

**THE BABA CAFER DUNGEON**

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in partial fulfillment of the requirements  
for the degree of**

**Master of Arts  
In the  
History**

**by  
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## **AUTHOR DECLARATIONS**

1. The material included in this thesis has not been submitted wholly or in part for any academic award or qualification other than that for which it has now been submitted.
2. The program of advanced study of which this thesis is part has consisted of the following:
  - i) Research Methods course during the undergraduate study.
  - ii) Examination of several thesis guides of particular universities both in Turkey and abroad as well as a professional book on this subject.

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## ABSTRACT

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### THE BABA CAFER DUNGEON

This thesis aims to determine the position of The Baba Cafer Dungeon which was used to lock prisoners before Ottoman modernism in the Ottoman state system. The dungeon is not only examined by its physical condition but also in terms of the prisoners' social status, gender, economical conditions and crimes. Moreover, an analytical and thorough overview of how the state and society perceived the prisoners is given.

Firstly, this thesis is mainly based on archival documents, travel books which were written by Europeans, maps, pictures, and *Vakayinames* which were written by official historians. After the introduction, chapter one presents the location and physical structure of the dungeon and the next chapter discusses the prison cells at the Baba Cafer Dungeon and the public order staff. The third chapter criticizes the Armenian Patriarchs at Baba Cafer Dungeon and the relation between the Armenians and the Ottomans. In the conclusion section the effect of the dungeon system on the Ottoman public order and society is discussed.

**Key Words:** Baba Cafer Dungeon, prisons, Ottoman Jurishprudence, Tazir punishment, prostitution, despicable crime.

## KISA ÖZET

Esen SALARCI

Ekim 2010

### BABA CAFER ZİNDANI

Bu tezin amacı Osmanlı modernleşmesi öncesinde adi suçluların hapsedildiği mekan olan Baba Cafer Zindanı'nın Osmanlı devlet sistemindeki yerini tespit etmektir. Zindanın fiziki konumunun yanında zindana atılan kişilerin sosyal statülerine, cinsiyetlerine, ekonomik durumlarına ve suçlarına bakarak zindan kavramı ve ceza hukuku içindeki yeri incelenmektedir. Ayrıca toplumun ve devletin suç ve suçluya bakış açısı irdelenmiş suçlu kesim üzerinden devlet toplum çözümlemesi yapılmaya çalışılmıştır.

Tezin hazırlanmasında kaynak olarak arşiv belgeleri, İstanbul'a gelen yabancıların seyahatnameleri ve haritaları, 17. 18. Yüzyıl vekayinameleri kullanılmıştır. Birinci bölümde, Zindanın konumu ve fiziki yapısı incelenmiş, ikinci bölümde Osmanlı hukuk sisteminde hapis cezası ile zindana atılan kesimin sosyo kültürel durumuna bakılmış ve zindanda kalanlar ile muhatap olan devlet görevlileri incelenmiştir. Üçüncü bölümde ise IV. Mehmet döneminde bu zindana atılan yedi İstanbul Ermeni Patriği ve devlet ile olan ilişkileri incelenmiştir. Sonuç bölümünde elde olan bilgiler ile zindanın toplum hayatına ve Osmanlı hukuk sistemine etkisi vurgulanmaya çalışılmıştır.

**Anahtar Kelimeler:** Baba Cafer Zindanı, mahkum, Osmanlı hukuk sistemi, Tazir cezası, fahişelik, adi suçlar.

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The encouragement of my parents, Ferihan and İbrahim Salarcı, their support and respect for my efforts were something priceless and many thanks to my sister and friends...

## **INTRODUCTION**

### **THE BABA CAFER DUNGEON**

The study of history in Turkey has been heavily influenced by Ottoman tradition; in the sense that stories of Sultans, wars, great achievements and in addition to these the political and military events are emphasized. This approach is most visible in accounts of Ottoman history. The Ottoman Empire was a great power of its time and played a key role in world policy thanks to both its foreign policy standing and domestic conditions.

