

SOCIAL RATIONALITY OF LOWER CLASS CRIMINAL PRACTICES IN THE
LATE
NINETEENTH CENTURY İSTANBUL

by

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The late nineteenth century witnessed the emergence of a new mentality about work, society and crime among the Ottoman elites. As work became the central principle on which society was based, the unemployed and poor began to be perceived as serious threats to the social order and all socially unapproved behaviours and values were attributed to this group. They were located outside the bounds of respectable society and legal measures also contributed to the construction of a new criminal class image. This thesis focuses on both property and violent crimes committed by lower-class individuals in the late nineteenth century İstanbul to analyze the social rationality of these crimes. These cases show that property crimes largely were not committed by members of a professional criminal class who were experts in their branch and that violent crimes were not the senseless, meaningless and barbaric acts of essentially aggressive and degenerate social groups. Rather, most of the criminal practices were an integral feature of lower class life and it was impossible to find a criminal class socially and morally separated from the honest laboring class of İstanbul.

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Başlık: Geç 19.yy İstanbul'da Alt-Sınıf Kriminal Pratiklerinin Sosyal Rasyonalitesi

Geç 19.yy, elitler arasında iş, toplum ve suça dair yeni bir zihniyetin doğuşuna tanıklık etti. İş toplumun dayandığı temel ilke olmaya başladıkça, işsiz ve yoksullar da sosyal düzene karşı ciddi birer tehdit olarak algılanmaya başladılar. Toplumca onaylanmayan bütün davranış ve değerler onlara atfedildi ve saygın toplumun sınırları ötesinde konumlandırıldılar. Yasal önlemler de bu yeni kriminal sınıf imajının oluşmasına katkıda bulundu. Bu tez, geç 19.yy'da İstanbul'un alt-sınıf üyelerince işlenen mülkiyet ve şiddet suçlarını, bu suçların sosyal rasyonalitesini çözümlenmek amacı doğrultusunda ele almaktadır. Bu suçlar göstermektedir ki ne mülkiyet suçları kendi alanlarında uzmanlaşmış profesyonel bir kriminal sınıf tarafından işlenmektedir ne de şiddet suçları özsel olarak saldırgan ve dejenere bir sosyal grubun saçma, anlamsız ve barbar hareketleridir. Çoğu kriminal pratik alt sınıf yaşamının entegre bir parçasıydı ve İstanbul'un dürüst emekçi sınıfından sosyal ve ahlaki olarak ayrılmış bir kriminal sınıf bulmak imkansızdı.

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PREFACE

This study is composed of two parts. The first part focuses on property crimes in late nineteenth century İstanbul to test the hypothesis that property crimes were committed by professional and organized criminals. The thesis begins with the more knowledge-based crimes. First, safe-deposit thefts are analyzed. Second, counterfeiting cases are examined. Third, organized thefts are discussed. Then, opportunist theft, which was the most frequent form of property crime, will be examined. Finally, attention is directed to arson cases to criticize the short cut link between the poor and property crimes.

The second part examines the violent crimes committed by lower class individuals. First, the elite discourse that attributed violent practices to an immoral and degenerate group is examined. Second, the social rationality of violent crimes is discussed. The moral economy of the lower class individuals, the role of honor in the moral economy of poor and the sensitiveness of lower class individuals to protecting their reputations against the insults they faced in their everyday lives is described through violent cases. Third, the formal dimension of lower class violent practices is subjected to close scrutiny to penetrate the mentality of lower class fighters. Therefore, the weapons used in the fights, the intentions and motives of the sides involved in the fights, the conditions of the fights and the procedure followed by the sides in these fights will be described. Then, the place of the violent practices in the culture of lower class individuals will be examined through the ballads the most frequent subjects of which were these lower class fights. Finally, the gendered nature of these lower class violent practices is described.

Focusing on the experiences of lower class individuals, this study hopes to contribute to the discussions about Ottoman society. For the fulfillment of this purpose, it draws on various sources including *Ceride-i Mehakim*, *Ceride-i Mehakim-i Adliye*, *Polis Mecmuası*, newspapers and literary sources.

CHAPTER I

INTRODUCTION

This thesis studies lower-class criminal practices in İstanbul in the late nineteenth century. In particular, it tries to criticize the elite discourse which attributed criminal practices to a criminal class whose members were assumed to be either professional and organized in property crimes cases or intemperate, aggressive and immoral in violent crimes cases. Since such an approach produces a desocialized crime conception by isolating the criminal act from its social meaning, background and motives, this thesis focuses on lower-class “criminal” practices in their embeddedness in the complexity of social relationships by putting the experiences of these lower-class people who were both the actors and the victims of these “criminal” practices at the center.¹ Here, it is simply claimed that most of the criminal practices in this period were an integral feature of lower-class life.

It must be emphasized that this study does not seek to explore the change and transformation of crime trends or reconstruct all lower-class criminal practices in late nineteenth century Ottoman İstanbul.

¹ Clive Emsley links the new interest in crime and criminality to the problematization of the criminal class “The new interest in crime and criminality was, perhaps, a natural extension from the study of riots and rioters generated by the work of historians such as George Rude a decade earlier. If rioters were not the dregs of society acting out of animalistic motives and prompted by drink and the promise of loot, then perhaps criminals were also ordinary people rather than a distinct, identifiable group outside society-the criminal class-as much of the popular literature, and indeed as positivist criminology, tended to portray them.” Clive Emsley, “Albion’s Felonious Attractions: Reflections upon the History of Crime in England,” in *Crime History And Histories of Crime: Studies in the Historiography of Crime and Criminal Justice in Modern History*, eds. Clive Emsley and Louis A. Knafla (London: Greenwood Press, 1996), p. 67. For a review of this literature, see Joanna Innes and John Styles, “The Crime Wave: Recent Writing and Criminal Justice in Eighteenth-Century England,” *The Journal of British Studies* 25, no. 4 (1986).

What makes such a study interesting recently is the remarkable similarity of the perception of crime and criminals by the Ottoman elites in late nineteenth century and by the Turkish government today. This similarity can be seen easily when the two statements mentioned below are compared.

In nearly the same days as the National Security Council's meeting on "the increasing crime wave", Prime Minister Recep Tayyip Erdoğan repeated his recommendation about visa requirement for visitors after the concerns about the security in İstanbul increased related to purse snatchings (*kapkaç*),

I still defend my suggestion that immigrants and visitors must be asked for their *nakil ilmuhaber* on their entry to big cities. Then, somebody laughed at this suggestion and said 'Will you make this visa a requirement?' However, I had stated a reality. These emigrations lead to two serious problems. It leads to both an increase in crime rates and terrorism. The cost is paid by the inhabitants of the big cities.²

The concerns of Sultan Abdulhamid were same although his order was issued 101 years ago,

The Sultan orders that all local authorities be informed that since it is not appropriate to allow many unemployed people to come to İstanbul, the entry of these people even to Trabzon must be hindered and they must be sent to their villages. From now on, ...the entry of these vagrants who come to İstanbul in groups only to find jobs, must be hindered.³

² *Radikal*, 18 June 2005. "Göçlerde, büyük şehirlere girşite nakil ilmuhaberi istenmesi gerekir, ifadesinin arkasındayım. O zaman istihza etmişler, 'Vize mi koyacaksınız?' demişlerdi. Halbuki bir gerçeği ortaya koyuyordum. Çünkü bunun iki önemli sıkıntısı vardı. Bir, suç oranlarının artmasını tahrik eder, iki, terörü tahrik eder. Ve bunun bedelini de büyük şehirler ödüyor."

³ Quoted from Vahdettin Engin, *Sultan Abdülhamit ve İstanbul'u* (İstanbul: Simurg Yayınları, 2001), p. 59. "böyle lüzumundan ziyade işsiz güçsüz insanların İstanbul'a gelmelerine meydan verilmesi münasip olmayacağından, Trabzon'a yaklaşımda buldukları öğrenilen kişilerin bu vilayete dahi girmelerine izin verilmeyerek, buldukları yerlerden hemen memleketlerine ve köyelerine iade edilmeleri ve bundan böyle... işi gücü olmayarak sadece geçimini sağlamak vesilesi ile ve böyle grup halinde bir takım serseri şahısların İstanbul'a gelmelerine meydan bırakılmaması hususunda bütün vilayetlere ve ilgili mercilere süratle tebligat yapılması Padişahımız efendimiz hazretlerinin emir ve iradeleri gereğindedir."

What these two declarations share is the exclusionary approach to the unemployed urban poor, classifying them as potential criminals in contrast to the dominant perspective of the welfare-state era which promoted an inclusionary full-employment and social rights policy for the urban poor and unemployed. As John Lea emphasizes,

The main issue in criminal justice policy during the 1950s and 60s was that of penal reform. As regards the treatment of young offenders, a strong philosophy of social reintegration through welfare, rehabilitation therapy and special education rather than by means of judicial punishment was a marked feature of the welfare state.⁴

However, nowadays,

The old language of social rights and integration was being replaced by a language of dangerousness and management of risks. Poverty and homelessness were seen as social problems less because they were violations of social rights and more because of their perceived contribution to dangerousness and criminality. The themes of welfare and integration were being displaced by those of security and protection.⁵

This replacement is tried to be legitimized by labeling “welfare dependency” as an evil to be eradicated. John Lea summarizes the discourse in Britain as “the growth in poverty and criminality were seen as the results of a ‘culture of dependency’ sustained by the easy availability of welfare provision and the consequent undermining of the desire to work.”⁶

⁴ John Lea. 2 July 2005. *From Integration to Exclusion: The Development of Crime Prevention Policy in the United Kingdom*. Available [online]:

“<http://www.bunker8.pwp.blueyonder.co.uk/misc/polis.htm> [2 July 2005].

⁵ Ibid.

⁶ Ibid.

This social exclusion process, which can be defined by the change from welfare to workfare and from rehabilitation to security, implies the return of the dangerous classes or, as the preferred term is now, the underclass.

The present politics of poverty reflect a fundamental continuity in the management and containment of the fundamental inequality of capitalism...Events at the end of the twentieth century have much in common with the 1920s and 1930s, the end of the nineteenth century, at the 1820s and 1830s: mass unemployment and growing poverty on the one hand, and an increasingly punitive reaction to its victims on the other.⁷

Therefore, it is meaningful to remember the late nineteenth century Ottoman İstanbul, which led the Ottoman elites and Abdülhamit and later the leaders of Union and Progress (*İttihat ve Terakki*) to decree regulations and laws on the unemployed urban poor, or in the regulations' terms, on vagabonds.⁸ These legal regulations contributed to the construction of an unemployed criminal class image.

Criminal Class Issue

In 1890, the Regulation on Vagabonds and Suspected Persons (*Serseri ve Mazanna-i Su' Olan Eşhas Hakkında Nizamname*) was issued by Sultan Hamid. This regulation attempted to criminalize the unemployed urban poor by defining them as vagabonds and suspected persons.⁹ According to this regulation, vagabonds would

⁷Chris Jones and Tony Novak, *Poverty, Welfare and the Disciplinary State* (London; New York: Routledge, 1999), p. 32.

⁸“To articulate the past historically does not mean to recognize it “the way it really was” (Ranke). It means to seize hold of a memory as it flashes up at a moment of danger.” Walter Benjamin, “The Story Teller,” in *Illuminations: Walter Benjamin Essays and Reflections*, ed. Hannah Arendt (New York: Schocken Books, 1969), p. 255.

⁹Quoted from Nadir Özbek, *Osmanlı İmparatorluğu'nda Sosyal Devlet: Siyaset, İktidar ve Meşruiyet 1876-1914* (İstanbul: İletişim Yayınları, 2002), p. 91. “Hiçbir kar ve kisb ile meşgul olmamak ve muayyen ve daimi ikametgahları bulunmamakla beraber taayüş ve idarelerini vesait-i meşrua ile istihlal eylemekte olduklarını ispat edemeyip şurada burada gezmekte bulunan eşhas serseri ve meçhul-ı ahval ad olunur.”

be imprisoned from one to three months on their first arrest, and from three months to one year on their second arrest. The Regulation on Prohibition of Begging (*Tese'ülün Men'ine Dair Nizamname*), which was enacted in 1896, followed the regulation on vagabonds and suspected persons. Then, the Law on Vagabonds and Suspected Persons (*Serseri ve Mazanna-i Su' Olan Eshas Hakkında Kanun*) was enacted in 1909 after the Committee of Union and Progress (*İttihat ve Terakki Cemiyeti*) came to power. This law enlarged the definition of vagabonds and followed the same trend in criminalizing the unemployed urban poor.¹⁰ Nadir Özbek refers to this new mentality of the Abdulhamid era Ottoman elites towards beggars:

The Ottoman elites of the Abdulhamid era perceived begging and unemployment through a new and different mentality on society and economy... What is very important here is that begging and laziness were perceived not only in the framework of security and the order of urban areas, but also and more as the violation of the economic and moral principles which form the society.¹¹

Legal attempts such as those mentioned above were not unique to the Ottoman Empire. Beginning from the late eighteenth and throughout the nineteenth century, many countries prepared similar regulations and laws. Throughout the nineteenth century, the Egyptian government took some legal and administrative measures towards beggars and the unemployed urban poor. They defined people who were homeless and “wandering around without work” as vagabonds. As Mine Ener writes, “fear of brigandage and of the theft of agricultural produce prompted the Egyptian

¹⁰ Quoted from Özbek, p. 65. “Hiçbir vasıta-i maişeti bulunmadığı ve çalışma kudreti olduğu halde laakal iki aydan beri bir güne kar ve kış veya sanatla meşgul olmayan ve bu müddet zarfında iş bulmak için teşebbüsât-ı lazımede bulunduğunu dahi ispat edemeyip şurada burada dolaşan kimselere serseri itlak olunur. Çalışmaya muktedir iken tese'ülü maişet ittihaz edenler dahi serseri addolunurlar.”

¹¹ Özbek, p. 85. “Abdülhamit dönemi Osmanlı elitinin dilenciliği ve işsiz güçsüzlüğü, toplum ve ekonomiye ilişkin yeni bir algulayış ve farklı bir zihniyet çerçevesinde değerlendirdiğini göstermiştir...Burada son derece önemli olan nokta, dilenciliğin ve tembelliğin artık yalnızca asayiş ve kentsel mekanların düzeni sorunu çerçevesinde değil, bilakis toplumu oluşturan iktisadi ve ahlaki ilkelerin ihlali olarak kavranıyor olmasıdır.”

government to enforce laws calling for the arrest, punishment, and training of vagabonds in 1863 and again in 1866.”¹² Also, in nineteenth century England, the Vagrancy Act 1824, the Poor Law 1834, and the Metropolitan Police Act 1839 were enacted as legal measures which contributed to the making of the vagabond image.

What all these measures shared was the division of the urban poor into the deserving poor and undeserving poor. The deserving poor were seen as victims. They were assumed to include the people who were temporarily unemployed and those who were unable to work. On the other hand, the undeserving poor were seen as a serious threat to the social and moral order since they were assumed to be habitually lazy and idle unemployed people whose incomes were generated from illegal activities rather than legitimate work. From a global perspective, Justin Cruickshank explains the logic of the division of urban poor into deserving poor and undeserving poor as,

According to the ideological individualism that accompanied the laissez-faire policies of the nineteenth century, a ‘free market’ allowed individuals to realize their ability to make wealth and, conversely, poverty was to be explained in terms of individuals’ failures to ‘get on’. When confronted by large scale economic hardship the response, though, was not to say that large numbers of working people were ‘feckless’. Instead, the response was to modify the individualist conception of the economy, by making a distinction between (a) the ‘deserving poor’ who were poor because of a difficult situation, and who would eventually work their way out of poverty; and (b) the ‘undeserving poor’, who brought poverty upon themselves, by being unable to work in gainful employment.¹³

In such a division, the undeserving poor or vagrants were easily classified as criminal classes/dangerous classes (*Muzır Eşhas*). They were assumed to be

¹² Mine Ener, *Managing Egypt's Poor and the Politics of Benevolence, 1800-1952* (Princeton: Princeton University Press, 2003), p. 36.

¹³ Justin Cruickshank, “Overcoming Essentialism: Notes on the Underclass Debate,” *Alethia* 3, no. 1 (2000), p. 29.

inherently vicious and criminal. This new subject was defined by the new science of criminology founded under the hegemony of the positive school¹⁴ as *homo criminalis*, who “constitutes a veritable new species, a separate race of people whose acts were not results of a false calculation, but manifestations of an evil nature.”¹⁵ However, as will be argued in this study, dividing the urban poor into honest laboring class/deserving poor and criminal class/undeserving poor/vagrants was less reflective of a reality than legitimizing the social and moral policing of the urban poor, as also Ferdan Ergut mentions,

The definition of vagrancy with a particular content was an attempt to legitimize policing practices. The poor and the working class ‘not only came to be protected from criminal victimization but were prevented from sinking into crime themselves through the promotion of that ‘moral improvement’ of the laboring classes by the exercise of supervision and restraint’.¹⁶

The epistemological ground of dividing the urban poor into honest laboring class and criminal class was culturalism in the sense that,

the ensemble of intellectual orientations that crystallize methodologically around the reduction of social and historical questions to abstract questions of culture” and as “responsible,” therefore, “not only for legitimizing hegemonic relations between societies, but also for mystifying hegemonic relations of exploitation and oppression within societies.”¹⁷

¹⁴ See Dario Melossi, “Changing Representations of the Criminal,” in *Criminology and Social Theory*, eds. David Garland and Richard Sparks (Oxford: Oxford University Press, 2000), pp. 149-181; and J. Robert Lilly, Francis T. Cullen and Richard A. Ball, *Criminological Theory: Context and Consequences* (California: Sage Publications, 2002), pp. 9-30.

¹⁵ Pasquale Pasquino, “Criminology: The Birth of a Special Knowledge,” in *The Foucault Effect: Studies in Governmentality*, eds. Graham Burchell, Colin Gordon and Peter Miller (Chicago: The University of Chicago Press, 1991), p. 238.

¹⁶ Ferdan Ergut, “Policing the Poor in the Late Ottoman Empire,” *Middle Eastern Studies* 38, no. 2 (April 2002), p. 151.

¹⁷ Arif Dirlik, “Culturalism as Hegemonic Ideology and Liberating Practice,” in *The Postcolonial Aura: Third World Criticism in the Age of Global Capitalism* (Colorado: Westview Press, 1998), p. 26.

This culturalist approach which attributed all criminal practices to a specific criminal class different from the honest/deserving laboring poor seemed to function as inventing a criminal class image as the “other” of “society” through which society defined its norms and moral principles. It means that “it is society, not law or sovereignty, which is seen as being attacked or endangered by crime, or rather by the criminal.”¹⁸

The definitions of the criminal classes of the Ottoman Empire and Russia, *kopuks* (rootless) and *holigans*, will give us concrete cases of how the criminal class was imagined as the moral opposite of society. Nearly all socially unapproved behaviors were attributed to them. In the Ottoman popular language the criminal class was known as *kopuk*. The term “kopuk” began to circulate in popular language in the late nineteenth century.¹⁹ Semiha Ayverdi defines them as

Kopuks were vagabonds who were homeless bastards and they were the real disasters of the city. Police were fighting against them. They were thieves, *yataks**, murderers, runaways, hash smokers and opium users. In short, they were illegal, shameless creatures whose faces were wounded.²⁰

In a similar way, we see that all socially unapproved behaviors in Russian society in the late nineteenth century were attributed to the criminal class, *holigans*. One of the official documents defined holiganism broadly as

Beginning with rudeness and acts of disrespect toward elders, clergy, and local authorities, cursing and using foul language,

¹⁸ Pasquino, p. 241.

¹⁹ See A. Ragıp Akyavaş, *Asitane 2: Evvel Zaman İçinde İstanbul* (Ankara: Türkiye Diyanet Vakfı Yayınları, 2000), pp. 26-27.

* receivers of stolen goods.

²⁰ Samiha Ayverdi, *İstanbul Geceleri* (İstanbul: İnkılap Kitabevi, 1952), pp. 90-91. “*Kopuklar ise... yersiz yurtsuz, anası babası belirsiz serseri takımındandı ki, şehir için asıl afet işte bunlardı. Zabıta bunlarla pençeleşir, kim hırsız kimi yatak; kimi katil kimi kaçak; kimi afyon yutar, kimi esrar çeker; hulasa yüzü yırtık, haya bilmez, insaniyet gütmmez, bozuk düzen bir mahluktu.*”

drunkenness, idleness, carrying weapons,... and ending with infringements upon property and the personal inviolability of individuals and a whole range of criminally punishable acts.²¹

Based on the explanations above, it can be concluded that the criminal class was a universal phenomenon although the names of criminal classes and the exact dates of legal arrangements defining criminal class differed due to the particular conditions of each country that led to a change in the perception of crime and criminal. While it was the authority's panic before and after the 1905 Revolution in Russia, the massive scale of immigration of the Irish people to Canada in the 1880s, the arrival of a massive number of European emigrants at the turn of century in Argentina, high labor demands due to the nascent industrial works and the introduction of agricultural and military projects in Egypt; this particular condition in the Ottoman Empire was the increasing population of unemployed and poor in İstanbul due to the attractiveness of İstanbul with its developing service sector and especially the large-scale immigrations from the Balkans and Caucasia resulted from the 1877-78 Ottoman-Russian wars.²² The population in İstanbul, which had been 356,650 in 1844, jumped to 873,575 in 1885.

Notes on *Ceride-i Mehakim* and *Ceride-i Mehakim-i Adliye*

This thesis is based largely on primary sources since there is no study which directly focuses on crime and criminals in nineteenth century Ottoman Empire. In addition to the newspapers, this thesis mainly has benefited from *Ceride-i Mehakim*,

²¹ Quoted from Stephen P. Frank, *Crime, Cultural Conflict, and Justice in Rural Russia, 1856-1914* (London: University of California Press, 1999), p. 280

²² See Joan Neuberger, *Hooliganism: Crime, Culture and Power in St. Petersburg, 1900-1914* (Berkeley: University of California Press, 1993); and Helen Boritch, "The Criminal Class Revisited: Recidivism and Punishment in Ontario, 1871-1920," *Social Science History* 29, no. 1 (Spring 2005); and Ricardo D. Salvatore, "Criminology, Prison Reform, and the Buenos Aires Working Class," *Journal of Interdisciplinary History* 23, no. 2 (Autumn 1992); Özbek, pp. 76-79.

or with its new name after 1901, *Ceride-i Mehakim-i Adliye*, which was the publication of the Ministry of Justice (*Adliye Nezareti*) from 1873.²³

Ceride-i Mehakim was published by the Ministry of Justice to explain the aims, content, details and the applications of laws and to publish written copies of the Nizamiye courts' decisions (*ilam*). Although there were thousands of different court decisions published in *Ceride-i Mehakim* and *Ceride-i Mehakim-i Adliye*, only the decisions of *Dersaadet Cinayet* Court seem to provide the necessary information to form a meaningful story.

Most of the decisions of the *Dersaadet Cinayet* Court published in *Ceride-i Mehakim* and *Ceride-i Mehakim-i Adliye* are about murder and injury cases. With a decreasing frequency; theft, arson and counterfeiting cases can also be seen in the Court's decisions.

What do these *ilams* tell us about the crimes, suspects and judgements? How can we use them? First of all, a structural limit should be mentioned. The Courts' initial concerns were not to find the social motives and the backgrounds of the criminal act. Rather, they focused on the immediate motives and reasons at the moment of the criminal act. Also, it is highly possible that the suspect tried to seem innocent and the witnesses tried to support the argument of their side when they were interrogated rather than helping the court to find the truth. Therefore, these court records only derivatively give some data for social research. Another factor which limits the use of these records for a social research is that most of the records of the *Dersaadet Cinayet* Court's decisions usually don't let us hear the unmediated first-person narratives. Rather, the voices are translated into the official language of the legal

²³ Türiye Diyanet Vakfı İslam Ansiklopedisi, "Ceride-i Mehakim." For *Dersaadet Cinayet* Court, see Fatmagül Demirel, *Adliye Nezareti'nin Kuruluşu ve Faaliyetleri (1876-1914)* (Ph.d diss., İstanbul University, 2003), p. 132.

system. Boğaç Ergene's comment on *sicils* (records of traditional Ottoman courts) is also valid for *ilams*. Therefore, the word "*sicil*" in the following paragraph can be replaced by the word "ilam".

The *sicil*, of course, is nothing but a translation of a particular legal performance into a formal and immensely formulaic language. In the process of this translation, variation is eliminated, and the temporal, spatial, and improvisational characteristics of individual performances are left out. Furthermore... the *sicil* severely discriminates against non-verbal acts, body language, or facial expressions of the performers and privileges the spoken word against other acts of communication. That's why no confessions or acknowledgements found in the court records could be assumed as inherently sincere.²⁴

Although *ilams* are far from being accurate depictions of past realities, they nevertheless provide valuable information especially for legal history. In nearly all *ilams*, personal information about the suspect are mentioned. It includes the name, age, birthplace, occupation and the residence of the suspect(s). This personal information makes it easy to understand and interpret the criminal act.

The report of the committee of prosecution (*heyet-i ithamiye mazbatası*) can be read at the beginning of the *ilam*. Here, the criminal act is summarized in a few words and the punishment of the suspect is demanded from the court with reference to a specific code by claiming that the suspect's guilt is understood from the investigation documents (*evrak-ı tahkikat*) and inspection reports (*muayene raporati*). The report of the committee of prosecution is important especially in the sense that they show what kind of concrete criminal acts corresponds to which specific criminal codes.

²⁴ Boğaç A. Ergene, *Local Court, Provincial Society and Justice in the Ottoman Empire: Legal Practice and Dispute Resolution in Çankırı and Kastamonu (1652-1744)* (Leiden: Brill, 2003), p. 130.

The statement of the suspect follows the report of the committee of prosecution. It is interesting that none of the suspects in the *ilams* of the *Dersaadet Cinayet* Court that I studied confessed his responsibility. When they were interrogated (“*söylettirildikte*” or “*isticvab olundukta*”) they either and usually rejected the accusation totally (*külliyyen inkar töhmet eyledi*) or acknowledged a partial responsibility by telling an alternative story different from the one mentioned in the report of committee of prosecution

In most of the cases, the statements of the suspect in the court and police center were different. In nearly all of the statements in the police center, the suspects confessed to the accusation while they rejected it in the court. When the difference is asked of the suspects (“*Cenab-ı riyasetten polis dairesinde ne yolda beyan-ı hal ettiği ve burada dahi ol vecehle söylemesi merhum Artin’e ihtar olundukta*”), they usually answer this question by rejecting their earlier statement or claiming that they were tortured and threatened in the police center to acknowledge the accusation (“*kendisini derdest ettikleri zaman darp eyledikleri cihetle bu yolda ifadede bulunmaya mecbur olduğunu*” or “*tehdit eylemesi üzerine kerhen*”).

After the statement of the suspect, the *esas jurnalı* is mentioned. Here, the questions of how the criminal act was heard, how the suspects were caught and what tools were found with the suspects are answered.

The statements of the witnesses follow the *esas jurnalı*. Although there is no reason to believe these statements, most of the information about the crime, suspect, background and the different aspects of criminal act can be obtained from this part of the *ilam*.

After the statements of the witnesses, an inspection report (*muayene raporatı*) is mentioned in violent crime *ilams*. It describes the physical harm in technical terms. It is important for the court since this report is referenced when the decision is taken.

For example, the kind of weapon used in the criminal act is reported, which gives the court a chance to test the statements of the suspects and witnesses.

When the listening to the witnesses is finished, public prosecutor (*müdde-i umumi*) demands that the judge punish the suspect based on the statements and inspection report. Then, the lawyer of the suspect usually demands the acquittal of his client.

At the end of the judgement, the committee of court (*mahkeme heyeti*) goes into a consultation room (*müzakere odası*) and declares the decision on their return. At first, the committee of court explains why the suspect is found guilty (*mecrumiyetlerine karar verilerek*) with reference to the statements of witnesses, suspects and the inspection report and also it is mentioned whether the guilt of the suspect was decided by a unanimous vote (*müttefikan* or *bi-l-ittifak*) or by a large majority (*ekseriyet-i ara*). Then, the sentence is declared with reference to a specific code.

It must be emphasized that I did not see any *Dersaadet Cinayet* Court *ilams* published in *Ceride-i Mehakim* or *Ceride-i Mehakim-i Adliye* that decided the innocence of the suspect. All of these *ilams* ended with a punishment. It is possible that only these kinds of *Dersaadet Cinayet* Court *ilams* which ended with a punishment were published.

However, it can be easily said that when these limits are taken into account, *Ceride-i Mehakim* and *Ceride-i Mehakim-i Adliye* are the richest sources for late nineteenth century Ottoman legal and social history with the hundreds of *ilams* they included.

CHAPTER II

PROPERTY CRIMES

This chapter focuses on some types of property crimes committed by lower-class individuals in the context of late nineteenth century İstanbul. Rather than perceiving property crimes as the practices of rational and organized professional criminals who do not work in a socially approved manner, I argue that most of the property crimes should be understood as one of the possible alternative ways of lower-class individuals in facing the difficult social conditions in their everyday lives.

This chapter limits itself to focusing on some types of property crimes which provide the necessary data and cases to test the hypothesis that property crimes were committed by rational and organized professional criminals. Therefore, I chose safe-deposit thefts, counterfeiting, organized theft cases, petty and opportunist thefts and arson. Safe-deposit thefts and counterfeiting were chosen because these criminal acts naturally are expected to require technical knowledge of the crime which is accessible to full-time criminals. I focused on organized theft cases and petty/opportunist thefts to understand whether theft turned into a sector or it was largely committed by the urban poor when conditions forced them. Last, I focused on arson cases to question the shortcut link between the poor and property crimes.

Safe-Deposit Theft

Safe-deposit thefts emerged especially in the late nineteenth century when safe-deposits began to be used by merchants as a result of the increasing necessity of cash holding. Although there was no separate definition of safe-deposit theft in the 1851

and 1858 Ottoman Criminal Codes, we see safe-deposit thefts classified separately in the police reports and statistics prepared at the turn of century.

Safe-deposit box thefts are good examples to test the hypothesis on the relationship between the professional criminal class and property crime since safe-deposit box thieves were usually and easily classified as professionals.

In this part of the chapter, I argue that there was really a professionalization tendency in safe-deposit box breaking and there were some professional criminals and criminal networks, however this professionalization resulted from the sophisticating technology employed in the manufacture of safe-deposit boxes rather than the essential tendencies and habits of some criminal poor (*eşirrar*) to escape working in a socially accepted manner. Also, there were many working individuals among safe-deposit thieves who attempted safe-deposit breaking as an opportunity and last, I argue that safe-deposit box thefts were a very small part of total thefts which do not reflect the general tendency in criminal practices.

Was there a separate professional criminal group that specialized in safe-deposit theft? We can find such an argument in the definition of safe-deposit thieves in *Polis Mecmuası*.

