*, 20-21. That building was to be utilized as a laundry in subsequent periods.

<sup>246</sup> *Ibid.*, 29.

<sup>247</sup> *Cumhuriyetin 15. Yılında Zonguldak*, (CHF Zonguldak İl Teşkilatı Yayınları, 1938), 50.

the command of mining engineers and were supervised by headmen and a prison functionary during the working hours.” The only difference was their two-colored clothes.<sup>248</sup> The main issue was the productivity of the prisoners. According to a report of EKI, the productivity of the convicts was 1779 kg while that of other workers was 2090 kg.<sup>249</sup> As a result, in a correspondence dated 23 August 1937, the Minister of Justice suggested to the Ministry of Economics that the manager of the Zonguldak mine deal with the “technical tasks of prisoner workers” to “measure the productivity” of them and to let them be employed “better by the coal companies.”<sup>250</sup> In fact, the productivity of the convicts in the first months was not as high as that of the free workers. A mine engineer, Nihat Özey, appointed to investigate the causes of this problem, concluded in his report that the prisoners had to be come accustomed to the conditions and the order of underground work, and that the early indicators were normal. He advised giving bonuses for productive work and that their working time be controlled more strictly. In another report in September 1937, he assured that the productivity of the prisoners was increasing and would reach that of the free workers in the near future. In fact, the productivity of the prisoners, which was 1,779 kg, was not much lower than that of the free workers, which was 2,095 kg. According to Çatma, there was another reason for the low productivity rates. Until the compulsory labor period in 1941-48, in the Ereğli basin peasants had worked in rotation since the Ottoman Era. Moreover, they always had had the chance to leave the mine, which

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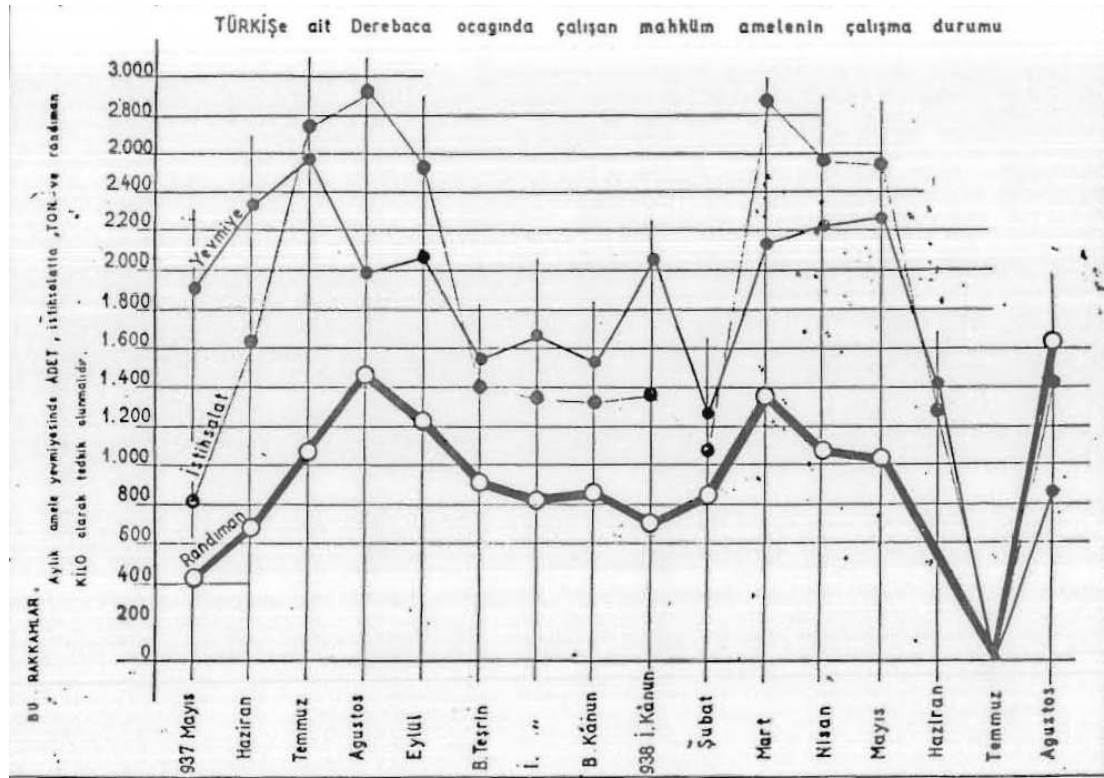
<sup>248</sup> Gürboğa Koraltürk, *Mine Workers, the State and War: The Ereğli-Zonguldak Coal Basin as the Site of Contest: 1920-1947*, 231. The source of Gürboğa Koraltürk is Safa Ş. Erkün, "Kömür Havzamızda Hükümlülerin Çalıştırılması," *İş Dergisi* XI, no. 45 (1945).

<sup>249</sup> Erol Kahveci, "The Miners of Zonguldak," in *Work&Occupation in Modern Turkey*, ed. Erol Kahveci, Nadir Sugur and Theo Nichols (London: Mansell Publishing, 1996), 184.

<sup>250</sup> Correspondence, dated 23.08.1937, from the Ministry of Justice to the Ministry of Economics. In Çatma, *Zonguldak Madenlerinde Hükümlü İşçiler*, Ek ix.

had already been a part of the labor problem itself, as discussed. The prisoners, however, were “the first steady excavators of the basin.” Regarding the extraordinary conditions of underground labor, the low productivity rates in question had to be expected.<sup>251</sup>

Figure 1. The productivity of the prisoners in the mines in 1937-1938 / Zonguldak



Source: *Cumhuriyetin 15. Yılında Zonguldak*. (CHF Zonguldak İl Teşkilatı Yayınları, 1938): 52.

The legal status of prisoners in Zonguldak gives an interesting account. According to Çatma, they had nearly same rights as free workers, both in wages and in social security facilities. In 1941, Şinasi Devrin from the Committee of Justice said that some of the convicts were employed in coal mines, regarded as efficient

<sup>251</sup> Ibid., 30-34.



workers, and paid “normal” wages.<sup>252</sup> According to Çatma, their wage was nine tenths of the others due to a one-tenth severance for three repasts given daily. When they were sick or met with an accident, they were brought to the hospital of the Workers Union (*Amele Birliđi*) like the other workers. Additionally, the duration of quiescence was also counted for two days of imprisonment like a working day. Even when a prisoner did not become healthy enough to continue to work underground, an easier job was assigned to him in order to prevent him from being sent back to the old prisons. The only difference in their daily life was the compulsion to stay after the job rotation in the Mine New Prison and to wear two-colored uniforms, which was, but also, abandoned a few years later. Legally, they were subjected to Labor Code in work hours and to the Penal Code (*İnfaz Kanunu*) beyond that. Thus, the responsibility of them was shared to prison and company managers. Last, the wages were blocked by the prison director until the release, only 20% of their wages were given to the prisoners every month.<sup>253</sup> In addition, regarding the work hours, Çatma asserts that the prisoners were in a better situation than the others. The eight-hour rule was hardly implemented in the basin, but the prisoners were more “organized” and resisted working overtime. The state officers who regulated the legal rights of the prisoners with the mine directorate supported its prevention, too. That is why Nihat Özay was advocating contributions to encourage them to work more.<sup>254</sup> However, Çatma argues that until the implementation of compulsory labor in Eređli Basin, the condition of the prisoners was not so good, it was even “extremely bad.”

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<sup>252</sup> "Ceza ve Tevkif Eyleri Umum Müdürlüğünün Vazife ve Teşkilâtı Hakkındaki 3500 Sayılı Kanuna Bazı Maddeler İlâvesine Dair Kanun Lâyihası ve Bütçe ve Adliye Encümenleri Mazbataları (1/626) Üzerine Görüşmeler," 221.

<sup>253</sup> Çatma, *Zonguldak Madenlerinde Hükümlü İşçiler*, 26-27.

<sup>254</sup> *Ibid.*, 34.

When the compulsory labor regime in 1941 provided the necessary workers for the mines, some betterment for convicts occurred.<sup>255</sup>

The relationship between the prisoners and the free workers should also be discussed. An official publication of the People's Houses revealed in 1938 that although the majority of the prisoners were sentenced for murder, they were working "as sheep."<sup>256</sup> However, in 1939, two complaints were made to the Ministry of Economics and to the Ministry of Justice about the idleness and incoordination of the prisoners in the Ereğli Basin. Accordingly, two engineers were assigned to investigate these problems. Their subsequent reports are interesting. Both reports indicated no problem with coordination or being together among workers and prisons they encountered. Additionally, a worker, Sabri Eyüp Demir, said in 1994 to Çatma that there was no such problem: "Very good; they had no difference from us." On the other issue, namely idleness or productivity, the reports were again very positive. It was manifested that the prisoners not only were hard-working, they also were even more productive than the free workers.<sup>257</sup> Gerhard Kessler, a famous professor and researcher on the topic of labor relations and social policy, supported the reports with his remarks during his visit:

Because every day spent in the pits is regarded as two days of confinement and because their life in mine basin is more free than that in the prison, they are ready to tolerate everything in order to spend most of their sentence here; they constitutes the most obedient part of the work force.<sup>258</sup>

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<sup>255</sup> Ibid., 23.

<sup>256</sup> *Cumhuriyetin 15. Yılında Zonguldak*, 50.

<sup>257</sup> Çatma, *Zonguldak Madenlerinde Hükümlü İşçiler*, 38.

<sup>258</sup> ("Ocaklarda geçen her gün iki mahkûmiyet günü olarak sayıldığından ve maden havzasındaki hayatları da hapisanelerdekine nazaran daha serbest bulunduğundan, mahkûmiyetlerinin mütebaki kısmını buralarda geçirmek için her şeye katlanmağa hazır bulunuyorlar, en muti iş güçleridirler.") Gerhard Kessler, "Zonguldak ve Karabükteki Çalışma Şartları," in *İçtimai Siyaset Konferansları* (İstanbul: İktisat ve İçtimaiyat Enstitüsü Neşriyatı, 1949), 15.

The source of this obedience was thus clear. Çatma says that they not only worked for money, but also for their freedom. One of the engineers who prepared one of the above-mentioned reports restated in 1994 to Çatma that all they thought about was to finish the terms and get back to free life. He added that most of them left the basin after their release. A retired worker, Demir, said: “I did not hear [about any escape affair]. Their concern was to finish the sentence and go away.”<sup>259</sup>

Çatma claims that the prisoners in Zonguldak were at the last instance untroubled and voluntary. On the one hand, they were content economically; on the other hand, the chance to become free in a nearer future was very important for them. Thus, they obeyed every rule to finish their sentence. Çatma points out that some of the prisoners who had become sick escaped because they were afraid of being sent back to the old prisons. As a result, he argues that they were quite well in general despite the tough conditions in the first years.<sup>260</sup>

Epidemics such as syphilis, malaria and typhus were widely confronted in the basin due to the insufficient health conditions and the additional impact of the war in the 1940s. Sâbire Dosdoğru and M. Hulûsi Dosdoğru, doctors employed in the basin, described the terrible conditions, the absence of measures for public health and the irrelevance of administrators well in their articles published in *Tan* in 1945.<sup>261</sup> The situation was especially alarming in 1944 and stimulated the construction of stations for cleaning every area of mine region, as well as measures taken in the barracks and dining halls.<sup>262</sup> The prisoners, Çatma argues, were the group least susceptible to

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<sup>259</sup> Çatma, *Zonguldak Madenlerinde Hükümlü İşçiler*, 35-42.

<sup>260</sup> *Ibid.*, 26.

<sup>261</sup> Sâbire Dosdoğru and M. Hulûsi Dosdoğru, *Sağlık Açısından Maden İşçilerimizin Dünyü, Bugünü* (İstanbul: BDS Yayınları, 1990).

<sup>262</sup> *Tifüs Mücadelesi Hakkında*. Ekrem Murat Zaman Private Archive, Zonguldak.

epidemics among other workers. Their state of health was better and they had no special health problem. The cleaning facilities were also more reachable for them, such as those for washing.<sup>263</sup>

The health problem in the basin was of importance for the prisoners because it could be an obstacle to staying in Zonguldak and cause them to be sent back to the old prisons. In 1941, the public prosecutor of Zonguldak, Zeki Levent, informed the Ministry of Economics that sick prisoners who learnt that they were to be sent back to the old prisons were attempting to escape. As a solution, he advised that the correspondences between hospital and prison administration be made secretly, so the prisoners would not be informed of the situation.<sup>264</sup> The concern of the Directorate was the roughly 31.5% of the prisoners who had not worked in the last week. The prison director, in his response to the Directorate of Economics in Basin (*Havza İktisat Müdürlüğü*), admitted that some of them were pretending to be sick, but he could not do anything while they all had sick certificates from authorized doctors.<sup>265</sup> As a result, the possibility of the effect of epidemics and underground conditions made the possibility of pretending high, while the threat of the old prisons was considered. Dr. Hulusi Dosdoğru's words supported this idea. He was accused of administering "medicine of ten liras to worker of ten piaster."<sup>266</sup>

For instance, in 1938 Mehmet Ali, a prisoner, was sent to hospital and treated. He was to relax for a long period and give up mine work. Consequently, he

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<sup>263</sup> Çatma, *Zonguldak Madenlerinde Hükümlü İşçiler*, 43-44.

<sup>264</sup> Correspondence, dated 12.04.1941, from public prosecutor of Zonguldak to the Ministry of Economic. In *Ibid.*, Ek xiii.

<sup>265</sup> Correspondence, dated 15.10.1940, from the director of Mine New Prison to the Directorate of Economics in Basin. In *Ibid.*, Ek xii.

<sup>266</sup> Dosdoğru and Dosdoğru, *Sağlık Açısından Maden İşçilerimizin Dünü, Bugünü*, 41.

was sent to his old prison due to his inability to work in the mine. Hence, the prisoner not only lost the chance to be released earlier, to earn money and to live in a relatively easy imprisonment conditions, but also he become sick probably due to the conditions in the basin and went back to the old prison in worse condition than he had left there. Çatma gives such examples from documents and, thus, problematizes the easy nature of the labor-based prisons.<sup>267</sup>

Sanitary issues were naturally important for the work force in the 1940s. Hulusi Dosdoğru pointed out that the rotational compulsory labor regime in the basin was damaging the agricultural operations because the peasants were forced to work one and a half months in the mines and stay the same amount of time in the village, and then perform the same rotation. He denounced this rotational system also in terms of health concerns. For him, when the peasants returned to their villages they lived in unhygienic conditions and carried then bacteria to the mines. Therefore, the cleaning in the mine area was becoming inoperative in the long run.<sup>268</sup>

Accidents in the basin were also a part of life for the mine workers. In 1939, roughly 3,000 accidents happened in the mines and 301 workers were injured as that they could not work either temporarily or permanently, while another 130 died. The prisoners were in the same picture. 160 prisoners had accidents, while 80 of them were given rest more than 10 days, and four of them were disabled. Erol Çatma gives us these numbers for other years as well. The overall trend is a decline in incidents after 1944. Çatma explains this decline with the fact that after that date prisoners were to be shifted gradually to ground work. On the other hand, prisoners also were given compensation for accidents. Çatma gives us valuable information that he

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<sup>267</sup> Çatma, *Zonguldak Madenlerinde Hükümlü İşçiler*, 44-49.

<sup>268</sup> Dosdoğru and Dosdoğru, *Sağlık Açısından Maden İşçilerimizin Dünü, Bugünü*, 46.

located in the archives of Zonguldak. For instance, Hüsni Aydın from Ünye died in Kozlu mine in 1941 and most likely his family took 1,200 liras as indemnity. Or, İbrahim Çetin from Bartın became disabled in Kemberbaca mine the same year and was given 170 liras.<sup>269</sup>

The official inspectors' 1947 report about the Etibank Ereğli Coal Establishment (*Etibank Ereğli Kömür İşletmeleri Müessesesi*) was curious about the future labor supply of the basin. It was said that the compulsory labor regime had relaxed and weakened the administration for recruiting workers; however, after then it would be not so easy and some measures should be taken. In this analysis of the work force of the coal mines, the investigators found convict labor unproductive and suggested that it be abandoned. Instead they advocated the spread of military labor due to its high productivity.<sup>270</sup> In its response, however, the establishment found it inappropriate to abandon convict labor, at least in the mean time. Yet it was accomplished that the order of their employment could be readjusted.<sup>271</sup>

The report of the coal establishment, in 1948, reveals the fact that for collecting workers after the compulsory regime, some measures had already been considered. A project was presented to the government about roads to be built between the mine regions and the villages, but it was not realized due to the expense.<sup>272</sup> The roads were crucial for the transportation of rotational or daily workers. For instance, in 1943, 50,344 people were transported to the mines by train,

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<sup>269</sup> Çatma, *Zonguldak Madenlerinde Hükümlü İşçiler*, 50-56.

<sup>270</sup> BUMH, *Etibank Ereğli Kömür İşletmesi Müessesesi 1947 Yılı Raporu* (İstanbul: Pulhan Matbaası), 23-25.

<sup>271</sup> Ereğli Kömürleri İşletmesi Müessesesi Etibank, *1947 Yılı Umumi Murakabe Hey'eti Raporuna Cevap* (Ankara: 1948), 11.

<sup>272</sup> *Ibid.*, 12.

26,526 by trucks and 2,269 by ship and a motor. The numbers of those that were transported back to the villages was lower than the numbers above.<sup>273</sup>

Finally, in September 1948, the compulsory labor regime was abandoned. This worsened the labor problem for the basin. This time, foundations like the Work and Workers Directorate (*İş ve İşçi Müdürlüğü*) were the recruitment centers. It was thus, in the inspectors' report of 1948, suggested that the records of workers be kept very disciplined and detailed. Probably, this was for preventing the self-regulation of the employment period of the peasants/workers. In other words, a steady labor force was becoming once again the most important issue because, while only 12% of the rotational workers had left the basin after the abandonment, while nearly 100% of the steady workers had left immediately.<sup>274</sup> In the mean time, the number of convicts in the basin had increased one fifth in 1948, from 1,039 to 1,261.<sup>275</sup>

**Table 4 Convict Workers in the Basin**

Work Places	Üzülmez			Toplam
	Kozlu	Asma	Gökgöl	
Pits	39	127	132	298
Construction	88	49	17	154
Santral of Electrics	8	-	-	8
Workshops	37	2	10	49
Care of Workers	19	-	1	20
Administration	11	15	2	28
Transportation	6	-	-	6
Central Stockroom	2	-	1	3
Stockroom for Columns	1	15	1	17
Repair	-	25	7	32
Loading	-	20	7	27
Coal Factory	-	2	-	2
Inner Services	22	19	27	68
Others	-	6	-	6
<b>Total</b>	<b>233</b>	<b>280</b>	<b>205</b>	<b>718</b>

<sup>273</sup> *Ereğli Kömür İşletmesi 1943 Yılı Faaliyet Raporu*. İhsan Soyak Archive, TTK, Zonguldak.

<sup>274</sup> BUMH, *Etibank Ereğli Kömürleri İşletmesi Müessesesi 1948 Yılı Raporu*, 25-28.

<sup>275</sup> *Ibid.*, 28. The number of soldiers decreased: from 1937 to 1041.

In 1944, according to Table 4, there were 718 prisoners in the basin.<sup>276</sup> A document about the estimation of expenditures related to the barracks for 1947 predicted that for 500 workers in Kozlu Prison 11,000 liras and for 600 workers in Gökğöl Prison 20,000 liras would be needed for *işçilik* (worker's pay). Additionally, for the prisoners there was no contribution for retirement, while most of the workers had that.<sup>277</sup> Interestingly, the numbers in another document for the same year, this time about the expenditures related to mess halls was different: 650 workers in each of the Kozlu and Gökğöl Prisons.<sup>278</sup> Namely, in 1947, there were 1150-1300 prisoners in the basin.

We can only learn about the convict workers in the basin indirectly. For instance, in 1945, the public prosecutor of Zonguldak, Zeki Levent, demanded the payment of the transportation expenses of prisoners in Kozlu from the Ereğli Coal Company due to closedown of the Kozlu Coal district. Yet, this was both rejected by Kozlu administration<sup>279</sup> and the by the general manager of EKİ, İhsan Soyak, on the grounds that the first convict transfer had been made before fusion and under the administration of İş Bank, thus EKİ should not be held responsible for this issue.<sup>280</sup>

Again we learn from a plan for social facilities built or to be built in 1943, a barrack for prisoners was to be constructed in Üzülmez. It would include a

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<sup>276</sup> *Havzada Çalışmakta Olan Mahkûm İşçiler*. İhsan Soyak Archive, TTK Library, Zonguldak.

<sup>277</sup> *1947 Senesi Pavyonlar İşletmesi Masraf Tahminleri*. İhsan Soyak Archive, file 6, TTK, Zonguldak.

<sup>278</sup> *1947 Yılı İş Programı Yemekhaneler*. İhsan Soyak Archive, file 6, TTK, Zonguldak.

<sup>279</sup> Correspondence, dated 07.09.1945, from Zeki Levent to İhsan Soyak. İhsan Soyak Archive, file 109, TTK, Zonguldak.

<sup>280</sup> Correspondence, dated 08.10.1945, from İhsan Soyak to Zeki Levent. İhsan Soyak Archive, file 109, TTK, Zonguldak.



dormitory, dining room and shower for 1,000 men.<sup>281</sup> We learn from a visit program in 1944 that there was a prison in Üzülmöz.<sup>282</sup> A report about typhus probably from 1944 reveals that a new Prisoner Barrack was built in Gököl / Üzülmöz and that prisoners in Asma / Üzülmöz would be transferred to the Gököl Prison. The barracks in Asma, then, would house workers.<sup>283</sup> The importance of these documents is that they demonstrate again the fact that the industrial labor-based prisons had no prison buildings. The convicts were living in the barracks as other workers.

In 1946, all of the prisoners in the Mine New Prisons in Zonguldak were subjected to physical examination by health teams before appointed to the job. The healthy ones were sent down the mines, while the others worked either in prison affairs or in the outer service areas of the mines. EKİ General Directorate wrote to the public prosecutor that the unhealthy ones from those prisoners who arrived were to be sent back. Namely, the directorate became strict on sanitary issues, as well as the duration of their sentence. It requested that those who were to stay in the basin for at least two years were to be transferred there. Additionally, it was demanded that the prisoners who had been sentenced for crimes against property, especially theft and robbery, not be sent as workers to the basin. It was also reported that the prisoners would attach their registry number to both the front and back of their uniforms.<sup>284</sup>

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<sup>281</sup> *1943 ve 1944 Mali Senelerinde Başlanmış veya Başlanacak Sosyal Tesislere Ait Not.* İhsan Soyak Archive, file 18, TTK, Zonguldak.