Sultans or grand viziers either achieved great feats or failed because of their incompetence. This story is told over and over whereas the nameless individual is overseen. As Annales school gained influence, there was a growing tendency towards study of events based on the individual peoples' experience that is the history without names criticized by August Comte. Actually, Norbert Elias can be cited here. With his questions like "did the people who lived in dark times call their period as such? Or were the people who lived in Modernization period aware of what was going on, thus, put extra effort to contribute to the process, or are these nomenclature only consequences of our vantage point. If those people weren't aware of the phenomena surrounding them can we call them; people of dark ages or "modern people " He presents a whole new point of view with these questions . We can deduct a number of new and unique questions based on Elias' query. Can we say that physical environment, food, garments, traditions, folk stories things we define as

genetic code of a society were perceived the same way at the time as we do now? Or did we emphasize these codes and attribute them to the period? Whatever we observe in social life, why were they there or were these really the fundamental dynamics of social life?

A case in point for the consequences of different approaches to study of history we mentioned above is the evaluation of coffeehouse culture. Only 20 years ago, a coffeehouse would be studied for its physical environment, or as a location depicted in a European painters' work. Now we emphasize its function as an important theatre of state-society interaction. State prohibition, people's addiction, changes in number of coffeehouses and the fact that coffeehouses transform from a location to heterotrophic area show us how the picture changes as we change our point of view.

At just this point I was drawn to study and analyze the concept of imprisonment and confinement in the Ottoman system. Were there prisons in *Istanbul*, the capital of the Ottoman Empire, how was state care for the inmate, which part of our social state system today is accommodated by Ottomans, or how was the criminal confined before the emergence of modern prison facilities? In the light of my studies I arrived at the conclusion that the more widely known "Yedikule Dungeons" wasn't the only prison in *Istanbul*. My studies showed me that *Yedikule* Dungeons were well known because the political elite, administrative official, bureaucrats, sometimes foreign ambassadors and even religious leaders were confined there. At this point it is clear that lay people weren't imprisoned in *Yedikule*, so where were they sent? If there was no prison like facility then why do we witness efforts to establish a modern prison in the first half of the 19<sup>th</sup> Century?

Judging by the principle; needs create inventions, can we say that Ottomans were trying to build a modern prison when they were perfect strangers to the idea of imprisonment as a type of punishment?

As I was doing my research, I was directed by a map drawn by the 16<sup>th</sup> Century voyager *Melchior Lorichs* where a dungeon Tower was expressly illustrated with the description: Sultan's prison, towards *Baba Cafer Zindani*. Because this dungeon tower was the *Baba Cafer Zindani* and it was the largest prison at the time. This dungeon was used from the conquest of *Istanbul* till 1834. As there were no archives regarding the dungeon in earlier periods our study focuses on the 17<sup>th</sup> and 18<sup>th</sup> Centuries. The reason for which the *Baba Cafer* dungeon was neglected and not studied so far may be due to the fact that it was only mentioned by *Evliya Çelebi* and there were no other report to support his account. Furthermore, in the Ottoman sources there are no references as to how it was established or who the historical personality was that gave it this name. Only in the decree by *Mahmut the II* to the effect that prison be converted to a police headquarters is it mentioned that he was a contemporary of the Prophet *Muhammed* and the title "*Baba*" was given to him by the Janissaries. In the archive documents there is only information regarding repair works and instructions for workers about how to handle the inmates. This building has been used as a dungeon for 371 years. There is no information about its fate after it was converted to a police headquarter in 1834.

The first chapter of this study comprises of the physical conditions of the dungeon, its emergence, repairs, earthquakes and fires. Istanbul had a high incidence of fires and earthquakes which resulted in big losses of human life. As such, the *Baba Cafer* Dungeon was affected by many fires and earthquakes for which, inmates also

perished. The prison was repaired many times as well. The physical conditions of the dungeon will be evaluated in the light of this data.

Initially, before being attracted to the *Baba Cafer* dungeon, I studied the concept of punishment defined by *Durkheim* as the collective conscience, concrete example of a process both reflecting and reshaping social values and how punishment was affected in the Ottoman legal system. In a multiethnic society like the Ottomans, to observe the legal rules and Ottoman legal system in practice would be an intriguing topic. *Leslie Pierce* tries to analyze a society from court records in his book *Morality Tales*. This inspired me to the effect that I thought it was as feasible to analyze the interplay of law, society and state based on prisons. The second chapter contains analyses to that effect. Here instead of court session reports we have a section of society, the one called criminals. Here imprisonment is basically a reflection of *Tazir* punishment. Based on a synthesis of traditional law with Islamic law, Ottoman Legal system recognizes Sultans' rights to specify *tazir* punishments. What is the reasoning and mechanisms for this? Were the Sultans obliged to establish these punishments because Islamic law was as asserted by *Uriel Heyd* unable to cope with these issues or did the Islamic law allow rulers the maneuverability needed to respond to changing conditions?