As all theft types are committed by experts (*mütehassıs*), stealing by breaking into safe-deposit boxes (*kasa*) is committed by a specific class of bad men (*eşirrar*), who specialize in this *art* (*bu san'atta sahip-i ihtisas*).²⁵

²⁵ *Polis Mecmuası*, no. 42, 29 Jumada 1 1333, 14 April 1915, 1 April 1331. “*Sirkatlerin her nevine göre mütehassıs hırsızlar olduğu gibi kasa kırarak ika-ı sirkat etmek fiili dahi bu san'atta sahip-i ihtisas bir sınıf eşirrara münhasırdır.*” It is interesting that breaking into safe-deposit boxes is defined as an **art**. This implies that safe-deposit thieves are artisans who have the secrets of this art/guild. Victor Bailey refers to Mayhew’s parallel perception of crime in Victorian England “Criminals were divisible, he said, into two classes, the habitual and the casual; habituals committed burglary, robbery, and larceny from the person, all of which were ‘regular crafts requiring almost the same apprenticeships as any other mode of life.’” Victor Bailey, “The Fabrication of Deviance: ‘Dangerous Classes’ and ‘Criminal Classes’ in Victorian England,” in *Protest and Survival: The Historical Experience*, eds. John Rule and Robert Malcolmson (London: The Merlin Press, 1993), p. 243.

The paragraph claims that safe-deposit thefts were committed by a specific group of individuals who specialized in this type of criminal activity. Although such a classifying discourse exaggerates the case, it can be argued that there was a professionalization tendency in breaking into safe-deposit boxes. But, what was this factor that led some people to specialize in this type of criminal practice? Is the answer the essential tendencies and habits of some criminal poor to escape working in a socially accepted manner? I think the following paragraph gives us the answer by describing the details and underlines the relation between the sophisticating technology used in the manufacture of safe-deposit boxes and the professionalization of this type of criminal activity:

New Safe-Deposit Boxes and Old Safe Deposit Boxes

The manufacture of new safe-deposits has changed and improved. The new style of safe-deposit boxes successfully resist heat and violent blows....Thieves employ high heat to break safe-deposit boxes. Therefore, safe-deposit box manufacturers seek measures against this dangerous attack. They have decided to reinforce the internal signboard of the safe-deposit boxes in order to prevent the melting of the internal iron signboard or increase the endurance capacity of the inner iron signboard even when the external iron signboard is melted due to the high temperatures employed by thieves. As follows: the steel rods are placed between the inner and external steel signboards, leaving a five centimetre gap. The empty spaces are filled with cement. The safe-deposit boxes become as such that it requires a lot of gas and time to melt and spill the signboards and rods. It is very difficult for a safe-deposit box thief to find the required gas and time to break the new safe-deposit boxes. In short, it can not be achieved by all safe-deposit box thieves.... When we look at the old safe-deposit boxes, these types of boxes are very simply made. These safe-deposit boxes are formed from only one layer of iron. The inner sides of these boxes are made of wood and the locks of these old safe-deposit boxes do not have a complex structure. The safe deposit

boxes, which are easily broken by thieves, are these old types of safe-deposit boxes.²⁶

This long paragraph shows that safe-deposit thieves were becoming increasingly professional due to the increasing security measures and the sophisticated technology used in the manufacture of the boxes rather than the essential tendencies and habits of some criminal poor to escape working in a socially accepted manner. With the sophisticated technology employed in the safe-deposit boxes, which is explained above transition from old types of safe-deposit boxes to the new ones, it can be concluded that breaking into safe-deposit boxes became increasingly difficult. It required criminal knowledge of organization, planning and execution, which was becoming possible to obtain only by full-time criminal professionals. As mentioned above, “it is very difficult for a safe-deposit box thief to find the required gas and time to break into the *new* safe-deposit boxes. In short, it can not be achieved by all safe-deposit box thieves.” Clive Emsley sees the same logic behind the relationship between the making of professional criminals in nineteenth century England and the emergence of the new police.

Perhaps, as the new police grew in numbers and gained more experience petty street thieves and opportunist thieves were at greater risk; this may have contributed to the proportionate increase

²⁶ *Polis Mecmusası*, no. 42. “Kasaların imalatı bu son zamanlarda pek büyük bir tadilat ve tahvilata mahzar olmuştur. Yeni tarzda yapılan kasalar hem ateşe, hem şiddetli vuruşa karşı pek ziyade tahammül eder...Hırsızlar yeni kasaları kırmak için pek yüksek derecelerde hararete müracat ediyorlar. İşte bu tehlike karşısında çare düşünmeye mecbur kalan kasa fabrikaları pek şiddetli hararetin tesirine mukavemet etmek için kasanın harici demirinden bir kısmı hararetin şiddetinden erise bile dahili demirin erimemesine veya hiç olmazsa daha ziyade mukavemet göstermesine hizmet etmek üzere kasanın dahili demir levhasını takviye eylemek usulünü kabul ediyorlar. Şöyle ki kasalarda dahili ve harici çelik levhaların arasında birbirinden beş santimetre ba'de çelik çubuklar konuluyor. Boş kalan yerler çimento ile dolduruluyor. O hale getiriliyor ki levhalar ile çubukları o mevad ile beraber eritmek ve dökmek pek çok gaz sarfa ve vakit izaasına muhtaç oluyor. Bir kasa hırsızının yanında o miktarda gaz bulunması ve kasa kırmak için o kadar vakit bulunması pek müşküldür. Velhasıl bu gibi kasaları kırmak her kasa hırsızının karı değildir...Bunlardan daha eski kasalara gelince bu neviden olan kasalar büsbütün adi bir şekilde yapılmıştır. Bunlar yalnız bir kat demirden mamuldür. İçerileri tahta kaplıdır. Kilitlerinde şayan-ı dikkat bir maharet yoktur. Kasa hırsızlarının pek kolaylıkla açtıkları kasalar işte bu neviden olan kasalardır.”

in burglaries during the second half of the nineteenth century as those who were determined to profit from criminal behavior recognized a need for better planning and organization.²⁷

The professionalization tendency of the safe-deposit thieves described above led to the emergence of criminal careers and full-time criminals. Reşat Ekrem Koçu tells about two famous safe-deposit box thieves. One of them was Demirci Andon:

He was one of the famous safe-deposit thieves in İstanbul in the late Hamidian and at the beginning of the Constitutional period era. He was only 18-19 years old when he joined the safe-deposit box thief brigand (*şaki*) Mike's gang and became known by the police...His first commitment was his participation in the robbery of the safe-deposit boxes of the Ministry of Mortmain Estates as a member of Mike's gang. His real occupation was stove making. While he was repairing stoves at the Ministry of Mortmain Estates as an apprentice, the safe-deposit boxes in the Ministry attracted him and he offered Mike a robbery plan. The members of the gang, Mike, Andon, French Jan and the English Çolak Odisea entered the building as stove repairers with the help of two servants in the Ministry and they were hidden after the job ended. They broke into the safe-deposit boxes easily; however, the disappearance of the "stove repairers" and the two servants after the robbery led the police to suspect them and the gang members were caught one by one...After the death of Mike, he became the chief of gang and they broke the safe-deposit boxes of Anatolian-Baghdad Railway Company in Haydarpaşa Station between 1913-1914.

.....Demirci Andon was working with safe-deposit box thieves from Kefalonya. They usually met in a building which was the Pirinçi tavern in Sultan Aziz, Epiros beerhouse in the Hamidian era and the PTT department now. They were making decisions at these meetings.²⁸

²⁷ Clive Emsley, *Crime and Society in England, 1750-1900* (Essex: Pearson Education, 1996), pp. 171-172.

²⁸ Reşat Ekrem Koçu, "Demirci Andon," in *İstanbul Ansiklopedisi* (İstanbul: Koçu Yayınları, 1966). "İkinci Abdülhamid devri sonları ile Meşrutiyet devrinde büyük şehrin namli kasa hırsızlarından; kasa hırsızı ve şaki Mike'in çetesine girip zabıtaca tanındığı zaman henüz on sekiz on dokuz yaşlarında bulunuyordu...İlk vakası, Mike çetesinde Evkaf Nezareti kasaları soygunculuğunda bulunmasıdır. Asıl sanatı sobacılık idi; bir sobacı çırağı olarak Nezaretin sobalarını tamir edip kurarlarken kasalar hırsını tahrik etmiş, Mikeye parlak bir soygunculuk projesi teklif etmiş, Nezaret hademesinden kandırdıkları ikisinin yardımı ile Mike, Andon, Fransız Jan ve İngiliz tebaasından Çolak Odisea'dan mürekkep olan çete, sobacı olarak girdikleri Nezaret binasında, akşam paydosundan sonra kolaylıkla gizlenmiş, soygunculuk işi gayet kolay olmuş ise de, ertesi gün, iki hademe ile sobacıların ortalıktan kaybolması bütün şüpheleri onların üzerinde toplayarak, zabitanın amansız takibi ile birer birer ele geçmişlerdir...Mike'nin ölümü ile, Andon çetenin başına geçmiş, 1913-1914 arasında da...Anadolu Bağdat Demiryolları şirketinin Haydarpaşa Garındaki kasalarını soymuştur...Demirci Andon Kefalonyalı kasa hırsızları ile beraber çalışırdı. Beyoğlu'nda, sultan Aziz



Figure 2.1 Safe-Deposit Thieves Loui and Barba İstavri

(Reproduced from *Polis Mecmuası*, no. 55, 15 August 1915.)

Another professional safe-deposit box thief described by Reşat Ekrem Koçu was

Dimitriyu (Panayoti):

He was one of the famous safe-deposit box thieves in the late nineteenth century. He was known as “Aynalı Panayot” and “Bastard Panayot” by the miserable (*esafil*) and vile (*erazil*). He was possibly born in 1875 and was from Tatavla. He was the son of a famous prostitute, Eftimiya, who was known as “the beauty of Tatavla (*Tatavla Güzeli*).” He grew up under miserable and shameful conditions. He was caught and arrested for *pickpocketing* (*yankesicilik*) when he was 15 years old. While he was in prison, he met locksmith Kosti (*Çilingir Kosti*), who was a safe-deposit box thief. After he completed his term, he began to live with locksmith Kosti. When he was twenty years old, in 1895, they entered the Hacı Davut Ship Company’s Office and took 3,000 liras (a very big amount of money for that period) from the safe-deposit box by breaking into it. Then, they escaped to Egypt; however, they were caught when they arrived at İskenderiye....He came back to İstanbul as a stoker on an English steamship. Then, he was employed by a Greek, at Andonaki’s waterside residence (*yali*) in Kuruçeşme, as a boatman....One night, a safe-deposit box theft occurred in another Greek’s house in Kuruçeşme. The police concluded that Panoyoti was in İstanbul since the safe-deposit box was broken into with locksmith Kosti’s style²⁹ while Çilingir Kosti

zamanında Pirinçinin meyhanesi ve Abdülhamit devrinde Epiros Birahanesi denilen şimdiki P.T.T şubesinin bulunduğu binada toplanır ve karar verirlerdi.”

²⁹ It is interesting that the police could classify and define the unique styles of safe-deposit thieves, which shows the criminalization ability of the police. Also, *Polis Mecmuası* wrote that “Safe-deposit thieves were divided into two groups. The specialist were always opening the safe-deposit from its face while second-class thieves opened the box either from its sides, back or from its bottom due to their incapability. Since it was impossible to reach all sections of the box in the latter method, only the money and jewellery in the section of the pierced side of the box could be stolen.” *Polis Mecmuası*, no. 42.

was in prison. After a few days, the boy (*Şıkırdım*) was recognized and was arrested by the police Niyazi Efendi, who knew the old crimes of Panayoti beginning from his childhood. It was well-known that this handsome boatman was a skilled safe-deposit box thief. His name was not heard after 1899.³⁰

It is obvious that the life stories of these two individuals are not enough to conclude that there was a professional criminal class specialized in safe-deposit theft. However, at least they show that there were some people who obtained this criminal knowledge in different ways and continued to break into safe-deposits throughout their lives.

The requirement of criminal knowledge and specialization in safe-deposit box theft led to the emergence of safe-deposit box thief groups in networks in addition to the professional criminal careers described above. Access to criminal knowledge also meant access to the criminal network. Based on police academy lecture books, Zafer Toprak describes the social map of these criminal networks,

Most of the safe deposit box thieves were Greek. Also, some of them were Italian, French and Australian. They were usually in Galata, Beyoğlu, Tatavla and Yenışehir. The coffee houses and the taverns they went to were known by the police. The Muslim safe-deposit boxes thieves were from Kasımpaşa, Tophane, Fatih, Topkapı, Şehremini and Üsküdar.³¹

³⁰ Koçu, "Dimitriyu (Panayoti)," in *İstanbul Ansiklopedisi*. "Geçen asır sonlarında meşhur bir kasa hırsızı; esafil ve erazil arasında "Aynalı Panayot" ve "Piç Panayot" lakapları ile anılır; Tatavlalı olup 1875 yılında doğmuş olacaktır; "Tatavla Güzeli" diye meşhur Eftimiya isminde bir fahişenin oğlu olup bir sefalet ve rezalet girdabı içinden yetmiş, onbeş yaşlarında...yankesicilik suçu ile yakalanmış, mahbushanede ceza müddetini doldurmakta olan Çilingir Kosti adındaki bir kasa hırsızı ile tanışmış, bir yıl kadar yatıp hürriyetine kavuştuktan sonra Çilingir Kosti ile beraber yaşamaya başlamıştı. 1895'de yirmi yaşında iken Hacı Davud Vapur Kumpanyasının yazıhanesine girerek kırdıkları kasadan 3000 lira alıp (o devre göre çok büyük para) Mısır'a kaçmışlardı, fakat İskenderiye'ye ayak basar basmaz yakalanmışlardı...ateşçi olarak girdiği bir İngiliz vapuru ile İstanbul'a gelmişti; Kuruçeşme'de Andonaki adında bir rum gencinin yalisına sandalcı olarak kapılanmıştır...Bir gece Kuruçeşme'de diğer bir rum gencinin evine hırsız girerek kasa kırmak suretiyle büyük bir hırsızlık olmuş; zabıta, Çilingir Kosti tarzı kırılmış kasadan, Kosti mahbesde olduğu için, Panoyoti'nin İstanbul'da bulunduğu hükmünü vermiş, birkaç gün sonra da Şıkırdımı türlü rezaletleri ile çocukluğundan beri tanıyan bir polis Niyazi Efendi Panayoti'yi teşhis ederek tevkif etmiş, ve genç, yakışıklı sandalcının usta bir kasa hırsızı olduğu meydana çıkmıştı; 1899'dan sonra adı işitilmedi."

³¹ Zafer Toprak, "Osmanlı'nın Son Döneminde Hırsızlar, Dolandırıcılar, Yankesiciler," in *Tanzimat'dan Cumhuriyete Türkiye Ansiklopedisi* (İstanbul: İletişim Yayınları, 1985). "Kasa

The existence of networks in safe-deposit breaking can be followed from the fact *that the famous safe-deposit thief Diyamandi had get the knowledge to lead eleven safe-deposit box thieves to be caught by denouncing the time and place of some thefts.*

Diyamandi was a famous international safe-deposit box thief. His criminal activities stretched from Moscow banks to Beyoğlu and Galata. He spent time in prisons both in İstanbul and Russia for many years. In his last visit to İstanbul, he went near Hüseyin Nazım Pahsa, who was the *mutasarrıf** of Beyoğlu:

On one day, after I was appointed to the Beyoğlu Mutasarrıflığı, I saw Diyamandi in the garden at Tepebaşı. He was waiting for me. When he saw me, he said:

-I will serve you by enabling the arrest of safe-deposit box thieves in Beyoğlu and Galata in the act, one by one. If I come to the *Mutasarrıflık (police center)*, it would be possible for me to be seen by the other thieves. If they see me, I will lose their confidence. I will give you information tomorrow in your house.

He came to my house the following morning.

-Three safe-deposit thieves will break into the safe-deposit box in one or two days around the Balıkpazarı on the İstanbul side. I will be with the thieves. Assign an unrecognized civil police man. Based on the consultation with him, the necessary numbers of police men will be hidden in the necessary places and the thieves will be caught on my sign.

I was not sure whether he was telling the truth and his aim was as he declared. It was possible that he would help to catch one or

hırsızlarının ekserisi Yunanlıydı. Aralarında İtalyan, Fransız ve Avusturyalı olanlar da olurdu. Genellikle Galata, Beyoğlu, Tatavla ve Yenışehir’de vakit geçirirlerdi. Devam ettikleri kahveler ve meyhaneler polis tarafından bilinirdi. Kasa hırsızlarından Müslüman kesim Kasımpaşa, Tophane, Fatih, Topkapı, Şehremini ve Üsküdar taraflarında bulunurlardı.” It should be noticed that although these social maps included some facts, they also contributed to the reproduction of the criminal class. As Bailey emphasizes, “The notion of a distinct “criminal area” provided a map for the police to locate the crime problem. The more the police focused on these communities, the more the detection and hence the apparent incidence of crime increased, thus confirming the emerging perception of these areas and their inhabitants. In these ways, the police played a part in “making” a criminal or outcast class, which public ideology had first fashioned.” Bailey, p. 247-248.

* chief of police in a district.

two silly vagabonds to provide our confidence for his future criminal activities.

In fact, it was the Police Administration's (*Polis Müdürlüğü*) responsibility to provide the control of the İstanbul side. Therefore, I sent Diyamandi with a civil police man to the Minister of Public Security (*Zaptiye Nazırı*), Kamil Bey. Also, I wrote my opinion about Diyamandi.

It was reported that the attempt to break into the safe-deposit box occurred four days later, as Diyamandi has predicted. It was seen that some unknown people had attempted to break into a safe-deposit box in Balıkpazarı. They were caught. As a result of the investigation, it was understood that these were Niko, Dimitri and Marko who were among the ten famous safe-deposit box thieves sought by the police for a long time.

...Then, Diyamandi began to work more seriously. Eight safe-deposit box thieves were caught in Galata, Beyoğlu and Tatavla, with their special tools employed in breaking into these boxes, with the help of Diyamandi.³²

The increasing security capacity of the safe-deposit boxes with the changes and the technology employed in their manufacture led to the professionalization tendency in criminal activity, examples of which were described above. However, it does not mean that all the safe-deposit box thieves were professional criminals. For example, in many cases, safe-deposit box thieves were employed in the shops or hans in which the safe-deposit boxes were located. This is understandable, since the bachelor workers or artisans were staying in the shops and hans and they knew the design of

³² Hüseyin Nazım Paşa, *Hatıralarım: "Ermeni Olaylarının İçyüzü"* (İstanbul: Selis Kitaplar, 2003), pp. 97-98. "Beyoğlu Mutasarrıflığına tayin edildikten sonra bir gün Diyamandi ile Tepebaşı bahçesi önünde karşılaştık. Yolumu beklemişti. Beni görünce: /Beyoğlu ve Galata'da bulunan kasa hırsızlarını, birer birer cürmü meşhut halinde tutturmak suretiyle size hizmet edeceğim. Mutasarrıflık dairesine gelecek olursam hırsızlar tarafından görülmem ihtimali vardır. Görülür isem, emniyetlerini kaybederim. Yarın sabah evinize gelip tafsilat veririm, dedi. /Ertesi sabah evime geldi. Üç kasa hırsız İstanbul cihetinde Balıkpazarı civarında, şu birkaç gece içinde, bir kasa kıracaklardır. Ben de hırsızlarla beraber bulunacağım. Tanınmamış sivil memurlardan biri yanıma verilsin. Onunla müzakere ederek lazım gelen yerlere lüzumu kadar memur gizleriz ve vereceğim işaret üzerine hırsızları bilavukat yakalamaya muvaffak oluruz. /Kendisinin hüsnü niyetinden ve sözlerinin doğruluğundan emin değildim. İleride istediği gibi hareket edebilmek için şimdilik emniyetimizi kazanmak istemesi, birkaç budala serseriye iğfal ederek ileri sürmesi ve onları sirkat esnasında tutturup canlarını yaktırması ihtimali vardı. /Esasen İstanbul cihetinin inzibatını temin polis müdürlüğüne aitti. Bu itibarla Diyamandi'yi bir sivil memurla Zaptiye Nazırı Kamil Bey'e gönderdim. Mütaleamı da yazdım. / Dört gece sonra hadise Diyamandi'nin tarifi veçhile cereyan etmiş, Balıkpazarı civarında birkaç meçhul şahsın bir kasayı kırmaya teşebbüs ettikleri görülmüş. Tutulmuşlar. Tahkikat neticesinde bunların öteden beri zabıtaca aranılan on meşhur kasa hırsızlarından Niko, Dimitri ve Marko oldukları anlaşılmış...Ondan sonra Diyamandi daha fazla gayret ve ciddiyetle çalışmaya başladı. Galata'da, Beyoğlu'nda ve Tatavla'da sekiz kasa hırsızını, kasa kırmaya mahsus aletleriyle beraber yakalattı."

the shops or hans better than anyone else. This gave them suitable opportunity for theft. The examples mentioned below show that in many cases, the thieves were working people who just tried to benefit from opportunity rather than as professional safe-deposit thieves.

In March 1889 in Çakmakçılar Giritli Mustafa Pasha Han, a safe-deposit box theft occurred. The safe-deposit box in money-lender Haçator Ağa's shop was broken into with special tools (*alet-i mahsusa*) and money was stolen. The suspects were workers at the Giritli Mustafa Pasha Han. One of them, Artin, was a night watchman at Haçator Ağa's shop and worked as a porter at a commodity customs house in the day.³³ He also stayed in the same shop. Another suspect, Agop, was a scavenger in the trade han and stayed at the Giritli Mustafa Pasha Han. Another suspect, Karabet, was a coffee house owner in the Giritli Mustafa Paşa Han and also stayed in the same han. As a result of the judgement, Artin and Karabet were condemned to the galleys for three years.³⁴

In September 1888 in Bahçekapısı Şapçı Khan, the safe-deposit box of the merchant Petraki Efendi from Niğde was broken into. The thief Filibos was the man in charge of the rooms (*odabaşı*) of the han. He had opened the door with a key and broken into the safe-deposit box. Then, he had stolen the money in the box and some furniture in the shop. As a result of the judgement, he was condemned to the galleys for three years.³⁵

A similar case occurred in August 1889 in Yusufyan Han. An attempt was made to break into the merchant Avadis Beşiryan Efendi's safe-deposit box, but the thieves

³³ It is interesting that some lower-class members had to work two jobs in order to survive.

³⁴ *Ceride-i Mehakim*, no. 556, 9 Dhu l-Hijja 1307, 26 July 1890, 14 July 1306; *Ceride-i Mehakim*, no. 557, 16 Dhu l-Hijja 1307, 2 August 1890, 21 July 1306; *Ceride-i Mehakim*, no. 558, 23 Dhu l-Hijja 1307, 9 August 1890, 28 July 1306; *Ceride-i Mehakim*, no. 559, 1 Muharram 1308, 16 August 1890, 4 August 1306; *Ceride-i Mehakim*, no. 560, 8 Muharram 1308, 23 August 1890, 11 August 1306; *Ceride-i Mehakim*, no. 561, 15 Muharram 1308, 30 August 1890, 18 August 1306.

³⁵ *Ceride-i Mehakim*, no. 619, 7 Rabi 1 1309, 10 October 1891, 28 September 1307.

were caught in the act. The thieves were Andon, Mumcuyan Kirkor and Haik. Haik was Avadis Beşiryan Efendi's old employee and Andon was a professional safe-deposit box thief. It is possible that Andon had been needed to break into the safe-deposit box. As a result of the judgement, the thieves were condemned to the galleys for three years.³⁶

In another safe-deposit box theft in November 1901, a safe-deposit box in Rıza and Hasan Efendi's furniture shop in Galata Topçular Street was broken into and 27 Ottoman liras, a diamond ring valued at thirteen liras, a diamond bracelet valued at eleven liras and some antique coins were stolen. *Sabah* reported that Kuçu, who was the servant in the shop, his brother Vangel and his sister's husband Tanço were suspected. The shop's owner said that the porters Emin and Ömer who were staying in the shop, were not involved in this theft; however, Kuçu had come to the shop and taken the keys of the shop from the watchmen on Monday morning. Also, he said, he had seen Tanço two or three times in shop on Sunday while he had not seen him before. Also, when the police searched Kuçu's room, they saw that the cogs of a set of pincers seemed to be pressed as if they had been used in the breaking of a box. In addition to this evidence, Tanço's relationship with the famous safe-deposit box thief Paskal did not leave any doubt behind.³⁷

The cases mentioned above imply that it is impossible to attribute all safe-deposit thefts to a professional criminal group distinct from the honest laboring class. However, even if we assume that safe-deposit box breaking required criminal knowledge, and that safe-deposit box thieves were largely formed from professionals, it can be argued that safe-deposit thefts were only a very small part of total theft cases in İstanbul. For example, while seventy-four *adi* thefts occurred, there was no

³⁶ *Ceride-i Mehakim*, no. 576, 1 Jumada 1 1308, 13 December 1890, 1 December 1306; *Ceride-i Mehakim*, no. 577, 8 Jumada 1 1308, 20 December 1890, 8 December 1306.

³⁷ *Sabah*, no. 4316, 11 November 1901; *Sabah*, no. 4317, 12 November 1901.

safe-deposit theft in March 1332/1916 in the areas policed by İstanbul, Beyoğlu and Üsküdar Police Administrations: Adalar Center, Aksaray Center, Ayasofya Center, Eminönü Center, Beyazıt Center, Deniz Center, Şehremini Center, Samatya Center, Fatih Center, Fener Center, Kapandakik Center, Kumkapı Center, Karagümrük Center, Makriköy (Bakırköy) Center.³⁸

It can be concluded that although there was a professionalization tendency required by the sophisticating technology used in the manufacture of safe-deposit boxes which led to the emergence of criminal careers and networks, many of the safe-deposit thieves were opportunist working people employed in the hans or shops where the safe-deposit thefts occurred. Also even if we accept the argument that safe-deposit thefts were committed wholly by full-time criminals, the total number of safe-deposit thefts was a very small part of the total thefts that occurred in İstanbul. For all these reasons, the hypothesis that property crimes were committed by rational and organized professional criminals cannot be defended based on safe-deposit thefts.

Counterfeiting

The specific historical and social background of counterfeiting and its history in the Ottoman Empire should be summarized with a few words to describe the context before engaging in the professionalization debate.

The emergence of counterfeiting as a serious crime that coincided with the establishment of the capitalist modern state. Its most definitive closely related two

³⁸ *Polis Mecmuası*, no. 68, 12 Rajab 1334, 14 May 1916, 1 May 1332.

features are the difference between “commodity money” and “paper money,”³⁹ and the emergence of a guaranteed, centralized legal order. As Anthony Giddens emphasizes,

Commodity money exists where the quantity of the money, assessed in physical units, corresponds to the amount of money on a designated quantitative scale of value...the exchange value of (paper) money no longer in any significant fashion depended upon a fixed quantum of scarce material resources. (Paper) Money has become ‘fiduciary’ (*itibari*); that is, dependent upon confidence in the political and economic organizations in which it is produced and through which it is circulated.⁴⁰

Therefore, “the condition of the existence of fiduciary money is a fully articulated state apparatus, having administrative power over its own territory and a legal monopoly over internal “order” that is more-or-less complete.”⁴¹

When the issue is looked at from such a historical perspective, it is understood why a crime, called counterfeiting, occurred in the Ottoman Criminal Codes and why it emerged as one of the most serious crimes. Counterfeiting was criminalized in the Ottoman Criminal Codes since criminal codes were the basic tools of establishing a legal monopoly over the internal order which monopolized the right to mint. Also, counterfeiting was a serious crime since counterfeiting implies the rejection of the state authority. Therefore, the punishment of counterfeiting was defined as the condemnation to the galleys for six months to four years in 1851 and the condemnation to the galleys for at least ten years in the 1858 Ottoman Criminal Codes.

³⁹ Here, “paper money” is an analytical concept, not a descriptive concept. Therefore, coins can also be “paper money”.

⁴⁰ Anthony Giddens, *The Nation-State and Violence: Volume Two of A Contemporary Critique of Historical Materialism* (Cambridge: Polity Press, 1985), p. 154-155.

⁴¹ *Ibid.*, p. 155.

Counterfeiting crimes frequently occurred in the periods when banknotes (*kaime*) were distributed to finance government expenditures. They were distributed in 1840 to finance the Tanzimat reforms. They were distributed later during the 1877-78 Ottoman-Russian war to finance the war and again in 1914 to finance the war expenditures.⁴²

All these periods witnessed increases in counterfeiting and the Ottoman state continuously tried to prevent the counterfeiting attempts. In 1854, it was decided to use special papers in the minting of *kaime*.⁴³ In 1876, 2,000 rolls of watermarked (*filigranlı*) paper were bought from France to prevent counterfeiting attempts and experts were employed to control suspected *kaimes*.⁴⁴ Ali Akyıldız summarizes the consequences of these measures as “producing false watermarked *kaimes* required more developed technology, organization and more money.”⁴⁵

This introduction brings us to the question of professionalization and counterfeiting. In this part of the chapter, it is argued that counterfeiting can be thought of in conjunction with safe-deposit box theft in the sense that both required criminal knowledge and specialization, which led to a professionalization tendency. However, it is wrong to assume that all counterfeiters were professionals. Many working people also saw counterfeiting as a means of additional income.

Counterfeiting required special knowledge and skills so that it was even defined as an *art*, just as breaking into safe-deposit boxes was. One of the most famous counterfeiters, Andon, even seemed to talk about traditional artisan secrets when he was offering a civil police agent to work together:

⁴² See Ali Akyıldız, *Para Pul Oldu: Osmanlı'da Kağıt Para, Maliye ve Toplum* (İstanbul: İletişim Yayınları, 2003).

⁴³ *Ibid.*, p. 149.

⁴⁴ *Ibid.*, p. 247.

⁴⁵ *Ibid.*, p. 250. “*filigranlı kaimeleri taklit daha ileri bir teknoloji ve örgütlenmeyi ve daha büyük bir sermayeyi gerektiriyordu.*”

This (counterfeiting) is such an art that it is not taught to everyone else. You can not trust everybody. However, I like you. I think that you are a sincere man. Therefore, I can explain it. This art's (*san'at*) master is I. I will teach you this art. We will earn a lot of money by working together. If I did not know this art, would not I be scattered under these conditions?⁴⁶

When counterfeiting was called an art, counterfeiters became artisans who held the secrets of this art. The entry to this art was limited by the access to the criminal knowledge, skills and specialization. This led to a relatively strong group consciousness and solidarity among counterfeiting gang members:

Counterfeiting gangs were usually formed from three to four or mostly six people. It was rarely seen that counterfeiting gangs had more members than mentioned. False (*kalp*) coin distributors (*sürücü*) try to avoid denouncing each other and especially real counterfeiters as false banknote distributors. When one of these counterfeiters is caught by police, he does not denounce his friends (*şerik*). His friends fund his expenditures due to his loyalty while he is in prison.⁴⁷



Figure 2.2 Counterfeiter Hakkak Corci



Figure 2.3 Counterfeiter Andon

(Reproduced from *Polis Mecmuası*, no. 44, 15 May 1915.) (Reproduced from *Polis Mecmuası*, no. 45, 28 May 1915.)