<sup>282</sup> *Ziyaret Programı – 12.2.1944, Cumartesi.* İhsan Soyak Archive, file 18, TTK, Zonguldak.

<sup>283</sup> *Tifüs Mücadelesi Hakkında.* Ekrem Murat Zaman Private Archive, Zonguldak.

<sup>284</sup> Correspondence, dated 10.04.1946, from EKİ General Directorate to Public Prosecution of Zonguldak. Ekrem Murat Zaman Private Archive, Zonguldak.

In his petition to the government in 1946, Zonguldak deputy Rebi Barkın described the situation of the prisons in Devrek and Ereğli districts. He described the personalities of the convicts in Devrek Prison using such words as “wild,” “fearful” and “disloyal,” and related these attributes to the physical environment, which was a small house encircled with wired fences, which had only one toilet for 100 people because the other one had been closed after an escape incident. The situation of the Ereğli Prison was no different, for example, it lacked a bath. Of importance was the comparison of these prisons with the one in Karabük. According to Barkın, Karabük Prison was not in fact a prison; it was a modern house of correction and could be a model to the “most progressive countries.”<sup>285</sup>

#### Other Mines

The Ereğli basin was not the only mining region where convicts were employed. As seen, there were labor-based prisons in Tunçbilek, Ergani, Değirmisaz, Soma, and Keçiborlu. However, we have too little information on these prisons. First of all, it should be sad that compulsory labor regime with the National Protection Law was also implemented in the Etibank Western Lignite Company (*Etibank Garp Linyitleri İşletmesi*), which embraced the mines in Tunçbilek, Soma and Değirmisaz, from November 1941 on.<sup>286</sup> In this establishment, convicts constituted a substantial proportion of the work force: In 1944, 672 of 4,552 workers were convicts, in other words 14.8% of the work force. This ratio would increase gradually: In 1947, 1,018 of 3,916 workers (26%), and in 1948 1,309 of 4,506 workers (29%) were convicts. Makal claims that because the compulsory labor regime in the *Garp Linyitleri* was

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<sup>285</sup> 02/04/1946, Catalog no. [PMRA, 490.01 / 515.2067.1].

<sup>286</sup> Makal, "65. Yılında Milli Korunma Kanunu, Çalışma İlişkileri ve İş Mükellefiyeti Üzerine Bir İnceleme," 59.

abandoned in 1946, after then, the convicts were used to compensate the labor need.<sup>287</sup>

In the mines of Eastern Turkey, convicts were employed, too. The Ergani mines, the administration of which was also transferred to Etibank in 1935, had 500 workers in 1938, working there day and night in tough conditions. Their daily wage differed from 70 to 110 piaster. The state made houses and schools for worker families.<sup>288</sup> From a document, it is learned that in 1942, in the establishments that were not under the enactment of the compulsory labor regime, the labor scarcity continued acutely. Efforts were made to solve the problem in the Şark Kromları (East Chromes Company) and Ergani Companies by sending new parties of prisoners. Nonetheless, for the Divriki Iron Mines Company, there were no convicts left in the prisons to transfer. Therefore, Kemal Türkömer suggested to İhsan Soyak that compulsory labor also be used in Divriki, which was producing raw materials vital for the Karabük Iron Factory.<sup>289</sup> According to the official inspectors, however, in 1946 there was no worker need of the Divriki mines. Most of the workers was from Sivas; only 131 of 1648 workers were from outside. However, in the harvest and cultivation seasons, labor problem was experienced.<sup>290</sup>

In another mine, in the Keçiborlu Mine Establishment, in 1946, the half of the workers were prisoners. The numbers also may be estimated. In 1946, the mine worked on 358 days; and we now that the administration gave 44,532 daily wages to

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<sup>287</sup> Ibid.: 83.

<sup>288</sup> Ömer Kemal Açar, *Maden İli* (İstanbul: Ülkü Basımevi, 1938), 47. The director also said that all these workers were Turk. Additionally, in the Guleman mines, there were 350 workers.

<sup>289</sup> Correspondence, dated 16.07.1942, from Kemal Türkömer to İhsan Soyak. İhsan Soyak Archive, file 95, TTK, Zonguldak.

<sup>290</sup> BUMH, *Etibank - Divriği Demir Madenleri İşletmesi Müessesesi 1946 Yılı Raporu*, 11-12.

the convicts and 46,714 to free workers. A rough calculation reveals that there were circa 125 prisoners and 130 free workers in the Keçiborlu mines in 1946.<sup>291</sup> For comparison, we have also the numbers of 1943: There were 300 workers, and 192 of them were convicts.<sup>292</sup> The inspectors gave also some social information about the convicts beyond numbers. They stated that the establishment provided to the convicts two meals and bread of 900 grams a day. Interestingly, the provision of free workers was one meal and bread of 600 grams until 26 June 1946, after then the weight of bread was reduced to 450 grams.<sup>293</sup> More interestingly, the inspectors gave the nominal wages of both convicts and free workers for five years.<sup>294</sup>

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<sup>291</sup> BUMH, *Etibank - Keçiborlu Kükürtleri İşletmesi Müessesesi 1946 Yılı Raporu*, 1,13.

<sup>292</sup> Makal, "65. Yılında Milli Korunma Kanunu, Çalışma İlişkileri ve İş Mükellefiyeti Üzerine Bir İnceleme," 83.

<sup>293</sup> BUMH, *Etibank - Keçiborlu Kükürtleri İşletmesi Müessesesi 1946 Yılı Raporu*, 23.

<sup>294</sup> *Ibid.*, 19.

**Table 5 The Wages in Keçiborlu Sulfur Mines in 1942-1946**

	1942	1943	1944	1945	1946
<b>Convict Workers*</b>	116	95	65	75	78
<b>Free Workers*</b>	186	264	366	336	339
<b>Average*</b>	179	208	220	186	211.71
<b>Number [Convict/Free]**</b>	0.111111	0.495575	0.941935	1.351351	0.951986
<b>Nominal Wages in Turkey***</b>	198	214	238	263	287
<b>Real Turkey in Turkey***</b>	85	62	70	74	84
<b>Real Wages of the Convicts****</b>	49.79798	27.52336	19.11765	21.10266	22.82927
<b>Real Wages of the Free Workers****</b>	79.84848	76.48598	107.6471	94.53992	99.21951
<b>Real Average Wage</b>	76.84343	60.26168	64.70588	52.3346	61.9639

\* Source: BUMH. Etibank - Keçiborlu Kükürtleri İşletmesi Müessesesi 1946 Yılı Raporu: 19.

\*\* Number[Convict/Free]= Wage[(Free Workers-Average)/(Average-Convict Workers)]

\*\*\* Source: Makal, Ahmet. "65. Yılında Millî Korunma Kanunu, Çalışma İlişkileri ve İş Mükellefiyeti Üzerine Bir İnceleme." Toplum ve Bilim, no. 102 (2005): 74.

\*\*\*\* Wage[(Real Turkey \* Nominal Keçiborlu)/Nominal Turkey]

According to Table 5, some interpretations can be made. First of all, the increase in the wages of free workers simultaneously with the decrease in the wages of the convicts contradicts with the explanation based on labor demand of the establishment. In fact, if the high inflation in the war years is considered, the fluctuation of the real wages would be different. The average nominal and real daily wages of Turkey are used in order to calculate the real wages in Keçiborlu. As seen in the table, the real wages of the free workers increased but not with the high ratio as in the nominal wages. The real wages of the convicts declined sharply in 1943 and continued to decrease. If we consider the average real wages and real wages of free workers in Keçiborlu together, we can conclude that the function of the convict workers was to bring down the wages. Second, if it is assumed that the wages were homogenous in each group, the proportion of the numbers of the convict workers to the free workers can be calculated, as seen in the middle row of the table. While we

already know that the half of the work force in 1946 were convicts, then such a calculation seems to be proven. However, we also know that convicts constituted the majority in 1943, but the calculation says that one-third of the work force were convicts. Nonetheless, this ratio calculated was perhaps not the ratio of the convict workers to free workers, but it can be interpreted as a measure of the *effect of the convicts*. For example, it can be concluded that in 1945 convict workers made the biggest impact on the average wage.

About the Değirmisaz Mine Prison we have only indirect information. In 1952, the deputy Nasuhoğlu asked the Minister of Justice, Rükneddin Nasuhioğlu, that there were complaints about the convicts working there along with free workers. He claimed that convicts violated the production process, and asked when this prison was to be closed remembering that the other mine prisons were closed thanks to the sufficient supply of free laborers.<sup>295</sup> However, the Minister stated that there was no such a controversy, and that convicts were very obedient in order to fulfill the days of sentence without problem. Additionally, the mine prison in Değirmisaz would be hold six years more because of the closure of the other mine prisons.<sup>296</sup>

### Karabük

It is appropriate to continue with the most famous factory, Karabük. Karabük was only a district with 13 households until 1935. Strikingly, it became the name of a railway station between 1935 and 1937. The foregoing life of the district, however, would be interwoven with the lifespan of factory. The foundations of the Karabük Iron-Steel Factory (*Karabük Demir Çelik İşletmesi*) were laid in 1937 and it opened

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<sup>295</sup> "Adalet Bakanlığı Bütçe Görüşmeleri - 1952," *TBMM Zabıt Ceridesi* 13-2 (1952): 654.

<sup>296</sup> *Ibid.*: 674.

in 1939 by Sümerbank. In 1955, the factory would be incorporated with Divriği mines under state ownership, the Steel and Iron Enterprises of Turkey (*Türkiye Demir Çelik İşletmeleri*).<sup>297</sup>

It is “obvious” that convicts were employed in Karabük factory “in its early days,” but there is not sufficient knowledge about them now. According to Tahsin Şentürk, in its early years, prisoners were brought from the Erzincan Prison and from Trace region. He remembers that in the 1960s *bekâr pavyonları* (dorms for single workers) and a small prison were side by side, with also a mosque additionally.<sup>298</sup> Probably, the workers and the convicts were living in these juxtaposed places in the 1940s. Ziyaeddin Fahri Fındıkoğlu, an eminent sociologist and philosopher of the period, in his book about Karabük written in 1962, mentioned only a building called the Convicts’ Mosque (*Mahkûmlar Mescidi*), which had been constructed by convicts.<sup>299</sup> This mosque was probably built when İbrahim Saffet Omay, who would be the director of İmralı Prison later, was the vice-public prosecutor of Zonguldak and the director of Karabük New Prison. In 1949, the mosque had the name of Omay.<sup>300</sup> In 1962, this building was used as a workers’ house.

In a very different and interesting context, Fındıkoğlu remembered that he had seen in 1941, during a research trip, some “convict groups” (*mahkûm kafileleri*) which had been employed for wages. The context was the spoken Turkish in the basin and training courses for İstanbul Turkish. “In the folk poems collected from

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<sup>297</sup> Ziyaeddin Fahri Fındıkoğlu, "Karabük'ün Teşekkülü ve Bazı Demografik ve İktisadi Meseleler," in *Sosyoloji Konferansları 1960-1961* (İstanbul: İ.Ü. İktisat ve İktimaiyat Enstitüsü Neşriyatı, 1962), 3-8.

<sup>298</sup> Interview with Tahsin Şentürk, 18/02/2006, İstanbul.

<sup>299</sup> Ziyaeddin Fahri Fındıkoğlu, *Kuruluşunun XXV. Yılında Karabük : Türk Şehir Sosyolojisine Yardım Denemesi* (İstanbul: Türkiye Harsi ve İktimai Araştırmalar Derneği, 1962), 66.

<sup>300</sup> *İmralı*, no. 91, 28 Ekim 1949.

these convict citizens who had come from varied districts of homeland, we detected differences of vernacular and accent.”<sup>301</sup>

We have some indicators about the numbers of the prisoners in Karabük. Fındıkoğlu gives us the number of workers in Karabük factory as 3,089 in 1949-50.<sup>302</sup> Additionally, in the Economic Development Plan of 1947, it was said that in 1946 Karabük had 3,500 unqualified workers in total.<sup>303</sup> Last, Tümertekin gives the numbers of workers in the Karabük Factory as between 3,700 and 4,000 in 1945-49.<sup>304</sup> On the other hand, İbrahim Saffet Omay indicated in 1947 that 600 convicts were employed at Karabük.<sup>305</sup> Roughly one-sixth to one-fifth of the workers were prisoners. At an earlier date, in 1942, Selim Cavid Yazman wrote that at the Karabük factory 3,586 workers were employed while 370 of them were convicts.<sup>306</sup> Moreover, in 1945, 551 of 3693 workers were convicts.<sup>307</sup> In time, it seems, the proportion of prisoners increased in years. According to the official inspectors, in 1945, 229 convicts worked in carrying, 52 in the blast furnaces, 38 in the rolling mills, and 232 in the other issues. In addition, the official inspectors stated in 1945 that “these

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<sup>301</sup> (“1942 de Karabük’ü ilk ziyaretimiz esnasında bazı mahkûm kafileleri D.Ç.İ.nde belli bir ücretle çalıştırılıyorlardı. Çeşitli memleket köşelerinden gelen bu mahkûm vatandaşların ağızından toplanan halk şiiirlerinde lehçe ve şive başlıkları görmüştük.”) Fındıkoğlu, *Kuruluşunun XXV. Yılında Karabük : Türk Şehir Sosyolojisine Yardım Denemesi* 72.

<sup>302</sup> Ibid., 23.

<sup>303</sup> İlhan Tekeli and Selim İlkin, *Savaş Sonrası Ortamında 1947 Türkiye İktisadi Kalkınma Planı* (Ankara: Orta Doğu Teknik Üniversitesi, 1974), 125.

<sup>304</sup> Erol Tümertekin, *Ağır Demir Sanayii ve Türkiyedeki Durumu* (İstanbul: İ.Ü. Yayınları, Sucuoğlu Basımevi, 1954), 241.

<sup>305</sup> Omay, *Cezaevi (İş Esası Üzerine Kurulu)*, 31.

<sup>306</sup> Selim Cavid Yazman, "Karabükte İctimaî Hayat," *İktisadi Yürüyüş* 6, no. 61-62 (Sümerbank Fevkalâde Sayısı) (1942): 23.

<sup>307</sup> BUMH, *Sümer Bank Türkiye Demir ve Çelik Fabrikaları Müessesesi 1945 Yılı Umumî Murakebe Heyeti Raporu*, 93. It seems that the labor-turnover was also happening: the half of all workers had only 1-year-seniority, and only 7% of them had seniority more than 5 years.



[prisoners] are in a good discipline and in superior effort compared to non-convicts.”<sup>308</sup>

In fact, Tmertekin argued that the steady worker problem throughout the country was relatively lightweight in Karabk because the settlement issue had been considered early due to the lack of population there. At the end of the 1940s, the half of the workers had been settled while the other half were from the nearby villages. A decree announced in 1948 was probably influential in the steadiness of the workers: Those who left the factory would not be employed again.<sup>309</sup>

Yazman also stated that workers who earned up to 180 piaster were entitled to eat one meal free of charge. Interestingly, the daily wage of convicts was banked in their accounts after the deduction of the expense of meals. He also stressed the fact that one day of work in the factory compensated for two days of sentence. Hence, the ultimate advantage of working in the factory for prisoners, according to Yazman, was that they were learning and practicing a profession which would be their job after release for the rest of their lives.<sup>310</sup>

### Kayseri

The Kayseri Weaving Factory (*Kayseri Bez Fabrikası*) is described by the sources as a Women’s Labor-based Prison. In the beginning of the period in question, Prime Minister İsmet İnn made some business trips negotiating the import of industrial knowledge and machines, especially from Soviet Russia. The Smerbank textile factory of Kayseri was one of the fruits of these efforts. Its

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<sup>308</sup> (“*Bunlar, iyi bir disiplin ve mahkm olmyanlara nispetle stn bir ihtimam iindedir.*”) Ibid.

<sup>309</sup> Tmertekin, *Ađır Demir Sanayii ve Trkiyedeki Durumu* 243-44.

<sup>310</sup> Yazman, "Karabkte İtimaî Hayat," 23, 53.

production began in 1935, in collaboration with businessmen like Şevket Turgut, at the cost of nine million liras. It was the biggest compared to its predecessors.<sup>311</sup> Its production capacity was nearly half of the amount imported into Turkey in 1934. Accordingly, in 1936, 2,000 workers were employed in this factory. Their wages were relatively high, as Webster pointed out, in compared to other industries: maximum wage in 1939 was 170 piasters. In addition, Webster interestingly evaluated the social milieu of the factory as being based on human factor, not on mechanics: “The athletic field, inc. football stadium, swimming pool, gymnasium equipment, riding track, and other spaces for other pastimes, covers as much ground as the factory.”<sup>312</sup> This statement is of importance because, as will seen in the following chapter, the cease of mechanization and the increasing value of human labor was a determinant factor in the development of productive labor in the penal system.

The production of the factory increased roughly 30 percent between 1936 and 1941, from 18 to 23 million meters of fabric. One of the inputs it necessitates for this production was nearly 23 tons of coal, which states the importance of the Coal Basin of Ereğli-Karabük and of the factories there. The labor force of the factory consisted of 2,573 workers in 1942, 835 of them in the yarn section, 138 in dye and size, 142 in the station, 114 in administration and silos, and 167 in repair. There was no free board except for those who earned up to 250 piasters a day.<sup>313</sup>

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<sup>311</sup> Selim Cavid Yazman, "Kayseri Bez ve Dokuma Fabrikası," *İktisadi Yürüyüş* 6, no. 61-62 (Sümerbank Fevkalâde Sayısı) (1942): 24-25.

<sup>312</sup> Donald Everett Webster, *The Turkey of Atatürk: Social Process in the Turkish Reformation* (Philadelphia: The American Academy of Political and Social Science, 1939), 249.

<sup>313</sup> Yazman, "Kayseri Bez ve Dokuma Fabrikası," 26-27.

However, Kayseri Weaving Factory was also suffering from the labor problem. The factory director complained in 1939 that he should hire 3,000 workers in order to hold 2,000 of them; workers returned to their home village whenever they wanted.<sup>314</sup> Whatever the reason was, we see 150 convicts working in the factory, all of whom were women, in 1942. Their daily wage was paid into their bank accounts probably after extracting their expenses, as in the Karabük Factory. Selim Cavid described this high favor as that the convicts were also given accommodation means (“espabı istirahatleri temin edildikten başka”) and that one day’s work in factory was equal to two days in prison. He adds that these women convicts liked the factory so much that they continued to work there after their release.<sup>315</sup> However, they probably were unable to find other jobs easily, especially due to their previous convictions.

There was a female prison in Kayseri, at least in the mid-1940s. We do not know whether these women were employed in the factory, but the information we have about their crimes would be valuable. As it is seemed, throughout the country the dominating proportion of them was sentenced for murder, 70%. If we again calculate all crimes relating to murder, the percentage would increase to 91. Only 2.6% of the convicts were guilty of property crimes.<sup>316</sup>

In fact, the convicts who were working at the Sümerbank Weaving Factory in the mid-1940s did not live in a prison, according to Mehmet Bey. He was born in 1940 and remembers that when he was 5-6 years old, he would wait his father, who worked in the factory, in the evenings in front of the factory. He said that the work hours were from seven to seven. Moreover, he also remembers that the convicts were

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<sup>314</sup> Webster, *The Turkey of Atatürk: Social Process in the Turkish Reformation*, 250.

<sup>315</sup> Yazman, "Kayseri Bez ve Dokuma Fabrikası," 27-28.

<sup>316</sup> *Suçlu Kadınlar Üzerinde Kriminolojik Bir Araştırma*, 2 ed. (Ankara: İdeal Basımevi, 1947), 4-6.

a part of the people coming out at seven. They would go directly to the “apartments for singles” (*bekâr apartmanları*). These apartments had two parts, one for men and one for women. In 1956, when he also began to work in Sümerbank factory, there were no convicts working there.<sup>317</sup> In fact, the construction plans of 1943 of Sümerbank revealed that the studies of a “women judicial affairs barracks” (*kadın adli işler pavyonu*) were to be finished in that year.<sup>318</sup>

Dr. M. Şerif Korkut, a member of the labor commission of the Assembly, remarked that in 1948 no women convicts were employed in the Weaving Factory. It was asserted that they had not been working enough and had been pretending to be sick. He stated also that there were 3,500 workers and that 20-30 % of them were women.<sup>319</sup> On the other hand, women convicts were not only in Kayseri. In the establishments of Sümerbank, it was reported, 994 of 31,703 workers were prisoners.<sup>320</sup>

### Concluding Remarks

In these two factories, criminals were working with free workers. I did not come across any indication that the convicts were treated differently or separately compared from the others. In fact, İbrahim Saffet Omay, as a penologist, disapproved of the employment of prisoners in the state enterprises. He gave Karabük Prison as an example to disclose the disadvantages of this practice. The 600 convicts who were

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<sup>317</sup> Interview with Mehmet Bey via telephone in 8 December 2005. He is now in the Kayseri division of Teksif.

<sup>318</sup> *Sümerbank - X uncu Yıl*, (İstanbul: Cumhuriyet Matbaası, 1943), 214.

<sup>319</sup> 26/06/1948, Catalog no. [PMRA, 490.01 / 1464.3.8]. Report by Dr. Şerif Korkut on sanitary issues in Kayseri and State Enterprises of Kayseri.

<sup>320</sup> Makal, "65. Yılında Milli Korunma Kanunu, Çalışma İlişkileri ve İş Mükellefiyeti Üzerine Bir İnceleme," 83.

employed at the factory were working as shift workers and subject to regular rules like the free workers. The immediate drawback was the difficulty of controlling the prisoners. It was impossible to detain them, for instance, in their correspondence with outside. Second, the masters in the factory were supposed to behave unbearably toward the prisoners and to accuse them of being guilty of a possible misrule or disturbance. Such a report would affect negatively the privileges of the prisoners, perhaps his ‘career’ in a stage-system. Another aspect is the issue of correction or the efficiency of the penal system in the after-prison life of the convicts. Omay argues that, in Turkey, there were not many factories, so the freed men would again turn their face to agriculture. This means that prisons should train their convicts in a way that would be beneficial to them after release.<sup>321</sup> İmralı, Dalaman and Edirne were good examples.

Before these agricultural prisons, the relation between the prisoners and other workers were to be adverted. As mentioned above, compulsory labor was applied widely in the 1940s. Omay’s thoughts on the masters’ behavior in the factory were probably not speculation. He claimed that the workers were trying to get fired in order to be freed from the sanctions of the National Protection Law; therefore, the masters were unable to wield power over the workers.<sup>322</sup> This is not surprising when we think of the compulsory labor in the Ereğli basin. The forced workers who wanted to go back to their village as soon as possible had to be fired, while the convicts who wanted the same had to stay in these prisons and work to shorten their sentences. The contradiction among them was not being free or not free; they all were by definition unfree. The difference was, but in the technology of governance.