Did the punishments reflect the feudal mentality that kings should make a show of their power on the criminals as Foucault remarks? Did the Ottoman Sultans join their European counterparts in the tendency to illustrate their power with torture of criminals? According to *Foucault* crime is an insult against the ruler as well as the victims themselves. Because law reflects will of the ruler and crime is a blasphemy against him. However, Islamic law states that any crime against an individual is a

crime against the public. The ruler only represents the public in the process of punishment. Ancient mentality regards the body of a convict as property of the ruler to be stamped as such. The torture or tormenting of the criminal should thus, be firmly engraved in the memory of spectators. Here the important question is, were the Ottoman Sultans using the body of criminals as an index of legitimacy or did they forfeit torture because Islamic law preceded Western law with the understanding of the personal nature of crime and the humanity of criminals. For example, when tradesmen got caught the punishment was immediate and public. This gave the populace the message that both justice was restored and also that the same thing would occur should they also commit a crime. This is rechipering. *Schweigger* who was in Istanbul tells us that *“if a murderer is to be executed, he is not hung rather he is impaled at the end of a hook. The criminal was hanged to a stake with very thick hooks which is stuck to his body and he was left there for three days. Many of the criminals got their throats cut. The traitors were either punished with the stake method mentioned above or were dragged by the horses until they died. The thieves’ heads were cut and the fornicators were drowned in the sea. , the men who raped little boys were thrown from the minaret of a mosque.”*

Does this picture reflect the real crime-punishment relation of the justice system in the Ottoman State or is it a small reflection of the European punishment system? In this section, in addition to the answers of these questions, we will study the ordinary guests of this dungeon, thieves, vandals, cheaters among the guilds and especially women. First of all, the social analysis of the criminals and their conviction periods have been studied .Were the conviction periods of a guild and a prostitute the same? And were they evaluated equally by the State? Or more

generally, how does the state perceive the criminals, or the relationship between the state and the criminals? The statesman dealing with the criminals and their approach towards them has been studied. In that way, the perception of criminals in society, in the state and the relationship between the criminals and authorities that participated in the fight against the crime is examined. At this point, we focused on some important practices revealing the position of the criminals in the Ottoman State ,like; the release of the criminals by the rebels during rebellions , amnesty granted by the Sultan on special occasions like accession to the throne or wedding and more interestingly guilds acting as a guarantor for another criminal guild.

The third section is about some other guests of the *Baba Cafer* dungeon. The Ottoman State was a multinational empire and different citizens had different statuses among themselves. The Armenians were named “the loyal nation”, and belonged to the non Muslim minority group. Between 1660 and 1688 seven Armenian patriarchs were imprisoned in the *Baba Cafer* dungeon. But soon after two Armenian patriarchs were imprisoned in *Yedikule* and *Tersane* dungeons. Why were they sent to different dungeons? Was it because their crimes were political or because the Sultan and grand vizier changed in that period? Besides, it is necessary to look at the relationships between the Ottoman State and the Armenians and also the relationship and political state between the *Istanbul* Armenian Patriarchate and the *Echmiadzin* Patriarchate. The political state of this period and the relationships between Armenian patriarchs and *katağiğoses* will also be studied in this section but the main emphasis is on the convicted Armenian patriarchs. The source of information about the imprisonment of the patriarchs is *Eremya Çelebi*, the chief secretary of the patriarchate of the same period. He claimed that the patriarchs were

imprisoned because of their greed and corruptive behaviors. The main point in this section is this subject but the relationships between *İstanbul* Armenian Patriarchate and *katoğışos* is also mentioned.

In the final part, the effects of the definitions of conviction and crime on the state and society and imprisonment-faith concepts are re-evaluated. As we come to the conclusion which will involve an overall evaluation, it should be noted that so far in three episodes we have tried to address questions such as “the reflections of terms like confinement or imprisonment on the society and state? Has the penal system worked satisfactorily? Were the individualization efforts (meaning protection of family members of the criminal who due to the patriarchal structure of the traditional Ottoman society are extremely dependent upon the breadwinner of the family, amnesty targeting restoration of this delicate balance) inherent in Ottoman judicial system given attention in the decisions pertaining to reform?” Another important point, was Ottoman state a social state. In the period there was no concept of social state but the Ottomans with their widespread network of foundations had similarly functioning organizations. So we took an extensive look at whether the confinement facilities and individual inmates were served by foundations and also, whether individual inmates were by these. In the summary of the whole study, we tried to find out whether the dungeons were heterotrophic or not.