⁴⁶ *Polis Mecmuası*, no. 45, 14 Rajab 1333, 28 May 1915, 15 May 1331. “Bu öyle bir san'attır ki herkese öğretilmez. Ve herkese itimad olunamaz. Fakat ben sizi sevdim. Sizin saf bir adam olduğunuza kanaat getirdim. Onun için söyleyebilirim. Bu san'atın ustası benim. Ben size bu san'atı öğreteceğim. Hem birlikte çalışarak beraber birçok paralar kazanacağız. Benim elimde bu san'at olmasa idi şu kesat zamanında perişan olmamak kabil mi idi?”

⁴⁷ *Polis Mecmuası*, no. 45. “Kalpazan çeteleri ale-l-ekser üç, dört ve nihayet altı kişiden mürekkep bulunur. Bu miktardan daha fazla efraddan müteşekkil kalpazan çetelerine nadiren tesadüf edilmiştir. Kalp meskukat sürücüleri sahte banknot sürecüleri gibi yekdiğerini ele vermemeye çalıştıkları gibi asıl kalpazanı göstermemeye de son derece gayret ederler. Bunlardan biri ele geçtiği zaman şeriklerini ihbar etmez. Arkadaşları da onun bu sadakatine mükafaten hapisanede bulunduğu müddetçe kendisine bakarlar.”

In addition to the strong group solidarity, professional criminal careers in this branch of criminal activity can be shown as a result of counterfeiting's being a knowledge-based crime. Hakkak Corci was one of these professional counterfeiters:

He was a famous counterfeiter. He had been an engraving (*hakkak*) apprentice in his youth. Then, he was pulled into illegal tasks.... When he was 17 years old in 1872, he was caught by police as he was the beloved and messenger boy of the pirate Kara Yani. He was caught by the police later due to his thefts. He was sent to prison three or four times. Then, he seemed to be ameliorated by turning to engraving, however he used his art in illegal ways and began counterfeiting. He especially produced and distributed false coins. He was alive in the occupation years at the the end of World War 1 and was still interested in counterfeiting. He possibly died in between 1918-1920.”⁴⁸

Another famous counterfeiter was Andon. He was a Greek man. He had been imprisoned for this crime for seven years in Egypt and five years in Greece. In his last work, he was distributing false coins in Beyoğlu and was caught by the police in the act with his special tools, which can be seen below.⁴⁹



Figure 2.4 1-different chemicals bottles 2-ladle required to melt tin and lead 3-tinplate required to pour plaster of Paris (alçı) 4-some tin and lead 5- some false five piastres (çeyreklik) and half-piaster pieces (yarım mecdiyelikler), made from manufactured plaster of Paris 6-manufactured false coins.

(Reproduced from *Polis Mecmuası*, no. 45, 28 May 1915.)

⁴⁸ Koçu, “Hakkak Corci,” in *İstanbul Ansiklopedisi*.

⁴⁹ *Polis Mecmuası*, no. 45.

Whether a professional counterfeiting group existed or not is less important than the belief of authorities which viewed the counterfeiters as professional criminals. Their response to a counterfeiting committed by a non-professional poor girl supports this argument. Ali Akyıldız told the case as:

Banknote counterfeiting was not always done to earn more money. Sometimes, survival attempts and conditions forced people to this illegal way. Even one poor, artisan graduate of the *Darü'l-muallimat* (Women Teacher's Training College) was among them. Since she could not earn enough money while she and her mother were sewing, she began counterfeiting. In her interrogation, she admitted that she could produce 20 liras worth banknotes in three days and had already produced 11 20 worth liras banknotes. When her house was searched, one-two brushes and a little paint were found. Since the girl was really poor and in need and the techniques she employed were very primitive, this interesting counterfeiting was not classified as a counterfeiting crime.⁵⁰

This verifies the argument defended here that counterfeiters were expected to be professionals using developed techniques and doing counterfeiting as a profession. However, as can be seen in this poor girl's counterfeiting practice, counterfeiting could be done by non-professionals who had other income sources to get additional income. For example, the shoemaker Serafim was producing false coins in his shop in Kapandakik and distributing them in his everyday business transactions without giving up shoemaking. The details can be followed from his master builder's (*kalfa*) Mezi's statement:

⁵⁰ Akyıldız, p. 250. "Kaime kalpazanlığı, her zaman daha fazla para kazanmak arzusundan ileri gelen bir dürtü ile yapılmamaktaydı. Bazen..geçim sıkıntısı ve zaruret, insanı bu yola itebilmekteydi. Hem de Darü'l-muallimat, yani kız öğretmen okulu mezunu, kimsesiz ve sanatkar bir kıızı. Annesiyle beraber dikiş dikerek hayatını idame ettirmeye çalışan kız, bu işle geçinemeyince kalpazanlığa başvurur. Sorgusunda üç günde bir yirmilik kaime imal edebildiğini ve o ana kadar da toplam 11 tane yirmilik kaime hazırladığını itiraf eder. Yapılan aramalarda evde bir iki fırça ve birkaç parça boya bulunur. Bu ilginç kalpazanlık olayında, kızın gerçekten fakir ve muhtaç olması ve kullanmış olduğu ilkel teknikler, hafifletici sebep olarak görülür ve durumu kalpazanlık suçu olarak değerlendirilmez." For the original news, see 17 December 1878/22 Z 1295, *Vakit*, no. 1134, s. 2.

Mezi stated that since Serafim gave a man a false coin and the man gave it back a few days before, he thought that Serafim was involved in counterfeiting. Another day, he (Mezi) saw that an Albanian man came and said to Serafim that “You gave this coin, however it is a false coin and nobody takes it” and gave the coin back. When Serafim immediately took it, Mezi said, he asked Serafim that whether he was sure that this coin had been given to the Albanian man by himself or not and Serafim answered “ The Albanian man may think that we are counterfeiting. It is highly possible that I gave the false coin; however, I don’t know where I got this false coin.” In addition to this, Mezi said, he saw a false coin among the coins he had received from Serafim as a weekly wage and then, told this case to his co-local Ömer Çavuş .⁵¹

Serafim was condemned to the galleys for ten years on 2 August 1888. This case clearly shows that a man who had a socially approved profession (shoemaking) counterfeited false coins to get an additional income by distributing these coins in his business transactions or in paying his employee’s wage. The examples mentioned below also show similar cases.

In May 1889, another amateur counterfeiter was caught. The counterfeiter was a porter named Murat from Van. He went to a shop and paid 3.5 piasters for a coat hanger. The shop keeper warned him that the coin he paid with was false. Then, he gave another coin but this coin was false, too. Therefore, he reported to the police. Murat was condemned to the galleys for ten years.⁵²

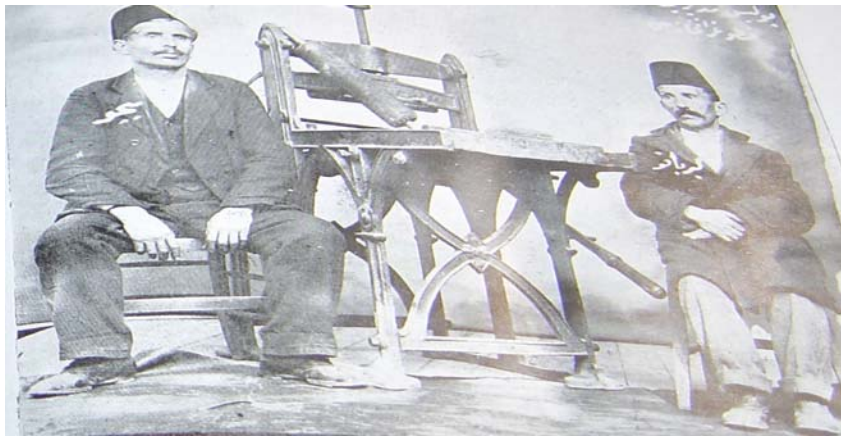
In July 1894 in Galata, Sakızlı Andon was caught by the police while he was changing a false banknote with the money-changer Toma. Andon was a servant who was charged with carrying bread (*ekmekçi tablakarı*).⁵³

⁵¹ *Ceride-i Mehakim*, no. 459, 16 Dhu l-Hijja 1305, 25 August 1888, 13 Ağustos 1304. “geçenlerde Serafimin bir şahsa kalp mecredi verip şahıs-ı merkumun dahi iade ettiğini beyan ile merkumda bir kalpazanlık hissetmekte olduğunu söylediği gibi bir gün dahi bir Arnavut gelip ustası Serafim’e hitaben “Bunu sen verdin. Kalpmiş, geçmiyor” diyerek bir mecredi vermesiyle merkum derhal değiştirdiğinden kendisi dahi bu mecredinin Arnavuta başkası tarafından verilmiş olması muhtemel idüğünü beyan etmesiyle methum Serafimin “Arnavut mecrediyi bizden bulacak, elbet ben vermişimdir fakat kimden aldığını bilmiyorum” demesi ve bir defa dahi kendisine haftalık olarak verdiği para miyanında bir kalp mecredi bulunması üzerine hemşehrisi Ömer Çavuşa haber vererek...”

⁵² *Ceride-i Mehakim*, no. 564, 6 Safar 1308, 20 September 1890, 8 September 1306.

⁵³ *Tarik*, 3 July 1894. It can also be seen in *Toplumsal Tarih*. See Ayşe Şen (ed.), “Osmanlı Basımında Yüzyıl Önce Bu Ay,” *Toplumsal Tarih* 2, no.7 (1994).

Some individuals, whose normal professions provided the necessary knowledge and tools also sometimes used these for counterfeiting. The Composer (*mürettip*) Ahmet was one of these counterfeiters. In July 1901, Koltukçu Mehmet reported Ahmet to the police, claiming that Ahmet had been producing false coins in his house in Sultanselim for a long time. Then, Ahmet was caught in a coffee house in Sultanselim. When he was searched, false coins were found. When his house was searched, tin and the special tools required for counterfeiting were also found.⁵⁴



Counterfeiters

Figure 2.5 Worker Miço Litography Machine Used Printer Yako
In the Production of Banknotes

(Reproduced from *Polis Mecmuası*, no. 44, 15 May 1915.)

It can be concluded that although there was a professionalization tendency in this type of criminal activity which led counterfeiters to call counterfeiting an *art* and to the emergence of professional counterfeiters and careers, this resulted largely from the criminal knowledge and skills which were required by counterfeiting. However, even in this type of criminal activity that required criminal knowledge and skills, there were many amateur attempts of working poor to get an additional income.

⁵⁴ *İkdam*, no. 2547, 27 July 1901. It can also be seen in *Toplumsal Tarih*. See Emel Seyhan (ed.), “Osmanlı Basımında Yüzyıl Önce Bu Ay,” *Toplumsal Tarih* 16, no.91 (2001).

Organized Theft and The *Kumpanya* Phenomenon

An important dimension of professional criminal class issue is to what extent criminal practices took place in an organized manner. In this part of the chapter, I look through *kumpanya* phenomenon at how some criminal practices were assumed to be committed by professional organizations which were formed from full-time professionals and I question this claim.

The invention of categories is related to the dynamics of historical conditions. Therefore, understanding the rationality and necessity which led to the emergence of new concepts gives clues about the specific historical horizon. When we look at how organized crime especially related to theft was conceptualized in the late nineteenth century, we notice that the words *kumpanya/şirket* were employed in defining these “organizations.” For example:

Although some thefts have occurred in Makriköy in the last months, the thieves were not caught by the police until now. However, police officer Ömer Efendi caught these thieves at the end of a serious persecution. The thieves attempted to deny the accusation, but then pleaded their guilt during interrogation. They admitted that after they had worked as servants in esteemed houses they had left the houses to form a theft *company* (*şirket*) by assuming that nobody suspected them. We are informed that all the thieves were arrested.⁵⁵

A similar news report:

Police Chief (*komiser*) Abidin Efendi was informed that many of the robberies (*karmanyola*) which occurred in Beyoğlu were

⁵⁵ *Sabah*, no. 802, 18 November 1891. “Birkaç mahdan beri Makri karyesinde ufak tefek bazı sirkatler vuku bulmakta ve mütecasirleri derdest olunamamakta iken bu kere meclis zabıta memuru ...Ömer Efendi'nin takibat hafiye vecdiyyesiyle bazıları derdest edilmiş ve evvel-emirde inkarda bulunmuşlar ise de esna-i istantakta ikrar cürüm etmişlerdir. Derdest olunanların vermiş oldukları ifadelerine nazaran bunlar evvelce birkaç muteber yerlerde hizmetkarlıkta iken terk edip kendilerinden asla me'mul olunmayacağı cihetle çend kişiden mürekkep bir sarik şirketi peyda ettikleri anlaşılmiş olmakla cümlesi dahi derdest edilip taht-ı tevkife alındığı istihbar gelinmiştir.”

committed by the famous thief (*sarik-i meşhur*) Karakaçan and his company (*kumpanya*). One of these was caught and arrested. It is obvious that Karakaçan will be caught in a few days.⁵⁶

When the dictionaries are consulted, it is seen that Redhouse defines *kumpanya* as “commercial company, firm”⁵⁷ and Ferit Devellioğlu defines *şirket* as “1. partnership. 2. committee which was formed for engaging in commerce.”⁵⁸ These definitions imply that *kumpanya* (company) initially means partnership, but especially those engaged in commerce. Such a conceptualization reflects the tendency to see crime and specifically “organized crime” as a business/profession committed by the profit motive. Before looking at real criminal practices and organizations labeled as *kumpanya* whether they really had the defining features of *kumpanya*, these features should be summarized. The piece of news mentioned below is a good example for understanding what *kumpanya/şirket* implied in this period:

A Theft Company (*Kumpanya*)

It was noticed by the police that an Eyüp-centered theft company (*kumpanya*) had stolen (*icra-i fazihâ-i sirket*) furniture from a number of places. The bad men (*eşirra*) who formed this company were touring all of the neighborhoods of the city and stealing furniture from the houses they entered under the pretext of selling Rumeli serge (*şayak*). The chief (*reis*) of the company, Ali was arrested. There were 60 members of the company under Ali's command. They admitted that this company was divided into three branches: Üsküdar, Beyoğlu, İstanbul and selling stolen furnitures (*eşya-i mesruka*) in the villages around the city.

⁵⁶ *Tarik*, no. 259, 12 December 1884. It can also be seen in *Tarih ve Toplum*. See Uygur Kocabaşoğlu (ed.), “Osmanlı Basınında Yüzyıl Önce Bu Ay,” *Tarih ve Toplum* 1, no. 12 (1984). “Beyoğlu'nda vukubulan müteaddit karmanyolaların mütecasiri sarik-i meşhur Karakaçan ve kumpanyası olduğu bu kere komiser Abidin Efendi tarafından haber alınarak merkulardan birisi derdest edildiği gibi merkur Karakaçan dahi bugün yarın ele geçeceği memuldür.”

⁵⁷ *Türkçe/Osmanlıca-İngilizce Redhouse Sözlüğü* (İstanbul: SEV Matbaacılık ve Yayıncılık, 1997), p. 685.

⁵⁸ Ferit Devellioğlu, *Osmanlıca-Türkçe Ansiklopedik Lügat* (Ankara: Aydın Kitapevi, 2004), p. 1001.

Some stolen furniture was found in a house which operated as a depot. All the company members were arrested.⁵⁹

Based on the definitions above, it can be said that the *kumpanya/şirket* was assumed to have four defining features: continuous criminal practice, criminal practice for sale purpose rather than use purpose, criminal practice as profession, division of labor in criminal practice.

The cases described below will be examined to see whether these criteria which the *kumpanyas* were assumed to have had a reality.

It can be argued that there were some lower-class individuals in late nineteenth century İstanbul who stole more than once or twice in a relatively regular manner. One of these people was Meyhal, who participated in many theft attempts with his *kumpanya* in the summer of 1886. Meyhal confessed the following in the Üsküdar and Dersaadet Police:

They formed a theft company which had sixteen members and operated in Üsküdar and İstanbul. Although he wanted to give up stealing, he could not give up stealing due to survival conditions (*tayişe muhtaç olduğundan*). Previously convicted Arnavut Yahya was arrested thanks to his denouncement and if he is employed as a civil servant, he will denounce and cause other *kumpanya* members to be caught with stolen furniture. The company is made up of the Arnavut Yahya and others; Kevkonu, Küçük Yani, İzmirli Yani, Şireli Meyhal, Çakana Meyhal, Hristo, Yanyalı İkliya, Sarı Todori, Dimestoklu and Yozgatlı Abdullah, gambler Perikli and others. He added that in last April, Todori, Yahya, himself and two other friends entered Fransezli's house in Kazı village in Sakız Ağacı and stole some furniture from there. Then, *kumpanya* members Hristo, İzmirli Yani, Yahya and himself entered a house in Çınar.

⁵⁹ *İkdam*, no.1023, 4 Haziran 1897. It can also be seen in *Toplumsal Tarih*. See Yücel Demirel (ed.), "Osmanlı Basınında Yüzyıl Önce Bu Ay," *Toplumsal Tarih* 7, no.42 (1997). "Merkezi Eyüp cihetinde olmak üzere bir hırsız kumpanyasının bir müddetten beri ötede beride icra-i faziha-i sirkat eylemekte oldukları (hırsızlık yaptıkları) zabıtaca ahiren keşfolunmuştur. Bu kumpanyayı teşkil eden eşirra her gün Rumeli şayağı satmak bahanesiyle şehrimizin umum mahallatını dolaşıp dahil oldukları hanelerden fırsat buldukça eşya sirkat etmekte idiler. Kumpanyanın reisi olan Ali namında bir şahıs derdest tevkif olunmuştur. Riyaseti tahtındaki hırsız kumpanyası altmış kişiden mürekkep olup Üsküdar, Beyoğlu ve İstanbul'da üç şubeye ayrıldığını ve eşya-i mesruka şehrimizin kura-i müteceviresinde satıldığını ikrar ve itiraf eylemiştir."

Moreover, they entered a waterside residence in Nakaş two days later and they sold the stolen furnitures to the Jew İsak and sold four furs to the Jew Arslan for six liras.... He (Meyhal) was caught while he entered Said Bey's residence.⁶⁰

A similar "organization" operated between December 1887 and January 1888 and attempted to realize several thefts. The members of this *kumpanya* were the driver Mustafa, the coffee house owner Lütfü, the discharged police officer Aziz, the discharged soldier Mehmet, Çerkes Hurşit, Şevki, Topkapılı Mehmet, Keçekülâh Hasan, Çerkes Çarpanlı Hüseyin, and Macarlı Artin. Following is the statement of all of the members of this *kumpanya*, taken at the police center:

Driver Mustafa, his friend Lütfü and Aziz went to the house of Ahmet Hamdi Efendi in Yüksek Kaldırım. Lütfü jumped over the wall and opened the garden's door. Then, Mustafa and Aziz took the kilim and other furniture which had been stolen by Lütfü. They took this furniture to Sirkeci quay in the morning and then to the houses of the coffee house owners Ali and Mustafa Çavuş. Then, they sold this furniture to Ali and Mustafa Çavuş for twenty mecredi. Also, during another night, they went to Tatlı Kuyu to enter Lütfiyar Hanım's house, however, they could not achieve it. Then, they entered Regie official Mustafa Ağa's house and stole some wet underclothing. They sold these underclothing to coffee house owners Ali and Mustafa Çavuş, too. On another night, they entered the Odabaşı bakery and stole two girdles; one was white and other was red, a pleat, a stout jacket (*çepken*) and they sold these in Galata through Çerkes Hurşit and Tanaş. Also, they entered another shop in Odabaşı and stole silk and other things in boxes. They sold

⁶⁰ *Ceride-i Mehakim*, no. 374, 12 Rabi 2 1304, 8 January 1887, 27 December 1302; *Ceride-i Mehakim*, no. 375, 19 Rabi 2 1304, 15 January 1887, 3 January 1303. "Üsküdar ve İstanbul cihetlerinde hırsızlık maksadıyla 16 kişiden ibaret olarak bir kumpanya olup bunların içinde kendisi de dahil bulunduğu halde artık şu halden farig olacak ise de ne çare ki tayişe muhtaç olduğundan eğer kendisi hükümet memurluğuna kabul ettirilirse de bu kumpanya efradını mesruk eşya ile cümleten derdest ettireceğini ve hatta numune olarak merhumundan sabıkalı Arnavut Yahya'yı derdest ettirdiğini ve mezkur kumpanya efradı dahi biri bu Arnavut Yahya ve diğerleri Kevkonu ve Küçük Yani ve İzmirli Yani ve Şireli Meyhal ve Çakana Meyhal ve Hristo ve Yanyalı İkliya ve Sarı Todori ve Dimestoklu ve Yozgatlı Abdullah ve kumarbaz Perikli ve daha sair eşhas olup geçen Nisan içinde Kazı köyünde Sakız Ağacı nam mahalde köşe başında vaki Fransezli'nin hanesine bu kumpanya efradından Todori ve Yahya ve kendisi ve diğer iki nefer refikleri yani beş kişi oldukları halde bildühul bazı eşya sirkat ettikleri gibi muharen dahi bu kumpanya efradından Hristo ve İzmirli Yani ve Yahya ve kendisi yani cem'an dört kişi oldukları halde Çınar'da vaki bir haneye ve bundan bir iki gece sonra dahi Nakaş'da vaki bir sahilhaneye (yalı) bildühul sirkat ettikleri eşyadan bir miktarını İsak isminde bir Yahudiye sattıkları gibi dört adet kürkü dahi altı liraya Arslan isminde diğer bir Yahudiye sattıklarını....ve İstanbul cihetinde dahi Sadi Bey'in konağına dühul etmiş iken derdest bulunduğu gibi."

these and the underclothing stolen from the room of horse groom Nikoli to the Iranian Ali and his friend Reşit, who were staying in the han behind the post office...On another night, Lütfü and Macarlı Artin went out and came back with two knee-breeches, two shirts and two shoes.... Another day, Çerkes Hurşit and Çarpanlı Hüseyin toured Aksaray with the order (*tenbih*⁶¹) of Lütfü and stole a bottle of coffee, some trotters and later they came to Recep's coffee house at night and met with others (Mehmet, Keçe Külah Hasan). Then, they entered a room opposite the bakery in Uzun Çarşı. They stole a pair of high boots, a quilt, a pillow, underclothing and coffee house owner Recep was aware of this theft and he even gave them a sack to put the stolen things in. Mehmet took the stolen high boots, a bottle of coffee and sold the coffee for ten piasters and left the high boots at Faik Bey's coffee house. Also, he sold the quilt and pillow in Tophane.⁶²

When the cases described above are taken into account, it is seen that there emerged a social stratum formed from some lower-class individuals who stole more than once or twice in a relatively regular manner. This means that these thefts were beyond opportunist attempts and show that theft was seen by some lower individuals as a normal and regular way of earning money.

⁶¹ The use of the word "order" (*tenbih*) seems to imply that there was a hierarchy and a power relation in these criminal networks.

⁶² *Ceride-i Mehakim*, no. 469, 28 Safar 1306, 3 November 1888, 22 October 1304; *Ceride-i Mehakim*, no. 470, 6 Rabi 1 1306, 10 November 1888, 29 October 1304; *Ceride-i Mehakim*, no. 471, 13 Rabi 1 1306, 17 November 1888, 5 November 1304. "Arabacı Mustafa'nın refiki Lütfü ve Aziz üçü birlikte oldukları halde yüksek kaldırımında vaki Ahmet Hamdi Efendi'nin hanesine gelip Lütfü duvardan aşarak bahçe kapısını açmasıyla kendileri dahi bildühul merkum Lütfü'nün yukarı çıkıp getirdiği kilim ve sair eşyayı alarak...Sirkeci iskelesine ve oradan dahi kahveci Ali ve Mustafa Çavuş'un hanelerine götürüp 20 mecdi mukabilinde fûruhat eylediklerini ve yine bir gece Lütfü ile birlikte Tatlıkuyu civarında...Lütfiyar Hanım'ın hanesine girmek üzere gitmişler ise de muvaffak olmadıkları cihetle o civarda bulunan reji memuru Mustafa Ağa'nın hanesine girerek ...sirkat ettikleri yaş çamaşırları dahi merkuman kahveci Ali ve Mustafa Çavuş'a sattıklarını ve yine o gece Odabaşı fırınına dühul ile biri beyaz ve diğeri kırmızı iki kuşak ve bir potur ve bir çepken ahz ederek Galata'da Çerkes Hurşit ve Tanaş vasıtasıyla sattıklarını ve yine bir gece Odabaşı civarında bir dükkana girip orada bulunan sandıklar derunundan sirkat ettikleri ipek ve sair ile Seyis Nikoli'nin odasından aldıkları çamaşırları postahane arkasındaki handa sakin İrani Ali ve refiki Reşit'e fûruhat ettiklerini..ve bir gece firari Macarlı Artin ile bozacı Kireges'un..dükkanına girip bir çift üzeri bağlı kundura ile iki dizlik ve saire sirkat eylediklerini..Çerkes Hurşit ve Çarpanlı Hüseyin Lütfü'nün tenbihi üzerine Aksaray cihetlerini dolaştıkları sırada bir dizi paça ile bir şişe derununda kavrulmuş çekirdek kahve sirkat ettiklerini ve leylem saat iki raddelerinde Recep'in kahvehanesinden kalkıp Uzun Çarşı başında fırının karşısındaki odayı açarak çizme ve yorgan ve yastık ve biraz çamaşır sirkat ettiklerini ve bu sirkatten kahveci Recep'in dahi malumatı olup hatta çaldıkları eşyayı koymak üzere kendilerine bir çuval dahi verdiğini ve çizmeler ile kahveyi Kapıdan Mehmet alarak kahveyi on kuruşa fûruhat ile çizmeleri dahi Faik Bey'in kahvehanesine bıraktığını ve yorgan ile yastığı dahi kendisi Tophane'de sattığını..."

It is also seen that these types of thefts were committed for sale/cash purposes rather than the use of the stolen items. There were some buyers of stolen furniture who had regular contact with these thieves. Pablo Piccato emphasizes a similar point in his study on crime in Mexico City between 1900-1931:

Cashing in the stolen goods, even if they had small monetary value, made arrest less likely because it replaced the clothes, tools, and any small goods (which the legitimate owner could recognize and reclaim) with anonymous cash. Pawn shops were easily accessible in the city, and many businesses, including pulquerias, accepted goods as payment.”⁶³

The theft *kumpanya* described below shows the division of labor between thieves and buyers of stolen goods in a *kumpanya* clearly:

A Theft Company

Some bad people (*şahıs-ı şerir*) were annoying the inhabitants of the villages and towns of Çekmece and were stealing the goods of people a short time ago. They were selling these stolen goods by taking them to Dersaadet. However, while they were selling silver and gold dishes which had been stolen from the Greek Church in Çöplüce village and the shop next to it, they were arrested by police chief Kamil and police officer Aziz Efendi. The chief of the *kumpanya*, Papaz Oğlu Perikli, was caught in a coffee house behind the church in Galata and his friend, day laborer (*rençber*) Mustafa, was caught at İncirli farm. Then, they were sent to prison and one of the accomplices was caught on the previous day, too. As for the follow, while one of the convicteds, shoemaker Çolak Petro, who was staying with *kumpanya* members, was going out due to the end of the execution of the sentence on the previous day, he was searched before going out. A letter and a cigarette holder were found and this caught the attention of the police. The letter was translated from Greek. It wrote that: “Lefteraki, my jeweler friend in Tahtakale Kantarcılar! The bearer of this letter, Petro, was sent by us. When he shows you the cigarette-holder which we gave you before, trust and help him. We ask you that we had taken fourteen English liras of the twenty-one which was the worth of the dishes taken from the church. We passed to the Galata side immediately

⁶³ Pablo Piccato, *City of Suspects: Crime in Mexico City, 1900-1931* (Durham: Duke University Press, 2001), p. 138.

when we took fourteen liras. We were caught there and sent to Makriköy prison. We are distressed now. We are interrogated. But don't worry. We won't denounce you. This man is a shoemaker. Trust him and send the remaining money by Petro immediately." It was understood that Lefteraki had also cooperated with this theft *kumpanya* by buying the dishes at low prices from the thieves and selling after he had melted and transformed the dishes. He was sent to be near his friends.⁶⁴

Although some lower-class individuals regularly participated in thefts and there were buyers of these stolen goods, the existence of such "organizations" should not lead us to arrive at the conclusion that they were strict professional criminal organizations. It is disputable to what extent these people's partnerships were organizations with respect to the absolute numbers of members and the orderliness of the criminal activity. As we also see in some of the cases mentioned above, all of the members did not participate in all of the theft attempts and it is not clear whether all of the theft attempts were coordinated.

It also must be emphasized that many "members" of these *kumpanyas* who participated in more than one/opportunist thefts were working people rather than full-time professional members of criminal organizations. For example, in

⁶⁴ *Sabah*, no. 4329, 24 November 1901. "Bir Sarik Kumpanyası/Bir müddetten beri birkaç şahıs-ı şerir Çekmece taraflarında gezerek gelip geçenlere tariz ve civar kaza ve kasabatta birçok sirkatlere ictisar ile ele geçirdikleri eşya-i mesrukayı Dersaadet'e getirip gizlice satmakta imişler. Bu eşirra geçende Küçük Çekmece'ye tabi Çöplüce karyesi Rum kilisesiyle bakkal dükkanından birçok altın ve gümüş ve saire sirkat ederek fûruhat etmekte iken zabıtaca keyfiyet haber alınarak Küçük Çekmece kazası polis komiseri Kamil ve memur Aziz Efendiler tarafından kumpanyanın reisi olan Papaz Oğlu Perikli'nin Galata'da kilise arkasında bir kahvehanede ve refiki rençber Mustafa'nın da İncirli Çiftliği civarında derdestle kaza-i mezkur tevkîfhanesine gönderildiğini yazmış idik. Bunların refikasından diğer biri de bu defa ele geçirilmiştir. Şöyle ki: bunlarla beraber mahpus bulunan kunduracı Çolak Petro'nun müddet-i mahpusiyeti hitam bulduğundan evvelki gün ..üzeri taharri olunur. Bir mektup ile bir sigara ağızlığı çıkar. Bunlar zabitanın nazar dikkat ihtimamkaranesini celp eder. Rumca yazılmış olan mektup tercüme ettirilir ki meali şu imiş: Tahtakale'de Kantarcılar'da kuyumcu dostum Lefteraki! Hamil-i mektup Petro tarafınıza vasıl olup evvelce sizin bana vermiş olduğunuz sigaralığı gösterdikte kendisine emniyet ve itibar ediniz. Ricamız budur ki kiliseden alınan evaninin esmanı olan yirmibir adet İngiliz lirasından ondördünü alıp yedi adeti siz de kalmış idi. Biz o 14 lirayı alır almaz Galata tarafına geçtikti. Orada polisler tarafından tutularak Makriköy hapisanesine konulduk. Şimdi pek sıkıntıdayız. İstantak olunuyoruz. Ama sen merak etme. Biz seni ele vermeyiz. Bu adam kunduracı esnafındandır. Ona her halde emniyet edip kalan paradan bir miktarını bize Petro ile acele gönderesiniz./ Şu vesika kuyumcu Lefteraki'nin de bu sarik kumpanyasıyla müşterek bulunduğu ve bunların çalabildikleri evaniyi az fiyatla satın alarak izabe edip başka bir hale koyduktan sonra fûruhat eylemekte olduğu, tabir ahirle merkumun da şerik-i töhmet bulunduğu istidlal edilmiş, o da derdestle arkadaşlarının yanına gönderilmiştir."