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<sup>321</sup> Omay, *Cezaevi (İş Esası Üzerine Kurulu)*, 31-34.

<sup>322</sup> *Ibid.*, 32.

The former was incarceration, forced-labor, slavery; the latter was release for work, turning them into working subjects, voluntary labor, namely it was a whole process of exarceration of convicts into the market economy. The old prisons were the hidden naked force behind the remunerative work in the new prisons, like the police behind the market. The prison labor was the kernel of the market economy; compulsory labor was doomed to death. There was no free labor based on free choice independent of economic relations. Labeling as a criminal and giving a chance through working was the same technology as labeling as someone property-less and giving him a chance, again, through working. History has shown us that prison-labor has dominated compulsory labor, and spread into all the prisons, erasing the line between old and labor-based ones. Factories did not resemble prisons, they *were* unmitigated prisons.

At this point, the discussions over the competition between convict labor and free labor should be distinguished. The general market relations, it is claimed, were effected by the unfree-production of the prison factories. The primary issue was then unfair competition, which was twofold: First, the free laborers were put unfairly into intra-competition because prison work reduced the entire demand to labor. Second, the products of private enterprises were put into competition with the cheap products of prison work.<sup>323</sup> Some solutions were advised by penologists. Sakıp Güran emphasized the manual/mechanized labor distinction and advocated that manual labor should be preferred in prisons not only because of the corrective character of manual work, but also because it would reduce or prevent unfair competition with the outside.<sup>324</sup> Omay found the answer in the system of the closed economy of the

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<sup>323</sup> *Ceza İnfazında Sistemler ve İmralı Cezaevi*, 10-11.

<sup>324</sup> Güran, *Cezanın İnfazı - Sistemler ve Tatbikat*, 29.

prisons. In other words, each prison would produce only for prisons; accordingly, the extra-economic market and real market would be separated. Even in such a case, if a convict labor supply would increase, they could be employed in some public works which were the responsibility of the state.<sup>325</sup>

However, as seen, these solutions were created for a potential competition between prison manufacture and private enterprises, which produced the same products. The first aspect of unfair competition, between workers and prisoners, was in reality absent due to the above-mentioned industrial labor scarcity. In addition, these disputes interested only prison manufacture in İmralı, Ankara and Dalaman. Employing convicts in state enterprises (the factory and mines in question executed by either Sümerbank or Etibank) could not cause any unfair competition between private enterprises and workers. One of the publications on prisons gives a clue about this issue; it says that, “in foreign countries this situation caused a lot of disorder.”<sup>326</sup> It can be thus asserted that such concerns emerged not from the native experiences, but from the Western literature. Therefore, the story of prisons should not be explained only through the economic context. The subjectivities of criminologists and penologists, who were the voice of the West, should be evaluated in the context of being the elites of a non-Western country.

On the other hand, in İmralı, Ankara and Dalaman, such a preoccupation could be appropriate. For example, in India, “by the early years of twentieth century, some jails become so commercially successful that European industrialists

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<sup>325</sup> Omay, *Cezaevi (İş Esası Üzerine Kurulu)*, 20-22.

<sup>326</sup> *Ceza İnfazında Sistemler ve İmralı Cezaevi*, 10.

complained of unfair competition from state-subsidized jail labor.”<sup>327</sup> Whether such an experience occurred in Turkey will be discussed in the following chapter. In fact, this profit issue was always disputatious. In 1886, London, in an article on the competition of convict labor, the insignificance of the problem was advocated. The author calculated that, “it takes the labor of two convicts to equal that of one free laborer,” and reached the result through other statistics: “Therefore, while the percentage of convicts to free laborers was 1.83, the competitive productive power of the former was only three-fifths of that, or 1.1 per cent.” This was so a small proportion to dispute on unfair competition.<sup>328</sup>

The dispute over the unfair competition of convict labor is very productive on the issue of leftist politics. Brian Greenberg gives an inspired account of the attitudes of workers in Albany, New York, toward the contract labor in prisons in the nineteenth century. He basically claims that the workers adopted a “free labor ideology” and that their “mutual interests unified the community.”<sup>329</sup> In 1883, they marched with the slogan of “Labor and Capital Unite to Abolish Prison Contracts.”<sup>330</sup> The workers were not searching for an alternative to wage-labor, but used the political system to implement their immediate demands, like disfavoring prison-labor, which led them to support the Democrats. In 1894, an amendment in law ended their problem with prison labor. “Thus, by the mid-1880s Albany workers had adopted the values that characterized the prevailing community

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<sup>327</sup> David Arnold, "The Colonial Prison: Power, Knowledge, and Penology in Nineteenth-Century India," in *A Subaltern Studies Reader, 1986-1995*, ed. Ranajit Guha (Minnesota: University of Minnesota Press, 1997), 165.

<sup>328</sup> Nicholas Murray Butler, "The Competition of Convict Labor," *Science* 7, no. 155 (1886): 69.

<sup>329</sup> Brian Greenberg, "Free and Unfree Labor: The Struggle Against Prison Contract Labor in Albany, New York, 1830-85," in <http://www.h-net.org/~business/bhcweb/publications/BEHprint/v009/p0167-p0180.pdf> [Last Access: 01.11.2005], 167-68.

<sup>330</sup> *Ibid.*, 174.



consciousness.”<sup>331</sup> In this context, it is valuable to investigate the position of trade unions in Turkey established due to the Law on Trade Unions in 1947, which is beyond the scope of this study. Now, the following chapter is devoted to “agricultural colonies.”

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<sup>331</sup> Ibid., 176.

## CHAPTER IV

### “AGRICULTURAL COLONIES”

#### Agricultural Policies and the State

After industrial issues, agriculture should be taken into consideration because three labor-based prisons dealt with land. In fact, The Second World War brought the government face to face with provisioning problems throughout the country. The agricultural products which were feeding the towns became vital due to the lack of import-export facilities. In these years, domestic production, industrial and agricultural, was the base of the economy of Turkey, namely the last years of the first import substitution period. For instance, in June 1941, the army announced that 15% of the soldiers would be discharged for one month so that they could take part in the harvest throughout the country.<sup>332</sup> The war years also were times to earn easy money. As the urban market was under the control of the black market, economists sent out an alert on behalf of planned agricultural production in order to prevent the shortage of some materials. For example, Celâl Akyürek, the general secretary of the Ankara Chamber of Commerce, advocated in 1942 that the state should be in a circumstance of agricultural mobilization, which meant a planned sowing campaign.<sup>333</sup>

Although the significance of the mobilization of the peasants around a productive and efficient agriculture program became urgent in war time, this goal was not new. In fact, the 1930s and 1940s witnessed the increasing penetration of the state into the agricultural realm, as well as into the economic sphere of the country. The Great Depression was a highly significant determinant on these policies.

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<sup>332</sup> 14/07/1941; Catalog no. [PMRA, 30..10.0.0 / 152.77..21.]. The transportation of discharged soldiers via railroads.

<sup>333</sup> Celâl Akyürek, "Ziraî Seferberlik," *İktisadi Yürüyüş* 5, no. 55 (1942): 11.

However, specifically in agriculture, as early as 1925 cereal production had begun to stabilize and then fell into decline until 1935.<sup>334</sup> The provisioning of the cities was thus an appealing problem for the government. As a result, in 1932, the government became involved to buying grains from the peasants in order to prevent the possible decline in grain production.<sup>335</sup> When this policy is situated in the general economy policy of the period, the stabilization of grain prices could be interpreted as a “cheap bread-cheap labor” policy for industry.<sup>336</sup>

In the meantime, the mechanization of agriculture also ceased. After the National Struggle, a tendency for mechanization in agriculture could be detected as a response to the great loss of labor force and the machine market attractive to buyers in the world. This conjuncture was supported by the credit facilities and policies of the government such as the exemption from military service for those who had tractors or motorized vehicles. However, after 1929, this policy was abandoned partly because of the high prices of petroleum and the state’s unwilling to support fuel for farmers.<sup>337</sup> Hence, in the subsequent period, manual labor became primarily important in economic activities. According to Tökin, the early mechanization was

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<sup>334</sup> Çağlar Keyder and Şevket Pamuk, "1945 Çiftçiyi Topraklandırma Kanunu Üzerine Tezler," *Yapıt*, no. 8 (İnönü Özel Sayısı) (1984-1985): 56.

<sup>335</sup> The grain policy of the government in the 1930s is a controversial topic in the academic circles in Turkey. While Keyder&Birtek mentions of an alliance between state and middle peasantry, Özbek, Boratav and Silier are criticizing this argument. See Faruk Birtek and Çağlar Keyder, "Agriculture and the State: An Inquiry into Agricultural Differentiation and Political Alliances: The Case of Turkey," *The Journal of Peasant Studies* (1977). Nadir Özbek, "Kemalist Rejim ve Popülizmin Sınırları: Büyük Buhran ve Buğday Alım Politikaları, 1932-1937," *Toplum ve Bilim*, no. 96 (2003). Oya Silier, *Türkiye’de Tarımsal Yapının Gelişimi (1923-1938)* (İstanbul: Boğaziçi Üniversitesi, 1981).

<sup>336</sup> This is the evaluation of Korkut Boratav; he stated that the intervention of the government hold the grain cheap. However, at the same time, the export products and agricultural raw materials for the industry was supported by state; this meant a support to big landowners in contrast to small peasantry. Cited in Silier, *Türkiye’de Tarımsal Yapının Gelişimi (1923-1938)*, 101-02.

<sup>337</sup> İlhan Tekeli and Selim İlkin, "Devletçilik Dönemi Tarım Politikaları (Modernleşme Çabaları)," in *Türkiye’de Tarımsal Yapılar*, ed. Şevket Pamuk and Zafer Toprak (Ankara: Yurt Yayınevi, 1988), 83-84.

due to the expensiveness of the labor force, but in the 1930s wages declined because many propertyless or poor peasants left their families and lands to find jobs in the villages and towns.<sup>338</sup> Consequently, from the 1930s to the 1950s, Turkey entered into a *labor age* with all its policies: economic, educational, political and penal.

Labor as a concept should also be regarded due to its wide exploitation. In the period from the end of the 1920s to the end of World War II, sharecropping in Anatolia was pervasive.<sup>339</sup> In this highly disputed area of study, academics at least shared the point that the small peasantry was common in Turkey and this category signifies those who were under the subsistence level.<sup>340</sup> Consequently, many peasants had to be involved in additional jobs to pay the taxes imposed on them by the state. The monetary taxes were a real burden in a period of declining prices. Moreover, the internal terms of trade were against agriculture, in Turkey as well as in the world. Thus, in the 1930s, through taxation and price policies, the surplus was transferred from the agricultural sector to industry.<sup>341</sup>

The importance of this situation for this work is twofold. First, a mobile multitude which consisted of peasants needy of additional income constituted the seasonal workers who were problematic for the newly established industries. The poor peasants embodied the labor problem. Such a situation supported the emphasis of the intellectuals reviewed in the preceding chapter on a steady labor force. As

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<sup>338</sup> İsmail Hüsrev Tökin, *Türkiye Köy İktisadiyatı* (İstanbul: İletişim, 1990 [1934]), 197.

<sup>339</sup> Çağlar Keyder, "Türkiye'de Ortakçılık Döngüsü ve Küçük Köylü Mülkiyetinin Pekişmesi," *Yapıt*, no. 11 (1985).

<sup>340</sup> In spite of many contradictions in the evaluations of Çağlar Keyder and Oya Silier, Keyder also argued that small peasantry only reached to subsistence production after 1950s. This is comfortable with Silier's argument that the middle peasantry who could make subsistence production was a very thin segment in the 1930s. See Ibid., and Silier, *Türkiye'de Tarımsal Yapının Gelişimi (1923-1938)*, 99.

<sup>341</sup> Birtek and Keyder, "Agriculture and the State: An Inquiry into Agricultural Differentiation and Political Alliances: The Case of Turkey," 455.

Boratav and Tökin hinted, the main characteristic of the 1930s could not be the scarcity or expensiveness of men in general. In contrast, the period was of additional jobs. The main problem was efficiency, which required continuity in the lives of workers.

The second result of the depression context is that the provisionist policies required that the government intervene in the production realm not only in the industrial sector, but also in agriculture. As will be seen, the administrative and formal character of the state establishments were well in accordance with the penal colonies; and the latter could not be evaluated unless the former were analyzed.

The early Republican era saw the founding of Stations for Seed Correction (*Tohum Islah İstasyonları*). In these stations, varied types of products like wheat, oat, barley, cotton, potato, and corn were developed. The aim was to improve the efficiency of the seeds and the agricultural production. In addition, nursery gardens,<sup>342</sup> stations for fruit growing and for silkworms were established in various regions.<sup>343</sup> To assure the national provision and the raw materials for industry<sup>344</sup> were the triggering factors to widen the variety of products in an autarchic agricultural economy;<sup>345</sup> the stations were the fruit of these concerns.<sup>346</sup> Furthermore, “test fields” (*deneme tarlaları*) was opened in Ordu (1935), Çorum (1937) and Erzurum

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<sup>342</sup> There were American Nurse Gardens for Viniculture in Tekirdağ, İstanbul Agricultural School, Erenköy and Bilecik; and Stations of Viniculture in Manisa and İzmir. Tekeli and İlkin, "Devletçilik Dönemi Tarım Politikaları (Modernleşme Çabaları)," 65.

<sup>343</sup> Zafer Toprak, "Türkiye Tarımı ve Yapısal Gelişmeler 1900-1950," in *Türkiye'de Tarımsal Yapılar*, ed. Şevket Pamuk and Zafer Toprak (Ankara: Yurt Yayınevi, 1988), 26-28.

<sup>344</sup> For instance, according to Derin the main purpose of the government was to heighten the quality of cotton sent to weaving factories. Haldun Derin, *Türkiyede Devletçilik* (İstanbul: Çituri Biraderler Basımevi, 1940), 68.

<sup>345</sup> Tekeli and İlkin, "Devletçilik Dönemi Tarım Politikaları (Modernleşme Çabaları)," 39.

<sup>346</sup> For a detailed list of test stations, nurse gardens and also animal husbandry establishments see Derin, *Türkiyede Devletçilik*, 67-70.

(1940) to examine the production aspect of new seeds. Tests were also carried out on the farms of Mustafa Kemal and in the Agricultural Combines (*Zirai Kombinalar*), which would be very beneficial for national provision in the war years.<sup>347</sup>

These attempts were embodied also in an establishment, the State Organization for Agricultural Establishments (*Devlet Ziraat İşletmeleri Kurumu*), in 1938, the purpose of which was “to show to peasants that scientific cultivation was profitable.”<sup>348</sup> With its 10 farms and 70,000 decares of land, this organization was an area of agricultural production and of support for independent peasants; additionally, on these farms not only cultivation, but also animal husbandry and production of milk-based materials took place.

Another phenomenon that should be considered in order to understand the agricultural colonies is the model villages. In the early Republican era, an interesting project called “model villages” (*örnek köy*) was witnessed. The number of these villages can be estimated as very low because even the contemporary publications in the 1930s and 1940s did not refer to them frequently. Pehlivan Village in Thrace was one of these models. In 1940, an investigation was made by the Thracian General Inspector, probably by the demand of the RPP. A group of experts were to write reports about the village: a financier, security advisor, public health counselor, veterinarian, culture adviser, the chief of the village bureau, the directors of a seaming course and art school, and an officer of agriculture. It was reported that the village, with a population of 1,928, had a “budget” of 7,707 liras, while the earning of the population in one year were 193,950 liras. The infrastructure was developed in years in construction, public health, basic education and economic issues. There were

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<sup>347</sup> Tekeli and İlkin, "Devletçilik Dönemi Tarım Politikaları (Modernleşme Çabaları)," 46-49.

<sup>348</sup> Şefik Bakay, "Devlet Ziraat İşletmeleri Kurumu," *İktisadi Yürüyüş* 6, no. 68-69-70 (Ziraat Fevkalâde Sayısı) (1942): 19.

courses for carpentry and ironing, each with six students at that time, the fathers of which were all farmers. In the section of “agricultural order” (*zirai asayiş*) of the report, the losses caused by animals wandering were calculated, and it was said that the owners of those animals were paid. Additionally, the sanitary situations of the creamery, water facilities, butchery and land were examined in detail, as well as the health of the animals. There was also organized a great fair every September.<sup>349</sup>

Last but not least, the educational aspect of labor-based prisons is reminiscent of the technical schools in Turkey. As early as 1928, the trainers of the Halkalı High School for Agriculture were sent to Germany to be educated. Accordingly, in 1930, the new School for Agriculture (*Yüksek Ziraat Mektebi*) was founded under the Ministry of Economics, which was named in 1933 the Institute of Agriculture (*Yüksek Ziraat Enstitüsü*).<sup>350</sup> Additionally, Course for Village Trainers (*Köy Eğitimcileri Kursu*) was opened after 1936. In 1938, the number of courses was 11 and of trainers 1,500.<sup>351</sup>

In 1943, a code about schools for technical agriculture and technical horticulture was passed. With this code, the Ministry of Agriculture would train the children of peasants and farmers, and equip them with technical qualities. It also would establish free boarding agricultural enterprises. The children who graduated from the five-year primary education and who were under 16 would be required to attend this school if they were chosen by the Ministry. If they left the school, the costs of their education would be cut from their families. But, if the children continued school, all conveniences would be granted to them. For example, the

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<sup>349</sup> 18/06/1940, Catalog no. [PMRA, 490.01 / 470.1925.01]. The inspection made to Pehlivan model village.

<sup>350</sup> Tekeli and İlkin, "Devletçilik Dönemi Tarım Politikaları (Modernleşme Çabaları)," 43-45.

<sup>351</sup> Toprak, "Türkiye Tarımı ve Yapısal Gelişmeler 1900-1950," 26.

Ministry would give land those who had none, or they would be made exempt from land and animal taxes for ten years, and the state would provide the necessary means to them cheaply or for free. The price of the land given would be paid in 25 years. Naturally, one who was given land should produce stably; otherwise, the land would be taken back and the taxes would be paid in double value. Additionally, the graduates of these schools could not work in state and private enterprises for 20 years. It should be added that these agricultural schools/establishments had circulating capital.<sup>352</sup> Between 1943 and 1947 five schools for technical agriculture and two schools for technical horticulture were founded.<sup>353</sup>

As Toprak writes, the important aspect of these educational facilities was their stress upon practice. The trainees learned to use sickles, to harvest crops and to drive tractors. They were also sent to state farms for apprenticeships.<sup>354</sup> This was also the case for the Village Institutes, a famous educational mobilization between 1937 and the mid-1940s. The pupils of these institutes were made to do such heavy work that they wrote a petition complaining of the excessive working conditions; also peasant witnesses confirmed this situation. In fact, the practicality of the institutes was advocated in the general discourse, but considering the overwork it is understood that this practicality was more for production than for education. The tie of the institutes to coerced labor was not limited to its inmates. All peasants living around the institutes had to work compulsorily for the institutes twenty days a year.<sup>355</sup>

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<sup>352</sup> "Teknik ziraat ve bahçe okulları hakkındaki kanun lâyihası ve Ziraat, Maarif ve Bütçe encümenleri mazbataları," *TBMM Zabıt Ceridesi* 4 (1943): 165-69.

<sup>353</sup> Tekeli and İlkin, "Devletçilik Dönemi Tarım Politikaları (Modernleşme Çabaları)," 45.

<sup>354</sup> Toprak, "Türkiye Tarımı ve Yapısal Gelişmeler 1900-1950," 25.

<sup>355</sup> Asım Karaömerlioğlu, "The Village Institute Experience in Turkey," *British Journal of Middle Eastern Studies* 25, no. 1 (1998): 61-62.



The war years had naturally special policies, also for agriculture. The provision of not only towns but also the army made steady production urgent in those years. The most comprehensive policy was to take the products of the peasants. After 1941, the peasants were forced to sell some of their yield to the Office of Land Crop (*Toprak Mahsulleri Ofisi*) at a constant price in a high-inflationist period. These policies damaged the small peasants very heavily. On the other hand, although it was very limited, peasants were forced to work on private farms.<sup>356</sup> As a result, the war period was a time when the production and force was combined directly or indirectly.

Consequently, the agricultural policies of the government in the 1930s were based on efficiency. "The scarce source of agricultural production was not land, but labor and capital."<sup>357</sup> Thus, it was a hard job to increase production in the short term (for instance through a land reform). The *correctionist* idea was the solution. The state would correct the seeds through the stations and labor through educational facilities, and it did. The "agricultural depression"<sup>358</sup> of Turkey came to an end in 1936-37. In the mean time, the state began to correct in agriculture not only seeds and labor but also the criminal.

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<sup>356</sup> Şevket Pamuk, "İkinci Dünya Savaşı Yıllarında Devlet, Tarımsal Yapılar ve Bölüşüm," in *Türkiye'de Tarımsal Yapılar*, ed. Şevket Pamuk and Zafer Toprak (Ankara: Yurt Yayınevi, 1988), 100-07.

<sup>357</sup> Tekeli and İlkin, "Devletçilik Dönemi Tarım Politikaları (Modernleşme Çabaları)," 40.

<sup>358</sup> Şevket Raşit Hatipoğlu, *Türkiyede Ziraî Buhran* (Ankara: Yüksek Ziraat Enstitüsü, 1936). Hatipoğlu also argued that there was lack of work in the first half of the 1930s. Since the agriculture was no more profitable the peasants were searching additional income sources such as working in railway construction. He also stated that the peasant abandoned his market relations and turned back to subsistence economy which meant that he would cut down his food.

## Penal Agriculture

The regulations combining the penal system and agriculture dated from the early Republican era. Erol Çatma points out that putting convicts to work had also been implemented in Ottoman times. They employed them in the agricultural and construction sectors. However, he says, these people can be seen simply as slaves as there was no legal authority to which they could appeal.<sup>359</sup> The period of the National Struggle witnessed regulations on prisoner's labor, too. The great mobilization and waste of men for war rendered agricultural production obsolete, and the provision of soldiers became a huge problem for the government. In this context, holding potential producers in prisons should have been regarded as a luxury, for in 1922 two enactments were promulgated to release them earlier. In 26 April 1922, with a decree numbered 1525, convicts of homicide who had three months left of their sentences, who were from the agricultural sector, and had land of their own were ordered to be released. The second decree promulgated on 21 June with number 1631, stated they, who at that time must not have three months left, were to be released temporarily for three months for their harvest. In this manner, prisoners were utilized at harvest time and contributed to the production.<sup>360</sup>

Such regulations can be found also in the Republican period, for instance in 1923<sup>361</sup>. Again in 1926, with the offer of the Ministry of Agriculture, it was decided by the government to postpone the imprisonment of convicts who were experts of agriculture and had a cultivated land, for two months at harvest time and one month at cultivation time and in the fallow period. The justification of the decree was the

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<sup>359</sup> Çatma, *Zonguldak Madenlerinde Hükümlü İşçiler*, 1.