As for the evaluation of the sources, the majority of the study depends on the primary sources. We can find information about the repairs of the *Baba Cafer* dungeon, documents about some criminals imprisoned there, and a regulations book. The first secondary source used in this study is “The travel book of *Evliya Çelebi*”. This is the first source in which we find the name of *Baba Cafer*. The following



sources refer to the book on this subject. According to *Evliya Çelebi*; the *Baba Cafer* dungeon was also used as a prison in Byzantium period. There is also some information about the *Baba Cafer* himself. The books of some important travelers who visited Istanbul in that period such as *Mortdman* and *Schweigger*, the travel book of *La Motraye*, the travel book of *Polish Simon*, Constantinople Carte Archelogigue et Topographigue and the ancient maps of Istanbul, insurance maps and the maps of waterways are also studied. Moreover, to show the panorama of that period, the chronicles reflecting the viewpoint of the state such as *The History of Solakzade*, *The History of Cabi*, *The History of Suphi*, *The History of Abdi*, *The History of Lütüfi*, *The History of Gilmani* and *Mecelle-i Umur-ı Belediyeye* from *Osman Nuri Ergin* have been used. After being categorized as primary and secondary sources, these studies can be divided in to three classes. The first chapter gives information about the dungeon and how it was used for social life. The second chapter is about the Ottoman law system, *Tazir* punishment, confinement and the socio-economic analysis of the prisoners in the dungeon. And finally, the third chapter is about the confinement of the Armenian patriarchs. As such, these classifications represent the different dimensions of this study.

One of the difficulties that should be mentioned in studying a field which hasn't been studied before is not just reading the primary sources, the archive documents but, evaluating them in the conditions of their own time. As such, I have tried to do my best in this limited period of time and kindly ask for tolerance for my probable deficiencies. It should not be ignored that there may be probable deficiencies in the evaluation of the concept of conviction on the basis of the *Baba Cafer* dungeon.

## 1) **PHYSICAL STRUCTURE OF BABA CAFER DUNGEON**

### 1.1. **LOCATION OF BABA CAFER DUNGEON**

*Melchior Lorichs'* map was the first map which located the place of the *Baba Cafer* dungeon which imprisoned prostitute women, thieves and guilty shopkeepers of İstanbul. According to this map the *Baba Cafer* Dungeon can clearly be seen next to the Yemiş Pier and at the bottom of the *Bayezid Mosque*. Actually today, the *Baba Cafer* Dungeon's location can be found directly under the *Süleymaniye Mosque*. Due to a fact that the *Süleymaniye mosque* has four minarets but another mosque which can be seen at picture has two minarets. Perhaps *Lorichs* forgot the number of minarets, if he did not draw the opening of *Suleymaniye Mosque* 1557 it is possible. He drew four minarets of *Suleymaniye mosque* in this picture. Yet, it is impossible to locate exactly which tower the *Baba Cafer* Dungeon is above, however it is clear that it is above one of the towers surrounding İstanbul. Therefore determining the position of the *Baba Cafer* dungeon requires studying the history of the development of the surrounding walls of the city. The walls are very different from today's as in course of time these city walls lived through several attacks, destructions and disasters, thus, the walls have been repaired and changed. During the reign of Theodosius the 11 the city walls were 16 kilometers long with more than 400 towers, thus several other towers were used as dungeons besides the *Baba Cafer* Dungeon. Thus, in order to better understand where the *Baba Cafer* dungeon was located the other dungeon locations should also be explained.