September 1889, a *kumpanya* members entered Mahmut Bey's house in Kızıltoprak and carpenter Yani's room in the Loranda Han in Azap Kapısı. Then, they entered Safvet Paşazade Azatlı Refet Bey's residence and then sold the stolen goods. When the professions of these thieves are looked at, it was seen that one of the *kumpanya* members, Pavlo, was a stonemason, Mesko was a gardener, İlya was a tavern keeper, and Kosti was working in İlya's tavern as a shop assistant (*tezgahtar*).⁶⁵

Three thieves who previously had been convicted of theft entered İstevan Ağa's house in Sarıyer Yeni Mahalle in July 1888. They killed İstevan Ağa's wife and son, Serkez Efendi, and stole some goods. When the thieves were caught, it was seen that one of the thieves, Laz Arslan was a sawyer, Kıdem was a *yemeni* (a kind of a light shoe) maker, and Hristo was a milk seller.⁶⁶

In a similar case, two Greek thieves, Panani and Yerasimo, entered Rami Bey's house in Pangaltı, timber merchant İstavri's house in Fındıklı, Amalya, Andon, İstemat and Kernanos' houses in Beyoğlu on different occasions. Panani was a shoemaker and Yerasimo was a tobacconist.⁶⁷

We can follow the thesis that many "members" of these *kumpanyas* were working people rather than full-time professional members of criminal "organizations" by decoding the statistical datas of the period about thieves.

The 1858 Ottoman Criminal Code classified crimes into three groups. They were *cinayet*, *cünha* and *kabahat*, from the most serious to the least.⁶⁸ I argue that the

⁶⁵ *Ceride-i Mehakim*, no. 579, 22 Jumada 1 1308, 3 January 1891, 22 December 1306; *Ceride-i Mehakim*, no. 580, 29 Jumada 1 1308, 10 January 1891, 29 December 1306; *Ceride-i Mehakim*, no. 581, 6 Jumada 2 1308, 17 January 1891, 5 January 1307.

⁶⁶ *Ceride-i Mehakim*, no. 605, 27 Dhu l-Qa'da 1308, 4 July 1891, 22 June 1307; *Ceride-i Mehakim*, no. 606, 5 Dhu l-Hijja 1308, 11 July 1891, 29 June 1307.

⁶⁷ *Ceride-i Mehakim*, no. 611, 10 Muharram 1309, 15 August 1891, 3 August 1307; *Ceride-i Mehakim*, no. 612, 17 Muharram 1309, 22 August 1891, 10 August 1307.

⁶⁸ 1858 Ottoman Criminal Code defines these legal concepts as such:

"Code 3-*Cinayet* are the acts which required deterrent punishment (*mücazat-ı terhibiye*). Deterrent punishments are capital punishment, condemnation to the galleys eternally or temporarily (*müebbeden veya muvakkaten küreğe konmak*), confinement in a fortress (*kal'a bendlik*), eternal banishment (*nefy-i ebed*), deprivation from official duty and rank eternally, dropping civil rights.

types of theft attempts which were labeled as *kumpanya* activities can be collected under the *cinayet* type of thefts when the five conditions defining *cinayet* type of thefts mentioned in the 1858 Ottoman Criminal Code's 217's article are examined.

217- The theft which is committed under the presence of all of the conditions mentioned below is punished by condemnation to the galleys eternally (*müebbeden kürek*). The first one of these is the theft committed at night; the second is the presence of two or more people; the third is the bearing of a weapon secretly or openly by at least one of these people; the fourth is the entry to the house, room or a part of house where people stay, by pulling down the wall, overcoming by a chimney, breaking the door of building or opening the door with a key or another tool, posing as an official by wearing an officials' costume or showing false order document; the fifth is frightening by employing violence or showing a weapon.⁶⁹

The common point defining *cinayet* type of theft can be concluded that there must be a planning and organization before the theft. This common point is also the defining feature of *kumpanyas* and also distinguishes *cinayet* type of thefts from opportunist/petty attempts. Therefore, the statistics about *cinayet* type of thefts mentioned below provide the approximately same datas about *kumpanya* type of thefts.

Code 4-*Cünha* are the acts which required disciplining punishment (*mücazat-ı tedbiye*). Disciplining punishments are imprisonments for more than a week, deprivation from official duty and rank temporarily and fines.

Code 5-*Kabahat* are the acts which required scolding punishment (*mücazat-ı tekdiriye*). Scolding punishments are imprisonment for more than 24 hours up to a week and fines limited to 100 piasters.” Ahmet Akgündüz, *Mukayeseli İslam ve Osmanlı Hukuku Külliyyatı* (Diyarbakır: Dicle Üniversitesi Hukuk Fakültesi Yayınları, 1986), p. 835.

⁶⁹Akgündüz, p. 868. “*Madde 217-Zirde muharrer beş halin cümlesi beraber olarak icra olunan sirkatin cezası müebbeden kürektir. İşbu ahval-i hamsenin birincisi: gece vakti olmaktır. İkincisi: İki yahut daha ziyade eşhas birlikte bulunmaktır. Üçüncüsü: Bunlar veyahut içlerinden velev birisi hafî veya celi müsellağ olmaktır. Dördüncüsü: Bir hane veyahut müstemilatına veya bir odasına velhasıl içinde adam oturur her nevi mahalle duvarını yıkarak veya duvarından nerdüban ile aşarak veyahut kapısını kırarak veya bir alet ile kilidini açarak veya devlet memuru zey ve kıyafetine girerek veyahut zabitan tarafından sahte emir göstererek girmektir. Beşincisi: Muamele-i şiddet ve teşhir-i silah ile ihafe eylemektir.*”

Table 1. Thefts Committed by More Than One Person by Employing Violence at Night
(*Gece Birden Ziyade Eşhas Tarafından Cebr ile Hırsızlık*)

Numbers of Convicted People in 1317/1901

<u>Occupation</u>	<u>Number</u>
Unemployed	6
Artisans	9
Money-changers	0
Doctors, Teachers and Members of other Science Communities	0
Merchant Servants and other Servants	3
Civil Servants	0
Sailors	2
Peasants	4
Workers (Amele)	0
<u>Rentiers (Eshab-ı Akar)</u>	<u>0</u>

Source: İstatistik Devai-i Cezaiyeye Müteallik: 1317.

Table 2. Theft By Employing Violence and Injuring Someone
(*Muamele-i Şedide İcrası ve Cerh ile Hırsızlık*)

Numbers of Convicted People in 1317/ 1901

<u>Occupation</u>	<u>Number</u>
Unemployed	0
Artisans	1
Money-changers	0
Doctors, Teachers and Members of other Science Communities	0
Merchant Servants and other Servants	0
Officials	0
Sailors	0
Peasants	0
Workers (Amele)	2
<u>Rentiers (Eshab-ı Akar)</u>	<u>0</u>

Source: İstatistik Devai-i Cezaiyeye Müteallik: 1317.

Table 3. Highway Robbery by More than One Person
(*Gece Cemiyetle Tarik-i Amda Hırsızlık*)

Numbers of Convicted People in 1317/ 1901

<u>Occupation</u>	<u>Number</u>
Unemployed	0
Artisans	0
Money	0
Doctors, Teachers and Members of other Science Communities	0
Merchant Servants and other Servants	2
Officials	0
Sailors	0
Peasants	0
Workers (Amele)	0
<u>Rentiers (Eshab-ı Akar)</u>	<u>0</u>

Source: İstatistik Devai-i Cezaiyeye Müteallik Sene 1317.

Table 4. Theft in a Settlement by Piercing Wall or Breaking Door
(*Meskun Mahalde Duvar Delerek veya Kapı Kırarak Hırsızlık*)

Numbers of Convicted People in 1317/ 1901

<u>Occupation</u>	<u>Number</u>
Unemployed	2
Artisans	1
Money-changers	0
Doctors, Teachers and Members of other Science Communities	0
Merchant Servants and other Servants	2
Officials	0
Sailors	0
Peasants	1
Workers (Amele)	7
<u>Rentiers (Eshab-ı Akar)</u>	<u>0</u>

Source: İstatistik Devai-i Cezaiyeye Mütcellik Sene 1317.

Table 5. Theft by Employing Violence Without Injuring Someone
(*Muamele-i Şedide İcrasıyla Bila-Cerh Hırsızlık*)

Numbers of Convicted People in 1317/ 1901

<u>Occupation</u>	<u>Number</u>
Unemployeed	3
Artisans	6
Money-changers	0
Doctors, Teachers and Members of other Science Communities	0
Merchant Servants and other Servants	3
Officials	0
Sailors	4
Peasants	2
Workers (Amele)	6
<u>Rentiers (Eshab-ı Akar)</u>	<u>0</u>

Source: İstatistik Devai-i Cezaiyeye Mütcellik Sene 1317.

Table 6. Theft by Overcoming Wall by Bearing Weapon and Employing Violence
(*Gece Müsellah Duvardan Aşarak ve Cebr ve Şiddet Göstererek Hırsızlık*)

Numbers of Convicted People in 1317/ 1901

<u>Occupation</u>	<u>Number</u>
Unemployed	0
Artisans	3
Money-changers	0
Doctors, Teachers and Members of other Science Communities	0
Merchant Servants and other Servants	0
Officials	0
Sailors	0
Peasants	0
Workers (Amele)	0
<u>Rentiers (Eshab-ı Akar)</u>	<u>0</u>

Source: İstatistik Devai-i Cezaiyeye Mütcellik: 1317.

Table 7. Total

Numbers of Convicted People in 1317/1901

<u>Occupation</u>	<u>Numbers</u>
Artisans	20
Workers (Amele)	15
Unemployed	11
Merchant Servants and other Servants	10
Peasants	7
Sailors	6
Money-changers	0
Doctors, Teachers and Members of other Science Communities	0
Officials	0
Rentiers (Eshab-ı Akar)	0
<u>Total</u>	<u>69</u>

Source: İstatistik Devai-i Cezaiyeye Mûteallik: 1317.

Even if we assume that all unemployed were professional members of *kumpanya/şirket*, we notice that artisans and workers committed these types of thefts more than unemployed people. This implies that it is not meaningful to attribute even serious and difficult thefts/crimes which required organization and planning to professional criminal groups/*kumpanyas*, which were assumed to be different from the honest laboring class of İstanbul. Also, this shows that if *kumpanyas* really existed, they were not professional organizations which were formed from full-time professionals as they were perceived by the newspapers, but networks formed by lower-class members.

Another important point that should be emphasized is that even all these thefts were committed by professional *kumpanyas*, the numbers of these thefts were very small when compared to the numbers of opportunist/petty thefts.

Opportunist/Petty Theft

In this part of the thesis, it is argued that opportunist/petty thefts were some of the most frequent forms of crimes against property in late nineteenth century

İstanbul.⁷⁰ Therefore, it is important to see the details of opportunist/petty theft in order to get clues about the overall property crimes in the era under discussion and to develop a theoretical discussion. But before engaging the details of the opportunist/petty theft issue, the definition of opportunist theft should be mentioned. Nearly all elements defining opportunist theft can be found in the following news:

Stern Ekspres reported that a Greek woman who was staying in Sakızağacı went shopping with her girl servant (*besleme*) last night and left the key with her neighbor. When she came back, she saw that the door was open. When she entered the house, she noticed that some valuable goods whose total worth was more than eighty liras had been stolen.⁷¹

Based on this typical opportunist theft, opportunist/petty thefts can be defined as the types of thefts which do not require any special training/knowledge, organization, well-organized plans, or even a weapon in contrast to the “professionalized” and “organized” sectors of property crime. The distinctive feature of opportunist/petty theft is its low risk. All the other factors such as the thief, victim of the theft, the stolen good, and the place of the theft depends on the risk factor embedded in the concrete conditions at the moment of theft.

The definition of opportunist/petty theft implies that anyone can commit opportunist theft and as can be seen from the statistics mentioned below, lower-class individuals did not abstain from participating in many opportunist theft attempts.

⁷⁰ It was also valid for nineteenth century English society, as Clive Emsley emphasizes: “The statistics and the court record suggest that the overwhelming majority of thefts reported and prosecuted were opportunist and petty.” Emsley, *Crime and Society in England*, p. 171. Also see Carolyn A. Conley, *The Unwritten Law: Criminal Justice in Victorian Kent* (New York : Oxford University Press, 1991), pp. 136-173.

⁷¹ *Tarık*, 22 March 1885. It can also be seen in *Tarih ve Toplum*. See Ayşe Şen (ed.), “Osmanlı Basınında Yüzyıl Önce Bu Ay,” *Tarih ve Toplum* 2, no. 15 (1985). “Evvvelsi akşam Sakızağacı civarında sakin bir Rum kadını beslemesiyle birlikte çarşıya çıkıp hanesinin anahtarını komşusuna tevdi etmiş ve avdetinde hanesinin kapısını açık bulup içeri girdikte seksen liralıktan müteceviz zıkrımet eşyasının sirkat olunmuş olduğunu ve bu eşyadan maada mefruşat ve saireye ilişilmediğini görmüş olduğunu (Stern Ekspres) yazıyor.”

Table 8. Opportunist Theft (*Cünha* and *Kabahat* Type)

Occupation	Numbers
Artisans	304
Unemployed	229
Workers (<i>Amele</i>)	219
Peasants	182
Sailors	49
Doctors, Teachers and Members of other Science Communities	33
Merchant Servants and other Servants	16
Rentiers (<i>Eshab-ı Akar</i>)	16
Officials	6
Money-changers	1
Total	1,055

Source: İstatistik Devai-i Cezaiyeye Mütteallik: 1317.

When the opportunist/petty thefts in late nineteenth century İstanbul are looked at, it is possible to classify these thefts under three titles: intra-class thefts, inter-class thefts, and thefts from public spaces such as mosques.

It is seen from the statistics that opportunist/petty thefts were mostly committed by lower-class individuals. However, the interesting side of opportunist petty theft is not this obvious fact, but that considerable amounts of opportunist/petty thefts were intra-class phenomena. In many of these thefts, the victims and the thieves were known to each other. They were friends, neighbours or co-workers. Many news articles about this kind of theft can be found in the newspapers of the period which report intra-class opportunist thefts, as in the three news mentioned below. *Sabah* reported that

On the previous day, Atinalı Kirkor, who was living in a house in Mercan Yokuşu, reported to police sergeant Ohannes Efendi that his twenty liras had been stolen from his room. When an investigation was immediately started, it was understood that the thief was one of Kirkor's room friends, Eğinli Mıgırdıç, and he was arrested.⁷²

⁷² *Sabah*, no. 806, 22 November 1891. "Evvelki gece Mercan yokuşunda bir hanede ikamet eden Atinalı Kirkor odasından yirmi adet lira sirkat olunduğunu polis çavuşlarından Ohannes Efendi'ye bildirmekle derhal tahkikata ibtidar olunarak sarik merkum Kirkor'un oda arkadaşlarından Eğinli Mıgırdıç olduğu tahakkuk etmiş ve hemen derdestle bab-ı zaptiyeye irsal gelinmiştir."

İkdam reported a similar case,

The purse bearer of the porters (*hamallar kisedarı*) working in the Customs House, Mehmet's and his friend İsmail's 4,000 piasters were stolen by breaking into their chests from their rooms in Demirkapı Daye Mahalle Nöbethane Çeşmesi where the porters stayed. After they reported the theft to the police, it was understood that the thief was worker Hasan from Çankırı (Kengiri), who was staying in the same room. He was arrested and the stolen money was returned.⁷³

In another case *İkdam* reported,

Artilleryman lieutenants Hıfzı Efendi's neighbor's child Salih stole Hıfzı Efendi's six mecredi and a watch when he spent the night in Hıfzı Efendi's house as a guest. Salih had begun to be searched.⁷⁴

It is seen that there was no special planning before these thefts, but that the thieves utilized from their personal relationship and the trust of the victims which provided the suitable opportunity and decreased the risk of theft. Although the data do not inform us about the criteria which determined the choosing of the victim, it seems that it was just the low risk of committing these thefts.

Another aspect of opportunist/petty theft is inter-class theft. Inter-class thefts are usually identified with class-struggle and social resistance. This identification emerges as in the following mechanism and assumptions: the essential unity of working-class/subalterns is assumed and therefore the elements of class-struggle are

⁷³ *İkdam*, no. 1054, 25 June 1897. "Demirkapı Daye mahallesinde Nöbethane çeşmesinde hamallara mahsus odalarda beytutet eden emtia-i ecnebiye gümrüğü hamallar kisedarı Mehmet ile refiki İsmail'in 4000 kūsür kuruşu sandıkları kırılarak sirkat olunmuş ve zabıtaya bi-l-müracaa icra olunan tahkikat neticesinde mütecasirin mezkur odada sakin Kengirili aşçı Hasan olduğu tayin etmiş ve ikrar-ı cürüm eylemiş olduğundan zaptiye kapısına gönderilmiştir. Paralar kemalen elde edilmiştir."

⁷⁴ *İkdam*, no. 903, 20 January 1896. It can also be seen in *Toplumsal Tarih*. See Ayşe Şen (ed.), "Osmanlı Basınında Yüzyıl Önce Bu Ay," *Toplumsal Tarih* 5, no. 25 (1996). "Cihangir'de Somuncuoğlu Sokağında sakin topçu mülazımlarından Hıfzı Efendi'nin hanesinde misafireten bir gece kalmış olan komşularından Salih nam çocuk mumaileyhin odasından altı Mecidiyesiyle bir saatini sirkat etmekle merkumun taharrisine ibtidar olunmuştur."

sought in the domain of the relation of different classes.⁷⁵ The logical condition of such a reductionist approach in crime theory is ignoring the intra-class thefts and therefore limiting the focus on inter-class thefts by attributing social resistance to these thefts in an exaggerated manner.⁷⁶

The following three cases are the typical examples of the reports of inter-class theft that can be found in the newspapers of the period. In October 1901, *Sabah* reported that,

Shepherd Feyzi from Yanya was keeping 183 sheep of Mevlid and Osman, who were butchers on Bab-ı Ali road and the butcher Mehmet Efendi at Alacahamam at the Keleşoyu dairy farm in Kağıthane. He was taking the demanded number of sheep to the butchers when they were needed. Yesterday, the butchers again sent a message to Feyzi, however, they were not answered. When they investigated, it was understood that Feyzi had sold the sheep one by one five to six days earlier and put up a lead ram (*kösemen*) donkey for sale by auction in Atpazarı the day before and run away with the money. The police had begun to look for him after the owners of the sheeps had asked them to.⁷⁷

Tarik reported in September 1886 that,

⁷⁵ For a critique of essential unity of class thesis, see Geoff Eley, “Edward Thompson, Social History and Political Culture: The Making of a Working-Class Public, 1780-1850,” in *E. P. Thompson, Critical Perspectives*, eds. Harvey Kaye and Keith McClelland (Philadelphia: Temple University Press: 1990), pp. 12-49. For a critique of essential unity of class thesis through the analysis of intra-class petty thefts in Rural Russia, see Frank, pp. 117-122.

⁷⁶ Frederic Cooper criticizes the binary of domination/resistance and emphasizes that “The concept of resistance can be expanded so broadly that it denies any other kind of life to the people doing the resisting” Frederic Cooper, “Conflict and Connection: Rethinking Colonial African History,” in *History after the Three Worlds: Post-Eurocentric Historiographies*, eds. Arif Dirlik, Vinay Bahl and Peter Gran (England: Rowman & Littlefield Publishers, 2000), p. 168. He offers the analysis of “complexity of engagement.”

⁷⁷ *Sabah*, no. 4283, 9 October 1901. “*Bab-ı Ali caddesinde kasap Mevlid ve Osman ve Alacahamam’da kasap Mehmet Efendi’lerin malı olan 183 koyunu Kağıthane’de vaki Keleşoyu mandirasında hıfz etmekte olan Yanyalı çoban Feyzi nam-ı diğer Maksud kendisine teslim edilen koyunlardan talep edildikçe zebh edilmek üzere mal sahiplerine üçer beşer götürür imiş. Dün kasaplar tekrar koyun celp etmek üzere kendisine haber göndermişler ise de cevap alamayınca tahkikat icrasına girişmişlerdir. Meğer çoban beş altı gün akdem koyunları perakende suretiyle satıp nihayet kalan kösemen merkebi de dün Atpazarı’nda mezada verdikten, paraları aldıktan sonra gaib olmuştur. Mal sahipleri tarafından zabıtaya müracaat edilmiş olmasıyla merkum çoban taharri edilmektedir.*”

Nazım, who was working as a servant in watermelon seller Iranian Haşim Ağa's shop-front (*sergi*) in Sirkeci quay, stole ten Ottoman liras and a half English lira from the bundle in a wrapper (*bohça*) in the shop-front in last Thursday and then ran away. However, he was seen in Galata yesterday and arrested.⁷⁸

In a similar case in July 1904, *İkdam* reported that,

Midillili Yani was working as a cook in shop number twenty-five in the Bodrum Han of Çarşı-ı Kebir. He had saved money and hidden this money in the water large earthenware jar (*küp*) in the compartment which was behind the shop. When his apprentice Anastas from Karaman was taking water from the large earthenware jar, the metal drinking pot brought the handkerchief, too. When Anastas pulled and opened this heavy handkerchief, he saw twenty Ottoman liras, ten English liras and forty-five mecredi.....Then he took the money and immediately ran away.⁷⁹

Although resistance theories seem attractive in explaining intra-class thefts, these theories ignore the question of how the thieves perceived their acts. Did they think that they took their rights back? Did they think of their illegal practices as “theft”? We cannot find the answers to these questions in the above mentioned cases, however the following example shows the legitimacy of asking these questions.

In January 1897, goods were stolen from two shops in Kandilli Street on the same night. The money box in the water seller Hüsamettin Efendi's shop was opened and more than 600 piasters were stolen. Also, some silver and golden-made watches were stolen from the watch seller's shop. When the letter left on the Hüsamettin

⁷⁸ *Tarik*, 20 September 1886. It can also be seen in *Tarih ve Toplum*. See Ayşe Şen (ed.), “Osmanlı Basınında Yüzyıl Önce Bu Ay,” *Tarih ve Toplum* 3, no.33 (1986).“Sirkeci iskelesinde karpuzculuk eden İran devlet-i aliyyesi teb’asından Haşim ağanın sergisinde hizmetkar Nazım nam çocuk geçen Perşembe günü ağa-i merkumun mezkur sergide bulunan çamaşır bohçasından on adet lira-i Osmani ile yarım İngiliz lirası ahz ü sirkatle fırar etmiş ise de dün gece Galata cihetinde görülerek der-dest edilmiştir.”

⁷⁹ *İkdam*, no. 3609, 3 July 1904. It can also be seen in *Toplumsal Tarih*. See Emel Seyhan (ed.), “Osmanlı Basınında Yüzyıl Önce Bu Ay,” *Toplumsal Tarih* 20, no. 127 (2004). “Çarşı-i Kebir'in Bodrum Hanı'nın altındaki yirmibeş numaralı dükkanda aşçı Midillili Yani dışından turnağından artırdığı paraları dükkanın arka tarafındaki bölmenin arkasında bulunan su küpüne saklamış. Çırağı Karamanlı Anastas bu küpten su alırken, maşrapa olta gibi mendili yakalamış. Anastas bu ağır yükü çıkarıp içini açınca yirmi Osmanlı, on İngiliz, 45 Mecidiye'yi görüp... hemen o gün dükkandan kaçmış.”

Efendi's money box was read, it was understood that the thief was Hüsametti Efendi's apprentice:

Dear master, forgive my fault. Since I needed cash, I took the money in your drawer. I'm going to Bulgaria. Perhaps I will not see you again. Therefore, give up your right over me (*hakkını helal et*)!⁸⁰

This example shows that although the apprentice took the cash in the drawer due to his need, he didn't see this money as his right. This can be understood both from his defining of theft as "fault" and also from his demand from Hüseyin Efendi to give up his right over himself.

The inter-class thefts committed by domestic servants in this period are good examples to resist the short-cut identification of inter-class thefts with resistance since it is obvious that most of domestic servants' preferences of target did not result from the class instincts.⁸¹ Domestic servants usually stole the goods of their employers thanks to their knowledge and control in the house which provided a huge opportunity to commit these theft at a low risk. The following cases are typical examples of inter-class thefts committed by domestic servants.

Stolen Jewellery

Police sergeant Hakkı Efendi was informed that Maraşlı Mustafa, who was working in a residence (*konak*) came and said to jeweller Ohannes, "I have 200 liras worth of jewellery. Take me to a secret place and I will show you the jewellery," and said, when he

⁸⁰ *İkdam*, no. 902, 20 January 1897. "Ustacığım, kusurumu affet. Paraya ziyadece ihtiyacım olduğundan bu ihtiyacı def etmek üzere çekmecenizdeki paraları aldım. Ben Bulgaristan'a gidiyorum. Belki bir daha sizi göremem. Bu cihetle hakkınızı helal ediniz!"

⁸¹ Alan Duben and Cem Behar emphasize that, "in 1907, only eight percent of all houses employed registered domestic servants, and as can be easily guessed, these houses belonged to the people from the upper classes." Alan Duben and Cem Behar, *İstanbul haneleri: Evlilik, Aile ve Doğurganlık 1880-1940* (İstanbul: İletişim Yayınları, 1996), p. 63.

was answered one week later that a secret place could not be found, “Oh, find a place next week in any case.” Then, Hakkı Efendi warned Ohannes to report Maraşlı Mustafa when he came again. Mustafa came two days later, on last Saturday, and asked again whether there was a secret place. Then Ohannes called the police officer Hakkı Efendi and Mustafa was caught. When he was searched, only three keys were found. First, he rejected the accusation and then admitted in his interrogation in the Offices of the Minister of Police (*Bab-ı Zaptiye*) “I will say the truth. A brooch earring with a diamond stone was given by other domestic servants who were working in the same residence with me to sell. I buried it in the cemetery in Rumelihisarı. I was trying to sell it for a month and I was caught today.”⁸²

In August 1889, the domestic servant Ali Osman, who was from Safranbolu, stole some goods from Fatma Hanım’s house in Bulgurlu village. Ali Osman had worked as a domestic servant in Fatma Hanım’s house before and entered the house that day while Fatma Hanım was at a wedding feast.⁸³

In a similar case in August 1902, thieves entered rentier (*akaratçı*) Aleksiyadi’s house while Aleksiyadi and his wife had gone to Ada for a rest (*bera-i tebdil-i ab ü heva*) and stole some goods. Aleksiyadi and his wife told the police that “they suspected their domestic servant Tanaş, who was fired temporarily twenty days ago due to misconducts (*yolsuzluk*) and his friend, who was frequently visiting him.” Then, Tanaş was arrested in Yorgi’s shop in Beyoğlu Yenişehir. Although he

⁸² *Sabah*, no. 4317, 12 November 1901. “Konaklarda uşaklık eden Maraşlı Mustafa’nın bundan evvel kuyumcu Ohannes’e müracaatla “bende ikiyüz liralık mücevherat var. Bana bir gizli mahal tedarik et orada sana göstereyim” dedikten bir hafta sonra bir daha müracaatla gizli mahalın daha daha bulunamadığını haber alınca “Aman gelecek hafta be-heme-hal bul” diyerek yine gitmiş olduğu polis çavuşu Hakkı Efendi tarafından istihbar edilmesi üzerine merhum bir daha gelecek olursa zabıtaya haber verilmesini merhum Ohannes’e ihtar ettikten birkaç gün sonra yani geçen Cumartesi günü merhum tekrar gelip Ohannes’e gizli yer bulup bulmadığını sual edince Ohannes dükkanı civarında bulunan Hakkı Efendi’ye derhal işaret vermiş olmasıyla herif derdest edilip üzeri taharri edilmiş ise de üç anahtardan başka bir şey bulunamamış ve hin-i isticvabında bütün bütün inkarda bulunmuş idi. Ancak merhum bi-l-jurnal Bab-ı Zaptiye’ye gönderilip tekrar isticvabı icra gelindikte itiraf-ı cürüm ederek “Efendim, doğrusunu size söyleyeyim. Elmas taşlı broş bir küpe iğneyi bizim konaktan başka uşaklar çalıp satmak üzere bana verdiler. Ben de Rumeli Hisarı’nda kabristana defin ettim. Bir aydan beri satmak için uğraşıyordum. Bugün tutuldum.”

⁸³ *Ceride-i Mehakim*, no. 645, 12 Ramadan 1309, 9 April 1892, 28 March 1308.

rejected the accusation at first, when he was shown a handkerchief which had been found in the house, Tanaş admitted that it belonged to himself.⁸⁴

The third aspect of the opportunist thefts is the theft from public spaces. Especially mosques were ideal targets since there were valuable goods and these mosques were less protected than private places and houses. Therefore, mosques were frequently chosen as targets due to the low risk of the theft. The newspapers of the period were continuously reporting these thefts and criticizing the insufficient protection in the mosques which encouraged the thieves. *İkdam* reported in October 1901 that,

We reported recently that the beautiful tiles (*çini*) in Rüstempaşa Mosque had been pulled out and stolen and the thieves had been caught. We also reported that an attempt had been made to steal the tiles of Yeni Mosque and these damaged places were covered with black paste. Recently, we were informed that a man who was waiting for the time of namaz in Ayasofya Mosque saw that...some tiles had been pulled out. When the man asked about the situation to the caretaker of mosque (*kayyım*), he was so indifferent that he answered “Who knows? This is a big mosque...”

The caretakers of mosque (*kayyım*) and the servants’ duty was not only to fire the oil-lamp during *yatsı* and sometimes sweep up. They are obliged to protect all the wakf furnitures (*eşya-i mevcude-i vakfiye*), even a simple broom. Especially they must protect wonderful things and the examples of industrial products such as tiles (*çini*) and carpets.

They must always observe the behaviour of visitors. In previous days, there was a theft case again in Ayasofya. A valuable carpet was stolen; however the thief could not be caught.⁸⁵

⁸⁴ *Tercüman-ı Hakikat*, no. 7645-2445, 6 August 1902. It can also be seen in *Toplumsal Tarih*. See Emel Seyhan (ed.), “Osmanlı Basınında Yüzyıl Önce Bu Ay,” *Toplumsal Tarih* 18, no.104 (2002).