<sup>360</sup> *Ibid.*, 2-3.

<sup>361</sup> 28/06/1923, Catalog no. [PMRA, 30..18.1.1 / 7.22.15].

prevention of payments of the losses to the peasant-convicts.<sup>362</sup> A very similar application can be found in 1930.<sup>363</sup> Also in 1925, a possible confiscation of a peasant's goods or arrestment of him would be postponed if it was in the cultivation time, namely in April or May.<sup>364</sup>

The meaning of the Dalaman, Edirne and İmralı labor-based prisons should be thought of in this context. In fact, Dalaman was established as a collaboration of the State Organization for Agricultural Establishments and the Ministry of Justice. In 1942, these foundations contracted to employ convicts at the Dalaman State Farm. The following year, the contracts were, it seems, extended. Finally, on April 1, 1945, Dalaman New Prison was founded as an independent establishment on 3,819 *dönüm*.<sup>365</sup> According to the director of the State Organization for Agricultural Establishments, Şefik Bakay, the number of convicts there in 1942 was 400.<sup>366</sup> Now, the prison survives under the name Dalaman Agricultural Open Prison. In 2004, the number of convicts was 198, but normally, as the governor of Dalaman district, Mehmet Yapıcı, expressed, 220-250 prisoners are there.<sup>367</sup>

More information was not available about the early years of the Dalaman Prison. The intendant of the archives there told me that the oldest documents dated to 1987. They do not know whether the remainder of the documents lay elsewhere.<sup>368</sup>

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<sup>362</sup> 25/04/1926, Catalog no. [PMRA, 30..18.1.1 / 18.27.7].

<sup>363</sup> 29/07/1930, Catalog no. [PMRA, 30..18.1.2 / 13.53.10].

<sup>364</sup> 25/03/1925, Catalog no. [PMRA, 30..18.1.1 / 13.20.2].

<sup>365</sup> *Türk İnfaz Sistemi ve Islâh Kurumları*, (Ankara: Ankara Yarı Açık Cezaevi Matbaası, 1969), 168-69.

<sup>366</sup> Bakay, "Devlet Ziraat İşletmeleri Kurumu," 19.

<sup>367</sup> Mehmet Yapıcı, *Dalaman Tarım Açık Cezaevi* ([cited 5 December 2005]); available from <http://www.dalaman.gov.tr/tarih.htm>.

<sup>368</sup> Telephon Talk in 5 December 2005.

One can speculate about the fate of the archives. In 1966, approximately one-third (1,033 *dönüm*) of the prison area was allocated to the General Directorate of State Cellulose and Paper Industry (*Devlet Selüloz ve Kâğıt Sanayii Genel Müdürlüğü*), which is known as SEKA, by the Treasury. In 1969, the construction of the SEKA factory was still continuing; the builders were convicts in the Dalaman Agricultural Open Prison. Moreover, it was planned that the factory also would be run by convict labor when it began to work.<sup>369</sup> Hence, the speculation should be clear.

The Ministry of Justice was researching areas for agricultural prisons in 1936, when İmralı was established. It asked the representatives of the provinces whether there were suitable regions for agricultural prisons in their jurisdiction. The fourth general inspector, Alpdoğan, who was responsible for the Eastern provinces, responded to this demand in 1937. According to his report, some marshes in Erzincan were being drained by the government and these would be appropriated for the establishment of an agricultural prison. First of all, Erzincan was central for the Eastern provinces and would be at the intersection of the railways following year. Additionally, the town was privileged in military issues and there were enough gendarmes to guarantee the security of the prison. On the other hand, the climate and irrigation facilities were favorable for cultivation, and there was a school of agriculture which would provide the necessary technical personnel. He also hinted that the convicts could be employed in a potential sugar factory. Moreover, Alpdoğan thought that for Tunceli, of which he was responsible for the “rehabilitation,” the people who would “be trained” in an agricultural prison would

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<sup>369</sup> *Türk İnfaz Sistemi ve Islâh Kurumları*, 169.

be beneficial. Consequently, he strongly recommended that such a prison be founded in Erzincan.<sup>370</sup>

In June 1940, the governor of Kütahya province sent a report to the government about the agricultural situation of the region. It was announced that the villages had very rich crops that year. However, it was also requested that to reap the product they apply to extraordinary methods such as using convicts. Not only was such an activity old as seen, but also it was regulated by codes. According to the *Ceza Muhakeme Usulü Kanunu*, a sentence less than two years could be delayed for at most four months in circumstances when the conviction of the criminal would be abundantly harmful for his family. Yet, this code was applied only before the conviction, not during the course of serving the penalty. Thus, the governor of Kütahya demanded an amendment on behalf of the use of convicts. In addition, according to another code, numbered 2023, some prisoners could be employed in jobs beneficial to the public on the condition that they slept in prison. The governor also wanted this code to be relaxed in order that he could employ them in villages for harvest because it was not possible to bring them everyday to the prison in town. As a justification, he reminded the relevant people that the National Protection Law gave to the government the authority to employ enough people necessary for harvest issues. The reply of the Ministry of Justice was not positive to the first request, however. The reasons were legal codes, doubts about security, the minority of the group of farmer-convicts, and drawbacks of interruption of the sentence period. The reply to the second request was ambiguous and short, but can be taken as positive.<sup>371</sup>

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<sup>370</sup> 05/11/1937, Catalog no. [PMRA, 30..10 / 72.470.5].

<sup>371</sup> 16/07/1940, Catalog no. [PMRA, 30..10 / 44.284.20].

Agriculture as a rehabilitative activity or as a traditional occupation of peoples in a peasant country was advocated by intellectuals discussing the issues of the penal system. For instance, Hidayet Aydiner argued that agriculture would cure criminality because nature was the only thing which affected morality positively. Jobs in the cities were an incentive to crime due to their immoral nature. As a matter of fact, crimes stemmed from either immoral business relations or unemployment. Therefore Aydiner advocated agricultural prisons. Prisoners released from these prisons would be occupied with agriculture and have a chance to stand apart from the cities. Consequently, he praised the projects of the Ministry of Justice to establish agricultural prisons. However, he was suspicious about the details of this project. Cultivating cereal would not be appropriate, for instance, because it would necessitate village groups, which would not be acceptable for a prison. Additionally, the occupation convicts would do should be beneficial after release. They would not find big farms to continue the same techniques, and they could not be workers on someone else's farm owing to their previous convictions. As a result, Aydiner supported arboriculture: it did not necessitate large amounts of land, or machines or oxen. One or two *dönüm* would be enough per a family. On the other hand, in cereal cultivation some months, for instance, harvest time, were intensive while other times were idle, which was the primary cause of criminality. Last, cereal needed collective working while arboriculture did not.<sup>372</sup> The arboriculture can be compared with the Pennsylvanian prison system, while cereal with that at Auburn.

As will be seen below, İmralı Prison did not suit Aydiner's thoughts. He thus criticized it, as early as 1937, as dispersed and unprotected, and claimed that the escapes proved this. Moreover, only one percent of the convicts benefited from this

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<sup>372</sup> Hidayet Aydiner, "Yurdumuzun Ağaçlandırılması ve Ziraî Hapishaneler," *Ülkü* 10, no. 57 (1937): 267-70.

place; this was not fair.<sup>373</sup> After examining İmralı Prison, more critiques will be presented.

### İmralı Penal Colony

In the first chapter, the visits of experts of law to foreign countries were described. One of the visitors, Mutahhar Şerif Başoğlu, was the creator of the “Prison Colony” in İmralı Island. In 1935, he brought 80 convicts to the island, all chosen according to their “cooperativeness.” For example, no recidivists were selected by the Director-General of Prisons. “In this respect it is not an experiment in general penology, but in providing a constructive, corrective program for the men who are judged most able to profit from it.” The indicators show that this experiment period lasted short: The population increased to 400 in two years; and they were guarded by only three gendarmes.<sup>374</sup> Webster stated in 1939 that

The attempt has also been made to secure as occupationally balanced a community as possible, not only to make it self-sustaining to the greatest possible extent but also to have the men thoroughly conditioned in ideal community behavior by the time they are released.<sup>375</sup>

As a result, as early as 1937, Nizameddin Nazif wrote in *Tavsir* that İmralı had already “a worldwide fame”. He congratulated Şükrü Saraçoğlu and stated that İmralı was one of the monuments which represented the regime powerfully.<sup>376</sup> In 1939, Webster praised İmralı Penal Colony as “an undoubted success.” Mr. Howland

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<sup>373</sup> Ibid.: 270.

<sup>374</sup> Webster, *The Turkey of Atatürk: Social Process in the Turkish Reformation*, 283.

<sup>375</sup> Ibid., 284.

<sup>376</sup> Nizameddin Nazif, “İmralı Hapishanesinin Psikolojisi,” *Tasvir*, 4 June 1937, reprinted in *Şükrü Saraçoğlu ve Dönemi Hakkında Basında Çıkan Yazılardan Bazıları 2*, ed. Yılmaz Saraçoğlu (İstanbul: Gelişim Matbaacılık, 2001), 176.

Shaw, a bureaucrat from United States Embassy, celebrated Başoğlu's work as the "single achievement not only in Turkish but in world penological efforts." Vedat Nedim Tör said that "it [was] not only a model prison colony but also a model for free communities."<sup>377</sup> He also wrote a play named *Men of İmralı* (İmralı'nın İnsanları).<sup>378</sup> In other words, we are now facing a challenging situation, a prisoner colony in the middle of the Marmara Sea.

A book about the ten-year life of the Republic published by RPP in 1933 mentioned about a plan to ameliorate the state of health of prisoners. It was thought that the convicts could be brought to a healthy and airy island. For this purpose, attempts were made to transfer of the İmralı Island under the prison administration. In addition to this, observations were made to establish an "agricultural colony" where the convicts would be occupied on land.<sup>379</sup> This project, as seen, was accomplished by Mutahhar Şerif Başoğlu in 1935-36 during the Ministry Justice of Şükrü Saraçoğlu. Who was then Mutahhar Şerif?

He could be a landlord, but chose to train adult men and women in the night courses for read and write. He visited the villages and taught rural hygiene there, visited prisons in the provinces and "carr[ied] comforts to the inmates." He graduated from İstanbul University at the first rank, and learned from the library of Mr. Shaw, especially on penology and correction. In Belgium, "his study included a voluntary incarceration of a fortnight's duration." After then, he began to work in the Ministry of Justice, ascended rapidly in rank, and became the "Acting" Director-General of

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<sup>377</sup> Ibid.

<sup>378</sup> Vedat Nedim Tör, *İmralının İnsanları*.

<sup>379</sup> *T.C.'nin 10. Yılı Rehberi : 1923-1933*, (Ankara: Hakimiyeti Milliye Matbaası, 1933), 35.



Prisons because of the minimum age requirement. As a result, he created İmralı Penal Colony with the help of the “vision and wisdom” of Şükrü Saraçoğlu.<sup>380</sup>

In the first chapter, the presentation of the İmralı Prison by Saraçoğlu was mentioned about. In the following paragraphs, then, the inner-life of the colony will be explained. İmralı Prison was a symbolic example of the labor-based penitentiaries. The geography of İmralı Island, as Sulhi Dönmezer, a contemporary eminent penal legist, expressed, was very appropriate to such an agricultural prison. As a hilly land, there was no plain or trees, and this made it a proper “Colonie Penitentiaire.”<sup>381</sup>

A study by students from Ankara University shows that, in 1947, 855 convicts were sentenced in İmralı, with only two gendarmes, six guardians and three administrators including director İbrahim Saffet Omay. It is determined that the yearly overall population of labor-based prisons was 5,800 while there were 19,000 people whose sentence had become absolute. In fact, 49.56 percent of the latter group was sentenced to a period less than one year.<sup>382</sup> This would be important if we remember the requirement of the one-year minimum limit of sentence in order to be transferred to new prisons. Hence, larceny and petty-theft were excluded. Thus, it can be concluded the old prisons were serving as accommodation units for those who committed petty crimes while labor-based ones were the places of serious criminals. In fact, in İmralı, 70.7 percent of the offences of prisoners were homicide. If we add up incitement and attempting to murder, the percentage is 88.8.<sup>383</sup> And, the fact that

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<sup>380</sup> Webster, *The Turkey of Atatürk: Social Process in the Turkish Reformation*, 145.

<sup>381</sup> Sulhi Dönmezer, "İmralı Yeni Cezaevine Dair," *Yurd* 4, no. 22 (1944): 4.

<sup>382</sup> *Ceza İnfazında Sistemler ve İmralı Cezaevi*, 16.

<sup>383</sup> *Ibid.*, 32.

771 of 855 convicts at İmralı in 1947 were sentenced to heavy penalties (*ağır hapis*) proves this thought.

The population of İmralı greatly fluctuated. First of all, it stands out that the system of probation was really worked. Between the dates 8 November 1935 and 25 February 1949, 3,226 convicts of the 4,889 overall population came and had been paroled, while 180 convicts were released.<sup>384</sup> Unexceptionally every week, a group of prisoners were paroled (sometimes released unconditionally) and new convicts came. Second, as it was discussed above through the contribution-deduction system, those who had “bad behavior” were sent back to the old prisons. By 1947, an aggregate 443 prisoners were sent back in twelve years although the reason given was that they had been sent in error of judgment.<sup>385</sup> Last, prisoners were transferred among the new prisons. One reason for this was the need to convict labor in newly-established or still-constructed prisons. Edirne was such an example and will be examined below. The other reason for transfers was the closing of a prison. In the beginning of March 1948, it was reported that it had been decided that some of the labor-based prisons be closed, and that their population would be sent out to other prisons.<sup>386</sup> The following week, Karabük New Prison was closed down and 64 convicts were to be sent to İmralı.<sup>387</sup> And the other week, Malatya New Prison was also abolished and 30 convicts were sent to the island.<sup>388</sup> Hence, the population of İmralı became 917 convicts. However, with the end of 1948, the number of prisoners

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<sup>384</sup> *İmralı*, no. 56, 25 Şubat 1949.

<sup>385</sup> *Ceza İnfazında Sistemler ve İmralı Cezaevi*, 16.

<sup>386</sup> *İmralı*, no. 6, 12 Mart 1948.

<sup>387</sup> *İmralı*, no. 7, 19 Mart 1948.

<sup>388</sup> *İmralı*, no. 8, 26 Mart 1949.

steadily increased by those who were sent by the Ministry of Justice from central prisons.<sup>389</sup> In June 1949, the population reached 1,102.<sup>390</sup> These transfers in this year might have been the result of the attention paid by the Ministry of Justice to labor-based prisons, which will be dealt with below.

It should also be noted that in 12 years only 19 escapes happened on İmralı. The case of prison escapes were examined in detail in the work of the contemporary public prosecutor of Ordu (*Ordu Cümhuriyet Müddeiumumisi*), Mehmet Ali Sebük. He wrote in 1944 and asserted that the escape events all over the prisons had increased in recent years. He advocated that the number of new prisons should be increasing, for, in general, escapes happened in the old prisons. He described his experience with convicts in the old prisons and his advice to them when they won the right to go to the new prisons. This was for them “a unique expectation” and they had to be well behaved there. Their behavior in the old prisons was also decisive in the transfer process to the new prisons. Sebük referred to criminal behaviors in prisons and said that to lie about a hidden gun in prison would circumvent their right to be transferred.<sup>391</sup> According to him, escapes were lesser and harder from İmralı because of the remoteness of the island to the villages and households of the convicts. “Escaping from these [new] prisons could be managed mostly by misusing the trust assured to them. Otherwise, escape [was] not an easy job.”<sup>392</sup> It is unknown whether

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<sup>389</sup> For instance, in May 1949, it is reported from Ministry of Justice that 83 convicts more chosen to come to İmralı. *İmralı*, no. 68, 20 Mayıs 1949.

<sup>390</sup> *İmralı*, no. 71, 10 Haziran 1949.

<sup>391</sup> Sebük, *Ceza Evlerinde İşlenen Cürümler ve Firar Hâdiseleri*, 27-29.

<sup>392</sup> (“*Fakat bu cezaevlerinden kaçmak, ekseriya kendisine karşı gösterilen emniyeti suiistimal suretile vâki olur. Başka türlü firar, kolay değildir.*”) *Ibid.*, 58.

the prisoners on İmralı did not escape due to their fidelity to the trust, but we know that out of 19 escapees 16 were captured and three died (probably in the sea).<sup>393</sup>

İsmail Dönmez was one of the escapees from the İmarlı Agricultural Prison. He was a member of the group which consisted of 14-15 convicts who was sent to the America Grapevine Nurse Garden in Göztepe (*Göztepe Amerika Asma Fidanlığı*) for courses about viticulture. They were learning especially how to graft vines for viticulture (*bağ aşısı*). This was a regular process at least for a couple of months in 1948. A new group was sent there while the former were returning.<sup>394</sup> It can be assumed that the number of prisoners gone to Göztepe was limited to the number who worked in a grape cultivation unit. We only know that 400 prisoners employed in agriculture were divided into 10 units each consisting of 40 workers.<sup>395</sup> Perhaps at least one team was responsible for viticulture. In the end, İsmail Dönmez disappeared on April 5, 1948.<sup>396</sup>

These accounts about the body-economy of İmralı can be supplemented by the deaths. By 1949, 46 prisoners out of 4,889 had died.<sup>397</sup> We do not know the causes of death, but an account of a death gives a clue about the situation of sick convicts. “The prisoners, No. 5003 Ramazan Cura and No. 5004 Aziz Uygun died in Istanbul Prison Hospital, where they had been sent for treatment.”<sup>398</sup>

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<sup>393</sup> *Ceza İnfazında Sistemler ve İmralı Cezaevi*, 16.

<sup>394</sup> See for example *İmralı*, no. 6, 12 Mart 1948 and no. 7, 19 Mart 1948.

<sup>395</sup> *İmralı*, no. 71, 10 Haziran 1949.

<sup>396</sup> *İmralı*, no. 11, 16 Nisan 1948.

<sup>397</sup> *İmralı*, no. 56, 25 Şubat 1949.

<sup>398</sup> (“*Müessesemiz hükümlülerinden, 5003 Ramazan Cura ile 5004 Aziz Uygun tedavi için gönderildikleri İstanbul cezaevi hastanesinde vefat etmiştir.*”) *İmralı*, no. 71, 10 Haziran 1949.

The life on the island was significant for understanding the functions of these new prisons. The daytime of the prisoners was strictly regulated. They woke up at 5:30 and breakfasted between 6:00 and 6:30. After breakfast, they did sports until 6:50, which was followed by the flag ceremony. 7:00 o'clock was the time work began. Between 12:00 and 12:45, the convicts ate lunch and then they relaxed until 13:30. After then, work lasted until 17:20. The prisoners ate dinner until 18:00 and then they were subjected to training. The school ended at 19:20. In the end, at 21:00, all of the convicts went to sleep.<sup>399</sup> It is obvious these were the expectations of the administrator and that the real life is beyond our knowledge. However, at least, we can conclude that the goal was not overwork. In contrast, the order, the segmentation of time according to work and training was more important.<sup>400</sup> This was in accordance with the discourse of criminologists, who wanted to heal the souls of the convicts appropriate to industrial labor.

The eight hours of work was fulfilled in various branches. In İmralı Prison, there were 13 types of work of which three, viticulture, fishery and onion cultivation, were primary. The amount of production was substantial regarding, for instance, 48,626 kilograms of grapes cultivated in 1946. These grapes were transported to İstanbul and Mudanya. In fishery, the eighty convicts of İmralı caught 50 tons of kolios and 20-30 tons of pilchard and nearly 15 tons of anchovy, yearly.<sup>401</sup> Because of the difficulties of shipping these fish fresh, they were planning to construct a

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<sup>399</sup> *Ceza İnfazında Sistemler ve İmralı Cezaevi*, 22-24.

<sup>400</sup> Compare with the similar day-schedule in Meiji Japan: Daniel V. Botsman, *Punishment and Power in the Making of Modern Japan* (Princeton: Princeton University Press, 2005), 157.

<sup>401</sup> In 1920s, the yearly fish product in the country was 12-15 thousand tones, and onion was 100 thousand tones. Hâmit Sadi Selen, *İktisadi Türkiye : Tabii, Beşeri ve Mevzii Coğrafya Tetkikleri*, 3 ed. (İstanbul: Remzi Kitabevi, 1937 [1932]), 104.

canning factory. Additionally, in 1946, 272 tons of onions were cultivated, which were demanded in İstanbul markets.<sup>402</sup>

The most important work branch was agriculture. There were ten village units each of which was composed of nearly 40 prisoners. Also 230 prisoners were employed in weaving.<sup>403</sup> Beside these, floriculture was important. The cloves and roses of the island were famous in Istanbul. On the other hand, the convicts were also involved in animal husbandry. In 1937, 50 sheep were brought to the island. After ten years, they numbered 245, and the island benefited from their milk. Additionally, the prison population provided eggs from the poultry yard. The oxen were also raised for the labor force in agriculture and for transportation on the island. Manufacturing was another occupation of the convicts. For instance shoemakers: Twenty shoes a day were made by 37 convicts from whom only six had been experienced in shoemaking before they had been sentenced to İmralı. In addition, twenty prisoners were working in tailoring. The clothes were basically for the inner needs of the prison, but sometimes, they also accepted orders from other prisons. Hosiery should also be taken into account. Sixty-eight prisoners worked in the manufacture of stockings. Many of them learned this craft on İmralı. In a day, 300-pair of hose were weaved and the unneeded pairs of them were marketed. The convicts also weave undershirts. Each of them had to produce nine undershirts and deserved premiums for extra production. In addition to these, there were prisoners who were employed in services. In 1947, 168 convicts were involved in the inner services of the island. For instance, 68 of them were employed in public works.<sup>404</sup> It is obvious these numbers,

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<sup>402</sup> *Ceza İnfazında Sistemler ve İmralı Cezaevi*, 24-26.

<sup>403</sup> *İmralı*, no. 69, 27 Mayıs 1949.

<sup>404</sup> *Ceza İnfazında Sistemler ve İmralı Cezaevi*, 26-30.

which belonged to the year 1947, were not static; for instance, the numbers, from 1949 differed for some occupations, more or less.