One of the magnificent towers was the *Başkule* (Beşkule) in other words Penta Pygri which was given this name because of its five towers.<sup>1</sup> After the conquest of *Mehmet the conquerer* two more towers were added, therefore it was called *Yedikule* which is known as the *Yedikule* dungeon.<sup>2</sup> This very famous dungeon today, was used as an official dungeon during the Byzantium era as it was more powerful and solid. After the conquest *Yedikule* was used as an official dungeon in the Ottoman Era.<sup>3</sup> Immediately after the conquest *Candarli Halil Pahsa* was imprisoned here, shortly after, bureaucrats that were supposed to be prisoned were sent here too. In the course of time not only were the Ottoman government officials, but also officials of other countries that fought in the war against the Ottomans were also imprisoned here till the year 1806.<sup>4</sup> However, some of the unused towers during the Ottoman Empire were used as dungeons during the Byzantine period. During the Byzantine period the most famous tower used as a prison was the Anemas dungeon of the Palace Blakerna which was above the tower of Isak Angelos. There is no evidence suggesting this prison was used during the Ottoman period. The Anemas dungeon was given this name because Anemas the son of the King Heraklion had been prisoned here.

Nonetheless, towers were not the only locations used as prisons but also different places were used as dungeons in the Ottoman Empire. A brief mention of these dungeons will be made and we will than continue to determine the location of the *Baba Cafer* dungeon. The *Aga Kapısı Dungeon* was used as a prison in the

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<sup>1</sup>Ethem Ruhi Öneş, *Fatih İlk İstanbul*, İstanbul: Fatih Belediyesi Yayınları, 2003, 14.

<sup>2</sup> İlhan Akşit, *İstanbul*, İstanbul: Sandoz Yayınları, 1981, 8.

<sup>3</sup>Ziya Şakir, “İşkence ve ölüm yeri Yedikule”, *Resimli Tarih mecmuası*, 144-146.

<sup>4</sup> Ibid, 145.

Ottoman State but was not situated in the towers <sup>5</sup> according to rumors this is *Baba Cafer* Dungeon's other name, and legends claim that this dungeon was built for the Janissaries. The majority of prisoners of war were sent to and forced to work at the *Tersane Zindanı*, the *Tomruk Zindanı* was called a place of torture and the prison in which women were imprisoned and ordinary criminals placed was the famous *Baba Cafer* Dungeon.<sup>6</sup>

The location of the *Baba Cafer* dungeon is not exact because following the conquest of Constantinople the city walls which were the most important architecture of the Byzantium went through significant changes. Many of the towers were destroyed, many of doors were closed and others were opened, and many of the names changed. Thus, historians could not determine the exact names and locations of these gates of İstanbul, as a consequence the names and locations were shown differently. To be able to locate the *Baba Cafer* dungeon precisely, the walls must be examined.

Firstly, Evliya Çelebi claimed that there were twenty doors and he continued as follows;

“Firstly *Yedikule Köşkü* is close to the sea, a thousands steps up to the *Yedikule Kapısı*, ten thousands steps from *Yedikule* to *Silivri*, a thousand steps to *Yenikapı*, two thousand nine hundred steps to *Topkapı*, a thousand steps to *Edirnekapı*, nine hundred steps to *Eğrikapı*. These six Gates are faced towards the west side and

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<sup>5</sup> Osman Nuri Ergin claimed that Ağa Kapısı Dungeon and Baba Cafer Dungeon are same. Mecelle-i Umur-ı Belediye, 2/621.

<sup>6</sup> Ahmed Rasim used Zindan kapısı Dungeon instead of Baba Cafer dungeon in Ottoman History Book. See: Ahmet Rasim, *Osmanlı Tarihi*, prepared by: Metin Hasırcı, İstanbul: Emir Basım, 2002, 2/643.

*Edirne*. One hundred steps to *Eyyub-i Ensari*, seven hundred steps to *Balat*, nine hundred steps to *Fanus Kapısı* which is called *Fener Kapısı* today, six hundred steps to *Petro Kapısı*, hundred steps to *Yenikapı*, three hundred steps to *Aya Kapısı*, four hundred steps to *Cibali Kapısı*, four hundred steps to *Unkapanı*, four hundred steps to *Ayazma Kapısı*, four hundred steps to *Odun Kapısı*, three hundred steps to *Zindan Kapı*, four hundred steps to *Balık Pazarı Kapısı*, three steps to *Yeni Cami Kapısı*, three hundred steps to *Şehit Kapısı* which should be called *Çufut Kapısı*. From *Eyyub-i Ensari* fourteen of these doors open to the North and are by the sea.<sup>7</sup>