⁸⁵ *İkdam*, no. 2630, 18 October 1901. It can also be seen in *Toplumsal Tarih*. See Emel Seyhan (ed.), “Osmanlı Basınında Yüzyıl Önce Bu Ay,” *Toplumsal Tarih* 16, no. 94 (2001). “*Daha geçenlerde Tahtakale’de vaki Rüstem Paşa Cami-i şerifinin dış cephesindeki o güzelim çimiler sökülüp aşırılırken mütecasirinin memurin-i zabita tarafından derdest olunduğunu ve Yeni Cami-i şerif çinilerinin de bazı zayıata uğradığını ve sökülen mahallerin üzerlerinin siyah boya macunıyla kapatıldığını yazmış idik. Ahiren aldığımız bir varakada Ayasofya Cami-i şerifinde vakt-ı salavatın hululüne muntazır olan bir zat etrafı temaşa ederken... çinilerden birkaçının söküldüğünü nazar-ı hayret ve teessüfle görüp keyfiyeti kandilciden sorarsa da “kim bilir ne olmuş, koca cami bu...” cevab-ı lakaydanesini almıştır. Kayyımların, hademenin vazifesi yalnız yatsı namazında bir iki kandil yakmak ve ara sıra şuraya buraya süpürge sallamaktan ibaret değildir. Bunlar cevami-i şerifenin en adi bir süpürgesine varıncaya kadar eşya-i mevcude-i vakfiyesini ve bilhassa her biri timsal-i bedayi ve enmuzec-i sanayi*

Also, *Sabah* warned mosque servants in October 1891 by reminding them of the old thefts when a preacher's prayer rug whose worth was between 20-50 liras was stolen in Beylerbeyi Mosque:

It is claimed that such petty thefts from mosques are being committed nowadays. It is argued that these thefts occur since most of the mosque servants neglect their duties due to their interest in other work and some other people try to fulfill mosque servants' duties.⁸⁶

In January 1885, a tile oil-lamp was stolen from Süleymaniye Mosque. The suspects were Osman, who was one of the caretakers of mosque (*kayyım*), student Ahmet Efendi, and coffee house owner Çerkes Mehmet. Ahmet stated in the court that,

Çerkes Mehmet told me that, "There is a tile oil-lamp in front of the *mihrap**. Take it for me and I will pay you five liras." I answered that I could not do such a thing. He came back the next day. We went to Osman together and told the circumstance. He accepted the offer and we went to the mosque in Friday morning. They stole the tile from its place and Mehmet took the tile. They warned me not to tell this theft to anybody.⁸⁷

çini, halı gibi tezyinat ve mefruşatı muhafazaya daha ziyade şamildir. Cevami-i şerife hademesi züvvarın hareketını daima nazar-ı tetkikten dur tutmamaya mecbur olmalıdır."

⁸⁶ *Sabah*, no. 774, 21 October 1891. "Bir vakitten beri cami-i şerif-i mezkurdan daha bu gibi ufak tefek bir takım mesrukatin eksik olmadığı ve bu da eshab cihet ve vezaiften olan hademedden ekserisinin diğer kar ve kesble iştigale meyil ve inhimaklarından naşı mükellef oldukları hizmetlerin şunun bunun tarafından ifa edile gelmesinden ileri geldiği de başkaca rivayet olunur."

* niche of a mosque indicating the direction of Mecca Moon star.

⁸⁷ *Ceride-i Mehakim*, no. 289, 21 Jumada 1 1302, 7 March 1885, 23 February 1301; *Ceride-i Mehakim*, no. 290, 28 Jumada 1 1302, 14 March 1885, 2 March 1301; *Ceride-i Mehakim*, no. 292, 26 Jumada 2 1302, 11 April 1885, 30 March 1301. "Çerkes Mehmet bana "Süleymaniye Cami'nde mihrap önünde çini bir kandil vardır. Onu bana alıver beş lira veririm" dedi. Ben de öyle şey elimden gelmeyeceğini söyledim. Ertesi gün yine Mehmet geldi. Kendisiyle birlikte Osman'a gidip keyfiyeti hikaye ettik. Merhum dahi muvafakat etmekle Cuma günü sabahleyin erkenden camiye gidip nerd-ban ile kandili asılı olduğu mahalden indirdiler. Kandili Mehmet alıp gitti bana da kimseye söylememekliğimi tenbih ettiler."

The cases of thefts from mosques underlined the fact that risk factor was the most important variable in opportunist/petty thefts by showing that even the holy places of Muslims had become the targets of Muslim thieves when the risk of the theft from mosques was low.

It can be concluded that opportunist/petty thefts were the most frequently occurring property crimes in late nineteenth century İstanbul. However, it is impossible to explain these opportunist thefts with reference to macro narratives such as “social resistance,” “class-struggle,” and “criminal class.” Rather, the common point shared by all opportunist/petty thefts was that these thefts didn’t require any special planning, organization and skills and therefore thousands of lower-class individuals could commit these thefts to get an additional income in their everyday life when an opportunity emerged and the risk of theft was low.

Arson

The main motives of intentional fire-setting in the late nineteenth century and early twentieth century Ottoman Empire were taking vengeance and exploiting insurance opportunities.⁸⁸ This part of the thesis examines the relationship between arson and exploiting insurance opportunities to question the short cut linking of the poor and property crimes by arguing that exploiting insurance opportunities by fire-setting to insured buildings was a widespread form of property crime employed by propertied individuals in late nineteenth century İstanbul and by emphasizing that the

⁸⁸ *Polis Mecmuası*, no. 46, 2 Sha’ban 1333, 14 June 1915, 1 June 1331.

amount of the money they tried to get by arson was far greater than the money the poor got from opportunist thefts.⁸⁹

When we look at the cases of arson in late nineteenth century İstanbul, it is impossible to talk about them without establishing the relationship between arson and exploiting insurance opportunities since many of the buildings that were set on fire were burned by their owners in order to collect money from insurance companies.⁹⁰ Although detailed knowledge of the motivation behind the cases mentioned below is unavailable, it can be argued that artisans and rentiers being the

⁸⁹ This limitation in the focus results from the requirements of the organization of the thesis. It does not mean that the lower-class individuals did not have a role in arson cases. As Polis Mecmuası writes, “The main reason which leads to intentional fire setting is the revenge desire. An employee or a servant who has been expelled from a shop or a house sets fire to his master’s or employer’s house or shop intentionally to take vengeance.” *Polis Mecmuası*, no. 46. This meaning of arson, a response to social conflict, was not unique to Ottoman İstanbul. Stephan Frank emphasizes a similar point for rural Russia in the nineteenth century and claims that “disputes with landowners, merchants, and employers could nevertheless be found at the root of many rural arsons before and after emancipation.” Frank, p. 135. This was normal since arson was an effective method of punishment when nearly all buildings were made of timber in the nineteenth century. The examples mentioned below will concretize the explanation.

In June 1890 in Halcılar, Fatma Hatun attempted to set fire to Hüseyin Hami and Selami Bey’s mansion (*konak*). Hami Bey claimed that since they had expelled Fatma Hatun from the *konak* over a theft issue, Fatma Hatun nourished a grudge against them and had attempted to burn down the mansion. When the accusation was directed at Fatma Hatun, she initially rejected the accusation, but later accepted the claim and confessed. She stated that she had decided to burn down the building since Hami and Selami Beys had inflicted pain on her. Fatma Hatun was condemned to the galleys for three years. See *Ceride-i Mehakim*, no. 587, 20 Rajab 1308, 28 February 1891, 16 February 1307; *Ceride-i Mehakim*, no. 588, 27 Rajab 1308, 7 March 1891, 23 February 1307. In October 1901, a fire occurred in Feriköy Tatavla Street in an insured house rented by Greek citizen Kaloyiris. The fire was extinguished by the efforts of Beyoğlu firemen and *tulumbacı*s, however the house burned. Based on *Sabah*’s report; the house had been insured by the Onyan Insurance Company for 800 Ottoman liras and the owner of the house demanded that the official agents expel Kaloyiris from the house. Kaloyiris was to be expelled from the house by the bailiffs the following day. *Sabah* emphasized that the arson was believed to have been organized by Kaloyiris due to hostility against the owner of the house. See *Sabah*, no. 4281, 7 October 1901. In a similar case of arson in August 1887, a fire broke out in Uncular Street in Üsküdar. The fire had been set by Ali, one of the inhabitants of the same street. Witnesses reported that Ali had gone near Atiye Hanım’s house that night. Then, he tried to set fire by pouring kerosene on the wooden shingles of the house. Atiye Hanım explained the reason for this crime was a dispute about land between Ali and herself. Ali was condemned to the galleys for three years at the end of the trial. See *Ceride-i Mehakim*, no. 420, 11 Rabi 1 1305, 26 November 1887, 14 November 1303 and *Ceride-i Mehakim*, no. 421, 18 Rabi 1 1305, 3 December 1887, 21 November 1303.

⁹⁰ Osman Nuri Ergin emphasizes that although there is no definite information about the formation dates of insurance companies, it is possible that they entered the field after the development of relations with Western countries. He claimed that non-Muslims and landowners (*ashab-ı emlak*) employed insurance before Muslims since Muslims tended to believe that insurance meant opposition to fate (*kaza ve kader*); however several cases of arson and disasters in İstanbul led Muslims to approve of insurance. See Osman Nuri Ergin, *Mecelle-i Umur-ı Belediye: 5* (İstanbul: İstanbul Büyükşehir Belediyesi Kültür İşleri Daire Başkanlığı Yayınları, 1995), pp. 2977-2978.

most frequent fire setting groups supports the thesis on the relation between arson and insurance.

Table 9. Arson

Numbers of Convicted People in 1317/ 1901

Occupation	Numbers
Unemployed	0
Artisans	5
Money-changers	0
Doctors, Teachers and Members of Other Science Communities	0
Merchants	0
Merchant Servants and Other Servants	1
Officials	0
Sailors	0
Peasants	3
Workers (<i>Amele</i>)	0
<u>Rentiers (<i>Eshab-ı Akar</i>)</u>	<u>4</u>

Source: İstatistik Devai-i Cezaiyeye Mütcellik: 1317.

We can find many examples of arson (*harik*) committed by the owners of buildings in the newspapers of the period. Much similar news can be found in the newspapers of the period which reported the arsons committed by the owners of the building, as in the following typical news.

On the night of 30 December 1901, a fire occurred in the insured house of the watch seller Mihail in Cibali Street and it spread to the other buildings on the Street, the majority of which were also insured. The police decided that this was a case of arson and began to look for the perpetrators.⁹¹

In another case, in Beyoğlu Mankasar Street, a fire broke out among the shingles (*kaplama*) of a wooden house. After the police came and investigated the fire, it was understood that there was petroleum on the shingles and kerosene-filled pots were

⁹¹ *İkdam*, no. 2704, 31 December 1901. It can also be seen in *Toplumsal Tarih*. See Emel Seyhan (ed.), "Osmanlı Basımında Yüzyıl Önce Bu Ay," *Toplumsal Tarih* 16, no.96 (2001).

found. Therefore, the owner of the house was arrested. *Sabah* announced that the house had been insured by the Balkan Company for 100 liras.⁹²

Sabah reported that Harelobos, who had insured his alcoholic beverage shop near Galata Yeni Cami Şerif for an excess value (*kıymet-i fahiş*) and escaped to Greece after he set fire to it, had been caught in İstanbul.⁹³

The following two cases are similar to the ones mentioned above. However, it should be noticed that the amount of money the arsonists tried to get by these arsons was far higher than the money the poor got from opportunist thefts. While 5, 10, 20 liras were subject to opportunist/petty thefts committed by lower-class individuals, hundreds of liras were the subject to the arsons committed by propertied individuals.

In November 1901 in Galata Haraç Mustafa Paşa Street, a fire broke out in Dimitri's building. As a result of the police investigation, it was concluded that it had not been an accident. The police noticed that there was oil on the floor boards of the hall and room and that grass had been scattered on these boards. This led the police to investigate whether the building was insured or not and it was understood that Dimitri's mother's share had been insured for 350 liras for two years. Harikliyan's share had been insured by the Ottoman Company for 240 liras for two years. The furniture of tavern keeper Marko in the basement of the building had been insured by the Bulgarian Company for 200 liras for four years. *Sabah* also implied that Marko had been the organizer of this arson by claiming that while Marko's furniture had been insured for 200 liras, its real worth was only twenty liras.⁹⁴

In August 1904, a fire occurred in Greece citizen Triyandafil's insured macaroni and grocery shop and led to the burning of the tobacco seller's shop and Virjini Baloz. The goods in the grocery store were **insured** for 500 liras, the goods in

⁹² *Sabah*, no. 4271, 27 September 1901.

⁹³ *Sabah*, no. 792, 8 November 1891.

⁹⁴ *Sabah*, no. 4310, 5 November 1901.

tobacco sellers' shop were **insured** for forty-five liras, and the goods in watch seller Arşak's shop were **insured** for sixty-five liras.⁹⁵

In addition to these personal attempts, more professional organizations also operated to exploit insurance opportunities. The following example shows the role of insurance companies in the formation of arson organizations and with which mechanisms an arson organization worked and what kind of links it had.

In 1905, the prostitute Katina secretly declared that she would denounce an important criminal practice. Then, she was taken to the public prosecutor (*müdde-i umumi*) Cemal Bey's mansion where she announced the following:

I have been the kept mistress of the insurance broker Artin for four years. However, he left me two months ago for another girl. This man is an arson organizer, a bad (*şerir*) man. I have decided to denounce him to take vengeance. While I was his mistress, he formed a gang with his 15-20 friends (*ayakdaş*) and led to 35 small and large-scale cases of arsons in different districts of İstanbul. He plans with his agents in insurance companies and insures, for example, a house with a worth of 1,000 liras to 5,000 liras. Then, his gang members set fire to it and they take money from insurance company and the owner of burned building, the agents in the insurance company and the gang members share this money.⁹⁶

Katina denounced a chemist, pharmacist, insurance company employees, police, street watchman (*mahalle bekçisi*), and firemen (*tulumbacı*), in total twenty people's names, who were the members of this gang. Also, on the recommendation of Katina,

⁹⁵ *İkdam*, no. 3647, 10 August 1904. It can also be seen in *Toplumsal Tarih*. See Emel Seyhan (ed.), "Osmanlı Basınında Yüzyıl Önce Bu Ay," *Toplumsal Tarih* 20, no. 128 (2004).

⁹⁶ Koçu, "Artin (Sigorta Sımsarı)," in *İstanbul Ansiklopedisi*. "Dört seneden beri Sigorta sımsarı Artin'in kapatması olarak yaşıyorum; dostum iki ay evvel başka bir kızla sevişerek beni terk etti; bu adam yangın kundakçısı bir şerirdir, ben de ondan intikam almak için ihbara karar verdim; daha beraber yaşadığımız zamanlarda on beş yirmi kadar ayakdaşı ile bir yangın kundakçısı çetesi kurdu; İstanbul'un muhtelif semtlerinde büyük ve küçük otuz beş yangın çıkardılar. Bazı sigorta şirketlerindeki adamlarıyla evvelden uyuşuyor, bin lira değeri olan bir evi beşbin liraya sigorta ettiriyor, sonra, çetesinin haydutları ile o evi kundaklatıp yakıyor, şirketten parayı çekip mülk sahibi, şirketteki ortakları ve çetesinin kundakçıları ile paylaşıyorlar" Reşat Ekrem Koçu referred to Tahsin Pasha's memoirs. Tahsin Pasha emphasized that 2. Abdulhamit gave Katina money as a gift and sent her out of İstanbul when Katina demanded her security. See Tahsin Paşa, *Sultan Abdülhamid : Tahsin Paşa'nın Yıldız Hatıraları* (İstanbul: Boğaziçi Yayınları, 1996), pp. 186-187.

it was decided to catch the fire setters in the act. Fifteen days later, Katina reported that a fire would be set in Beyoğlu. Then, the police and fire brigades took all of the necessary measures and laid an ambush. All of the things happened as Katina described and the owner of building and four arsonists were caught in the act.

It can be concluded that although property crimes were generally linked to the poor, arson in the late nineteenth century İstanbul reminds that many propertied individuals burned their insured buildings to exploit insurance opportunities by getting hundreds of liras from insurance companies.

Conclusion

This chapter focused property crimes to test the hypothesis that property crimes were committed by rational and organized professional criminals in the late nineteenth century İstanbul.

Professionalization of the criminal activity thesis was partly valid in safe-deposit thefts and counterfeiting, which required criminal knowledge and skills. However, even in these types of criminal activity, there was no monopoly by professionals.

Organized thefts and *kumpanyas* were another aspects of criminal practices in the late nineteenth century İstanbul. Theft *kumpanyas* were imagined by newspapers as professional organizations which were formed from full-time thieves. However, whatever newspapers thought, they were formed from working poor. Also, total numbers of these thefts were very small when compared to the numbers of opportunist thefts.

Opportunist theft was the most frequent form of crimes against property committed by the lower-class individuals in the late nineteenth century İstanbul. These thefts did not require any special training and knowledge. The distinctive

feature of opportunist theft was its low risk and all the other factors of crime such as the victim of the theft and the stolen good depended on risk factor. The friends, neighbours, employers of the thieves and even the mosques were ideal targets due to the low risk of the theft. Therefore, it seems impossible to attribute social resistance to these thefts.

Property crimes were usually discussed through the practices of poor. In fact, this is another way of criminalizing poor. However, the analysis of arsons in the late nineteenth century İstanbul reminds that many propertied individuals burned their insured buildings to exploit insurance opportunities by getting hundreds of liras from insurance companies.

The above-mentioned facts showed that property crimes in the late nineteenth century İstanbul cannot be attributed to a full-time criminal class different from the honest laboring class. The following chapter will problematize criminal class thesis through the analysis of violent crimes in the same period.

CHAPTER III

VIOLENT CRIMES

This chapter examines the link between the concept of honor and practices of violence among the members of İstanbul's lower-classes in the context of late nineteenth century İstanbul through a close analysis of violent practices one by one. Here, it is argued that the violent practices of İstanbul's lower-classes can be understood when the elites' claim that these people are essentially aggressive and immoderate, is put aside and these practices are linked to honor, as "the right to be respected and recognized as a member of group of equals,"⁹⁷ which was the crucial element of lower-class consciousness.

This chapter begins with a description of the elite discourse which attributed violent crimes to an essentially aggressive and degenerate social group. The rest of the chapter can be considered as an answer to this essentialist discourse. The analysis of the social rationality of violent crimes follows the elite discourse. Here, the moral economy of lower-class, honor and the sensitiveness of lower-class individuals to protect their honor against the insults that they faced in their everyday social relations, will be discussed. Then, formal dimension of lower-class violent practices will be examined. Within the framework of the unity of form and content, the motives, sides, subject, weapons, and the rituals of violent practices will be analysed closely to present the mentalities of these "aggressive people." The place of violent practices in the culture of lower-class individuals will be discussed through the ballads after the analysis of formal dimension of violent crimes. However, while criticizing elite discourse, lower-class consciousness will not be idealized by

⁹⁷ Piccato, p. 81.

showing the gendered character of lower-class consciousness, which distorted the desire for equality and respect embedded in the concept of honor.

The Elite Discourse

When how violent crimes and criminals were perceived by elites in late nineteenth century İstanbul are examined, it is seen that violent crimes were attributed to a social group called *kopuk/külhanbeyi/kabadayı*, who were assumed to live outside the bounds of respectable society. They were imagined as essentially aggressive and immoderate. One of the Ottoman bureaucrats, Sadri Sema, described *kopuks* as such:

You would believe that the world was under their feet. They (*kopuks*) were walking by showing off and cutting the places, roads, streets into parts by their eyes, eyebrows and even by their styles...They talk as if they would break the words into pieces and eat them. The tone of their voices was unusually harsh. Their walking style was unique and barbaric⁹⁸

Also, he did not avoid insulting them: “Vagrancy (*kopukluk*) was a bog and the *kopuks* were the rabid dogs which lived in this bog.”⁹⁹ However, Sadri Sema’s essentialist descriptions were no exception. Ahmet Mithat Efendi linked the aggressiveness of *kopuks* to their blood:

Janissaries and *kalyoncus* (sailors) were now replaced by *tulumbacı*s, porters, Greek boatmen and pickpockets...However; it is the same blood circulating in both the Janissaries, *kalyoncus* and

⁹⁸ Sadri Sema, *Eski İstanbul Hatıraları* (İstanbul: Kitapevi, 2002), p. 113. “Öyle sanılırdı ki dünyayı ayaklarının altına almışlar. Bir caka, bir fiyaka, bir çapraşık tavır geçip giderlerdi ve geçtikleri yerleri, yolları, caddeleri gözleriyle, kaşlarıyla, hatta biçimleriyle kesip biçerlerdi...Kelimeleri yiyecek gibi, parçalayacak gibi dişlerini sıkarak konuşurlar. Seslerine kitapta ve hitapta yeri yurdu olmayan haşin bir eda verirlerdi. Yürüyüşleri ayrı ve barbar bir hikayedir.”

⁹⁹ *Ibid.*, p. 113. “Kopukluk başlı başına bir bataklık ve kopuklar bu bataklık içinde yatar, kalkar, dolaşır birer kuduz köpekti.”

tulumbacı, *boatmen* which leads men to commit bloody murders.¹⁰⁰

Also Ali Rıza Bey, the Minister of *Balıkthane** described *kopuks* as such:

They don't come to an agreement easily. There are even ones among them who don't give up their obstinacy and keep their grudge and hostility towards their enemies although they faced many troubles throughout their lives. They abuse and insult employing a rude terminology. Sometimes a wild glitter emerges in their eyes and a convulsion in their faces and they want to attack by gnashing their teeth.¹⁰¹

Mehmet Tevfik joined these essentialist descriptions, claiming that “when he faces a petty insult, he perceives it as a serious attack as if he faced a deadly attack and quickly acts.”¹⁰² These essentialist descriptions went so far that these criminals were strictly classified. One of the close observers of İstanbul streets, journalist Ahmet Rasim classified these violent criminals as *küçük beyler*, *palavracılar*, *fiyakacılar*, *mahalle kabadayıları*, *dil kabadayıları*, *yumruk kabadayıları*, *bıçakçılar*, *kalleşler*, *hacamatçılar*, *kıyakçılar*, *yedibelalar*, *çamurlar*, *dayak hastaları*, *kopuklar*, *babayiğitler*.¹⁰³

¹⁰⁰ Ahmet Mithat Efendi, “Galata ve İstanbul Tipleri,” in *Bu Şehr-i İstanbul ki*, ed. Şemsettin Kutlu (İstanbul: Milliyet Yayınları, 1972), p. 159. “Bir zamanın yeniçerileri, kalyoncuları yerine şimdi tulumbacıları, sırık hamalları, Rum sandalcılar ve sokak yankesicileri gibi döküntüler görülmektedir...Gerek Yeniçeri ve Kalyoncuların, gerekse tulumbacı ve sandalcıların damarlarında akıp dönen kan-hani ya- şöyle gazapla ve ateşle kaynamaya başladığı zaman insanı kanlı cinayetlere yönelten o aynı kandır.”

* central establishment for the marketing and taxation of fish.

¹⁰¹ Ali Rıza Bey, *Eski Zamanlarda İstanbul Hayatı* (İstanbul: Kitapevi, 2001), p. 43. “Kolaylıkla uzlaşmazlar. İçlerinde öyleleri vardır ki bin türlü belaya uğradıkları halde kafalarının dikliğinden mütenebbih olmazlar, hasımlarına karşı buğuz ve adavetleri kin ve garazları sükun bulmaz. Kaba kaba tabirat ve istilahat ile şetim ve tahkirde bulunurlar. Vakit olur ki gözlerinde vahşiyane bir pırlıltı, çehrelerinde müthiş bir ihtilaç peyda olur, dişlerini gıcırdatarak hücum etmek isterler.”

¹⁰² Mehmet Tevfik, *İstanbul'da Bir Sene* (İstanbul: İletişim Yayınları, 1991), p. 176. “Burası böyle iken kendisine **ufak** bir söz söylense **guya canına kast olunmuş** gibi gayr-ı mütehammil ve bi-karar olur.”

¹⁰³ Ahmet Rasim, *Muharrir Bu Ya* (Ankara: Milli Eğitim Basımevi, 1969), pp. 305-325, 345-351, 368-373.

In addition to legitimizing the social and moral policing of the poor, these essentialist discourses mystified the social context and motives of the violent practices by attributing them to an imagined degenerate group and reducing violent practices to meaningless acts. According to these elites, violent practices did not have any social meaning beyond the existence style of a group. However, this thesis opposes these claims by approving the perspective of Anton Blok:

Rather than defining violence a priori as senseless and irrational, we should consider it as a changing form of interaction and communication, as a historically developed cultural form of meaningful action...Widely different forms of violence routinely labelled as “senseless” or irrational” are governed by rules, prescriptions, etiquette and protocol. Ritualization characterizes any number of violent operations.¹⁰⁴

I argue that such an approach to violent crimes prevents the criminalization of lower-class individuals and allows the social analysis of violent crimes.

Social Rationality of Violent Crimes

Before engaging in a discussion of the social rationality of violent crimes, a simple fact must be mentioned: most of the violent practices in the late nineteenth century İstanbul were employed by members of the lower-classes, as will be seen in Tables 10 and 11.

¹⁰⁴ Anton Blok, *Honor and Violence* (Cambridge: Polity Press, 2001), pp. 104-105.

Table 10. Assault and Injury (*Cünha and Kabahat Type*)

Numbers of Convicted People for 1317/ 1901

<u>Occupation</u>	<u>Numbers</u>
Unemployed	1110
Artisans	1807
Money-changers	16
Doctors, Teachers and Members of other Science Communities	56
Merchants	40
Merchant Servants and other Servants	40
Officials	281
Sailors	167
Peasants	931
Workers (Amele)	664
Rentiers (Eshab-ı Akar)	380
<u>Total</u>	<u>5492</u>

Source: İstatistik Devai-i Cezaiyeye Müteallik: 1317.

Table 11. Murder

Numbers of Convicted People for 1317/1901

<u>Occupation</u>	<u>Numbers</u>
Unemployed	16
Artisans	18
Money-changers	0
Doctors, Teachers and Members of other Science Communities	1
Merchants	0
Merchant Servants and other Servants	12
Officials	5
Sailors	0
Peasants	79
Workers (Amele)	9
Rentiers (Eshab-ı Akar)	1
<u>Total</u>	<u>141</u>

Source: İstatistik Devai-i Cezaiyeye Müteallik: 1317.

The other side of this simple fact is the relative absence of elites in violent crimes. How can this simple fact be explained? I think that the answer of this question will provide important clues for the social analysis of violent crimes and Steven Spitzer's emphasis on the depersonalization process may help us:

As capitalism has become the dominant mode of production in the world economy, it has progressively eliminated quantitative, human and individual attributes from the productive system. This process of *depersonalization* has not only transformed the relationship of the working class to the means of production, the

product of their , and each other; it has also come to regovern the mechanisms through which more and more social behaviour is regulated, coordinated and managed. The traditional social institutions which depended on “personal” forms of domination, i.e. the family, church, community, patrimonial authority, etc., have given way in favour of “rational-legal” forms.¹⁰⁵

Based on the above interpretation, it can be concluded that the Ottoman elites were able to reproduce themselves and usually solved their social and economic problems within the depersonalized legal and institutional framework without any need to employ violence while face-to-face solidarity relations kept their importance for lower-class individuals in their everyday survival struggles and therefore they frequently had to resort violence to protect their personal reputation.

The details of the link between face-to-face personal relationships and violent crimes will be discussed below through the violent practices that resulted from the conflicts in the moral economy of the lower-class and later through the violent crimes committed to defend their personal reputations against insults.

The Moral Economy of the Lower-Classes, Honor and Violence

It was argued above that face-to-face solidarity relations had a vital importance in the everyday survival struggles of İstanbul’s lower-class individuals. Without aiming to describe the complex and multiple mechanisms of solidarity relations, Cem Behar’s description of Arapkirlis* integration mechanism can be offered as a classic

¹⁰⁵ Steven Spitzer, “The Rationalization of Crime Control in Capitalist Society,” in *Social Control and the State: Historical and Comparative Essays*, eds. Andrew Scull and Stanley Cohen (Oxford: Martin Robertson, 1983), p. 313.

* Cem Behar calls the all migrants coming from Arapkir and its surroundings, in east-central Anatolia to Kasap İlyas Mahallesi as Arapkirlis for reasons of practicality

example of the solidarity relations of İstanbul's lower class individuals in the late nineteenth century,¹⁰⁶

The Arapkirlis of our neighborhood had arrived in İstanbul thanks to the help of network of primary relationships that provided them with a place to live (mostly in and around the İspanakçı Viranesi) and a job (for the largest number, the ambulant vending of fresh fruits and vegetables). What they lacked were official travel documents, and therefore the certificate of official residence in İstanbul, signed by the local headman of a *mahalle*. But this was really no problem. For there always seems to have been in the *mahalle* a fellow citizen from Arapkir ready to act as a legal sponsor/guarantor and a *muhtar* complacent enough to accept this sponsorship and to produce the necessary residence certificate. Basically the Arapkir-based regional network of support that provided both housing and work to newcomers was at work to secure official papers as well.¹⁰⁷

As can also be seen in this description, lower-class individuals in İstanbul had to link to a community to satisfy their basic needs and to survive. This organization of the lower-class economy can be defined as a type of moral economy, which means “the cluster of relations of exchange between social groups, and between persons, in which the welfare and the merit of both parties to the exchange takes precedence over other considerations such as the profit of the one or the other.”¹⁰⁸

İstanbul lower-class members had to be included in a network to survive; however, the individual was expected to be reliable, resourceful, loyal and honest since the solidarity practice of the individual with the community was a reciprocal relationship. In return, the individual asserted “the right to be respected and recognized as a member of a group of equals.” This right can be called honor, which

¹⁰⁶ For an emphasis on integration mechanisms and solidarity relations of lower-class individuals in the early nineteenth century İstanbul, see Cengiz Kırılı, “A Profile of the -Force in Early Nineteenth-Century İstanbul,” *International and Working-Class History*, no. 60 (Fall 2001).

¹⁰⁷ Cem Behar, *A Neighborhood in Ottoman İstanbul: Fruit Vendors and Civil Servants in the Kasap İlyas Mahalle* (Albany: State University of New York Press, 2003), p. 125.

¹⁰⁸ Paul R. Greenough, “Indian Famines and Peasant Victims: The Case of Bengal in 1943-1944,” *Modern Asian Studies* 14, no. 2 (1980), p. 207. For a review of more elastic uses of moral economy concept, see E. P. Thompson, “The Moral Economy Reviewed,” in *Customs in Common* (New York: The New Press, 1993), pp. 185-258.

can be defined by its negation of hierarchy and exclusion. This right also means the right of entry into the moral economy of community. The two cases below shows how the individuals were excluded from the moral economy of the community when they lost their honor.