Some of the products were to be sold in İstanbul markets, but there was also a special shop in the Mısır Bazaar, which was called the İmralı Sales Shop (*İmralı Satış Mağazası*). Ratip Tahir Burak mentioned this shop in his memoirs, criticizing the quality of the goods, however, in the 1950s. He compared the products of a carpenter in the İstanbul Prison, Mustafa Usta, with that in the İmralı shop and saw the latter inferior as hastily-produced, slipshod goods. In contrast, Mustafa Usta was making things only for special customers.<sup>405</sup>

Working was not the only occupation in İmralı. Prisoners were organizing football matches. As an example, on a day in March 1948, the Bureau of Accounting won a match six to five against the Bureau of Execution.<sup>406</sup> Another entertainment of the prisoners seems to have been to see movies since the administration had bought a moving picture machine.<sup>407</sup> Every week, a couple of movies were brought to the island. For instance, the first week of May in 1948, the prisoners were able to see films about the Pacific War, an American city, the invention of guns and the struggle with tuberculosis.<sup>408</sup>

Nonetheless, it would be interesting to examine the economy of İmralı which was also the concern of Sulhi Dönmezer. He visited İmralı Prison during the War years. He made a research trip to İmralı with some of the students from the Faculty of Literature in the first years of the 1940s. After two and a half years, this time for a

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<sup>405</sup> Burak, *Hapishane Hatıraları*, 154.

<sup>406</sup> *İmralı*, no. 7, 19 Mart 1948.

<sup>407</sup> *İmralı*, no. 11, 16 Nisan 1948.

<sup>408</sup> *İmralı*, no. 14, 7 Mayıs 1948.

study for the Turkish Institute of Criminology, he visited there again and for longer time, ten days.<sup>409</sup> His observations especially about the economy of island are valuable for us.

He characterizes İmralı as an autarkic unit. The island was buying only sugar, yarn and leather from the outside. It had a yearly production of 800,000 liras and circulating capital of 5,000 liras. There were 52 branches of work, especially labor-intensive petty industry and agriculture. He observed a tendency to substitute manual labor with mechanized, which he was against because of the corrective character of manual labor. He asserted that production should not be the ultimate goal, but an instrument for the improvement of the convicts' behavior. He also remembered that productivity should not be so high that no need for more prisoners' labor would exist. The director of İmralı Prison, Esad Adil Müstecablıođlu<sup>410</sup>, was in favor of mechanization. He pointed out that prisoners should be accustomed to machines in order to be more qualified for life after prison. He also argued that productivity would increase the efforts of the convicts.<sup>411</sup>

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<sup>409</sup> Sulhi Dönmezer, "Gene İmralı'ya Dair - I," *İklim - Kültür Dergisi*, no. 1 (1944): 4.

<sup>410</sup> I want to give you the interesting biography of him: Esat Adil Müstecablıođlu (1904-1958). He was a journalist and lawyer, graduated from Ankara University and studied in Belgium on prisons and reformatories. In 1931, he came back to Turkey and became the president of Bursa People's House; as well he began to translate books on socialism. In 1933, he organized the strike of Balya mine workers and the "hunger march" to the city. RPP offered him being deputy in order to internalize him, but rejected this offer. However, in the subsequent years, he went to Ankara as a very high-rank prosecutor. In 1942, he became the director of the İmralı Prison. In the meantime, he organized with Sarı Mustafa (Börklüce) guerillas in Mudanya Mountains against a possible Nazi attack. After İmralı, he became prison inspector, and helped in this period to Nâzım Hikmet, Hikmet Kıvılcımlı and Kemal Tahir. In 1944, his writings were seen in *Tan*'s pages with pseudonym Adilođlu. Then, he published the newspaper *Yeni Dünya* with Cami Baykurt and Sabahattin Ali. In 14 May 1946, he founded Turkey Socialist Party, and published the newspaper *Gerçek* and the journal *Gün*. In December 1946, TSP was closed and Esat Adil was arrested; however, he and TSP was acquitted, and he founded TSP again in 1950. In 1952, he arrested and was acquitted in 1955. In the end, he died at home suspiciously in 1958. *Sosyalizm ve Toplumsal Mücadeleler Ansiklopedisi*, vol. 6 (İstanbul: İletişim Yayınları, 1988), 1924-25.

<sup>411</sup> Dönmezer, "İmralı Yeni Cezaevine Dair," 5.



Back to the economy of the island, Dönmezer wrote that the aggregate capital of the prison, except for the profit of the land, was 720,000 liras in 1944. The government had spent 234,000 liras on the prison so far, much of this was for fixed capital.<sup>412</sup> The above-mentioned research group from Ankara University gave some financial figures, too. The following table was compiled by them from data on İmralı.

Table 6. The financial condition of İmralı Prison between 1936 and 1946.<sup>413</sup>

Years	Capital	Income	Expenses	Profit	Deficit
1936	30000.00	4459.41	23993.31		19353.90
1937	92387.50	96408.01	37410.63	16218.75	
1938	16323.82	191827.96	113136.65	78791.31	
1939	298548.73	77386.82	80290.30		2903.61
1940	355596.61	133600.46	105686.54	27292.92	
1941	407206.92	211931.31	167208.96	44722.35	
1942	461929.27	334122.52	234166.99	99955.53	
1943	548895.92	414958.34	263184.81	151743.53	
1944	678486.77	440634.91	273163.38	167471.53	
1945	814000.54	329915.65	272374.61	117541.04	
1946	889443.96	506236.70	376749.67	129487.03	

Sulhi Dönmezer was not the only one who made such visits to İmralı. It was already mentioned from the research trip of the Ankara University Law Faculty second-year students in 1947. Moreover, the following years saw more visitors, especially the year 1948. In April, an American journalist, Charles Lanius, and Nejat Sönmez, an officer from General Directorate of the Press, came to island for investigations.<sup>414</sup> After that, a hundred-people student group from the Law Faculty of İstanbul University was to come to the island to visit in the same month.<sup>415</sup> Another

<sup>412</sup> Dönmezer, "Gene İmralı'ya Dair - II," 4.

<sup>413</sup> *Ceza İnfazında Sistemler ve İmralı Cezaevi*, 31.

<sup>414</sup> *İmralı*, no. 9, 2 Nisan 1948.

<sup>415</sup> *İmralı*, no. 10, 9 Nisan 1948.

group of a hundred students came in the following two weeks.<sup>416</sup> The following week, another student group consisting of 110 people came under the supervision of Naci Şensoy, an eminent doctor of law.<sup>417</sup>

Not only students and academics were visitors to the penitentiary. In May, the public prosecutor of Bursa, Hayrettin Şakir Perk, and medical examiner Cemil Zihni Ülkü came to the island.<sup>418</sup> More importantly, on 21 August, Fuat Sirmen, the Minister of Justice, was to visit the island.<sup>419</sup>

Spring was the time for visiting the prisons. In the third week of April 1949, 120 students from Istanbul University Law Faculty came with Naci Şensoy for research.<sup>420</sup> The following week, 50 students from the same faculty with Sulhi Dönmezer and the next week 60 students with Nurullah Kunter came again for research.<sup>421</sup> In the same week 50 students from Istanbul Men's High School visited under the supervision of their teacher of sociology and philosophy, Cemil Sena Ongun. The faces were becoming diverse. The Istanbul Dentistry School and the Faculty of Science came with 100 students and their professors for investigations.<sup>422</sup>

In June 1949, 50 teachers from the Istanbul Teachers' Community and in July 40 students of the Teachers' College (*Yüksek Öğretmen Okulu*) came to İmralı and

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<sup>416</sup> *İmralı*, no. 12, 23 Nisan 1948.

<sup>417</sup> *İmralı*, no. 13, 30 Nisan 1948.

<sup>418</sup> *İmralı*, no. 14, 7 Mayıs 1948.

<sup>419</sup> *İmralı*, no. 29, 20 Ağustos 1948.

<sup>420</sup> *İmralı*, no. 64, 22 Nisan 1949.

<sup>421</sup> *İmralı*, no. 65, 29 Nisan 1949; no. 66, 6 Mayıs 1949.

<sup>422</sup> *İmralı*, no. 68, 20 Mayıs 1949.

made some investigations.<sup>423</sup> Following, a group of professors, associate professors and instructors came to the island and made some examinations.<sup>424</sup>

It is not easy to articulate this visit craze. However, it might be thought of in the context of the resurrection of a new penal system. In the beginning of October 1948, the directors of Dalaman, Isparta, Eskişehir, Ankara, İmralı, and Construction prisons and Reformatory met in Ankara on the invitation of the Minister of Justice, with also the participation of Sakıp Güran, the general director of the Prison Houses (*Ceza ve Tevkifevleri Genel Müdürü*). During this meeting, the minister was informed about the penal system and gave some directives. It was also decided that each director would prepare a report about his prison in at most one month.<sup>425</sup> The Ministry of Justice was dealing with the prison system in detail. In February, it is reported that the stage system<sup>426</sup> could not be implemented due to the lack of sufficient buildings. Up to then, the report said, only in labor-based prison was it fulfilled in two stages. But now, with the improvements in Kayseri, İstanbul and Edirne Prisons the first two stages of the stage system also would begin to be fulfilled.<sup>426</sup>

In the following months, the Minister of Justice Fuad Sirmen gave a speech in the Assembly. He pointed out that the improvements made in the previous 15-20 years should not be undervalued. Now, 5,400 prisoners out of 17-19,000 were in new prisons, in all, one-third of them. This was not an insignificant number. The regime of these new prisoners prevented the convicts from bad behavior because their years won would be taken back if they had been sent back to old prisons. Additionally,

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<sup>423</sup> *İmralı*, no. 73, 24 Haziran 1949; no. 74, 1 Temmuz 1949.

<sup>424</sup> *İmralı*, no. 77, 22 Temmuz 1949.

<sup>425</sup> *İmralı*, no. 36, 8 Ekim 1948.

<sup>426</sup> *İmralı*, no. 56, 25 Şubat 1949.

recidivism was much less in those who had been released from the new prisoners; in fact, it was six to seven people who came back after probation in one year.<sup>427</sup>

It is apparent that the administrators sought to reinforce the labor-based prisons with the new stage-based prisons. This meant cells. As detailed above, the first two stages of the penal system were based on the cell system. All day in the first stage and nights in the second stage were to be spent in cells. It seems that the government decided to lay its hand on an expensive project, but it is disputable how expensive.

The building called Yanıkkışla was decided to be transformed into a prison house in the beginning of the 1930s. Accordingly, in 1932, its construction was accomplished through bargaining by Prof. “Mösyö Eğli”, an architect in the Ministry of Culture.<sup>428</sup>

Edirne was an illustrative city in this regard because it witnessed the construction of new prisons. In July 1948, the task to lay the foundation and make the organization of the new Edirne Agricultural Prison was given to İmralı by the Ministry of Justice. After Dalaman Agricultural Prison, no labor-based prison had been built. Thus, this was also an indicator of the new involvement of the Ministry. As a result, the preparations for establishing a garrison in Edirne began.<sup>429</sup> The following week, a group of prisoners on İmralı were sent to Edirne.<sup>430</sup> In September, 78 convicts in Edirne were working fast in order to finish the building before

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<sup>427</sup> *İmralı*, no. 66, 6 Mayıs 1949.

<sup>428</sup> 18/12/1932, Catalog no. [PMRA, 30..18.1.2 / 32.76.4].

<sup>429</sup> *İmralı*, no. 24, 16 Temmuz 1948.

<sup>430</sup> *İmralı*, no. 25, 23 Temmuz 1948.

winter.<sup>431</sup> In October and also after then, İbrahim Saffet Omay and Sakıp Güran visited Edirne periodically for control and organization.<sup>432</sup> In January 1949, 27 convicts were again sent from İmralı to Edirne for consolidation.<sup>433</sup> In March, 15 prisoners were sent to Edirne to replenish the workforce after releases there.<sup>434</sup> In April, the population of Edirne Prison reached 200 with the 15 convicts most recently sent from İmralı.<sup>435</sup> The administrative branches were also to be organized. Omay transferred one of his head-guardians in İmralı, Mustafa Kayalar, to the Edirne Agricultural Division (*şubemiz*) to be the head-guardian there.<sup>436</sup>

Necip Fazıl Kısakürek mentioned in his prison notebook that on 13 January 1953, 100 prisoners were transferred from Toptaşı Prison in Üsküdar to Edirne Prison.<sup>437</sup> If the target was the agricultural prison in Edirne, not the cellular prison, it can be concluded that the prison had won the war against the peasants there. Whatever the result was, the land problem of the Edirne New Prison is worth describing. The land where the prison was founded was two farms called Yahşifaklıh and ‘model farm.’ Entrance to this area was forbidden during the Second World War due to security reasons. After the war, the land was opened to cultivation, and some of it was rented to peasants by the local government. Therefore, the prison administration took a decision that during the construction and consolidation of the

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<sup>431</sup> *İmralı*, no. 33, 17 Eylül 1948.

<sup>432</sup> For example, see *İmralı*, no. 37, 15 Ekim 1948; no. 79, 5 Ağustos 1948.

<sup>433</sup> *İmralı*, no. 51, 21 Ocak 1949.

<sup>434</sup> *İmralı*, no. 58, 11 Mart 1949.

<sup>435</sup> *İmralı*, no. 65, 29 Nisan 1949.

<sup>436</sup> *İmralı*, no. 75, 8 Temmuz 1949.

<sup>437</sup> Kısakürek, *Cinnet Mustatili - Hapishane Notları*, 59.

prison, that renters would be allowed, but gradually all the land of the prison would be cleaned from outsiders. In the report of 1951, it was stated that these peasants were claiming that this land belonged to them, and applying to various chairs such as the president for this issue. In the report of the Ministry of Justice, it was asserted that an expert from the Ministry of Agriculture, Prof. Kâzım Köylü, had been brought to Edirne because the labor-based prison's loss in one year was 87,524.5 liras while its initial capital in 1949 had been 448,825.69; in other words, with such an activity the prison would go bankrupt in four years. The reason was that the prison was employing only 95 convicts while the land of the prison could employ 350 convicts. Additionally, the results of the examinations of Köylü were that the land in question was heterogeneous, the nature of Yahşifakih was appropriate for grain while the model farm was suited to plants for industry and commerce, and they should be cultivated comprehensively and simultaneously to prevent losses. He advised taking back the rented lands from peasants who he claimed were not actually landless peasants; they were craftsmen or peasants with lands. Consequently, the response of the Ministry of Justice was clear: When there were 100 convicts who had the right to go to labor-based prisons, but waiting due to lack of space in them, the Ministry could not renounce even an inch of land.<sup>438</sup>

In the mean time, the construction of 68 cells in Edirne Yanıkkışla Prison, which were being built by prisoners of “our establishment,” improved the place.<sup>439</sup> This was another prison, I suppose, because, according to the life-story of Omay, he had Yanıkkışla in Edirne restored as a prison, and, again in Edirne, two farms had

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<sup>438</sup> 23/05/1951, Catalog no. [PMRA, 30.01 / 55.337.6].

<sup>439</sup> *İmralı*, no. 76, 15 Temmuz 1949.

been constituted as labor-based prisons owing to him.<sup>440</sup> The Ministry of Justice and the General Directorate of Prison Houses were collaborating in constructing both labor-based and cellular prisons. This was an attempt actually to demolish the concept of labor-based prison. The real New Prisons, which had been only an expectation in the penal law before, was to be embodied.

This process, however, was not unilateral. Omay established prisons also in Safranbolu and Eşme. In September 1948, a team composed of 18 convicts left the island to work in prison construction in Eşme.<sup>441</sup> Omay was in control of the issues in Eşme, too.<sup>442</sup> This was an easier job compared to Edirne; it was finished in two months and the teams returned in December, to Edirne or to İmralı.<sup>443</sup> There is no information on Safranbolu Prison. Yet it seems that these two were not labor-based or cell-based prisons. They might be the examples of the great incarceration movement of 1951-53 when small but numerous prisons were built, especially in small towns.

Eventually, this process resulted in the appointment of İbrahim Saffet Omay as vice-director of General Prison Houses and as director of the second division. The new director of İmralı would be Hazım Çelik, who had served for three and a half years, namely during Omay's time, as head vice-director of the island.<sup>444</sup>

The administration was crucial for the security in the prison and of the society. Although Omay was represented as "father," there was a very disciplined

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<sup>440</sup> *İmralı*, no. 91, 28 Ekim 1949.

<sup>441</sup> *İmralı*, no. 34, 24 Eylül 1948.

<sup>442</sup> *İmralı*, no. 40, 5 Kasım 1948.

<sup>443</sup> *İmralı*, no. 45, 10 Aralık 1948.

<sup>444</sup> *İmralı*, no. 91, 28 Ekim 1949.

order at İmralı. The regulations about daily issues, described above, were only on paper. However, the sanctions were literally experienced. In February 1948, prisoner number 3948, Fethi İğbar, was sent back to his old prison because, after participating in a trial in Mudanya, he and the gendarme accompanying him had gone first to Istanbul instead of returning to the island immediately. The file of the gendarme also was sent to public prosecution in Bursa.<sup>445</sup> Returning inmates to their old prisons was widely applied in İmralı, many to Bursa Prison.<sup>446</sup> A group of inmates could be also at issue, as in the case on September 1949, when eleven inmates were returned to central prisons because of inappropriate behavior.

Another punishment type was limiting the rights of convicts. In June 1948, Inmate Number 4573, Kenan Oran, from Güvercinli Village and Number 4578, Hasan Türkdoğan, from Pınardere Village, were deprived of the right to receive visitors for three months because of inappropriate behavior,<sup>447</sup> and this was not the sole example. Another type of limit involved letters. In September 1949, four people were punished with deprivation of the right to send and receive letters for two months.<sup>448</sup> Penalties during the prison years could also effect the duration of the sentence. For instance, “the demand for probation of the 2796 numbered Hüseyin Ergüner from the repair team was rejected by the court for he had been imposed a discipline penalty during his fourth stage because of inappropriate behavior. Therefore, he lost eight months and eight days.”<sup>449</sup> Moreover, in March 1948, the

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<sup>445</sup> *İmralı*, no. 1, 6 Şubat 1948.

<sup>446</sup> See for example *İmralı*, no. 26, 30 Temmuz 1948; *İmralı*, no. 28, 14 Ağustos 1948; *İmralı*, no. 29, 20 Ağustos 1948.

<sup>447</sup> *İmralı*, no. 19, 11 Haziran 1948. See also *İmralı*, no. 75, 8 Temmuz 1949.

<sup>448</sup> *İmralı*, no. 83, 2 Eylül 1949.



probation of four prisoners was prevented because they were still illiterate. They were to stay until they had learned to read and write.<sup>450</sup>

Nevertheless, the most frequently applied penalty was solitary confinement:

Because of their inappropriate behaviors, seven days of solitary confinement for prisoner no. 3522 Ökkeş Çelik from the weaving team, five days for Dede Şahin from Karağaçlı Village, two days for prisoner no. 4069 Habip Küçük from the inner service team was imposed by the discipline council.<sup>451</sup>

In 1948 and 1949, almost every two weeks, a solitary confinement penalty was given to two to four prisoners in general.<sup>452</sup> With a rough estimation it can be concluded that every week an average one person was locked up in the cell. The duration of confinement was varied, from two to ten days generally, but Mehmet Gülşen, the chief of the weaving team, was sentenced to fifteen days in January 1949.<sup>453</sup> There is no information about the physical situation of the cells in İmralı, but Omay's thoughts could reflect the reality. According to him a limited number of cells were necessary for those who did not work deliberately. These cells should be designed so that convict could see those who were working in the open air.<sup>454</sup>

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<sup>449</sup> (“Meşruteli tahliyesi reddedilen hükümlü: Dördüncü devre süresi içerisinde uygunsuz hareketlerinden dolayı inzibatî ceza almış bulunan Tamirhane ekibinden 2796 numaralı Hüseyin Ergüner’in şartla salıverilmeye dair isteği mahkemece reddedilmiştir. Adı geçen hükümlü bu suretle 8 ay 8 gün kaybetmiş bulunmaktadır.”) *İmralı*, no. 4, 27 Şubat 1948.

<sup>450</sup> *İmralı*, no. 6, 12 Mart 1948.

<sup>451</sup> (“Uygunsuz hareketlerde bulduklarından dolayı inzibat meclisince dokuma ekibinden 3522 Ökkeş Çelik 7 gün; Karağaçlı köyünden 2700 Dede Şahin 5 gün; iç hizmet ekibinden 4069 Habip Küçük 2 gün hücre hapsi ile cezalandırılmışlardır.”) *İmralı*, no. 7, 19 Mart 1948.

<sup>452</sup> See as examples *İmralı*, no. 8, 26 Mart 1948; no. 12, 23 Nisan 1948; no. 16, 21 Mayıs 1948; no. 19, 11 Haziran 1948; no. 20, 18 Haziran 1948; no. 21, 25 Haziran 1948; no. 23, 9 Temmuz 1948; no. 24, 16 Temmuz 1948; no. 25, 23 Temmuz 1948; no. 28, 14 Ağustos 1948; no. 34, 24 Eylül 1948; no. 36, 8 Ekim 1948; no. 71, 10 Haziran 1949 etc.

<sup>453</sup> *İmralı*, no. 49, 7 Ocak 1949.

<sup>454</sup> Omay, *Cezaevi (İş Esası Üzerine Kurulu)*, 21.

The concept of deliberateness was the major danger also for Sebük, whose work was on prison crimes and escapes. He, as a public prosecutor, was doing all he could to enhance the social situation of prisoners. The sources of escapes were investigated and possible solutions were examined by him intimately. However, those whose purpose was directly and only to break loose, not hunger or yearning, had to be prevented only through more serious measures, not through enhancements to the prison. According to Sebük, seizing the escapees was not important; “the real talent was to prevent the idea of escape to be formed in his mind or to eradicate that idea. This was the hard job.”<sup>455</sup> Convicts who refused to work and the prison altogether were immunized against rehabilitation. The sanctions applied in İmralı revealed the question about crimes. I do not know what “inappropriate behaviors” were, but probably refusing to work was one of them.

These security and correction problems bring to mind the capillaries of the penal system, namely administrators and wardens. One of the most important shortcomings of the new prisons was the need for qualified personnel. Sulhi Dönmezer was one of the penologists who advised that young students of the law faculties should be trained in new prisons as future prison directors. He, thus, laid stress on the absence of such trainees in İmralı during his observation trip in 1942.<sup>456</sup> When we came up to the year 1947, we saw that Dönmezer’s requests had been implemented. That year, the Ministry of Justice decided to organize six-month courses at the new prisons at Zonguldak, Ankara and İmralı for graduates of primary and secondary schools. The trainees, who would be chosen by exam, were to take legal and practical lessons. The pilot prison was İmralı due to its facilities and

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<sup>455</sup> Sebük, *Ceza Evlerinde İşlenen Cürümler ve Firar Hâdiseleri*, 67-68.