In November 1885 in Aksaray, Sheikh Hüseyin Hüsni was threatened with a revolver with death by dervish Ahmet in the Ođlanlar dervish lodge (*tekke*) since he had rejected Ahmet's demand to stay in the lodge. Ahmet was 25 years old and had come from Manastır. He had come to the dervish lodge two or three days before the event and demanded that Hüseyin Hüsni Efendi allow him to stay there. However, Hüseyin Hüsni Efendi had rejected Ahmet's demand since Ahmet had molested Ethem, the child of a refugee (*muhacir*) who was staying in the dervish lodge. Also, he had been expelled from other dervish lodges due to his misconduct (*sui hal ve hareket*).¹⁰⁹

One of the best known firemen (*tulumbacı*) of İstanbul between 1885-1890, boatman Hopalı Çakır Mustafa, had to leave İstanbul after having been expelled from his *tulumba sandığı* and his boat licence (*kayık gediđi*) was revoked after he was caught with women (*baskın vermek*).¹¹⁰

We saw in both cases the close relationship between honor and survival for two lower-class members. But how can we link violence practice to this relationship? What was the relationship of violence between moral economy and its actor, the honorable man? I think that this question can be answered by suggesting that,

In lower-class neighborhoods, where life was marked by job instability and deprivation, one had to rely on the support of the

¹⁰⁹ *Ceride-i Mehakim*, no. 334, 25 Rabi 2 1303, 30 January 1886, 18 December 1301.

¹¹⁰ Reşat Ekrem Koçu, *Yangın var! İstanbul Tulumbacıları : Teşkilâtları, Kıyafetleri, Yaşayışları, En Seçkin Sîmâlarının portreleri, Türlü Türlü Cilveli Hayat Hikâyeleri ve Edebiyatı ile ve İstanbul Yangınları, İstanbul İtfâiyesi* (İstanbul: Ana Yayınevi, 1981), p. 311.

same co-workers who were the audience for confrontations. Violence created a sense of equality by showing that everyone deserved respect and was ready to defend it; shame (the rejection by that audience) was to be avoided at all costs.¹¹¹

When we look from such a perspective at the violent practices that resulted from the conflicts in the moral economy of the lower-class, we notice that tensions about lending and borrowing money lay behind many of the violent cases. Borrowing money was a fact of the lower-class life and these people often borrowed cash from their friends, co-locals and co-workers who formed the everyday urban community of these individuals. However, these solidarity practices easily led to serious tensions if the reciprocal responsibility was not fulfilled since *what the sides of any transaction exchanged was not only money, but also mutual respect and confidence.*¹¹² Thus, if the reciprocal expectations were not fulfilled (not paid back) by one of these sides, the expecting side faced not only financial cost, but more and initially, disrespect to himself. Therefore, his response was targeted initially to answer the insult rather than to take money back. The argument can be understood better with the examples described below.

A murder occurred in February 1903 at the Galata Taş Quay. The porter (*hamal*) Mahmut killed porter Şerif, who was working in a metal shop (*dökmeci dükkanı*) at the end of a dispute about a debt issue. Mahmut was a twenty-six year old porter who was staying in a coffee house. He had come from Van's district Adilcevaz to find a job as many people from his region had.¹¹³ On that day, Mahmut had seen Şerif in

¹¹¹ Piccato, p. 81.

¹¹² For an emphasis on the role of solidarity relations in social control in Ottoman cities, see Cengiz Kırılı, "Kahvehaneler ve Hafiyeler: 19. yüzyıl ortalarında Osmanlı'da Sosyal Kontrol," *Toplum ve Bilim*, no. 83 (Fall 1999), p. 69.

¹¹³ "It was customary for the poorer classes of Van, Muş and Erzurum to migrate to Constantinople in search of winter work...Most porters in the capital, however, had been Armenians from the Lake Van Area who for "ages past" went to İstanbul as porters. Until the events of 1895-96, Armenians almost exclusively handled the goods transport and the temporary inside the customs house. Armenians were forced out of their jobs in the mid-1890s...Thereafter, Kurds dominated both the rank-and-file and the

the Mustafa's coffee house and demanded the fifty-five piasters, which he had lent him earlier. However, Şerif claimed that he had no debt to Mahmut and rejected Mahmut's demand. This answer was interpreted by Mahmut as an invitation to fight. They insulted and accused each other of lacking a sense of shame and began to fight in the coffee house. Mahmut had a knife and used it while Şerif's friend was trying to prevent Mahmut by holding back him. Then, Mahmut managed to set outside the coffee house after he had injured Şerif and shouted at Şerif, "You, son of a bitch, come here and prove your bravery!" (*Anasını bilmem ne ettiğimin herifi çık dışarıya da babayiğitliğin belli olsun*) by showing his knife to the people around. After a short period, Şerif died due to his injury and Mahmut was condemned to the galleys for fifteen years.¹¹⁴

We understand from Mahmut's words "...come here and prove your bravery (*babayiğitlik*)" that Mahmut saw Şerif's the rejection of paying back his debt as a challenge and disrespect to himself, which must be quickly riposted.

A similar murder occurred in February 1903. On that day, porter Ali killed porter Ahmet in the courtyard (*avlu*) of the Hidayet mosque after a dispute which began in a coffee house frequented by porters working at the Dersaadet Customs House (*emtia-i ecnebiye gümrüğü*). Ali and Ahmet were brothers and had come to İstanbul from Muş, as had many people from Muş. They were staying in a han together and, according to Ali, there had been no tension between them before the fight. On that day, Ali had been sitting in the coffee house and talking with his friends. While they were talking, Ahmet had come into the coffee house after he had performed the *namaz*. He had gone up to his brother near and demanded he pay the money back

leadership positions among İstanbul porters." Donald Quataert, *Social Disintegration and Popular Resistance, 1881-1908* (New York: New York University Press, 1983), p. 97- 98.

¹¹⁴*Ceride-i Mehakim-i Adliye*, no.198, 20 Jumada 2 1321, 12 September 1903, 30 August 1319; *Ceride-i Mehakim-i Adliye*, no. 199, 24 Jumada 2 1321, 16 September 1903, 3 September 1319; *Ceride-i Mehakim-i Adliye*, no. 200 27 Jumada 2 1321, 19 September 1903, 6 September 1319.

which he had lent him earlier, to pay the price of a drinking glass he had bought from the customs house (*emtia-i ecnebiye gümrüğü*). However, Ahmet's demand in front of all of the people in the coffee house had angered Ali ("*bir takım halk muvacehesinde para talep etmesiyle sui muamelesi gücüne gittiğinden*") and they had begun to quarrel. Then, Ali had invited Ahmet to go to the courtyard of mosque, saying "let's go, I will give you what you deserve" (*Gel buraya, hakkını vereyim*). They went to the courtyard and began to argue there one-on-one and insulted each other. Then, Ali stabbed his brother with a knife and ran away. Payment was completed. Later, Ahmet died and Ali was arrested. He was condemned to the galleys for fifteen years.¹¹⁵

It can be said that Ali did not attack Ahmet since Ahmet had demanded his money back. Rather, Ali thought that Ahmet had used this demand as an opportunity to humiliate himself by demanding the debt among the other co-local porters. He interpreted this as a form of insult (*bir takım halk muvacehesinde para talep etmesiyle sui muamelesi gücüne gittiğinden*). Therefore, he had completed the payment (*hak*) in terms of demand.

In November 1889 in Tavşancıl, a Kurdish man, Abdullah was killed by the grocer Serafim due to a dispute over another debt issue. On the day of the murder, Abdullah was very drunk when he arrived at the coffee house. The Armenians in the coffee house were drinking and singing. Abdullah sat down on a chair and demanded a water-pipe (*nargile*) and wine. At that moment, Serafim saw Abdullah and shouted: "Dog!..You owe me sixty piasters and you still want to drink wine and smoke a water-pipe. Pay your debt to me and drink wine and smoke your water-pipe later" (*Köpek! Sen nargile şarap içeceğine bana 60 kuruş borcun var onu ver, sonra*

¹¹⁵*Ceride-i Mehakim-i Adliye*, no. 246, 17 Dhu l-Hijja 1321, 5 March 1904, 21 February 1319; *Ceride-i Mehakim-i Adliye*, no. 247, 21 Dhu l-Hijja 1321, 9 March 1904, 25 February 1319.

iç). This insult made Abdullah angry. He quickly stood up cursing (*seb ve şetm ile kalkıp*) and slapped Serafim. Then, Serafim angrily invited Abdullah the outside “Here is not a field of contest (*Burası er meydanı değildir*), let’s go outside.” They went out and after they insulted each other, they began to fight there. At the end of the fight, Abdullah was killed by Serafim. Serafim was condemned to the galleys for fifteen years.¹¹⁶

Serafim seemed to see his attack as the natural response of an insulted honorable man and thought that Abdullah deserved to be punished for his ignorance of his debt and insult. This can be understood by Serafim’s response when he saw that Abdullah died at the end of the fight. He said, “Oh My God! Abdullah, you have brought ruin to me and my children!” (*Eyvah Abdullah, sen çoluk çocuğumla yaktın!*) Serafim preferred accusing Abdullah rather than himself as being responsible for the tragic consequence.

We saw in these violent practices that one of the sides of this solidarity relation indirectly insulted the other side by rejecting his obligation and exploiting the other side’s confidence, in the coffee houses which were the most important male public spaces in Ottoman society. And the insulted side tried to restore his attacked honor by fighting against the insulted side one-on-one in an isolated place. This ritualistic side will also be discussed in detail in the formal analysis of these violent crimes.

A similar solidarity practice which sometimes gave rise to violent confrontations was the lower-class individuals’ purchase of their needs on credit. In one of these cases, in December 1887 in Kumkapı Tülbentçi Street, Agop, keeper of a coffee house, injured grocer (*bakkal*) Black Meyhal in the hand. On the event day, Ali came with his friend Mustafa to the grocer shop and demanded ten piaster’s worth of

¹¹⁶*Ceride-i Mehakim*, no. 609, 26 Dhu l-Hijja 1308, 1 August 1891, 20 July 1307; *Ceride-i Mehakim*, no. 610, 3 Muharram 1309, 8 August 1891, 27 July 1307.

cheese. However, Meyhal refused to give the cheese before Agop paid for it. This was obviously to define Agop in front of his friend Mustafa's eyes as an unreliable and untrustworthy man who might avoid the payment of his debt. Agop quickly answered Meyhal's rejection/insult by jumping over the counter and injuring him with his dagger (*kama*). He escaped but was caught later and condemned to the galleys for three years.¹¹⁷

A similar case occurred in July 1890 in Yedi Kale Kazlı Çeşme. Tanner Serkez killed coffee house keeper Hristo. Serkez had had a forty para coffee debt to Hristo and when Hristo had demanded Serkez pay this money when Serkez was sitting in the coffee house one day, Serkez had become angry, broke the glasses on the table and insulted Hristo. Then, Hristo had brought a suit against Serkez due to this attack. Serkez had thought that he had been insulted by Hristo for only forty para in front of the people in the coffee house. On the event day, Serkez had gone to Hristo and tried to convince him to drop the suit, however, Hristo had insisted on continuing the suit. Serkez decided to kill him and went to the tannery (*tabakhane*) and got his knife. When Hristo's personal statement was being taken in the coffee house for the suit, Serkez attacked him. When Hristo ran away, Serkez followed him until Hristo fell due to his wound. Hristo died and Serkez was condemned to the galleys for fifteen years.¹¹⁸

It can be concluded easily that there were many similar cases which were solved by fists without arriving to the courts. However, as described above, in all these disputes which were resulted from debt issues, the attacker side's motivation was not to recover the money or to avoid paying debt but his sensitivity to protect his self-worth/honor against verbal and/or physical insults.

¹¹⁷ *Ceride-i Mehakim*, no. 426, 22 Rabi 2 1305, 7 January 1888, 26 December 1303.

¹¹⁸ *Ceride-i Mehakim*, no. 583, 19 Jumada 2 1308, 30 January 1891, 18 January 1306; *Ceride-i Mehakim*, no. 584, 27 Jumada 2 1308, 7 February 1891, 26 January 1306.

Lending and borrowing between friends, co-locals and co-workers without any profit motive was an important element of the moral economy of lower-class individuals. However, it was not the only form of solidarity practices. The organization of work, division of labour and co-workers' exchanges in the working process were more than technical issues which included both solidarity and power relations, which are described below.

In 1904, the shepherd Ali injured his co-worker Ergeneli İlyas with his revolver in Said Bey's small dairy in Maltepe. They both worked at the dairy and stayed there. On the day of the injury, İlyas told other shepherds that he would not go to the mountain with the sheep since he had some work to do. However, when İlyas came back after he had finished his work, he saw that Ali had not take the sheep. İlyas got angry since he had expected that Ali would take the sheep to the mountain instead of himself. Ali grew angry. Their friends prevented the dispute; however, Ali attacked and injured İlyas with a revolver while İlyas and the other shepherds were sleeping.¹¹⁹

It can be said that this attack did not result from a simple dispute over the division of labour. It seems that what Ali made so angry that he attacked his co-worker was his feeling that İlyas had behaved as an opportunist to avoid his responsibility and tried to load it on his shoulders. It seems that this sense of being exploited by İlyas had made Ali attack İlyas.

A similar case occurred in May 1903 in Ortaköy. The master Ömer was killed by worker (*rençber*) Arab Ahmet while they were working together in a building. All the workers in the building were from Şirvan and staying in the same han. On the event day, master Ömer called Arab Ahmet to give him stones, however, Arab

¹¹⁹ *Ceride-i Mehakim-i Adliye*, no. 348, 27 Dhu l- Hijja 1322, 4 March 1905, 19 February 1320; *Ceride-i Mehakim-i Adliye*, no. 349, 1 Muharram 1323, 8 March 1905, 23 February 1320.

Ahmet rejected Ömer's call by claiming that without the approval of the foreman, workers were not permitted to change their tasks. This answer made Ömer angry and he physically forced Arab Ahmet to change his task and obey his order. However, Arab Ahmet resisted and they began to insult each other. At the end of the dispute, Ömer was injured by Arab Ahmet and later died in hospital. Arab Ahmet was condemned to the galleys for fifteen years.¹²⁰

Cem Behar writes that, "under the conditions of urban life, solidarity relations with kin or with co-locals may well have been transformed into relations of power."¹²¹ The example given above was one of the unequal power relations and tensions in the networks formed as co-local based organizations. However, what is more interesting is that the relationship between master and worker was not a pure *economic* relationship. This can be understood when the worker refused to obey his rule, the master preferred to employ physical violence rather than dismissing Arab Ahmet by using his superiority in the working hierarchy. Perhaps, this can be linked to the master's possible expectation that Arab Ahmet should behave as an indebted person since he was welcomed by co-locals and had been given a job in İstanbul.

In a similar case in 1890, *bargirci** Halil killed other *bargirci* Kasım on Beşiktaş Tramway Street. On that day, while they were looking for customers together, the two men began to argue. The issue was that Kasım had sold a horse to Halil but later wanted to buy it back; however Halil had sold this horse to another person. Also, according to Halil, Kasım was speaking ill of this horse. Therefore, he asked Kasım "Why do you always claim that tradesmen's goods are bad? (*esnafın malını sen niçin daima kötülüyorsun?*) Halil grew angry at Kasım's claim and attacked him, saying

¹²⁰ *Ceride-i Mehakim-i Adliye*, no. 342, 3 Dhu l- Hijja 1322, 8 February 1905, 26 January 1320; *Ceride-i Mehakim-i Adliye*, no. 343, 6 Dhu l- Hijja 1322, 11 February 1905, 29 January 1320.

¹²¹ Behar, *A Neighborhood in Ottoman İstanbul*, p. 128.

* A man who hires out horses.

“Whose goods did I claim were bad?” (*Ben kimin malını kötiledim?*). At the end of the fight, Halil killed Kasım and was condemned to the galleys for five years.¹²²

It can be argued that Halil perceived it as a very serious insult to be accused of speaking ill of the goods of co-workers since this meant a serious attack on these people’s means of survival. Halil’s quick and violent response shows to what extent he was sensitive to such an implication.

We have so far focused on the intra-class dimensions of moral economy, honor and violence. It was argued that lower-class people developed solidarity practices to survive; however, sometimes one of the sides of these solidarity practices tried to turn these solidarity relations into power relations and this attempt was answered by the response of an “honorable” man who tried to protect his respectability in the community and equality in the relation. The other side of the lower-class violent practices was its inter-class dimension. These lower-class honorable men also defended their right to survive and satisfy basic needs against the rules of private property and the orders of employers. The following cases are typical examples of inter-class clashes that can be found in the court records and in newspapers of the period.

In June 1890, Şakir Çavuş and his son Ahmet were attacked and Ahmet died due to the fight at the end of a dispute resulting from a cutting firewood issue in the Çiftealan village of Çekmece. There had been a tension between Şakir Çavuş and the coal dealer Muharrem Pehlivan since Şakir Çavuş had accused Muharrem Pehlivan of cutting firewood from his grove. On the event day, while Şakir Çavuş was talking with Seyit Ağa, he had seen Muharrem Pehlivan’s son Ahmet with an ax and this led Şakir Çavuş to think that Ahmet was going to go cut firewood. He prevented Ahmet

¹²² *Ceride-i Mehakim*, no. 609, 26 Dhu l- Hijja 1308, 1 August 1891, 20 July 1307; *Ceride-i Mehakim*, no. 610, 3 Muharram 1309, 8 August 1891, 27 July 1307.

and warned him not to cut firewood from his grove and Ahmet went to his house to inform his father and brother. Then, Muharrem Pehlivan and his son İřar came and began to argue with řakir řavuř, which ended with řakir řavuř's injury and his son's death. Muharrem Pehlivan and İřar were condemned to the galleys for fifteen years.¹²³

Employee-employer relationships led to many inter-class clashes when the conflicts between sides turned into a matter of honor. In June 1890, unemployed Zahariye killed the butcher's son Nikoli, set fire the shop in Galata řiřehane street and stole Nikoli's money. Zahariye had been employed as a butcher's apprentice and stayed in the shop, but he had lost his job when the butcher's son Nikoli had come to İstanbul to work in his place. However, Zahariye was still staying in the job since the owner of shop, Yani, allowed him. Zahariye and Nikoli were staying together in the room above the shop whereas Yani was staying in the house due to his sickness. On that night, Zahariye came to Yani's house and told him that the shop was on fire. When they went to shop together, Yani went upstairs near Nikoli. At that moment, Zahariye escaped from the shop. Yani saw that Nikoli was dead from wounds. The butcher Yani linked Zahariye's attack to Zahariye's response to losing his job. Yani emphasized that he had heard from people that Zahariye had been telling people around "if I lose my job, look what I will do" (*dükkandan çıkar isem bak ne yapacağım*). Zahariye was condemned to capital punishment.¹²⁴

A similar case occurred in September 1892. The Regie factory's chief of servants (*hademe reisi*), Bedrosaki Seferyadi Efendi, was injured on the Haliç steamship by an unemployed man. The man had been fired from the Regie factory and had not been hired back although he had asked again and again. Even he had talked over the

¹²³ *Ceride-i Mehakim*, no. 573, 9 Rabi 2 1308, 22 November 1890, 10 November 1306.

¹²⁴ *Ceride-i Mehakim*, no. 585, 5 Rajab 1308, 14 February 1891, 2 February 1306; *Ceride-i Mehakim*, no. 586, 12 Rajab 1308, 21 February 1891, 9 February 1306.

issue with Bedrosaki Eferyadi Efendi on the day of the attack, however he had again been rejected. He had tried to talk this issue over with Bedrosaki Seferyadi Efendi on the steamship, but the dialogue had turned into a dispute which ended with the injury of Bedrosaki Seferyadi Efendi with a dagger and the attacker was quickly arrested.¹²⁵

In another case, Kurdish workers attacked their boss, Italian Joseph in Üsküdar. One of these Kurdish workers, Behzat, was killed by Joseph with a revolver in the fight. Joseph was a contractor (*mültezim*) and responsible for the repair of the Haydarpaşa railway. Therefore, he was employing 140 Kurd soldier (*nefer*) workers (*amele*). When these workers demanded daily pay (*yevmiye*), Joseph answered that he had given their total wages to the corporal (*onbaşı*) and claimed that he has no debt to the workers. However, the answer did not satisfy the workers and they frequently reminded the Joseph about their unpaid wages. There was great tension before the murder. On the event day, some of these Kurdish workers again demanded their wages. The dialogue turned into a dispute with Joseph's rejection of their demands and then the workers attacked him. Joseph fled but the workers followed him. Joseph turned back and fired three or four times with his revolver when he understood that he would be caught. Behzah was shot and Joseph was condemned to the galleys for fifteen years.¹²⁶

In these described violent practices resulting from employee-employer relationships, it is seen that conflicts between the sides were personified and easily turned into a matter of honor. I think this was related to the employees' self-perception that they didn't see themselves as one of the sides of an exchange relationship and did not internalize the -market logic. Therefore, as can be seen in the

¹²⁵ *Tarik*, 6 September 1892. It can also be seen in *Tarih ve Toplum*. See Ayşe Şen (ed.), "Osmanlı Basınında Yüzyıl Önce Bu Ay," *Tarih ve Toplum*, no. 105 (1992).

¹²⁶ *Ceride-i Mehakim*, no. 337, 17 Jumada 1 1303, 20 February 1886, 8 February 1301; *Ceride-i Mehakim*, no. 338, 24 Jumada 1 1303, 26 February 1886, 14 February 1301.

fired butcher apprentice Zahariye and Regie factory worker cases, the employees were unable to accept to being dismissed. However, this self-perception cannot be explained in terms of an inegalitarian culture;¹²⁷ rather, the issue should be located in the moral economy of lower-class people. It seems that when these people were fired from their jobs or could not receive their wages, they tended to perceive this as a serious attack on their ability to survive since they did not have many options or ways to survive. As the food rioters saw it “unnatural that any man should profit from the necessities of the people,”¹²⁸ these workers saw it as immoral to be excluded from the means of survival.

Whether these violence practices occurred among lower-class individuals or between lower-class individuals and upper class individuals, it can be argued that violence was employed by lower-class individuals as a response of equal and respectable/honorable men at the production moments of hierarchy and exclusion, which means the denial of equality, respectability and at the same time, the right to survive.

Honorable Man, Insult and Violence

While it was discussed above how the honor of lower-class individuals was humiliated through attacks on their moral economy and how they defended their honor by employing violence, this part focuses more on direct forms of insults and defences.

¹²⁷ In his study on the Bengal working class, Chakrabarty notices the same tendency and problematizes why the -capital conflict took such a personified form while the European working-class responses took more unpersonified forms. He links this to the Bengal workers’ inegalitarian culture by contrasting this culture with an abstract European working class culture. See Dipesh Chakrabarty, *Rethinking Working-Class History: Bengal 1890-1940* (Princeton: Princeton University Press, 1989), pp. 155-185.

¹²⁸ E. P. Thompson, “The Moral Economy of the Crowd,” in *Customs in Common*, p. 253.

The sensitivity to protect honor against insults either with fists, knives, daggers or with bringing these insults to court can be noticed from the statistics.

Table 12. Most Frequently Committed Crimes

Numbers of Convicted People in 1313/1897.

Crime	Number	Percentage
Assault and Injury	1824	44.5 %
<i>Insult</i>	743	18 %
Theft	513	12.5 %
Others	1028	25 %
Total	4108	100 %

Source: Devlet-i Aliyye-i Osmaniyye'nin 1313 Senesine Mahsus İstatistik-i Umumisi.

This sensitivity can be understood better especially when we take into account that many of the insult cases possibly did not reach the records of courts and that many of these insults ended with assault and injury, which were the most frequent crime types recorded by the courts.

When verbal insults, slights or symbolically charged physical gestures, like a slap in the face in especially a male public space emerged, there was no turning back. The most frequent way of insult was to curse the other side, which was the most clear and direct declaration of disrespect to the other side. It was a direct invitation to the insulted side to riposte. The following violent practices were typical.

In September 1888, one of the members of the Industry Naval Regiment (*Sanayi Bahriye Alayı*), Hüseyinabadlı Ahmet was killed by Mustafa Paşalı Ahmet who was employed in a workshop sewing clothes (*Dikimhane*). The fight resulted from a cursing issue. On that day, while Ahmet from Mustafapaşa was putting some soap on the shelf, he saw a shoemaker's knife (*kunduracı bıçağı*) there and asked the people nearby whose it was. When it was understood that it belonged to Hüseyinabadlı Ahmet, Mustafapaşalı Ahmet said, "Why did you put it here? It may fall on

someone's head. Take it and put it in your mother's pussy" (*Bunu buraya niçin koydun? Birisinin başına düşer. Al da bunu ananın falanına koy.*) Then, Hüseyinabadlı Ahmet answered in the same manner and they began to fight. Although the other soldiers in the room (*koğuş*) attempted to prevent the fight, Mustafapaşalı Ahmet used the shoemaker's knife and wounded Hüseyinabadlı Ahmet. Hüseyinabadlı Ahmet died and Mustafapaşalı Ahmet was condemned to the galleys for fifteen years.¹²⁹

A similar case occurred in the prison of the Offices of the Minister of Police (*Bab-ı Zaptiye Tevkifhanesi*). Prisoner Şükrü killed other prisoner, caulker İsmail. Şükrü attacked İsmail with a jackknife (*çakı*) due to an altercation that had happened fifteen days before. Şükrü had been managing the coffee service. However, another prisoner Ömer had prevented Şükrü and begun to manage the coffee service instead of Şükrü. The prison guard, Mehmet Efendi, had seen the tension and stopped the coffee service in prison. After all this happened, while İsmail was cooking coffee for himself one day, Şükrü saw him and said, "Nobody will brew coffee after this. If anyone brews, I will fuck his mother" (*Bir daha burada kahve pişmeyecek. Pişiren olursa anasını falan ederim*). Then, İsmail answered by opening his shirt, saying, "Here it is, attack but don't curse." (*vuracak isen böyle pis lakırdı söyleme. İşte burada, vur.*). Şükrü did not answer and left the room (*koğuş*). However, Şükrü decided to answer İsmail's challenge and to act on the day of the event. He followed İsmail when İsmail left the room (*koğuş*) and attacked him with a jackknife. İsmail died and Şükrü was condemned to the galleys for fifteen years.¹³⁰

In another case in September 1880 in Galata, the thirty year old Laz Dimitri from Trabzon killed the *şabb-ı emred* (beardless youth) Yani. Like many people who had

¹²⁹ *Ceride-i Mehakim*, no. 480, 17 Jumada 1 1306, 19 January 1889, 7 January 1304.

¹³⁰ *Ceride-i Mehakim*, no. 352, 3 Ramadan 1303, 5 June 1886, 24 May 1302; *Ceride-i Mehakim*, no. 353, 10 Ramadan 1303, 12 June 1886, 31 May 1302.

come from his region, Laz Dimitri was a boatman at the Yağkapanı Quay in Galata. He was also a fireman (*tulumbacı*) at the Hendek Brigade (*Hendek Sandığı*). The victim Yani was a young apprentice of the fisherman İspiro. On the day of the crime, Laz Dimitri had decided to go on a tour with Yani with a boat after they had drunk in the Galata taverns. When they came to the Yağkapanı Quay to tour (*deniz sefası yapmak*), Yani said to Laz Dimitri, “dog!” Laz Dimitri got angry and asked Yani “To whom did you say it?” Yani answered, “you.” The boatmen who witnessed this dialogue laughed at Laz Dimitri’s situation. Laz Dimitri felt ashamed and attacked Yani with a knife and killed him.¹³¹

In late nineteenth century İstanbul, speculative things, especially murders, were written about by some public poets (*meydan şairleri*) as balads (*destan*) and then they were sold. After Laz Dimitri killed Yani, his firemen (*tulumbacı*) friends came from Hendek *Sandığı* and demanded one of the best public poets, Vasif Hoca who managed many *tulumbacı* coffee houses for years and had written many ballads on murders to write a ballad about this murder. Whether the ballad written by Vasif Hoca reflects the true feelings of Laz Dimitri or not is less important than how a mentality was attributed to Laz Dimitri by a favourite public poet of *tulumbacı*s who shares the same culture,

Ben ki nakdi canımı vermek isterken sana
Revamıydı İspiro^{*} köpek diyesin bana

*Aşkınla zebun sanıp güldü birkaç hergele
Gök yıkıldı başıma sanki çöktü iskele.*¹³²

¹³¹ Koçu, *Yangın var! İstanbul Tulumbacıları*, p. 252.

* The poet mentions that he wrote İspiro instead of Yani by mistake.

¹³² Ibid., p. 253.



Figure 3.1 Laz Dimitri
(Reproduced from *Ceride-i Mehakim*, no. 263.)

Another form of insult was to shout out (*nara atmak*), as a manifestation of self-presentation and self-reputation in public places. This public self-presentation gave an opportunity to the people around to challenge this self-presentation and enabled the shouter to show his courage and readiness to answer any challenge. For example, a fight between *tulumbacı*s in Aksaray took place with a shouting out. On the event day, when Arab Salih, a member of the Aksaray *tulumbacı*, was walking in Galata with members of his brigade and other brigades, they saw a group of Kurdish *tulumbacı*s in front of the tavern of Manol. Then, Arab Salih shouted out (*nara atmak*) and Kurdish *tulumbacı*s collectively attacked them. Sadık, one of the Kurdish *tulumbacı*, killed Arab Salih in the fight with his dagger (*kama*) and was condemned to the galleys for fifteen years.¹³³

A similar case occurred in February 1894. Şerif, a compositor (*mürettib*) at the State Press (*Matbaa-i Osmaniyye*) and his friend Lütüfpaşalı Nazmi were injured by young Greek men in a tavern in Langa. On that night, while Şerif and Nazmi were drinking in the tavern, some young Greek men came into the tavern and one of them

¹³³ *Ceride-i Mehakim*, no. 363, 24 Muharram 1304, 23 October 1886, 11 October 1302.

shouted out. Then, Şerif replied (*mukabele etmek*) in the same manner and the fight began.¹³⁴

Insults could also take physical form. One of the most important forms was slapping. What slapping led was usually less injuring the other side than humiliating him since slapping symbolically targeted the manhood of the slapped side. We can follow how slapping worked from Refi' Cevad Ulunay's description of a fight between Emin and Hulusi, who competed in a bravado:

Emin went near Hulusi and slapped him hard.

Trouble has broken out again and Emin's friends took him outside the house.

Hulusi had faced the worst insult. His reputation had decreased to the level of a scapegoat (*şamar oğlanı*). He was crying like a child. One of his friends said,

-“Hey! Why do you cry?”

-Didn't you see how he insulted me?

-I saw... Save your reputation like a man rather than crying like a woman.

Others:

-Arab Hulusi, Arab Hulusi.... Is it this ? It would have been better if you died.¹³⁵

We can show many examples in which slapping played a provocative role. A murder in Fatih in March 1903 was one of them. While Sivaslı Hakkı, porter Mustafa and carpenter Ali Usta were playing backgammon, journeyman Hacı Emin came and began to watch the game. However, he continuously intervened in the game. Porter Mustafa got angry and warned him not to intervene in the game, but

¹³⁴ *Tarik*, 8 February 1894. It can also be seen in *Tarih ve Toplum*. See Ayşe Şen (ed.), “Osmanlı Basınında Yüzyıl Önce Bu Ay,” *Tarih ve Toplum*, no. 122 (1994).

¹³⁵ Refi'i Cevad Ulunay, *Eski İstanbul Kabadayıları: Sayılı Fırtınalar* (İstanbul: Arba Yayınları, 1994), p. 306. “Emin duramıyordu. Olduğu yerden kalktı, Hulusi'ye yaklaştı, soluna alarak müthiş bir tokat patlattı./Ortalık yeniden karıştı. Arkadaşları Emin'i zorla denilecek bir ısrarla odadan ve evden çıkardılar./ Hulusi dünyanın en ağır hakaretine mazur kalmıştı. Dostunun yanında haysiyeti, şerefi şamar oğlanı menzilesine inmişti. Çocuk gibi ağlıyordu. Arkadaşlarından biri:/Ne ağlıyorsun be? Dedi./ Nasıl ağlamayayım. Bana ettiği hakareti görmedin mi?/Gördüm. Ne olacak? Karı gibi ağlayacağına erkek gibi namusunu temizle.”

Hacı Emin refused to stop. Mustafa got angry at Hacı Emin's attitude and indifference to his warning and left the game by slapping Hacı Emin. Hacı Emin quickly answered Mustafa's slap by stabbing him with his knife. Mustafa died and Hacı Emin was condemned to the galleys for fifteen years.¹³⁶

A similar event took place in Yani's tavern in Şile in February 1903. On the day of the crime, while tile maker Yuan was drinking raki in the tavern, Anastas and his friends arrived. They drank raki and then left the tavern. After they left the tavern, Yuan cursed Anastas and his friends. However, the manufacturer's son, Apostol, criticized him since Yuan did not say these directly to them and preferred talking later. This warning resulted in a debate between Yuan and Apostol and Apostol slapped Yuan. Then, Yuan left the tavern by threatening him, "Are you the the rough fellow (*kabadayı*) of the village? You will see what I do" and after a half hour later he came and shot Apostol.¹³⁷

Since lower-class people were very sensitive about protecting their honor, even some gestures, jokes or behaviour were sometimes perceived as insults to their honor. In an event in 1904, a fight emerged between workers due to such a joke at the Paşabahçe bottle factory. One of the workers tied a piece of paper to his friend's back and then set fire to the paper. This joke angered the worker and he slapped the joker, which led to a fight between them.¹³⁸

In a similar case in Karagümrük, twenty year old green grocer Küçük Ali killed barber Tanyik. Tanyik was walking with his friends when Ali shouted at them to

¹³⁶ *Ceride-i Mehakim-i Adliye*, no. 229, 13 Shawwal 1321, 2 January 1904, 20 December 1319; *Ceride-i Mehakim-i Adliye*, no. 230, 16 Shawwal 1321, 6 January 1904, 23 December 1319; *Ceride-i Mehakim-i Adliye*, no. 231, 20 Shawwal 1321, 9 January 1904, 27 December 1319.

¹³⁷ *Ceride-i Mehakim-i Adliye*, no. 260, 7 Safar 1322, 23 April 1904, 10 April 1320; *Ceride-i Mehakim-i Adliye*, no. 261, 11 Safar 1322, 27 April 1904, 14 April 1320; *Ceride-i Mehakim-i Adliye*, no. 262, 14 Safar 1322, 30 April 1904, 17 April 1320; *Ceride-i Mehakim-i Adliye*, no. 263, 18 Safar 1322, 4 May 1904, 21 April 1320.

¹³⁸ *Sabah*, 16 February 1904. It can also be seen in *Toplumsal Tarih*. See Emel Seyhan (ed.), "Osmanlı Basınında Yüzyıl Önce Bu Ay," *Toplumsal Tarih*, no. 122 (2004).

stop. When he went near them, he asked Tanyik why he had made a wry face (*çehre etmek*) at him with his master when they were passing by his shop. Then he insulted and slapped him and invited him to go in the street to talk there about the issue one-on-one. However, Tanyik rejected Ali's offer and Ali killed Tanyik with his dagger. Tanyik was condemned to the galleys for fifteen years.¹³⁹

A similar case occurred in Galata in October 1886. Armanak and Mustafa Efendi began to fight after they accidentally collided while passing each other. Mustafa Efendi asked Armanak "Are you blind?" and Armanak asked the same question to Mustafa Efendi and also cursed (*seb ve şetm*) him. Then, Mustafa Efendi suddenly threw his ax at Armanak. However, he was injured by a dagger and later died. Armanak was condemned to the galleys for fifteen years.¹⁴⁰

The social rationality of lower-class violent crimes has been examined through the cases mentioned above. The link between violence, honor and the everyday survival conditions of İstanbul urban poor has been demonstrated by implying that honor as the basic element of lower-class consciousness, which can be defined by its negativity to hierarchy and exclusion was the main factor leading to violent practices. Thus, it was shown that lower-class violent practices were not senseless and irrational criminal acts of a degenerate criminal class as it was claimed by Ottoman elites. On the contrary, these fights were ritualized and rule-bound symbolic actions which communicated the messages of the sides by its place, weapons and procedure. The following part will focus on this formal side of lower-class violent practices.

¹³⁹ *Ceride-i Mehakim*, no. 335, 2 Rabi 2 1303, 6 February 1886, 25 January 1301.

¹⁴⁰ *Ceride-i Mehakim*, no. 387, 15 Rajab 1304, 9 April 1887, 28 March 1303; *Ceride-i Mehakim*, no. 388, 22 Rajab 1304, 16 April 1887, 4 April 1303.

Formal Analysis of Violence/ Duel Form

Most of the assaults which were described above are classic examples of violent crimes in procedure, subject, place, weapons and sides in the context of late nineteenth century İstanbul: Two male co-workers or friends from the lower-class fighting with a knife, a dagger (*kama*) or with their fists over a seemingly petty issue in the presence of onlookers from the lower-class. These fights followed the same rules of duels in the sense that “the major principle of duel was the rule of social equality between the rival parties. This principle was not only valid for the status of the combatants, but also for their equipment of weaponry and accessory.”¹⁴¹ It means that honor, as the right to be respected and recognized as a member of a group of equals, was generally defended in accordance with the principles of itself.

When the procedure employed in these fights is examined, we see that the dangerous action was not the first step in these fights. Rather, these fights developed through stages and took the form of ritual. The ritualized actions of the sides were also pieces of public performance which can be conceived as acts of communication. There was usually old and sometimes recent tension between the sides before the violent practice. The first step was the exchange of insults between equal parties in the presence of lower-class audiences when it was understood that the issue would not be solved peacefully. Exchanging insult was an obvious invitation to the fight since it was paradoxically both mutual acceptance of equality, as Bourdieu says “For a challenge to be made, the challenger must consider whoever he challenges to be worthy of it-to be, that’s to say in position to riposte. This means that he must

¹⁴¹ Sefa Şimşek, *The Code of Honour in the East and in the West* (Master’s thesis, Boğaziçi University, 1990), p. 95.

recognize him as his peer in honour,”¹⁴² and also the rejection of other side’s honor/equality.

Without romanticizing and idealizing these fights, it can be argued that many of these fights tended to follow the duel procedure in the sense that the sides of the fight preferred fighting one-on-one since this was the best way of showing that no side avoided facing his enemy in equal conditions. We can see in many of these fights that lower-class contenders chose to fight in a place where there was no other one who might intervene to stop them. “Let’s talk” and “Let’s go outside” were pronounced by one of the sides to invite the other side if they were in a public place such as a coffee house or a tavern to isolate the fight place from others who might intervene. The following cases are ideal types in this sense.

In August 1888 in Üsküdar Yeni Mahalle, fisherman Hacı Bulut was killed by *tulumbacı* Arab Ali. Hacı Bulut was sitting with his friend in a coffee house. When they were talking, *tulumbacı* Arab Ali came to the coffee house. He was a member of the Armenian Church’s fire brigade (*tulumba sandığı*) and staying in the the church’s *tulumbacı* dormitory (*koğuş*). Hacı Bulut saw him and warned that “ Are you Arab Ali? Do you sleep in this red bed? You won’t lie down in this bed with your boy (*kırık*).” and cursed him. Arab Ali insisted on lying down in the same bed and invited him to fight. Hacı Bulut answered his invitation by saying “Let’s go wherever you like.” And they went thirty steps further and began to argue, which ended with the death of Hacı Bulut.¹⁴³

¹⁴² Pierre Bourdieu, “The Sentiment of Honour in Kabyle Society,” in *Honour and Shame: The Values of Mediterranean Society*, ed. J. G. Peristiany (London: The University of Chicago Press, 1966), p. 197.

¹⁴³ *Ceride-i Mehakim*, no. 473, 24 Rabi 1 1306, 1 December 1888, 19 November 1304; *Ceride-i Mehakim*, no. 474, 1 Rabi 2 1306, 8 December 1888, 26 November 1304.

A similar case occurred in December 1890 in Ayasofya square. Uzun Sadık, who was a worker at *Düyun-u Umumiye* printing house, killed *kayyum** Rıza Efendi. Rıza Efendi and Uzun Sadık had fought in a coffee house before they fought in Ayasofya square. When they met one another in Ayasofya square, Uzun Sadık said to Rıza Efendi, “Let’s talk.” Their friends began to wait for them to talk. However, five or six steps further, they began to argue and Uzun Sadık killed Rıza Efendi with his knife.¹⁴⁴

When we look at what kind of weapons were used, it is seen that the participants of these fights usually used their knives and daggers (*kama*), as in nearly all the cases mentioned above. In fact, carrying these weapons was prohibited. According to the 38 and 39 codes of the 2 August 1861 dated official instruction;

Either Turkish or foreigner (*ecnebi*) people are forbidden to bear weapons. Whoever bears weapons which are injurable such as pistol, rifle, kılıç, meç, long knife, dagger, wedge (*hançer*), şişli baston and similar weapons, their weapons are taken and the bearers are sent to Public Security Office (*Zabtiye Dairesi*).¹⁴⁵

This instruction was also saved in the Police Regulation (*Polis Nizamnamesi*) in 1907. However, it is impossible to agree with the elites claim by a short-cut conclusion that “although it was illegal to bear knife and daggers, these were used nearly in all violent crimes which were focused on. This proves that these individuals were essentially aggressive who resisted legal norms.” It must be reminded that the scale of this prohibition was limited to cities and it was not even applied effectively in cities. It can be seen in the news of the *Levant Herald* newspaper, which

* caretaker of a mosque.

¹⁴⁴ *Ceride-i Mehakim*, no. 591, 18 Sha’ban 1308, 28 March 1891, 16 March 1307; *Ceride-i Mehakim*, no. 592, 25 Sha’ban 1308, 4 April 1891, 23 March 1307.

¹⁴⁵ Halim Alyot, *Türkiye’de Zabta: Tarihi Gelişim ve Bugünkü Durum* (Ankara: Kanaat Basımevi, 1947), p. 215. “gerek Türk, gerek ecnebi tebaasının silahlı gezmeleri memnu olup her kim olursa olsun gizli ve aşikar tabanca, tüfek, kılıç, meç, büyük bıçak, kama, hançer, şişli baston vesair bunlara benzer yaralayıcı aletler taşıyanlar görüldüğü takdirde silahları alınarak kendileri zabtiye dairesine gönderilir.”

demanded that the officials apply the official rules about the prohibition of bearing weapons and prevent the free sale of dangerous tools (*alat-ı katia*) such as long knives and wedges (*hançer*) in streets.¹⁴⁶ Even *Polis* mentioned that, “since bearing weapon is a tradition in this country and traditions are similar to laws, the police were indifferent to the people who were bearing weapons.”¹⁴⁷ In this period, many members of the lower-class carried such “weapons” since they also used them as tools on the job and they were cheap and easy to acquire. When we think of these points with Reşat Ekrem Koçu’s statement “lower-class men saw the knife as their honor,”¹⁴⁸ and the fact that the word *Bıçkın* which defined the brave lower-class youth in this period and the word *bıçak* (knife) is derived from the same word, *biçmek* (cut), it can be concluded that carrying a knife or a dagger was not particular to an essentially aggressive marginal group. Therefore, as Piccato says “fighting with a knife was not a sudden and treacherous act, nor something peculiar to the “world of criminals,” but a legitimate way to defend personal reputation in front of the community.”¹⁴⁹

It should be added that since most of these violent practices occurred and developed spontaneously, the sides of these fights even used the tools around as dangerous weapons to defend themselves or to attack the other side. For example, in September 1890 in Hasköy, cook Hüseyin killed driver Hasan by hitting his head with an awning pole (*tente sırığı*). The reason of fight was the clash of driver Hasan’s wagon to the awning which led to its fall.¹⁵⁰

¹⁴⁶ *Sabah*, 21 July 1903. It can also be seen in *Toplumsal Tarih*. See Emel Seyhan (ed.), “Osmanlı Basınında Yüzyıl Önce Bu Ay,” *Toplumsal Tarih*, no. 115 (2003).

¹⁴⁷ Quoted from Ferdan Ergut, *Modern Devlet ve Polis: Osmanlı’dan Cumhuriyet’e Toplumsal Denetimin Diyalektiği* (İstanbul: İletişim Yayınları, 2004), p. 168.

¹⁴⁸ Koçu, “Bıçak,” in *İstanbul Ansiklopedisi*. “Avam arasında bıçak, erkeğin namusu bilinirdi.”

¹⁴⁹ Piccato, p. 90.

¹⁵⁰ *Ceride-i Mehakim*, no. 593, 2 Ramadan 1308, 11 April 1891, 30 March 1307.

In a similar case in Tophane, boatman Ferhat killed his old father-in-law, junk dealer (*eskici*) Halil, by hitting his head with a chair while they were arguing.¹⁵¹

We also see that some individuals used guns in a few of these fights. However, guns were not as legitimate as the above mentioned tools since they did allow the other side the opportunity to defend himself. As one of the rough fellows (*kabadayı*) said, “it is not bravado to challenge people with the courage of a revolver”¹⁵² (*Belindeki tabancaya güvenip herkese posta koymak kabadayılık değildir.*).

The duel form of confrontations can also be followed from the legal classification of these violence practices. Although the punishment types for different assaults and injuries do not allow to see it, duel form can be seen when the distribution of punishments for different killing types are focused. Here, I argue that the division between murder and manslaughter is operational. Garthine Walker defines these concepts as,

Murder was defined legally as intentional, premediated, cold-blooded killing, and assumed “malice” on the killer’s part. Manslaughter, the other category of culpable killing was also a “fearful crime in God’s sight”, despite the law being relatively favorably disposed to it. Manslaughter was defined as sudden, unplanned killing where “the heat of blood kindled by ire...never cooled” in time to prevent the death.¹⁵³

In nearly all of the ritualized lower-class violent confrontations which ended with killing, we saw that the murderers were punished for manslaughter/unintentionally killing (*min gayri amdin katl-i nefis*) and were condemned to the galleys for fifteen years. Although the murderer used knife, revolver or a dagger as we see in the many examples above, the Ottoman courts usually arrived the conclusion that these

¹⁵¹ *Ceride-i Mehakim*, no. 331, 3 Rabi 2 1303, 9 January 1886, 28 December 1301; *Ceride-i Mehakim*, no. 332, 10 Rabi 2 1303, 16 January 1886, 4 January 1301.

¹⁵² Ulunay, p. 305.

¹⁵³ Garthine Walker, *Crime, Gender and Social Order in Early Modern England* (Cambridge: Cambridge University Press, 2003), p. 115.

murders were not planned before and spontaneously occurred during the fight. When we constructed the Table 12 and 13 by taking into account the Ottoman Courts' interpretation and the division between murder and manslaughter, we conclude that the killing cases which were analysed in this study reflect the trend in general: nearly all of the killings in this period occurred spontaneously in these ritualized fights of lower-class people without planning before.

Table 13. Killing

Numbers of Convicted People in 1317/ 1901

<u>Crime</u>	<u>Numbers</u>
Murder (<i>Amden katl-i nefis</i>)	9
Intention of Murdering by Poisoning (<i>Tesmim ile katl-i nefis kastı</i>)	1
Intention of Murdering (<i>Katl-i nefis kastı</i>)	4
<u>Manslaughter (<i>Min gayri amdin katl-i nefis</i>)</u>	<u>127</u>

Source: İstatistik Devai-i Cezaiyeye Mütteallik: 1317.

Table 14. Manslaughter (*Min gayri amdin katl-i nefis*)

Numbers of Convicted People in 1317/ 1901

<u>Occupation</u>	<u>Number</u>
Unemployed	14
Artisans	15
Money-changers	0
Doctors, Teachers and Members of other Science Communities	1
Merchant Servants and other Servants	10
Civil Servants	5
Sailors	0
Peasants	73
Workers (<i>Amele</i>)	9
<u>Rentiers (<i>Eshab-ı Akar</i>)</u>	<u>0</u>

Source: İstatistik Devai-i Cezaiyeye Mütteallik: 1317.

We can also see the division between manslaughter and murder in popular classifications. The actors of manslaughter were called *kıyak* and the actors of murder were called *hacamatçı*.¹⁵⁴

¹⁵⁴ See Rasim, pp. 345-350.

Violence in the Culture of Honorable Man:
Semai Coffee Houses, Ballads and the Külhanbeyi Literature

This part of the thesis focuses on the ballads written by public poets and sometimes by the murderers to question the elite construction of violent crimes as the meaningless acts of essentially aggressive *kopuks*. Here, it is argued that violent practices served as a very strong cultural medium, as a source of metaphorical context to reproduce behavioral and perceptual patterns of the lower-class honorable man and the ballads were the literary dimension of this reproduction.

In the late nineteenth century and at the beginning of twentieth century, a new literary style, the favourite subject of which was murder and which was produced and consumed by the lower-class, especially *tulumbacıs*, *külhanbeys*, and *kopuks*, emerged to replace the old *aşık* edebiyatı in the *semai* coffee houses. These coffee houses were the best known *tulumbacı* coffee houses in Beşiktaş, Çeşmemeydanı, Tophane, Boğazkesen, Eyüp Defterdarı and Halıcıoğlu. These literary meetings usually took place on Ramazan nights and also on winter nights.

Nearly all of the poets (*meydan şairi*) were artisans and workers. According to Osman Cemal Kaygılı's estimates, seventy percent of these poets were also *tulumbacı*.¹⁵⁵ Therefore, it can be assumed that the cultural codings in these poems reflected the mentality of the audiences.

The most important part of this new literary style was ballads (*destan*), with the most common subject murder. In most of the murders described in these ballads, the victim was usually described as brave, serious-minded, honorable, honest, beneficent, self-sacrificing and loyal. For example;

¹⁵⁵ Osman Cemal Kaygılı, *İstanbul'da Semai Kahveleri ve Meydan Şairleri* (İstanbul: Bürhaneddin Basımevi, 1937), p. 8.

Öyle kahpelikte gezmedim asla
Dostuma dost idim, düşmanıma hatta,
Yüzbeyüz ederim ben merd-i dava.
Layikile icra ederdim heman.¹⁵⁶

However, the murderer was timid, hypocritical, untrustworthy, and unreliable (*kahpe*). For example;

İmamzade Cemal, aşifte sıfat,
Ol veled-i zina, o aslı berbat,
Bir şahısla oturmuş, eder kelimat
Tutup kendini bir gayet babayane.¹⁵⁷

Also, the murderer either attacked from behind, such as:

Böyle dedim, çıktım dışarı ol an.
Tez vermiş bıçağı, ol koca çingan.
İzim tutup gelmiş, ardımdan heman
Vurdu sol yanımdan, düştüm bir yane.¹⁵⁸

or with a weapon, which the victim did not have.

Kaçamak yolunu gösterdi irak,
Yetişip arkadan kavradım ancak,
Bilmedim elinde var imiş bıçak,
Urdu, sol böğrümü eyledi yaman.¹⁵⁹

The honorable and brave man was usually the victim of the ballads who was killed treacherously, but when sometimes he was the murderer, the murder was then presented as the response of a honorable man and the victim was described as an immoral person who deserved to be punished. Let's look at one of these ballads

¹⁵⁶ Robert Anhegger, Walter Ruben and Andreas Tietze, *Çalgılı Kahvelerdeki Külhanbey Edebiyatı ve Nümuneleri*, trans. Tahir Alangu (İstanbul: Ahmet İhsan Matbaası, 1943), p. 21.

¹⁵⁷ Ibid., p. 12.

¹⁵⁸ Ibid., p. 12.

¹⁵⁹ Ibid., p. 23.

written about the murder of three fishermen and wounding of their chief, Takvor Reis by porter Dikran Çulhayan in Kumkapı in 1880. Takvor Reis was described as a bad and an immoral person:

Takfor Reis derler bed tıynet kiři
Rezalet çamurluk her daim iři
Bed lika bed sima bed lisan ancak
Şeytanı racimdir herifin iři.¹⁶⁰

Then, dishonorable act of this immoral Takvor Reis was described:

İşte ol anda koptu kıyamet
Takfor Reis baktı bir lanet lanet
Şamarlayup aldı ayak altına
Şütumat ile çok itti hakaret.¹⁶¹

The murderer porter Dikran Çulhayan's action was presented as a response of an honorable man to this dishonorable act:

Altı patlar aldı birer birer nişan
Yere serdim Vartan Mıkır Nişanı
Sonra atıp elden silahı yere
Şamara şamardır Takforun şanı.¹⁶²

Whether the honorable man was a victim or a murderer is less important than the definition and praising of an honorable man in these ballads, which reproduced the behavioural and perceptual patterns of the lower-class honorable man. These ballads praised the honorable man by contrasting him with an immoral man and

¹⁶⁰ Koçu, *Yangın var! İstanbul Tulumbacıları*, p. 222.

¹⁶¹ *Ibid.*, p. 222.

¹⁶² *Ibid.*, p. 223.

indirectly offered the suitable conditions of violence. These ballads and the atmosphere in the semai coffee houses reinforced the image of the honorable man.

All of these ballads were written from the honest and brave honorable man's perspective which no doubt made it easier for the lower-class audiences to identify with him. Ellen L. O'Brien explains the social effect of the first-person voice in street ballads on lower-class individuals as,

The first-person lament also produced arresting connections between the historical criminal, the ballad criminal, and the ballad consumer. As Foucault argues, consumers might reproduce the "I" of the ballads and thus perform the identity of the murderer: "It is the song of crime; it is intended to travel from singer to singer; everyone is presumed able to sing it as his own crime, by a lyrical fiction" (Riviere, pp. 207-208) The dynamics of this popular lyrical fiction suggestively undermined nineteenth-century criminology's notions of an essential or distinguishable criminal identity by rendering it performative and transferable.¹⁶³

This identification with the honorable man can be seen from the reactions of the audiences while they were listening these ballads. These audiences were not passive participants at these literary meetings. They not only listened, but also cursed, became angry, cried and shouted out (*nara atmak*). Mehmet Halit Bayrı, in his study on İstanbul folk culture, argues that the authors and personal content (*ferdi mahiyetler*) of these ballads were quickly forgotten and the lower-class audiences community owned and shaped these ballads.¹⁶⁴ Therefore, he classified these ballads as folk literature. Then, it can be claimed that *külhanbeyi* literature as a sub-type of folk literature had an organic link to the collective consciousness of these lower-class "audiences."

¹⁶³Ellen L. O'Brien, "Every Man Who is Hanged Leaves a Poem": Criminal Poets in Victorian Street Ballads," *Victorian Poetry* 39, no. 2 (Summer 2001), p. 322.

¹⁶⁴ Mehmet Halit Bayrı, *İstanbul Folkloru* (İstanbul: Türkiye Yayınevi, 1947), p. 85.

These ballads were also written up and sold as newspapers in streets. Thousands of copies of some ballads were sold in a day and these copies were read by literate people in crowded places. It means that these ballads reached thousands of people forming İstanbul lower-class and did not belong to a marginal social group.

Gender, Honor and Violence

We have so far looked at the social, formal and cultural dimensions of lower-class violence practices to oppose the essentialist claims of the elites and emphasized the role of honor. Although the violent practices discussed led to tragic consequences rather than equality between the involved sides, it doesn't change the fact that these violent practices were powerful signifiers of the desire of these people to be equal and respectable members of the lower-class community. However, this should not prevent us from concluding that this equality was built on a fundamental suppression of an inequality between men and women. Below an analysis will be made of the gendered nature of honor by focusing on closely related but different aspects of it through individual cases.

Manliness, Honor and Violence

In July 1887 in Hasköy, Mehran, keeper of a coffee house was killed by tavern keeper Kirkor and his brothers, Ohannes and Haçik. On the event day, Hacı Mehran came to the tavern with his friend and drank rakı. While they were drinking, some people from the Armenian Church came to collect money for the Armenian poor (*fukara*). Hacı Mehran saw that Kirkor gave money to them and said, "they give money to them, but not to the *tulumbacı*." (*Bunlara para verirler de tulumbacılar*

vermezler). Then the brother of Kirkor, Haçik answered, “Shame on you!” (*Utan*). However, Hacı Mehran did not relent, answering “you even don’t have a moustache to answer” (*bıyıklanda andan bana lakırdı söyle*) and broke the glasses and bottles by hitting the table. Kirkor called his brother Haçik and slapped him twice. Then, Haçik went outside the tavern. However, Mehran was very angry to be insulted by a young boy and followed Haçik. After they began to fight, Kirkor and Ohannes came and intervened in the fight. Kirkor took his revolver from the tavern and shot Mehran. Mehran died and Kirkor was condemned to the galleys for fifteen years.¹⁶⁵

What’s interesting in this case is Hacı Mehran’s response to Haçik’s warning, “shame” as “you even don’t have a moustache to answer” (*bıyıklanda andan bana lakırdı söyle*). This implies that it was only a man’s right to shame a man. Kirkor’s slapping of his brother Haçik also seems to support the argument that Haçik had no right to question the reputation of a man, which was symbolized here by having a moustache.

We can follow the manliness and honor perception of lower-class people in the defence strategies of the accuseds in court. When violent practices occurred between men, one of the frequently followed strategy by the accused side was that the accused side was rejecting the accusation, while adding that the victim had attempted to rape (*fi’l-i şeni*) him. They seemed to give the court the message by such a statement that the victim had been entitled to be killed or punished since he had attempted such a serious attack. Whether such a sexual attack really occurred is less important than the belief embedded in this message. These lower-class people perceived these demasculinizing/dishonoring attacks so threatening and so serious that they did not even avoid using these attacks to imply to the court that the victim deserved to be punished or killed. The described cases below will exemplify this relation.

¹⁶⁵ *Ceride-i Mehakim*, no. 421, 17 Rabi 1 1305, 3 December 1887, 21 November 1303 .

In June 1887, bath attendant (*tellak*) and driver (*arabacı*) Eyüp from Zile killed Hüseyin from Sivas in the street in Sultan Beyazıt. According to a witness, Eyüp had slapped Hüseyin, saying, “I heard that you follow me with a dagger” (*sen benim arkamdan kama ile dolaşmışsın*), and then he injured Hüseyin with his dagger. However, Eyüp told a quite different story. He rejected the accusation by claiming that since Hüseyin had attempted an indecent assault (*fi'l-i şeni*) before the event and he had not allowed him to realize his intention, Hüseyin had become an enemy to himself. Also, he added that Hüseyin had attacked him for this reason that day; however, he had accidentally injured himself. Eyüp was condemned to the galleys for fifteen years.¹⁶⁶

In a similar case in July 1890, Muharrem from Rusçuk injured the tailor Rıza. According to witnesses, Muharrem had attacked to Rıza in dispute about a woman when they were relaxing in a house. However, Muharrem rejected the claim, by relating a honor story which implied that Rıza had deserved to be punished. According to Muharrem, he had gone to the house after Rıza and his friends had invited him, saying “We found a woman. Let’s come and have fun together” (*bir yere karı attık sen de gel de beraber eğlenelim*). However, he was threatened there by Rıza, who said “Do you know why we brought you here? We will rape you either with your approval or by using force” (*Biz seni buraya niçin getirdik biliyor musun? Ya güzellikle ve yahut cebren ırzına geçeceğiz*). According to Muharrem, he rejected the accusation by asking, “What did I do which would make you rape me” (*ben size ne yaptım ki bana böyle bir fiilde bulunacaksınız*) and then ran away.¹⁶⁷

In a similar case in November 1890, student Hafız Necip Efendi was injured by his roommate, student Hafız Mahmut Efendi in Sinan Paşa Medresesi. Hafız Necip

¹⁶⁶ *Ceride-i Mehakim*, no. 416, 11 Safar 1305, 29 October 1887, 17 October 1303; *Ceride-i Mehakim*, no. 417, 18 Safar 1305, 5 November 1887, 24 October 1303.

¹⁶⁷ *Ceride-i Mehakim*, no. 600, 21 Shawwal 1308, 31 May 1891, 19 May 1307.

claimed that he had warned and slapped Hafız Mahmut Efendi twice in the evening of that day since he had heard that Hafız Mahmut Efendi was meeting with one of the immoral people (*sui ahval eshabından*), Hafız Ahmet Efendi. He explained his right to slap and warn Hafız Mahmut Efendi as being responsible for his behaviour by the request of his father. He added that they had gone to their room to sleep and there he had been attacked by Hafız Mahmut Efendi while he was sleeping. Also, witnesses linked Hafız Mahmut's attack to the slaps of Hafız Necip Efendi. However, Hafız Mahmut Efendi told an honor story which was quite different from the account. He accepted that he had injured Hafız Necip Efendi to protect his honor when Hafız Necip Efendi had attacked him with a dagger when he had rejected his indecent assault (*fi'l-i şeni*) attempt. Hafız Mahmut Efendi was condemned to the galleys for three years.¹⁶⁸

Women: Just the Symbols of Men's Honor

In many of the lower-class fights, it is seen that men fought for the honor of women since the men were seen as responsible from the honor of the women in their households. This reduced women's honour to a matter of men's honor through which masculinity was challenged and established, as it can be understood from Table. 14.

Table.15 Assault

Numbers of Convicted People from Suits Beginning in March 1300/1884 to the End of February 1301/ 1885 and Suits Left From Previous Year.

Sex	Numbers
Men	773
Women	39

Source: Ceride-i Mehakim, no. 293.

¹⁶⁸ *Ceride-i Mehakim*, no. 597, 30 Ramadan 1308, 9 May 1891, 27 April 1307.

The following cases are typical violent cases that occurred between two lower-class men that resulted from the use of women as symbols to insult.