<sup>456</sup> Dönmezer, "İmralı Yeni Cezaevine Dair," 5.

proximity to İstanbul. Accordingly, the first group consisted of fourteen pupils, with İbrahim Saffet Omay as the instructor. He gave such a detailed lesson that he then published the notes of the course as a guide to penologists.<sup>457</sup> In 1948, the process was continued. It was reported that in February, a group of trainees were leaving the island,<sup>458</sup> and after three months it was learned that out of twenty one trainees who had attended the courses in İmralı, fifteen had passed the exam and would be assigned as officers.<sup>459</sup>

### Experience of a Political Prisoner in İmralı

While all of the memoirs about prison life were written by political prisoners, it is not surprising that we did not have any account of prisoners of labor-based penitentiaries. We are lucky that İbrahim Balaban became a political prisoner after coming to İmralı. Balaban was a close friend of Nâzım Hikmet at Bursa Prison. Painting or art in general was the tie that made them so close. Nâzım was Balaban's master in painting; but the apprentice became a famous painter in Turkish art circles with his realist paintings supported by Nâzım. It can be said the political thought of Balaban was matured also by Nâzım's inspiration and his lessons.

The man who insisted Balaban to go to İmralı was also his master. Balaban had the right to be transferred to a labor-based prison, but he was reluctant to leave the intellectual and artistic realm he found with Nâzım Hikmet. However, he then became persuaded on the grounds that his sentence would be reduced from eight years to four if he went to İmralı. Consequently, Balaban was transferred in 1945. In

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<sup>457</sup> İbrahim Saffet Omay, *İnfaz Hukuku Notları ve İlgili Mevzuat, İmralı Yeni Cezaevi Neşriyatından: I* (İstanbul: Cumhuriyet Matbaası, 1948), 3-4.

<sup>458</sup> *İmralı*, no. 3, 20 Şubat 1948.

<sup>459</sup> *İmralı*, no. 16, 21 Mayıs 1948.

fact, he had already become a political prisoner from being a friend of Nâzım; therefore he was the only convict who was handcuffed on the way to İmralı.<sup>460</sup>

The first impression of İmralı was not very good. He saw mounted wardens with whips and pipes. There were also armed gendarmes in a station house. When he tried to take a pear, he was reproached by a watcher. This alienation of workers from their products affected Balaban's impressions of İmralı deeply:

If you thought that this garden had been cultivated by you, this tree had been planted by you, and if you picked a bunch of grapes, then you would be thrown into jail, the grapes would be pinched in your throat.<sup>461</sup>

When he began to work as the other thousand convicts did, he realized that it was impossible to paint at this work tempo. "Yesterday, we collected onions. Today's job is hoe-work, tomorrow spade-work. This is unbearable; how can I bear without painting?" He, thus, appealed to the director of the island, who was İzzet Akçal, and complained that he did not want to work on the farms, he should make paintings instead. He naturally encountered a negative response and was sent to work. But then, the director offered him the job of cleaning the dormitory so that he could paint after finishing the cleaning. Such an offer at first wounded Balaban's pride; nevertheless he accepted the job. After two hours of cleaning in the morning, he walked around all day and made paintings of the workers on the farms.<sup>462</sup>

It is understood that the inmates could also walk around at nights. Balaban was one of them: "In İmralı, days were held captive, nights were free."<sup>463</sup>

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<sup>460</sup> Balaban, *Nâzım Hikmet'le Yedi Yıl* 54-56.

<sup>461</sup> ("Bu bahçeyi, bu bağı ben kirizma yapıp, bu inciri bu fidanı ben diktim!' deyip, bir salkım üzüm koparsa, hırsız olup hücreye tıklarken, üzüm taneleri boğazına dizim dizim dizilirdi.") Ibid., 59.

<sup>462</sup> ("Dün soğan topladık. Bugün çapa, yarın bel işi var, yani kirizma. Dayanılır gibi değil, resim yapmadan nasıl dayanırım?") Ibid., 60-65.

<sup>463</sup> ("İmralı'da gündüzler tutsak, geceler özgürdü") Ibid., 62.

Consequently, his paintings such as *Paddlers* (Belci), *Plowman* (Karasabanla Çift Süren), *Farmers with Saw Bench* (Hızarla Tarla Biçenler), *Fishers* (Balık Tutanlar), *Washers* (Çamaşırcılar), *Farmers with Hammer* (Orak Biçenler) were exhibited and sold in İstanbul and İzmir. The money was banked in his private account according to the rules of labor-based prisons.<sup>464</sup> He was known as the Painter (*Ressam Balaban*) among the islander.<sup>465</sup>

The other occupations of Balaban were reading, listening music and studying languages. The library of İmralı was created by Esat Adil Müstecaplı and contained ten thousand books, and also many journals. He went there every day and reading Nâzım's poets in journals, memorizing them. Sometimes, he participated in the local brass band and studied playing clarinet and violin; however, he left music in order to spend more time painting. He learned French from a Jewish inmate in exchange for cigarettes.<sup>466</sup>

Two years after Balaban came to İmralı, the director was changed. The new director, whom Balaban referred to only as "Çorumlu," was very strict and "dark-headed." According to Balaban, the new director assigned all prisoners who were from Çorum to light jobs. After his arrival, Balaban worked also as the others, probably. He, for instance, was in a group that was sent to Edirne to paint the doors of Yanıkkışla Prison. He was but not closemouthed and was explaining his thoughts on politics among the prisoners, for example, on communism. Once, in the Edirne Prison, he was seized for propagation of communism and put into Sultanahmet Prison in İstanbul. Then, on İmralı, his friends were interrogated in order to find

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<sup>464</sup> Ibid., 47-48.

<sup>465</sup> *İmralı*, no. 3, 20 Şubat 1948.

<sup>466</sup> Balaban, *Nâzım Hikmet'le Yedi Yıl* 66-67.

evidence against him. Finally, the director expelled him to Bursa for “provocation of prisoners to rebel” when there was only two months left until his release. Now, he had to stay five more years in Bursa, and all the money in his account was appropriated by “Çorumlu,” including the money earned by his paintings.<sup>467</sup> The *İmralı* newspaper gave this news as always: İbrahim Balaban, prisoner number 3030 and from the inner service, was sent back to Bursa Prison because of, again, inappropriate behavior.<sup>468</sup> In the following years, he was a jail-companion of Nâzım Hikmet. Notwithstanding, the memory of Balaban about İmralı was severe: “İmralı Island was a heaven from above, but it was like hell from inside.”<sup>469</sup>

We do not have much information about İmralı in the 1950s, but a petition by Mustafa Gölge dated June of 1955 reveals that the experience of Balaban was no exception. Gölge was arrested in 1949 and sentenced to heavy imprisonment (*ağır hapis*) of sixteen years and eight months. By chance, with the amnesty law enacted by the Democrat Party, his sentence was reduced to five years and six months. Accordingly, he qualified to transfer to new prisons, and went (or was sent) to İmralı, where he was assigned as a storage clerk. One day, Gölge reported some unfair acts of the administration, and consequently he not only was sent back to the central prison in 1954, but also his 110 liras in the safe of the foundation was misappropriated by the accountant of the island, Şevket Bozkurt, and last he was punished for “malevolence” (*suniyetligimizden*) to an extra three and a half months. Accordingly, in 1954, he applied to the Ministry of Justice to obtain his money, but the reply was that he should request it from Şevket Bozkurt. According to Gölge,

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<sup>467</sup> Ibid., 69-71, 127.

<sup>468</sup> *İmralı*, no. 17, 28 Mayıs 1948.

<sup>469</sup> (“*İmralı Adası, yukardan bakılınca bir cennet, içine girilince de bir cehennemdi.*”)Balaban, *Nâzım Hikmet’le Yedi Yıl* 59.

however, Bozkurt was fired, and also apprehended and then released. As a result, on 2 July 1955, he wrote a petition to Adnan Menderes from Muğla Prison for the appropriated money. The reply of the Prime Ministry was a quibble which concluded that Gölge should obtain a legal decision taken from the local jurisdiction.<sup>470</sup>

### Critiques

As early as in 1937, the penal program at İmralı Prison was questioned by Berç Türker, the deputy of Afyon Karahisar, after an article was published on 5 October 1936 in *Cumhuriyet* showing a photograph of a prisoner, Ahmed Emre, sitting on a rock, playing *cura*<sup>471</sup>. The news item stated he was sentenced to 18 years. Türker wondered about the punitive aspect of the island if inmates sentenced to the heaviest penalties were so comfortable that they could play music in the open air. Saraçoğlu, in reply to this criticism, emphasized the disciplined nature of İmralı. The prisoners there could not contact their families, could not smoke, and had to obey the eating and working time table. They had to obey these rules in order to fulfill their sentences in the shortest possible time. Saraçoğlu added that music has rehabilitative effects; therefore, they allowed well behaved convicts in Edirne to play instruments as a reward.<sup>472</sup> Nevertheless, İmralı Prison was to be also a symbol of Turkish penal system, and would not be seriously criticized until the last years of 1949.

In 1949, in the discussion about the budget of the Ministry of Justice, the penal system was criticized by some deputies. The target of Afyonkarahisar deputy Halim Bozca was in fact the labor-based prisons, especially, it seems, İmralı. He

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<sup>470</sup> 28/08/1955, Catalog no. [PMRA, 30.01 / 55.340.5]

<sup>471</sup> A native instrument from *bağlama* family.

<sup>472</sup> "Adliye Vekâleti Bütçe Görüşmeleri - 1937," *TBMM Zabıt Ceridesi* 18 (1937): 239, 41.

claimed that there were on the one hand goals with extremely bad conditions, while on the other hand there were luxury and resort-like prisons. He did not reject the idea of modern prisons but the convicts in them should have suffered before. Yet this was not the case; rich prisoners were governing the old prisons and causing unrest, but then they went to new prisons as having 'good manner' in their records. This was unjust for the unemployed and moneyless people who would prefer to live in these comfortable prisons instead of being free, for those in modern prisons would advertise these resorts after release. Bozca, thus, demanded that the first stage, solitary confinement, should be applied to these convicts. Some other deputies thought also in the same way.<sup>473</sup> For instance, Ali Rıza Arı pointed out that the heavy criminals were the most comfortable group in the prisons. He also took the child question into account and asserted that these children were saying things like that:

What can we do? Our fate... the best reformatory for us is İmralı.  
Once we stab someone after 18 years old, we'll go to İmralı and reach  
a well-off life.<sup>474</sup>

Naturally, the Minister of Justice, Fuad Sirmen, advocated the new prisons. First, recidivism was very low in them, six to seven people in a year. The convicts in these prisons were more docile because they knew that a wrong behavior would cause them to lose everything they had gained, money and time. Second, two prisons had been constructed for the first stage of sentence, with cells. Kayseri Prison had been built with sufficient cells, and would function as the central prison in Anatolia. Yanıkışla Prison in Edirne had 28 cells and would be the central prison in Thrace. Sirmen explained also that the application of the second stage was impossible due to

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<sup>473</sup> "Adalet Bakanlığı Bütçe Görüşmeleri - 1949," *TBMM Zabıt Ceridesi* 16 (1949): 461.

<sup>474</sup> ("Ne yapalım mukadderat böyle imiş bizim için en iyi ıslah evi İmralı'dır. 18 yaşını doldurduktan sonra, birisine bir bıçak attık mı İmralı'ya gideceğiz, müreffeh bir hayata kavuşacağız.") *Ibid.*: 487.



its length. Therefore, he thought to eliminate that stage from the law after the implementation of the first one.<sup>475</sup>

However, the period of the labor-based prisons was to be finished. In the 1950s, their importance would never be as high as it had been in the 1930s and 1940s. Democrat Party preferred to diffuse into Anatolia via small prisons. The developments in the 1950s are beyond the scope of this research, but in the following chapter, the change of mentality in the first years of the 1950s with regard to the penal policy will be described.

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<sup>475</sup> Ibid.: 498.

## CHAPTER V

### CHANGING STRUCTURE AFTER THE 1950S

In this part of the thesis, the demonstration of the critiques seen in the end of the previous chapter will be extended into the 1950s, and the change will be discussed. Additionally, a bird's-eye view into the penal law between 1926 and 1953 can be found in this chapter. Last, the developments after 1960 and today will be shortly evaluated.

The negotiations in the Assembly reveal the changing attitude to the labor-based prisons. In 1950, in the Assembly, the target of Hasan Dinçer's critiques was the labor-based prisons. According to him, convicts in these prisons had many advantages such as shortening of the sentence, good health conditions, wage earning and probation, while those in the old prisons were in poverty and misery. The prisoners released from the new prisons with a capital and after a short period encouraged inexperienced people to commit a crime. As a result, in the new prisons, the prison life was to be more profitable and attractive than the outside/free life; therefore, such an application should be regarded as luxury and as an imitation.<sup>476</sup> Emin Halil Ergun also supported the same argument. The labor-based prisons could not fulfill their function of deterrence (*ibret*). His advice, in this regard, was to abandon the compensation system in the third and fourth stages of the penal structure, in other words the shortening of the sentences should be removed from the penal law.<sup>477</sup> In 1951, Vacid Asena pursued the argumentation: the shortening of the sentences by 50 percent stimulated and incited innocent people to commit a crime.<sup>478</sup>

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<sup>476</sup> "Adalet Bakanlığı Bütçe Görüşmeleri - 1950," *TBMM Zabıt Ceridesi* 24-2 (1950): 565.

<sup>477</sup> *Ibid.*: 571-72.

<sup>478</sup> "Adalet Bakanlığı Bütçe Görüşmeleri - 1951," *TBMM Zabıt Ceridesi* 5 (1951): 477.

To justify these arguments, the old prisons were demonstrated as terrible places. In 1950, many deputies pointed out the miserable conditions of the old prisons and demanded new prison buildings from the Ministry of Justice.<sup>479</sup> Mehmet Kâmil Boran was also critical in the prison issue but he was curious why the labor-based prisons were not being augmented. They had no burden to the state after their establishment, and the money spent to the old prisons every year could be allotted for founding new prisons, this would also be cheaper for the Ministry. The rehabilitative advantages were apparent. He, thus, concluded that “to my view the problem is not money; it is related with mentality, comprehension and tenacity.”<sup>480</sup> He repeated these critiques in 1952 again. This state had established the labor-based prisons, which were appreciated and admired even by foreign countries; but now, the same state left its other prisons in such a miserable condition. He again stated that the lack of money could not be an answer.<sup>481</sup>

In 1950, Fuad Sirmen, the Minister of Justice, did not even mention of the prisons in his speech (besides the budget share of the prison construction). When the critiques were repeated, he emphasized the low recidivism rate in the labor-based prisons. This meant that these prisons were rehabilitating the prisoners. On the other hand, but, the cell-based prisons began to work in 3-4 places. In addition, the period during which the prisoners should stay in the old prisons was increased from 1/6 to 1/4.<sup>482</sup>

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<sup>479</sup> "Adalet Bakanlığı Bütçe Görüşmeleri - 1950," 572, 79-80.

<sup>480</sup> Ibid.: 567.

<sup>481</sup> "Mardin Milletvekili Mehmet Kâmil Boran'ın, ceza evlerindeki hâdiselerin sebepleri ve bu münasebetle alınan tedbirler hakkındaki sorusuna Adalet Bakanı Osman Şevki Çiçekdağ'ın sözlü cevabı," *TBMM Zabıt Ceridesi* 17 (1952): 225.

<sup>482</sup> "Adalet Bakanlığı Bütçe Görüşmeleri - 1950," 589-90.

The voice of the proponents of the labor-based prisons was low. In 1951, the main problematic on the prison issue was tuberculosis. Many deputies demanded that special hospitals for this disease be founded in or near the prisons. The stress was put on the release system related to sickness. The sick prisoners were being sent to their villages because the lack of the facilities for treatment. However, such an attitude caused the spread tuberculosis to the villagers. It was claimed that every year 500-600 sick convicts were sent from the prisons. It seems that the tuberculosis events increased rapidly in 1951 because almost every deputy who mentioned the prisons pointed out only this issue. The unhealthy and poor conditions of the old prisons naturally accompanied the interpretations on tuberculosis.<sup>483</sup> However, the speech of the Minister of Justice, Halil Özyörük, did not include the prison issues except some conventional words to the effect that they were taking all the necessary measures.<sup>484</sup>

In 1952, there was a discussion in the Assembly on the penalties for crimes related to blood feuds. The subject was again brought to the labor-based prisons and the shortening of the sentences. The oppositional deputy, İzzet Akçal, refused the replacement of the families of the convict due to the dangerous situation for them, but even he advocated that the criminal not be entitled to enter the labor-based prisons, namely that his sentence should not be reduced.<sup>485</sup> In fact, İzzet Akçal was a proponent of the labor-based prisons and gave a speech in 1952 in the Assembly to augment their number and the facilities. Because of the atmosphere of the speech, one can feel that he was *remembering* these prisons, and trying to rescue them: "It is

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<sup>483</sup> "Adalet Bakanlığı Bütçe Görüşmeleri - 1951," 470, 78, 86, 90-91.

<sup>484</sup> Ibid.: 496-502.

<sup>485</sup> "Diyarbakır Milletvekili Mustafa Ekinci'nin, kan gütme sebebiyle işlenen adam öldürme ve buna teşebbüs cürümleri failleri hısımları hakkında tatbik olunacak muameleye dair 3236 sayılı Kanunun yürürlükten kaldırılması hakkında kanun teklifi ve Adalet Komisyonu raporu," *TBMM Zabıt Ceridesi* 15 (1952): 134-35.

necessary to construct such prisons, augment the number of them, but not to destroy them.”<sup>486</sup> The last part of his words proves that these years witnessed the decline of the labor-based prisons as a concept and in effect. Akçal can be thus seen in a defensive position when he explained that the initial capital of these prisons was 418,284 liras and now, in 1952, it had reached 3,185,853 liras overall. He also suggested that the Agricultural Bank (*Ziraat Bankası*) give the State Farms of Production (*Devlet Üretim Çiftlikleri*) to the Ministry of Justice. On the other hand, Mehmet Özbey advocated also the employment of the prisoners but his stress was upon public works: working in marshes, roads and grasslands.<sup>487</sup>

However, according to Ahmet Başbüyük, “the primary factor that brought about crime and criminals was the penal system in the labor-based prisons.” The establishments were not his target; his objection was again due to the shortening the sentences. Thus, he demanded an amendment in the related article of the penal law.<sup>488</sup> Hasan Ali Vural also brought this demand forth.<sup>489</sup>

Two developments were embodied from this changing attitude to labor-based prisons. One was the policy to construct new prison buildings not based on labor. The Democrat Party government began a ten-year project for the rehabilitation of the prisons. In 1952, in two years, it had constructed 60 prisons. According to the advertisement speeches of the Ministers of Justice, this number was compared with 87, the number of prisons constructed by the RPP governments in 1929-1950, as a

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<sup>486</sup> (“*Bu müesseseleri yıkmak değil yapmak, adedlerini çoğaltmak lâzımdır.*”) "Adalet Bakanlığı Bütçe Görüşmeleri - 1952," 654.

<sup>487</sup> Ibid.: 658.

<sup>488</sup> (“*Suç işlenmesini teşvik eden âmillerin başında iş esası üzerine müesses ceza evlerindeki infaz sistemidir.*”) Ibid.: 656.

<sup>489</sup> (“*Asri ceza evlerindeki mahkûmların kısa müddette tahliye keyfiyeti kalbinde melanet ve ruhunda hunhar hisleri yaşatan şahısları teşci ettiği müteaddid vakıalara meşhudumuz olmuştur. Bu müddet üzerinde Adalet Bakanlığının ehemmiyetle durmasını keza temenni ederim.*”) Ibid.: 665.

measure of success.<sup>490</sup> In 1954, the number grew rapidly: The minister Osman Şevki Çiçekdağ asserted that the old government had built 87 prisons in 27 years, but “they” had managed to construct 149 prisons in 3.5 years.<sup>491</sup>

In this regard, Sabri Erduman exposed the changing character of the penal system, stressing the decentralization of prisons. Until the beginning of the 1950s, the newly constructed prisons were in the cities. However, then, the government began to build small/cheap prisons in districts (*kaza*).<sup>492</sup> The Minister of Justice, Rükneddin Nasuhioğlu, explained this new attitude: The building process began from the districts, and then bigger ones would be constructed in centers, and finally huge central prisons in ten regions. In the way, he was also positive with the labor-based prisons and enumerated the plans related to them: A farm project in Ankara, a fish house in Sivas, new land for the prison in Edirne.<sup>493</sup> In this regard, it should be noted that increasing the number of the work-dorms were in the scope of the government’s penal policy.

In 1950, Deputy Hasene Ilgaz appreciated the increasing establishment of work-dorms in the old prisons. Especially, the workshop in the Eskişehir prison was assigned to women convicts; they worked with 20 looms and produced qualified carpets.<sup>494</sup> In 1952, Osman Şevki Çiçekdağ stated that the establishment process of

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<sup>490</sup> "Mardin Milletvekili Mehmet Kâmil Boran'ın, ceza evlerindeki hâdiselerin sebepleri ve bu münasebetle alınan tedbirler hakkındaki sorusuna Adalet Bakanı Osman Şevki Çiçekdağ'ın sözlü cevabı," 223.

<sup>491</sup> "Adliye Vekâleti Bütçe Görüşmeleri - 1954," *TBMM Zabıt Ceridesi* 28-2 (1954): 711.

<sup>492</sup> ("Bu yıl ve geçen seneki bütçede Sayın Adalet Bakanlığının ve Hükümetin himmetiyle, vilâyetlerden ziyade kazalara ehemmiyet verilmiş, birçok kazalarımızda ceza evleri yapılmış ve bu ceza evleri memleketin ücra, yolsuz, ıssız yerlere önem kazandırmıştır.") "Adalet Bakanlığı Bütçe Görüşmeleri - 1952," 661-62.

<sup>493</sup> *Ibid.*, 670-71.

<sup>494</sup> "Adalet Bakanlığı Bütçe Görüşmeleri - 1950," 569.

workshops in the old prisons had accelerated.<sup>495</sup> As claimed before, the concept of workshop was different from the labor-based prisons. While in the latter the productive aspect of punishment prevailed, in the former the punitive or disciplinary aspect superseded because profit was not a primary concern, at least in practice. One should remember that the prisoners working in the workshops would earn their bread, which meant a gain for the government. In other words, the concept of workdorms/workshops was not immune of economic concern; the only argument claimed here is that they were not quasi-companies established to extract a product from cheap labor or to make profit.

The second development was related to the penal law. In 1953, some amendments were made in penal code. Tahir Taner was criticizing these changes all of which made the penalties heavier. The purpose of changing was declared as the recent increase in crimes. The result reduced the penalties and the extent of their scopes in general. These are some examples: The stages were reduced to three but also the compensation system (three days working for four days imprisonment, and one to two in the last stage) was abolished. The maximum imprisonment period for children was increased from eight to fifteen years. The confinement of the mentally ill became easier. The penalties for theft, robbery, vagrancy, crime against the state were reduced. Beggars had been employed in municipalities for a period, now they were sentenced to lenient service (*hafif ceza*).<sup>496</sup> The penalty of gambling was increased from maximum one month imprisonment to minimum one month (to six

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<sup>495</sup> "Mardin Milletvekili Mehmet Kâmil Boran'ın, ceza evlerindeki hâdiselerin sebepleri ve bu münasebetle alınan tedbirler hakkındaki sorusuna Adalet Bakanı Osman Şevki Çiçekdağ'ın sözlü cevabı," 224.

<sup>496</sup> See Av. Hasan Lâmiî Yener, *Türk Ceza Kanunu* (İstanbul: Ercan Matbaası, 1954), 552. An historian could only dream of such work: It includes all versions of all articles of the penal code from the beginning, 1926, to 1954.

months) and fine additionally (250-500 liras).<sup>497</sup> Last, for the first time those who participated in sexual relations with someone who was 15-18 years old were regarded as guilty, and would be sentenced from six months to three years. In the sketch of this code amendment was even whipping as a punishment type, but it was rejected by the commission of justice on the grounds that it could not be a part of a progressive penal system.<sup>498</sup>

It would be explanatory to look through the amendments made in the relevant articles of the penal code in time. The Article 13 of the Turkish Penal Code (*Türk Ceza Kanunu*) regulated the base of the imprisonment system, which was seen in the first chapter. From 1926, the date of the promulgation of the penal code, to 1933 working in prison was already compulsory, and the sentence periods were compartmentalized in three stages: cell confinement day and night, then only at night, and at the end, no cells. From 1933 to 1936, this article only included compulsory labor for convicts, and no stages. Probably, this was a transition period before a consistent penal system (remember that the printing house in Ankara prison and carpet weaving in Isparta began in 1933). In 1936, as seen, the progressive stage system was enacted composed of four stages, shortening of sentences in the last two stages (3/4 and 1/2, respectively), and regulation for cell confinement in the first two

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<sup>497</sup> Ibid., 566.

<sup>498</sup> Tahir Taner, "Türk Ceza Kanununun 9.7.1953 Tarihli ve 6123 Sayılı Kanunla Değiştirilen Hükümleri," *İstanbul Üniversitesi Hukuk Fakültesi Mecmuası* 19, no. 3-4 (1953). The existence of whipping in the discussions is interesting in itself. In the Japanese empire, in 1904, flogging was introduced in the penal system for Chinese and Taiwanese criminals. The evaluation of Boltzman is important: The reason of introducing flogging was not the raising population of the prisons, it was even declining, namely the reason was not to reduce the population of the prisons in a cheap way, it was but to increase the general population who was punished somehow, in a cheap way. Boltzman, *Punishment and Power in the Making of Modern Japan*, 211-12.



stages. Now the amendments in 1953 can be evaluated with a comparison with the code of 1936.<sup>499</sup>

First of all, the duration of the first stage (cell confinement day and night) was increased from 1/20 to 1/10 of the whole sentence, as well as the minimum limit from one month to two months, and the maximum limit from six months to one year; hence doubled. Second, the second stage was abolished, as seen, due to the impossibility of its application. Third, in the new second stage convicts had to work if there was a facility (work-dorm). The duration of this stage was increased from 1/6 to 1/2 of the sentence left after the first stage. Forth, the new third stage was devoted to the labor-based prisons and to public works such as road work, mining, construction work, and hunting in sea and forests.<sup>500</sup> It is apparent that the proportion of the sentence reserved for the third stage was highly reduced: Doubled period in the cell, and tripled period in the old prisons. In addition, but, the most important change was, as Tahir Taner evaluated, was the abolition of the shortening of the sentences. It was simply erased from the code, hard to recognize the change. After 1953, no work in prison or outside was remunerated with a reduction in the sentence (which is also the situation at present); no more convicts were prompted to go to the labor-based prisons; on the contrary it was delayed to be transferred there. In fact, after the abolition of the advantages of these prisons, who would want to go there? This question could only be answered if we knew the *conditions* of life in the labor-based prisons *after* 1953.

It should not be thought but that the code of 1936 was somewhat soft. An example can prove the opposite of this: Until 1936, the capital punishment and

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<sup>499</sup> Yener, *Türk Ceza Kanunu*, 63-66.

<sup>500</sup> *Ibid.*, 51-52.

imprisonment for life given to juveniles between the ages of 15 and 18 was reduced to heavy imprisonment for 10-15 years. With 1936, life imprisonment began to be reduced to 12-15 years while capital punishment to 15-20 (again maximum became minimum). In 1953, these numbers grew ones more: life imprisonment to 15-20 years, capital punishment to a minimum 20 years (again and again the maximum became minimum).<sup>501</sup> As this example reveals, the value in which the penal system in 1936-1953 was interested was not human as such but *human labor*.

An indicator which would prove the argument of a discontinuity in the first half of the 1950s is the official statistics. In the text, the numbers were given in order to evaluate the scope of the issue. However, the official statistics were not demonstrated because they cover all prisons. Therefore, now it is time to look at these numbers. The distinction between the new and old prisons was inserted into the domain of statistics in 1944. In December 1944, the total number of convicts in Turkey was 19,089, and 4,994 of them were in the new prisons. We have also the number of women: 855 of the total number and 127 of those in the new prisons were women.<sup>502</sup> The proportion of the prisoners in the new prisons to the total was fewer in women (~1/7) than men (~1/4), but more logical interpretation would be that the capacity for women prisoners was restricted because they were only sent to Kayseri and Malatya Women's Prisons for weaving. By the way, in total, one-fourth of the prisoners were in labor-based prisons. It would be beneficial to make a comparison with the period after the popularity of these prisons. In December 1955, there were aggregate 30,359 convicts in the prisons, and only 1,809 of them were in the new

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<sup>501</sup> Ibid., 110-12.

<sup>502</sup> *İstatistik Yıllığı 1942-1945*, 166.

ones (~1/16). 35 women were there out of 907 (~1/26).<sup>503</sup> It can be claimed that this fact also proves the change lived in the first half of the 1950s.

These numbers, however, do not encapsulate all prisoners employed. The work-dorms should not be forgotten. In 1944, while near 5,000 convicts were in the new prisons, more than 1,100-1,500 convicts were employed in the old prisons.<sup>504</sup> The population of the work-dorms, it seems, did not increase rapidly: In 1955, the number was same as in 1944, but to the end of the decade it reached beyond 2,000. Due to the decline of the population of the new prisons, in 1950s the number of convicts working in the labor-based prisons and the work-dorms was roughly equal.<sup>505</sup>

More interestingly, we have the numbers classified according to work branches. In the mines, in 1944, between 1,600 and 1,800 convict workers were employed; in 1955 the number was 280. In agriculture, average 700 prisoners worked in 1944 and 450 in 1955. The convict work force of textile also decreased in time: from more than 800 in 1944 to less than 450 in 1955. In 1955, the women were mostly in textile (~30 women), and the others (5-6) were unskilled laborers; we do not have information for the work branches of women in 1944. The prisoners employed in the work-dorms in the old prisons worked mostly as unskilled laborer, as carpenter or as weaver, and rarely in agriculture and construction. In the Table 7 below the data of the last quarter (December) of six years amassed.

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<sup>503</sup> Başvekâlet İstatistik Umum Müdürlüğü T.C., *Mahkûmlar İstatistiği 1941-1958* (Ankara: Kars Matbaası, 1960), 53.

<sup>504</sup> *İstatistik Yıllığı 1942-1945*, 170.

<sup>505</sup> T.C., *Mahkûmlar İstatistiği 1941-1958*, 64.

**Table 7 The Number of Convict Workers in the Old and New Prisons**

		December						
		1944	1945	...	1955	1956	1957	1958
Unskilled Laborer	Old	318	488		25	55	93	303
	New	874	1420		191	66	149	144
Iron and Wood Work	Old	197	184		492	517	517	561
	New	553	249		104	120	141	130
Leather	Old	46	76		107	107	135	171
	New	65	67		75	39	53	60
Textile	Old	439	440		505	476	501	575
	New	807	446		405	374	613	664
Construction Work	Old	35	65		2	8	2	47
	New	154	286		51	62	98	133
Mining	Old							
	New	1608	1661		292	285	284	348
Printing House	Old				2	9	2	2
	New	84	85		119	138	137	85
Tailor	Old	33	32		100	79	134	126
	New	41	302		27	42	46	47
Commerce	Old	51	13		311	349	388	387
	New	62			53	92	49	80
Agriculture	Old	10	9		2	6	1	
	New	686	418		466	562	785	638
Total	Old	1129	1307		1546	1606	1775	2173
	New	4934	4934		1783	1780	2355	2329

Source: T.C., Başvekâlet İstatistik Umum Müdürlüğü. Mahkûmlar İstatistiği 1941-1958. Ankara: Kars Matbaası, 1960: 64-67. İstatistik Yıllığı 1942-1945. Vol. 15. İstanbul: Hüsnütabiat Basımevi, 1946: 161-71.

The most legitimate question for this thesis would be why in the first half of the 1950s such a transformation was lived. A couple of historical development should be encapsulated in the answer. First of all, the political level, namely the end of the sovereignty of RPP and the beginning of the period of Democrat Party, should be considered. As can be seen in the Figures 2 and 3 in the Appendix, and as seen in the negotiations in the Assembly, the prison policy of the DP was to diffuse into Anatolia via small prisons. Probably this was related to the inner dynamics of the legal system. In the Assembly, the most discussed subject was judges, their ranks, job security, augmenting the courts in the districts, and also issues related to property and cadastre in the villages. It can be claimed that *the social history of law* for the

early-Republican Turkey should be written to understand the links between these issues. As a result, the districts became important as legal government units.

However, I suppose, the most determinant change was witnessed in the domain of economy. The ‘labor problem,’ as explained in the body of the thesis, disappeared. According to Makal, the work force of Turkey in the 1950s became more stable and skilled, and that the peasant-workers began to become workers. As an example, the turnover rates in Sümerbank were 93.5% in 1944, 51.7% in 1947, and 19.7% in 1954.<sup>506</sup> It is beyond the scope of this work to scrutinize the details of this process, but the link between a stable labor force and employing convicts is apparent: İzzet Akçal stated in 1952 that the mine-prisons were closed due to “the abundance of the free workers in recent times.”<sup>507</sup> In this regard, one should also consider two significant facts: the population rise in the 1930s and 1940s and mechanization after 1945 through the subventions and Marshall Plan. The ‘labor age’ came to an end, as did the labor-based prisons.

Consequently, throughout the thesis, effort is made to present a mentality, a form of knowledge about the penal system based on labor. As genealogy would do, it would be explanatory to compare the period in question with the subsequent period. The nature of the penal system after 1960 is a beneficial tool for such a comparison. After the coup in 1960, the criminal law was changed. The new code of penalty execution numbered 647 (*Cezaların İnfazı Hakkında Kanun*) included also new terms. The penalties were divided in three according to execution type: Death; long or short term restriction of freedom (*uzun veya kısa süreli hürriyeti bağlayıcı*

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<sup>506</sup> Ahmet Makal, "Türkiye'nin Sanayileşme Sürecinde İşgücü Sorunu, Sosyal Politika ve İktisadi Devlet Teşekkülleri: 1930'lu ve 1940'lı Yıllar," *Toplum ve Bilim*, no. 92 (2002): 44.

<sup>507</sup> ("Son zamanlarda serbest amelenin çokluğu nazara alınarak hükümlü işçilere madenlerde yer verilmemesi karar altına alınmış ve bu sebeple Zonguldak, Maden, Soma, Tunçbilek, Keçiborlu cezaevleri kapatılmıştır.") "Adalet Bakanlığı Bütçe Görüşmeleri - 1952," 654.

*cezalar*); and fine. The short-term sentence meant less or equal to six months and could be replaced by a variety of different penalties such as fine. Working in state enterprises or in municipalities was also an alternative. Additionally, for those sentenced to less than three months, continuing regular working in a job in daytime and coming back in the evening to the prison, also could be implemented. Even the same could be allowed for weekdays on the condition staying in the prison from Friday evening to Monday morning.<sup>508</sup> For those who would work in the state enterprises, the republican prosecution had to find a job preferably in the region of residence of the convict.<sup>509</sup>

According to the Regulation on Prison Houses (*Ceza İnfaz Kurumları ile Tevkifevlerinin Yönetimine ve Cezaların İnfazına Dair Tüzük*), all convicts had to work in prison or outside. With many exceptions such as being a recidivist in theft or murder or convicted for a crime against the state, convicts with good behavior could be employed in state and private enterprises. Additionally, those convicts who were in open prisons or had served a quarter of his/her sentence in good behavior could be employed on work-teams in working branches like agriculture, fishing, road work, construction, mining and forestry. Those who were working in the prisons would earn a daily wage. The premium system was also valid as well as deductions for less work.<sup>510</sup>

Although working in prison was ordered by law the nature of the procedure was different from that of the earlier period. Most strikingly, the prisoners sentenced to short terms were in the center while they had been out of the scope of the labor-

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<sup>508</sup> Nazif Kurucu, *Hükümlü ve Tutuklular için Cezaevlerinde Uygulanacak İşlemler*, 29-35.

<sup>509</sup> *Ibid.*, 60.

<sup>510</sup> *Ibid.*, 79-81.

based prisons. To remember, the justification of this had been that the convict-workers were to be a *regular* work force, and training, namely qualification, was significant. However, the classification of the penalties is also interesting. The earlier period the structure of the penal system was based on labor: the first and second divisions of the General Directorate of the Prison Houses, as well as the stage system, were based on compensation of sentences with work. Death and fines were definitely implemented but such a classification, in my view, could not have been functional (or possible) in the mentality of the 1930s.

On the other hand, in the 1960s, the classification of prisons was made according to the relation of convicts with the outside: namely, closed, semi-open and open prisons. The open prisons had no security personnel and guards outside, and no prevention for escapes. The semi-opens had also no security in and out but had preventions for escapes. The closed ones were protecting from inside and outside, and there was no communication with the outside. Prisons for women and children, and reformatories were the other types of prison houses.<sup>511</sup> Convicts in the open and semi-open prisons had to work. In the end of the 1960s, there were six open prisons: Dalaman, Edirne, Foça, İmroz, Niğde Construction and Niğde Agricultural prisons. The semi-open prisons were eight: Ankara, Çorum, Giresun, İmralı, Isparta, İskilip, Kayseri and Sivas. In total, there were 633 prisons, 109 of them were central prisons, 504 of them were district prisons, and six of them were juvenile prisons. There were work-dorms in 95 close prisons.<sup>512</sup> After three years in prison, convicts had to have learned a manufacturing trade, for which the chiefs of the workshops were

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<sup>511</sup> Ibid., 53.

<sup>512</sup> Mengüç, *Ceza İnfaz Hukuku ve İnfaz Müesseseleri*, 294-307.

responsible.<sup>513</sup> The difference in the classification is again striking. The names of the prisons were “old” and “labor-based,” but now, with the 1960s, they were called “open,” “semi-open” and “closed.” The stress upon labor disappeared.

Moreover, the convicts were also classified: First, first-offenders, recidivists, professional criminals; second, those who were subjected to a special execution type due to their mental or corporal situation or their age; last, political criminals.<sup>514</sup> There was no stage system in these penal codes. The classification of convicts and their imprisonment place was made by a new foundation: Observation and Classification Centers.<sup>515</sup> Those who were sentenced to more than six months were to be observed by at most two months by director, psychologist or psychiatrist, pedagogue, and expert on social services. At the end, they would decide which type of prison and which type of penalty regime would be applied to the convict. The observation made in solitary confinement, even working in these centers would be tried to be provided as isolated, like the Pennsylvanian system.

There naturally had been political prisoners or mentally-ill criminals in the penal system of the early-Republic. However, such a classification *based on the criminal* had not been the concern of the earlier system. The political prisoners, sentenced for crimes against the personality of the state, had been excluded from the labor-based prisons. They had not even been mentioned in the negotiations in the Assembly. On this issue, on the concept of political prisoners, I want to make some evaluations related to this work. There are a couple of indirect links between the subject of this thesis and political criminals. To begin with, their privileged situation

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<sup>513</sup> Kurucu, *Hükümlü ve Tutuklular için Cezaevlerinde Uygulanacak İşlemler*, 56.

<sup>514</sup> *Ibid.*, 59.

<sup>515</sup> *Ibid.*, 93-99.



can be regarded. Marcos Luiz Bretas asserts in his article on Brazilian prisons that the political prisoners, in their memoirs, wrote generally about their “there-being” and confinement, but not the dynamics of the prison. “It was not a critique of place but of being there.”<sup>516</sup>

The confinement of the political prisoners may produce a critique of prison hygiene as effective as that of any commission; the critique may also become publishing success ... But it presents the prison without its main character: the prisoner.<sup>517</sup>

On the other hand, they had a class vision that gave them a “shock of being treated ‘like a common criminal.’” They contradistinguished themselves from ordinary prisoners who were sentenced for inferior attitudes. As an example from Turkey, Necip Fazıl Kısakürek can be given. Kısakürek’s notes on prison symbolize the contempt of a political prisoner about the ordinary ones. He was living in Üsküdar Taşkapı Prison alone in the infirmary or in an office. He had a convict-servant (*meydancı*), who was probably doing the cleaning. He was grateful and thanked God that he did not see “the convicts,” by which he meant the ordinary ones.<sup>518</sup> One day, 25 ferocious prisoners came from the Sultanahmet Prison, and there was a chaos in the dormitories: screams and breaking glass. Heroin addicts, then, also began to make noise by “finding favor from the others.” That was a horrible day for Kısakürek who could not escape the noise; moreover, the director did not send newspaper the day after because of “them.”<sup>519</sup> As another example,

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<sup>516</sup> Marcos Luiz Bretas, "What the Eyes Can't See: Stories from Rio de Janeiro's Prisons," in *The Birth of the Penitentiary in Latin America: Essays on Criminology, Prison Reform, and Social Control, 1830-1940*, ed. Ricardo D. Salvatore and Carlos Aguirre (Austin: University of Texas Press, 1996), 109.

<sup>517</sup> *Ibid.*, 110.

<sup>518</sup> Kısakürek, *Cinnet Mustatili - Hapishane Notları*, 16-17.

<sup>519</sup> *Ibid.*, 32-33.

Ebubekir Hazım Tepeyran, the Minister of Interior Affairs in the armistice period, describes the life in prison in his memoirs:

The need for walking around, at least for breathing clear air, compelled us to go down to the atrium where there were numerous criminals, from pickpockets to murderers, and to join the herd. However, in a few days a sickness spread from the bottom dorms, and we had to give up walking around in the atrium.<sup>520</sup>

Yunus Nadi was a witness of the backward situation in the Ottoman Prisons. He lived in Abdülhamid's prisons in which "chicken thieves" and political prisoners shared the same fate,<sup>521</sup> which was scandalous. On the other hand, Celal Bayar was served by ordinary convicts whom he paid.<sup>522</sup>

It was not peculiar to Turkey that political prisoners were outside of employment relations. In Costa Rica, they were exempted from forced work in the early-twentieth century whereas others "had to work for their food and clothing, unless they deposited on a weekly basis a sum of money equivalent to the cost of their keep."<sup>523</sup> Similarly, in the colonial India, as early as 1796, it was said that compelling high-caste convicts to work on the roads alongside "common criminals" would be "much more severe than a sentence of death" both for them and their family.<sup>524</sup>

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<sup>520</sup> ("Sayısız sabıkalı yankesicilerden katillere kadar her türlü suç failleriyle dolan avluya inerek birkaç adım olsun gezinmek, hiç olmazsa üstü açık bir yerde biraz nefes almak ihtiyacı bizi de bu süriye karışmaya zorluyordu. Fakat birkaç gün sonra alt kat koşullarından bir hastalık çıkıp yaygınlaştığından avlu gezintisinden vazgeçmeye mecbur olurduk.") Quoted in Konur Ertop, "Türk Edebiyatında Hapishane: (1)," *Milliyet Sanat Dergisi*, no. 49 (1982): 10.

<sup>521</sup> Pelin Böke, "Yunus Nadi'nin Hapishane Anıları," *Toplumsal Tarih*, no. 45 (1997): 7.

<sup>522</sup> Celal Bayar, *Kayseri Cezaevi Günlüğü* (İstanbul: Yapı Kredi Yayınları, 1999), 40.

<sup>523</sup> Steven Palmer, "Confinement, Policing, and the Emergence of Social Policy in Costa Rica, 1880-1935," in *The Birth of the Penitentiary in Latin America: Essays on Criminology, Prison Reform, and Social Control, 1830-1940*, ed. Ricardo D. Salvatore and Carlos Aguirre (Austin: University of Texas Press, 1996), 233.

<sup>524</sup> Arnold, "The Colonial Prison: Power, Knowledge, and Penology in Nineteenth-Century India," 160-61.

The distance between political criminals and ordinary ones has two dimensions. On the one hand, the former is generally not much poorer than the latter. Therefore, generally they do not work in prison, at least manually. On the other hand, political prisoners are seen by the administrators as men who would spread dangerous thoughts to the ordinary ones. One of the primary actors of this thesis, İbrahim Balaban, is evidence that this concern was appropriate. The political prisoners in Bursa Prison were living in a different stage, but the discipline was not so tough that they could not be in a contact with the others. Accordingly, Balaban became a close friend of Nâzım Hikmet, and learned ‘dangerous thoughts’ from him too. This was the cause he would be expelled from İmralı. This event brings the mind a different definition of political prisoner cited by Linebaugh: “prisoners may become political as a result of incarceration.”<sup>525</sup>

The reason of these evaluations about the political prisoners is an insight. The classification in the 1960s and the developments in the 1990s make me think that the primary concern of the penal system shifted from prisoner-workers to political prisoners in time. While in the 1930s the government established prisons for production, in the 1990s it opened F-Type prisons which are high security prison houses reserved especially for prisoners who committed crimes against the state. I am well aware that to claim such a shift would be too adventurous, but to study the political history of the early Republic, perhaps the period after the Second World War, would be beneficial to understand the changing forms of punishment in the history.

Some clues can be taken from the Assembly negotiations. In 1949, Çorum deputy Hasene Ilgaz appreciated the ministry that a prison in Nevşehir had been

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<sup>525</sup> Peter Linebaugh, "Doing Time for Political Crime: Paul and Silas, Bound in Jail," Available [online] <http://www.counterpunch.org/linebaugh08052004.html> (2004).

established for political prisoners, and also that Sivas Prison was to be disposed to them.<sup>526</sup> According to a deputy, in 1950, the separation of political prisoners from the others had been managed.<sup>527</sup> On the other hand, the arrests of communists in 1944/45, the trade unionism of 1946, and the arrests in 1951/52 are waiting further research on the social history of the penal system. The infamous articles of the Turkish penal code, 141 and 142, were also born in 1936<sup>528</sup> as the seemingly irrelevant developments explained in this thesis. For Tevetoğlu, it was grievance that “the ambiguity” in the 141<sup>st</sup> article caused that the accused members of the Turkish Socialist Party were acquitted in 1948. This article was amended in 1949.<sup>529</sup> In 2006, however, the strength of the new code (Code for Struggling with Terror) replaced this article is based on its ambiguity. It is also interesting that the president of the TSP was Esat Adil, who had been the director of İmrâlı Prison for a period in the 1940s. Consequently, it can be suggested for further research that while the ‘labor age’ was followed by the era of trade unionism, politics of labor relations was transformed also the penal system. In this regard, the theme of political prisoners is not far removed from labor history and the history of the penal systems.