In November 1889, fisherman Angeli killed another fisherman Hristo, in Ayazma. On that day, while Angeli, Hristo and their friends were roasting bread, Angeli cursed Hristo's sister and Hristo answered in the same manner. Then, Angeli got angry and threw the knife in his hand at Hristo. It was lodged in Hristo's body and killed him. Angeli was condemned to the galleys for fifteen years.¹⁶⁹

It can be easily argued that here women were used to insult the other side rather than being specific targets of the insult since males were responsible from the honor of the women in their households.

In a similar case in June 1904, driver Aleko was killed by another driver in Beyoğlu. On that day, Aleko took two Christian women from Beyoğlu into his carriage to take them to Tarlabası. While they were going to Tarlabası, driver İbrahim molested (*harfendazlıkta bulunmak*) the women in Aleko's car. Then, Aleko said, İbrahim "isn't it shameful" (*Ayıp değil mi*) and an argument broke out between them. Aleko attacked İbrahim with his whip. Then, İbrahim got out of his carriage and killed Aleko with his knife.¹⁷⁰

Although the women were not from his household, İbrahim's behaviour towards the customers of Aleko was an indirect manifestation of his disrespect for Aleko and Aleko took the message İbrahim gave and tried to answer the insult.

In a similar case in August 1901, Pire Mahmut killed Kazancı Faik in Kasımpaşa. On that day, while Faik was relaxing (*ayş ü nuş*) and talking with his friends Bekir and Tahir in the Pişmaniye gardens (*bostan*), Hayriye Hanım, the tenant of Faik,

¹⁶⁹ *Ceride-i Mehakim*, no. 598, 7 Shawwal 1308, 17 May 1891, 5 May 1307.

¹⁷⁰ *Tercüman-ı Hakikat*, 11 June 1904. It can also be seen in *Toplumsal Tarih*. See Emel Seyhan (ed.), "Osmanlı Basınında Yüzyıl Önce Bu Ay," *Toplumsal Tarih*, no. 127 (2004).

came to the garden with another woman. They sat down near the men. At that time, Mahmut came and asked Hayriye Hanım “Why do you sit here? Shame on you. Aren’t you embarrassed? ” (*Burada ne oturuyorsunuz, ayıptır, utanmaz mısınız?*). Faik grew angry and said to Mahmut, “Mind your own business. Why do you intervene? They are not unknown to us (*Senin ne vazifen? Ne karışyorsun? Bunlar yabancı değildir.*) Then, their argument turned into a fight and the sides attacked each other. Faik injured Mahmut with his dagger and Mahmut injured Faik with his knife. Faik was injured badly and died in a few minutes.¹⁷¹

In another case in 1901, the Greek carriage producer Nikoli killed the Armenian presser (*ütücü*) Manuk in Edirnekapı Baloğlu Street. Nikoli had an illegitimate relation (*münasebet-i gayr-i meşru*) with one of the women in the street, Futika. On that night, he had been talking with Futika while Futika was at window and he was in the street. At that time, Naşid came and said him, “Did I not tell you not to come here again? ” (*Sana buraya gelmeyeceksin demedim mi?*). Then, Manuk and some other Armenians came and Manuk attacked Nikoli; however, Nikoli killed Manuk by injuring him with a dagger.¹⁷²

In all of the cases described above, we cannot hear the voices of women and cannot see their acts. We cannot see the responses of insulted women in these cases but only the honorable men fighting for them by silencing them. It seems that these men fought for their own honor rather than that of the women’s and so, saved their honor to the cost of women’s honor. As Margaret L. Arnot and Cornelia Osborne emphasized about the consequences of exclusion of German women from attending duels in nineteenth century,

¹⁷¹ *İkdam*, 2 August 1901. It can also be seen in *Toplumsal Tarih*. See Emel Seyhan (ed.), “Osmanlı Basınında Yüzyıl Önce Bu Ay,” *Toplumsal Tarih*, no. 92 (2001).

¹⁷² *Ceride-i Mehakim-i Adliye*, no. 74, 21 Rabi 1 1320, 28 June 1902, 15 June 1318; *Ceride-i Mehakim-i Adliye*, no. 75, 25 Rabi 1 1320, 2 July 1902, 19 June 1318; *Ceride-i Mehakim-i Adliye* no. 77, 2 Rabi 2 1320, 9 July 1902, 26 June 1318; *Ceride-i Mehakim-i Adliye*, no. 78, 5 Rabi 2 1320, 12 July 1902, 29 June 1318.

They were excluded from personally holding the desirable quality “honour”; they were excluded from attending duels themselves; and a woman’s dignity or reputation could never be restored by a duel.¹⁷³

Honor, Violence and Patriarchal Authority

In the examples cited so far, the cases of violence practices have been between men. When we look at the men’s violence towards women, we notice that whether it was true or not, all women victims were accused of being prostitutes by their husbands. How should this be interpreted? It can be argued that this was normal since the routine violence employed by men was tolerable and had no legal punishment as long as it did not aim to kill the women. Therefore, we can notice the cases which included only “excess” violence when we look at the court records and “excess” violence was employed when the wife did not show sexual loyalty to her husband. Also, accusing the women of being a prostitute had two legitimizing reasons. The first one was the legal reason, which was declared in the 1858 Ottoman Criminal Code.

Code 189- If a man sees his wife or one of his prohibiteds (*maharim*) during sexual intercourse with a man and kills both of them, he is excusable.¹⁷⁴

The second one was the social reason that the criteria which differentiated a honorable women from a dishonorable women was her sexual loyalty to her husband. Since the wife’s honor was an important and crucial element of the man’s

¹⁷³ Margaret L. Arnot and Cornelia Osborne, “Why Gender and Crime? Aspects of an International Debate,” in *Gender and Crime in Modern Europe*, eds. Margaret L. Arnot and Cornelia Osborne (London: UCL Press, 1999), p. 25.

¹⁷⁴ Akgündüz, p. 863. “*Madde189- Bir kimse zevcesini yahut diğer mahariminden birini bir şahıs ile fiil-i şeni icra eder iken görüp de ikisini birden katil eylese kezalik mazurdur.*”

honor/public standing, the lack of wife's sexual loyalty socially legitimized the murder.

What were the specific conditions which led these "honorable" men to kill their wives and accuse them of being prostitutes? When we look at the cases, it is seen that when men did not fulfill their responsibilities in the gendered division of labor, women resisted the "illegitimate" demands of their husbands and these resistances were punished violently by the patriarchal authority of men. The cases described below will exemplify this tension show the relationship between the crisis of patriarchal authority and violence.

In one of these cases, Fatma was injured by her husband, porter Yusuf, in January 1902 in Fatih. Fatma was working as a cook in the house of one of the officials of the Finance Ministry, Nuri Bey. According to Fatma's claims, when her husband demanded one mecrediye from her in the morning, she answered, "I gave you three mecrediye three days before. Where can I find more?" (*3 gün mukdim 3 mecrediye verdim. Nereden bulayım?*) and then her husband Yusuf attacked her. However, she shouted and the owners of the room came and took her out of the room. Also, a witness claimed that Fatma Kadın went out to the street, saying, "I will go to the police station" and her husband Yusuf came and injured her in front of the door. The owners of the room claimed that the rent of the room had also been paid by Fatma.

These statements describe a dishonorable man: A husband who took money from his wife and even did not pay the rent of the room. However, Yusuf told a honor story. According to Yusuf, when he went to Nuri Bey's house to see her wife before this event, he had seen Nuri Bey in the kitchen and this had made him suspicious. Therefore, he had warned Fatma to leave the home; however, she had refused. On the event day, he had again warned her to leave Nuri Bey's house. However, said Yusuf, Fatma Kadın had insulted him. Therefore, he had grown angry and beat her. Yusuf

added to this statement that he did not have any information about the injury and did not bear knife. He also claimed that he was paying the rent of the room, contrary to the claims.¹⁷⁵

It can be argued that Yusuf aimed to present the issue as a tension between an honorable man and an immoral woman. He seemed to mean that although he was fulfilling his responsibility (by paying the rent) as an honorable man, he could not find his wife's loyalty and therefore showed an honorable man's reaction by beating her.¹⁷⁶ However, rather than telling the truth, this statement seems to be a defence strategy, since Yusuf accepted the accusation in the police center by claiming that, "I became very angry and hurt her since she always opposed me." (*benim sözümü tutmayıp daima bana karşı durduğu için pek ziyade hiddetlenerek vurdum*).

In a similar case in September 1885, Ömer injured his wife, mother-in-law (*kayınvalide*) and wife's sister (*baldız*) in Çarşamba. Ömer was staying at his mother-in-law's (*kayınvalide*) house when the injuries occurred. According to Ömer's mother-in-law, when her sister wanted to come to her house, Ömer did not want her to visit. Therefore, she reminded him that this house was not Ömer's house and this warning led to Ömer's attack. Then, he left the house, but when he came back later, the women did not open the door, shouting at him, "we don't have an obligation to you" (*bizim sana minnetimiz yoktur*). However, he came in from the garden side of the house with two daggers in his hands and injured the women. Ömer rejected the accusation, but claimed that his wife and mother-in-law were bringing their lovers (*dost*) to the house and threatening him to accept the situation.

¹⁷⁵*Ceride-i Mehakim-i Adliye*, no. 183, 26 Rabi 2 1321, 22 July 1903, 9 July 1319; *Ceride-i Mehakim-i Adliye*, no. 184, 29 Rabi 2 1321, 25 July 1903, 12 July 1319 ; *Ceride-i Mehakim-i Adliye*, no. 185, 4 Jumada 1 1321, 29 July 1903, 16 July 1319.

¹⁷⁶ It is interesting that he did not reject that he had beaten the woman. He only rejected the use of a knife. This also shows that beating the wife was so normal that the man did not avoid confessing.

Ömer was condemned to the galleys for ten years.¹⁷⁷

It can be argued that Ömer tried to employ his patriarchal authority without fulfilling its material requirements. Ömer saw it as legitimate to prevent the coming of the sister of house's owner and even attacked the women when they reminded him who the owner of house was. However, this attack and his prevention effort was not accepted by these women as legitimate. This can be even understood from the women's reaction to Ömer's first attack. They did not open the door to Ömer, saying "We don't have an obligation to you" (*Bizim sana minnetimiz yoktur*). However, Ömer seemed to give the message to the court that these women deserved to be punished by claiming that his wife and mother-in-law were entertaining their lovers (*dost*) while rejecting the accusation.

In another similar violent case in June 1887, Aziz killed his wife Şerife Hatun with a knife after they fought in Cesr Cedid. Şerife Hatun was working as a maid in Bahri Bey's house and also staying there. However, Aziz did not want Şerife Hatun's working and this led to the argument that ended in Şerife Hatun's death. Ahmet explained the reason for the murder to a police as "a man lives for his honor. It is not important to be condemned to the galleys for fifteen years. I applied my decision"¹⁷⁸ (*bir adam dünyada namusu için yaşar. Ben eşkarımı icra ettim. İster iseler beni 15 seneye atsınlar*).

In May 1884, worker Mehmet killed his old wife Fatma in Meydancık after they argued. Fatma showed the reason of this murder before she died as her rejection of Mehmet's re-marriage demand. When asked about Fatma's statement, Ahmet rejected his responsibility, saying "since Fatma is a prostitute, it is normal for her to

¹⁷⁷ *Ceride-i Mehakim*, no. 347, 26 Rajab 1303, 1 May 1886, 19 April 1302; *Ceride-i Mehakim*, no. 348, 4 Sha'ban 1303, 8 May 1886, 26 April 1302.

¹⁷⁸ *Ceride-i Mehakim*, no. 419, 3 Rabi 1 1305, 19 November 1887, 7 November 1303; *Ceride-i Mehakim*, no. 420, 10 Rabi 1 1305, 26 November 1887, 14 November 1303.

give such a statement.” Mehmet was condemned to the galleys for fifteen years.¹⁷⁹

Conclusion

This chapter focused on the violent crimes committed by lower-class individuals in the late nineteenth century İstanbul to question the elite discourse that violent crimes were the acts of essentially aggressive and degenerate social group (*kopuk/kabadayı*).

Along with the presentation of violent crimes, this chapter tried to show that these violent crimes were not senseless acts of degenerate individuals. These practices had a social rationality and meaning in the moral economy and social relations of lower-class individuals. They defended their right to survive as equal and respectable members of lower-class community through these violent practices against the exploitation in their solidarity relations or the direct insults they faced in their everyday social relations.

Without idealizing these fights, it can be argued that most of these fights had rituals, rules and a procedure. The sides of the fight usually preferred fighting one-on-one in equal conditions after the exchange of verbal or physical insults which meant the recognition of other side as his peer in honor. The symbolic language embedded in these lower-class duels was so impressive that the favourite subject of ballads was these violent practices.

Although these violent practices showed the desires of lower-class individuals to be equal and respectable members of the lower-class community, honor was strongly

¹⁷⁹ *Ceride-i Mehakim*, no. 330, 26 Rabi 1 1303, 2 January 1886, 21 December 1301; *Ceride-i Mehakim*, no. 331, 3 Rabi 2 1303, 9 January 1886, 28 December 1301.

gendered and lower-class duels contributed to the reproduction of this gendered relationship.

CHAPTER 4

CONCLUSION

This thesis examined the criminal acts of İstanbul's lower-class individuals in the late nineteenth century when the unemployed urban poor were criminalized with many legal measures following each other: In 1890, the Regulation on Vagabonds and Suspected Persons (*Serseri ve Mazanna-i Su' Olan Eşhas Hakkında Nizamname*) was issued by Sultan Hamid. The Regulation on Prohibition of Begging (*Tese'ülün Men'ine Dair Nizamname*) was enacted in 1896 and the Law on Vagabonds and the Suspected Persons (*Serseri ve Mazanna-i Su' Olan Eşhas Hakkında Kanun*) followed it in 1909 after the Committee of Union and Progress (*İttihat ve Terakki Cemiyeti*) came to power.

The criminalization of the unemployed poor and beggars beginning with Sultan Hamid was related strongly to the emergence of a new mentality on the organization of society and work. From this new point of view, participating in social life by producing was seen as the main duty of every individual who benefited from the others' labour and therefore, the individuals who were assumed to stay voluntarily outside the social division of labor were called undeserving poor. Work was conceptualized in such a framework not just as an economic issue but more as a self-disciplining practice providing the engagement of the individual in society and its norms.¹⁸⁰ As a logical conclusion of such a perspective, property crimes were attributed to full-time professionals while violent crimes were attributed to essentially aggressive and unemployed degenerate vagabonds, which were the two faces of the same coin. This essentialist conceptualization of the unemployed poor

¹⁸⁰ See Dominique Meda, *Emek: Kaybolma Yolunda Bir Değer mi?*, trans. Işık Ergüden (İstanbul: İletişim Yayınları, 2004), pp. 93-130.

without problematizing the unemployment and poverty, desocializes crime by isolating it from its social context and the motives of the “criminal” and thereby legitimizes the social order by accusing the poor. This thesis developed a modest opposition to this legitimation.

Methodologically, crimes were classified as property crimes and violent crimes to question the different dimensions of the criminal class thesis. Property crimes were looked at to problematize the existence of a separate class of professional criminals distinct from the honest laboring class of İstanbul. As a result of the analysis, it was seen that although some full-time professionals and criminal networks operated in the knowledge-based sectors of criminal activity such as counterfeiting and safe-deposit thefts, most of the property crimes committed by İstanbul lower-class individuals were the opportunist attempts of the working poor which didn't require any special criminal knowledge/planning and even in safe-deposit thefts and counterfeiting, there was no monopoly by a few professionals.

The elements of property crime: place, victim, time, criminal, and stolen good largely depended on the risk/opportunity factor embedded in the concrete conditions rather than the resistance motives of lower-class individuals, even in inter-class thefts. For example, it was shown that even mosques were frequently targeted by Muslim thieves since they were relatively easier to steal from due to insufficient security measures.

The short-cut link between the poor and property crimes was also opposed through arson cases and it was shown how propertied individuals participated in property crimes through exploiting the insurance opportunities provided by the new insurance companies.

Violent crimes were another dimension of lower-class criminal practices focused on in this thesis. When it is seen how violent crimes were perceived by the elites in late nineteenth century İstanbul, they were attributed to a social group called as *kopuk/külhanbeyi/kabadayı*, who were assumed to live outside the bounds of respectable society. They were imagined as essentially aggressive and immoderate. To criticize this essentialist discourse, the social rationality of violent practices was explored. It was seen that honor, which can be defined by its negativity to hierarchy and exclusion, which was the main factor that led lower-class individuals to employ violence. However, lower-class individuals defended their honor not with a culturalist motive. The moral economy of İstanbul lower-class individuals was based on the honor and reputation of the sides and any exploitation in the fulfillment of reciprocal responsibilities led to serious tensions and violent confrontations since in any solidarity relation, what the sides exchanged was not only mutual benefit, but also and more mutual respect and confidence. Debt issues, exchanges in work process, employee-employer relationships turned easily from solidarity relationships to power relationships and gave rise to many violent confrontations in late nineteenth century İstanbul.

In addition to having a social rationality, these violent confrontations also had unwritten rules and usually took place in a ritualized manner in contrast to the elite discourse which reduced violent practices to senseless and meaningless acts. When the language embedded in the rituals of violent confrontations is decoded to penetrate the mentalities of lower-class individuals, it is seen that these fights followed the same rules as duels in the sense that the rival parties were socially equal and fought one-on-one for a matter of honor. This shows that honor, as the right to be respected and recognized member of a group of equals, was generally defended in

accordance with the principles of itself. It can be argued that this strong and impressive language of these lower-class duels made the violent confrontations as the favourite reference point of ballads in the construction of honorable man image.

It should not be thought that these lower-class violent practices are presented as the ideal form of solving problems. Although these violent practices show the desires of lower-class individuals to be equal and respectable members of the lower-class community, honor was initially a male phenomenon. Honor and manliness was the same thing for a honorable man. For example, symbolically charged physical gestures such as slapping which demasculined the slapped side was seen in nearly all lower-class men fights as a first step since it was understood as a serious attack on a man's honor. We also see that men nearly monopolized the right to defend honor. Even women's honor was reduced to just a piece of men's honor. Any attack on a woman's honor in a man's household initially targeted the man's honor and was answered by himself. Women were silenced by the men fighting in the name of women. Shortly, it can be said that honor was strongly gendered and lower-class duels reproduced this gendered relationship.

The essentialist criminal class discourse, which was widely criticized through the analysis of lower-class criminal practices, is not an issue of the past. The decline of the welfare state beginning from the 1970s led to a reconceptualization of poverty and crime. This new conceptualization is "concerned with techniques grouping to identify, classify, and manage groupings sorted by dangerousness. The task is managerial not transformative...It seeks to regulate levels of deviance, not intervene or respond to individual deviants or social malformation."¹⁸¹ The logical conclusion

¹⁸¹ Malcolm Feeley and Jonathan Simon, "The New Penology: Notes on the Emerging Strategy of Corrections and Its Implications," *Criminology* 30, no. 4 (1992), p. 452.

of formulating crime and povert as a security issue is dividing the society into two imagined parts as David Garland emphasizes,

New political rationalities, including those of crime control, came to be articulated in terms of this distinction between a majority who can and do ensure their own well-being and security through their own active self-promotion and responsibility for themselves and their families, and those who are outside this nexus of activity: the underclass, the marginalized, the truly disadvantaged, the criminals.¹⁸²

It can be concluded that this study attempted to remind the mystifying effect of elite discourse towards lower-class criminal practices through the voices and experiences of Ottoman “criminal” poor when a similar discourse which attributes social inequalities and criminal practices to the essential incapacilities and moral degeneracy of criminal, tries to establish its hegemony.

¹⁸² Nikolas Rose, “Government and Control,” in *Criminology and Social Theory*, eds. David Garland and Richard Sparks (Oxford: Oxford University Press, 2000), p. 196.

APPENDIX



A Counterfeiter. (Reproduced from *Polis Mecmuası*, no. 44, 15 May 1915.)



Thieves. (Reproduced from *Polis Mecmuası*, no. 10, 15 December 1913.)



Thieves. (Reproduced from *Polis Mecmuası*, no. 13, 28 January 1914.)



سارق : قبطی صالح بن احمد
درت دفعه محکوم اولشدر

سارق : استانه‌لی نهاد بن الیاس
یدی دفعه محکوم اولشدر

سارق : وارنه‌لی محمود بن چرکس عثمان
طنفوز دفعه محکوم اولشدر

Thieves. (Reproduced from *Polis Mecmuası*, no. 11, 28 December 1913.)



سارق : یونانی خرستوولد ونت ،
پلاقه خرستونامیه معروفدر
ایکی دفعه محکوم اولشدر

سارق : قیصرلی لئون ولد ذره‌ت
سکر دفعه محکوم اولشدر

سارق : استانه‌لی جمیل بن علی
ایکی دفعه محکوم اولشدر

Thieves. (Reproduced from *Polis Mecmuası*, no. 14, 15 February 1914.)



Thieves. (Reproduced from *Polis Mecmuası*, no. 13, 28 January 1914.)



Thieves. (Reproduced from *Polis Mecmuası*, no. 13, 28 January 1914.)



سارق : آستانه‌لی پترو ولد دیمتری
اویچ دفعه محکوم اولشدر

سارق : خرستو ولد اوستول
اویچ دفعه محکوم اولشدر

سارق : آستانه‌لی پناپوط ولد دیمتری
بردفعه اویچ سه‌یه محکوم اولشدر

Thieves. (Reproduced from *Polis Mecmuası*, no. 9, 28 November 1913.)



سارق استانه‌لی سمانطوف ولد آورام
اویچ دفعه محکوم اولشدر

سارق : دلی فائق بن عبدی
طقوز دفعه محکوم اولشدر

سارق : قریملی یعقوب بن راشد
درت دفعه محکوم اولشدر

Thieves. (Reproduced from *Polis Mecmuası*, no. 11, 28 December 1913.)



Thieves. (Reproduced from *Polis Mecmuası*, no. 10, 15 December 1913.)



Thieves. (Reproduced from *Polis Mecmuası*, no. 2, 15 Ağustos 1913.)



Thieves. (Reproduced from *Polis Mecmuası*, no. 20, 15 May 1914.)



سارق : استانهلی محمد بن احمد
اوچ دفعه محکوم اولمشدر



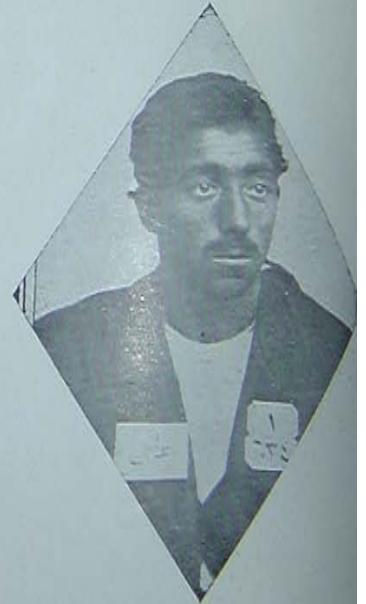
سارق : وارنهلی محمد بن مصطفی
ایکی دفعه محکوم اولمشدر



سارق : دبرهلی بایرام بن جنور
ایکی دفعه محکوم اولمشدر



سارق : نیکدولی قسطنی ولد ارسلان
ایکی دفعه محکوم اولمشدر



سارق : میخالیجلی علی بن مصطفی
ایکی دفعه محکوم اولمشدر

Thieves. (Reproduced from *Polis Mecmuası*, no. 20, 15 May 1914.)



سارق : دوستقور ولد فراخستو
ایکی دفعه محکوم اولمشدر



سارق : داوید ولد بنجور
ایکی دفعه محکوم اولمشدر



سارق : طلومبجی یوسف بن سعید
ایکی دفعه محکوم اولمشدر



سارق : یونانی نیقولی ولد مانول چامولیا
اوج دفعه محکوم اولمشدر



سارق : موردخای ولد دانیال
ایکی دفعه محکوم اولمشدر

Thieves. (Reproduced from *Polis Mecmuası*, no. 24, 15 July 1914.)



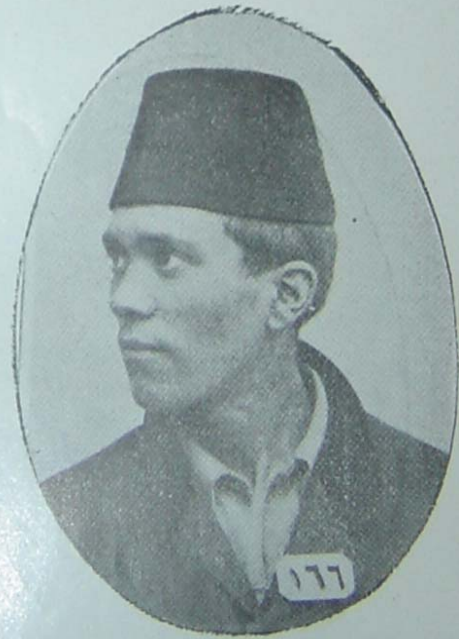
سارق : آستانه‌لی علی بن خلیل
ایکی دفعه محکوم اولشدر



سارق : سامسونلی محمد بن حسن
اوچ دفعه محکوم اولشدر



سارق : آستانه‌لی دلاک محمد بن محرم
درت دفعه محکوم اولشدر



سارق : چتالجه‌لی طودوری ولد دیمتری
اوچ دفعه محکوم اولشدر

Thieves. (Reproduced from *Polis Mecmuası*, no. 14, 15 February 1914.)



خالد بن محمد

(ابوئى خالد ناميه، معروفدر)
مختلف جزالوله بش دفعه محكوم اولمشدر



قدرى بن-سلمان نام ديكر عبدالمقادر

(هقادو ناميه، معروفدر)
سرقندن ايكى دفعه محكوم اولمشدر



ضيا بن احمد

بردفعه بريچيق ديكر بردفعه اوج سنه
بردفعه ده اون بش كون حبسه محكوم اولمشدر



شعبان بن احمد

ايكى دفعه التيشرمه ايكى دفعه برسنه و بر
دفعه ده درت ماه حبسه محكوم اولمشدر



قبلى نضيف بن اهدان

الك اشاغيسى بريچيق ماه والك بوقاربسى بريچيق
سنه اوليق اوزره بدى دفعه محكوم اولمشدر

Thieves. (Reproduced from *Polis Mecmuası*, no. 2, 15 Ağustos 1913.)



یانکسیچی : سانداچی آرقونام دیگر
ساریقو ولد جوانی
ایکی دفعه محکوم اولمشدر



سارق : پناپوط ولد پترو
سرقندن اوچ سنه حبسه محکوم اولمشدر



سارق و طولاندیریچی : استاوری ولد انسطاش
بردفعه برسنه بر دفعه درت و دیگر بر دفعه ده
اوچ ماه حبسه محکوم اولمشدر

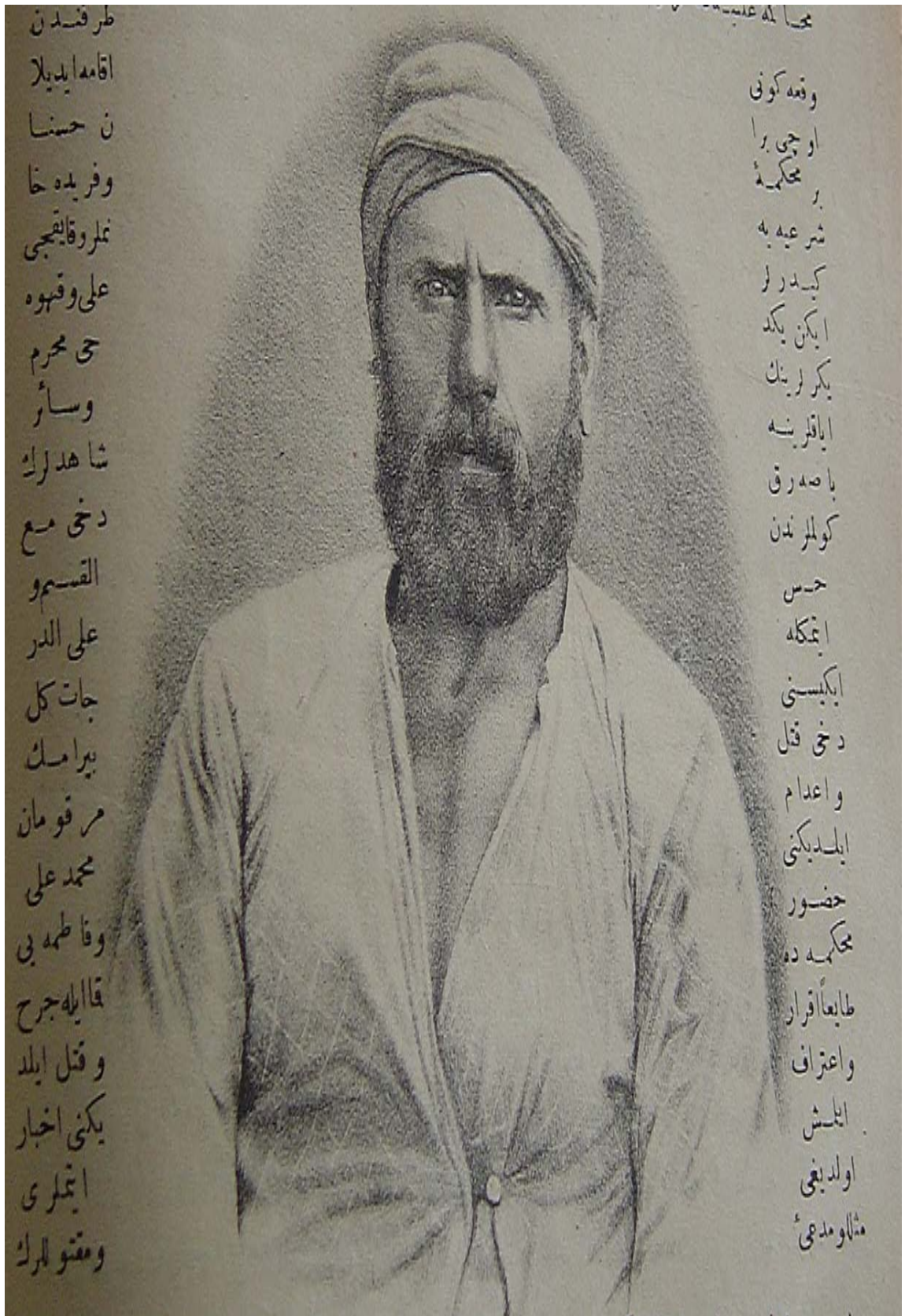


یانکسیچی : استاط ولد خرسنو
بردفعه برسنه و بردفعه ده اوچ ماه حبسه
محکوم اولمشدر



سابقه‌لی ویانکسیچی : ساقزلی آندون ولد قسطلی
ایکی دفعه محکوم اولمشدر

Thieves. (Reproduced from *Polis Mecmuası*, no. 3, 28 August 1913.)



A Murderer. (Reproduced from *Ceride-i Mehakim*, no. 560.)

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