Finally, it is appropriate to say some words about the present conditions of the prison labor. As seen, the work of Erol Çatma, *Convict Laborers in the Zonguldak Mines*, is unique as a study on convict labor in the history of Turkey. Now, the most detailed, if not unique, work on today’s convict labor should be cited. İlkey Savcı made a labor-intensive study of the work-dorms, interviewing many

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<sup>526</sup> "Adalet Bakanlığı Bütçe Görüşmeleri - 1949," 477-78.

<sup>527</sup> "Adalet Bakanlığı Bütçe Görüşmeleri - 1950," 569.

<sup>528</sup> For a history of these articles, see Halit Çelenk, *141-142 Üzerine* (Ankara: Anka Yayınları, 1976).

<sup>529</sup> Fethi Tevetoğlu, *Türkiye’de Sosyalist ve Komünist Faâliyetler* (Ankara: Ayyıldız Matbaası, 1967), 539.

convict workers in person in her work titled *Convicts Working in the Prisons Work-dorms*.<sup>530</sup> There are now 163 work-dorms in total, 30 of which are in the open prisons. The semi-open prisons were already transformed to the open ones after the establishment of the Work-dorms Bureau (*İşyurtları Dairesi*) in 1997 in the Ministry of Justice. This is a significant development. As the first division of General Directorate of Prison Houses in the early Republic, the Work-dorms Bureau, in my view, shows the attention given to prison work. In addition to this bureau, a regulation enacted in 1998 is interpreted by Savcı as an increase in the company-dimension of the open prisons.<sup>531</sup> In other words, a question emerges: Are we in the beginning of a period in which the economy of prisons will again become important? As mentioned before, some prison directors have begun to complain about their restricted authority and want more autonomy in order to be able to make profit. The privatization of prisons also has begun to be discussed in unofficial circles. And all of these urge us to turn our attention to the United States.

It is well known that the US has witnessed a “prison boom” in the last twenty years: Roughly 2 million people are in prisons. Such sentences reveal the dimension of the problem there: “Between 1980 and 1998, the prison population in the United States grew from 329,821 to 1,302,019” or “in the early 1990s, an average of three 500-bed prison facilities opened each week in the United States.”<sup>532</sup> On the other hand, since 1979, the privatization of the prisons have been seen first in the US, and then in the United Kingdom and Australia. Now, 111,000 of 2 million prisoners are

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<sup>530</sup> İlkay Savcı, *Cezaevi İşyurtlarında Çalışan Hükümlüler - Bir Alan Araştırması* (Ankara: Ankara Üniversitesi Basımevi, 2004).

<sup>531</sup> *Ibid.*, 100.

<sup>532</sup> Gregory Hooks et al., "The Prison Industry: Carceral Expansion and Employment in U.S. Counties, 1969-1994," *Social Science Quarterly* 85, no. 1 (2004): 39.

in the prisons either administered or owned by private corporations, and also a great proportion of them *belong* to two firms: The Corrections Corporation of America and the Wackenhut Corrections Corporation. In addition, leading corporations, such as IBM, Boing, Dell, Microsoft, McDonald's, Starbucks and Victoria's Secret, employ convicts directly or indirectly.<sup>533</sup>

However, the context seems to be different from the period of chain gangs. As Savcı points out, some intellectuals emphasize the consumption of the prisons, instead of production. There are numerous companies which market security equipment. There are advertisements like "Prison Construction" or "Call us and we will construct it! Ready in six months." For instance, it is stressed that a telephony company would have a great pool of consumers if it gained the monopoly of the prison telephony system.<sup>534</sup> For Turkey, one can now ask whether some companies are in the prison market such as providing high security equipment for the F-Type Prisons.

The prison industry, even there is no privatization yet, is a legitimate research area for Turkey. On the other hand, the prison industry in the United States gives also a clue about the political prisoners mentioned above. The prisoners are trying to organize as a union in the U.S. prisons. For instance, the Missouri Prisoners' Labor Union, and the heads of these unionization movements are being sent to "maximum security single cell."<sup>535</sup> These experiences reinforce the suggestion that politics and labor relations should be analyzed together in the history of penal systems, which constitutes the limit of this study.

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<sup>533</sup> Savcı, *Cezaevi İşyurtlarında Çalışan Hükümlüler - Bir Alan Araştırması*, 51-52.

<sup>534</sup> *Ibid.*, 33-51.

<sup>535</sup> Lisa Featherstone, "Prison Labor," *Dissent* 47, no. 2 (2000).

## CHAPTER VI

### CONCLUSION

There was nothing like a common unit of measurement between crime and punishment. There was no common locus of crime and punishment, no common element found in both one and the other. The problem of the relationship between crime and punishment was not posed in terms of measure, of a measurable equality or inequality. Rather, there was a sort of joust between them, a sort of rivalry. The excess of punishment had to respond to the excess of the crime and triumph over it. There was a necessary imbalance, therefore, at the very heart of the act of punishment. There had to be a kind of surplus on the side of punishment. This surplus was terror; the terrorizing character of the punishment. Michel Foucault<sup>536</sup>

The topic of this study is the Labor-based Prisons in Turkey, why they were born in the beginning of the 1930s and died with the 1950s. These questions found their answers in the economic context of Turkey, as well of the world. After the Great Depression, the state in Turkey introduced to the economic realm actively, both as employer and as regulator. Via the semi-official agents as Sümerbank and Etibank, the government made a rigorous attempt to found new industries and to take the existing ones under state supervision, especially the mines. The overall production capacity was to be increased, and this meant also an increase in the employment. The purposes of augmenting the workers of the industrial companies and also the productivity of them contradicted with the old balance of labor relations based on unskilled-cheap peasant-workers. This balance was then nominated as a

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<sup>536</sup> Michel Foucault, *Abnormal : Lectures at the Collège de France, 1974-1975*, ed. Valerio Marchetti and Antonella Salomoni (New York: Picador, 2003), 83.

'lack,' as the absence of a steady labor force for the industry, and labor turnover rates became the measure of this deficiency. Hence, especially after the mid-1930s, the value of labor increased for the employers, namely for the technocratic managerial class constituting the state apparatus. The Labor Code of 1936 was the fruit of this context, and same year the penal system was transformed to a labor-oriented structure, the most important division of which consisted of the labor-based prisons.

The economic activity of the state was not limited with the industry. The grain policies were to regulate the production capacity of grain, which was the base of the provision of the cities and the workers of the industry. Again to increase the productivity, the improvement of ingredients such as seeds became a concern of the government. The state farms and the modal villages functioned as the companies of the government on agriculture. The agricultural prisons, especially İmralı Penal Colony, were the outcome of this concern.

The increasing value of human labor, in a period when mechanization of the 1920s ceased and that of the second half of the 1940s had not begun yet, was expressed in the treatment to the prisoners. The labor-based prisons were the one side of the story. The old prisons, but, also became the target of critiques because of their inferior conditions. Although most of them were left unchanged, some improvements in the sanitary issues happened. Additionally, new prison buildings were constructed. Working in these conventional, namely not labor-based, prisons were regulated with the work-dorms established in them increasingly with the 1940s. Consequently, following the famous theory of Georg Rusche, in a context of scarcity of labor both the conditions in the prisons were improved and prison labor began to be widely used in Turkey. When this context changed, labor for the penal system ceased to play a crucial role. Between 1945 and 1950 can be regarded as a transition period; the



structural transformation of the penal system in the beginning of the 1950s finished the story of the labor-based prisons.

The foundation of legal trade unions in 1946 and the de-politization of them in 1947 meant the formalization of work relations within the limits of first steps of a social security system. Not only control over the production process but also over the wages was excluded from the legal/formal negotiation and assigned to the domain of political crimes. As a result, the function of the penal system was not any more to produce (say, wealth or discipline or a working class), but to jail rioters and communists. The state founded prisons for production in the 1930s, and it constructed F-Type high security prisons in the 1990s. In a symbolic example, the population of İmralı Prison was roughly 1200 in the 1940s and prisoners committed crime against the personality of the state were not entitled to go there. Now, in 2006, the population of it is 1, and he is a prisoner who committed the most serious crime against the personality of the state. This example symbolizes the changing status of the prison system.

On the other hand, this study has some general implications about the Single Party era. The penal administration of the 1930s and 1940s, as seen in the second chapter, was structured as a company. Having legal personality and circulating capital, and giving a share from profit to the staff were the outstanding properties of the labor-based prisons and also the work-dorms. In addition, the energetic impression of the people in the administrative positions constituted an image of a meritocratic bureaucracy. They were at the head of administrative divisions having a relative autonomy, and were probably promoted according to performance which was measured by the profits of the prisons. Both the legal properties of the labor-based prisons and the characteristics of the administrators hinder to think of a

classical Weberian bureaucracy. However, they allow thinking of a Weberian rational/capitalist corporation. In this regard, we can consider the General Directorate of Prison Houses as a corporation administered by a technocratic-managerial class, the members of which did not own the means of production, but had the control of production, like the new middle class of the last third of the twentieth century.

Such a consideration can be helpful in understanding of the Singly Party regime. The relation of economic system and the ruling cadres can be rethought. Instead of both the duality of not-yet-bourgeois/bureaucracy and a generalized 'ruling/Kemalist elite,' an analysis of the capitalist state is suggested here. The crucial aspect of the analysis should be the re-structuring of the state from the concrete relations of its members, from İhsan Soyak to Celal Bayar, from Şükrü Saraçoğlu to İbrahim Saffet Omay. Independent of the conventional positions of the members of this managerial class, the form of the relations, such as the three above-mentioned legal properties of the penal administration, should be scrutinized in order to understand the function of the legal foundations. Hence, a social history of law. In this regard, sociological and historical analyses of the early Republican era need help of each other. It is obvious that for an abstract analysis we do not have to write an elitist history. In fact, daily events are crucial not only for rescuing people without history, but also to sophisticate the theory. For example, we can believe that the wage of workers is equal to the minimum amount through which they can reproduce their labor in the market; however, we should show this for the wages of, say, tobacco workers in the 1930s in İstanbul. Detailed historical analysis would change or refine our beliefs and help to constitute a theory from below. Apparently, these suggestions confess the inadequacy of this work.

Consequently, this study does not teach us whether the condition of prisoners before sixty years was better or worse than today. In order to evaluate such a quality we do not in fact need the history, also in order to be against the use of convict labor. In contrast, the systemic relations that express itself in behalf of or against to convict labor should be understood. I hope that this thesis has some clues to situate today's use of convict labor in a general economic context and to translate the abstract legal structure to its minute imprints.

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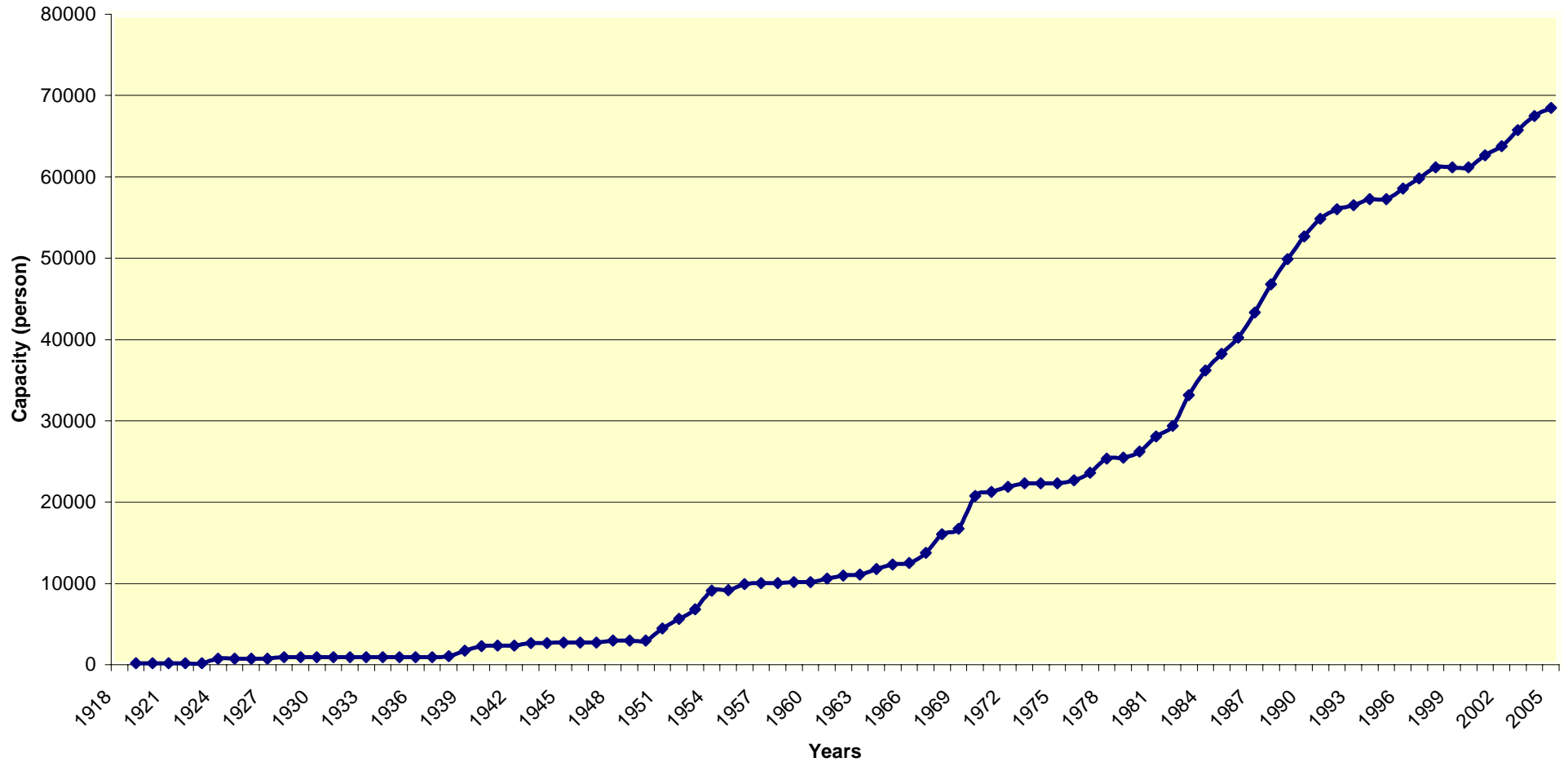
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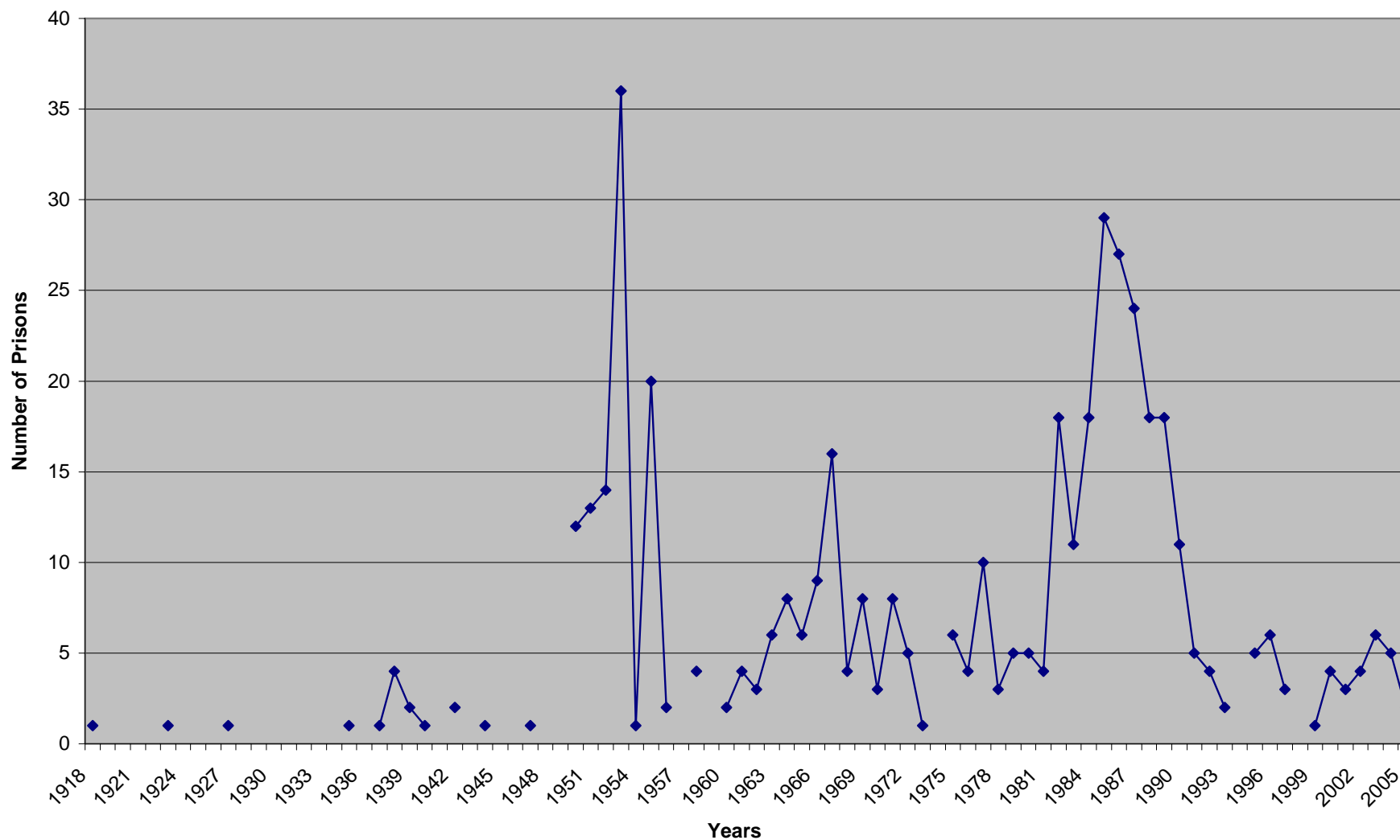
## APPENDIX

**Figure 2 Capacity Increase of Prisons in Years\***



\* These numbers are compiled from the data of the Ministry of Justice which includes only the capacities of today's prisons and the establishment date of them; in other words this figure only contains prisons which survived today. For instance, the labor-based prisons are not represented.

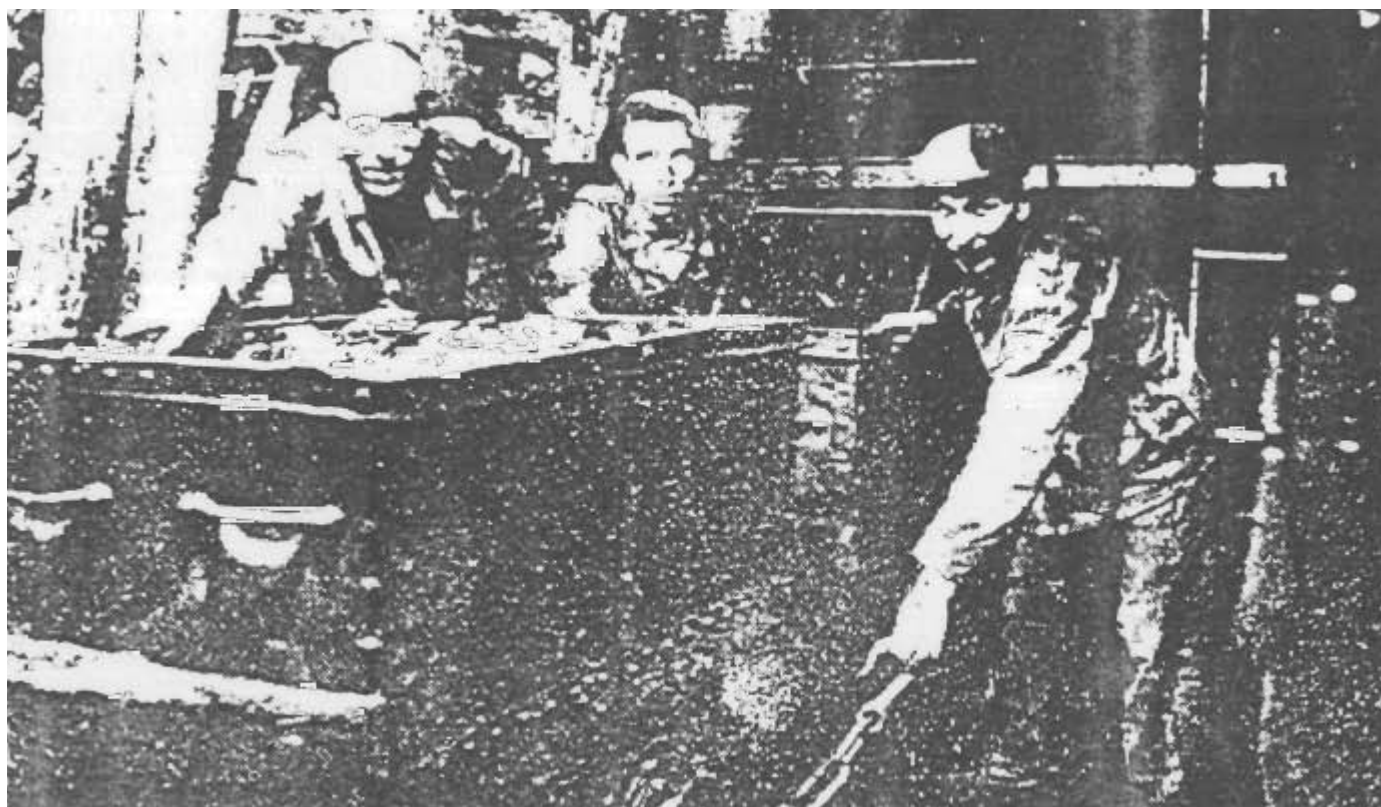
**Figure 3 The Number of Prisons Constructed Per Year\***



\* These numbers are compiled from the data of the Ministry of Justice which includes only the capacities of today's prisons and the establishment date of them; in other words this figure only contains prisons which survived today. For instance, the labor-based prisons are not represented.



Prisoners in the mine / Zonguldak, 1938



Prisoners in the mine / Zonguldak, 1938.



The prisoners near the mine in construction work / Zonguldak



A picture from the private archive of İhsan Soyak, EKI General Manager in the 1940s, subtitled as “modern prison” (Asri ceza evi)



Work-dorm in the Bartın Prison / 1935