In *Hadikatü'l Cevami*, 27 gates are mentioned and the third gate is referred to as the *Zindankapı*. Only *Mehmed Ziya* argued that the name of the *Zindankapı* was the *Gemiler Kapısı*(Porta Drungarion, Porta Caravion).<sup>8</sup> Actually A.G Paspatis accepted this door name was Drungarion or Vigla but later he ascribed this name to *Odunkapısı* which was further down. According to Mortdman the name of *Zindankapı* was previously *Ayios Ioannes Prodromos Kornibos*, yet he did not give any information to support this.<sup>9</sup> At the same time a map drawn in 1936 suggests that *Zindan Kapı* was the name given to Porta St Jean de Cornibus and Drungarion Vigla was attributed to *Odun Kapı*.<sup>10</sup> Other arguments about this gate and tower which we

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<sup>7</sup> ilk olarak Yedikule köşkü deniz yakınındadır, ondan Yedikule kapısına kadar bin adım, Yedikule'den Silivriye bin on adım, Yenikapıya bin adım, Topkapı'ya iki bin dokuz yüz adım, Edirnekapı'ya bin adım, Eğrikapı'ya dokuz yüz adım. Bu altı kapı batıya ve Edirne tarafına bakmaktadır. Eyyub-i ensari'ye bin adım, Balat kapısına yedi yüz adım, Fanus kapısına ( şimdiki adıyla Fener kapısına)dokuz yüz adım, Petro kapısına altı yüz adım, Yenikapı'ya yüz adım, Aya Kapısı'na üç yüz adım, Cibali Kapısına dört yüz adım, Unkapanına dört yüz adım, Ayazma kapısına dört yüz adım, Odun Kapıya dört yüz adım, Zindan Kapıya üç yüz adım, Balık Pazarı kapısına dört yüz adım, Yeni Cami Kapısına üç yüz adım, Şehit Kapısına (çufut kapısı olmalı) üç yüz adım. Eyyub-i Ensari'den buraya kadar on dört kapı kuzeye açılır ve deniz kenarındadır

<sup>8</sup> İhtifalci Mehmet Ziya Bey, *İstanbul ve Boğaziçi*, İstanbul: BİKA kültür kitaplığı, 2003, 1/ 304.

<sup>9</sup> “Zindankapı” *Asırlar Boyunca Eminönü*, İstanbul: Eminönü Belediye Başkanlığı, 2/173.

<sup>10</sup> Constantinople Carte Archelologique et Topographique, İstanbul: Imprimerie Kephallides, 1936. Map is appendix, see: Picture 1.

have no knowledge as to its name during the Byzantine and know that it was recognised as Zindankapı during the Ottomans are as follows;

*“The Baba Cafer dungeon, is known as Zindankapı today, but the name used during the Byzantine period is unknown. The Baba Cafer stands between the Zindankapı and the Bahçekapı and is the 81st tower. It has been through many repairs and has been used as a prison for many years.”*<sup>11</sup> However, *Dirimtekin* puts forward that between the years 1204 to 1236 this gate was destroyed by the Latin occupation, yet the Konstantinos Akropolites family revived the door and named it Seminaria of Pierre Gilles.<sup>12</sup> Another source mentions the names used during the Byzantine period, however the name *Zindankapı* is not spoken of.<sup>13</sup> *Ziyaoğlu* claimed that the name *Yemiş İskelesi* was attributed by Nearion and the port name was then attributed to the prison here during the Ottoman period, but there has been no information to support this argument.<sup>14</sup> In this map which was illustrated in 1936 the name Nearion is attributed to the *Bahçekapı*. This map also shows the location of *Nearion* pier of the Byzantine period in *Sirkeci*,<sup>15</sup> In regards to Zindankapı during the Byzantine period; *Eyice* puts forward that it is impossible to recall the name of *Zindankapı*, moreover he claims that, due to *Hagios Anastaseos* monastery and church being in close vicinity (according to some resources), the gate was probably

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<sup>11</sup> Feridun Dirimtekin, *Fetihten Önce Haliç Surları*, İstanbul: İstanbul Matbaası 1959, 52.

<sup>12</sup> Ibid, 19.

<sup>13</sup> Eser Yüçetürk, *Haliç Silüetinin Oluşum-Değişim Süreci*, İstanbul: Haliç Belediyeler Birliği, 2001, 106.

<sup>14</sup> Rakım Ziyaoğlu, *Yorumlu İstanbul Kütüğü*, İstanbul: Yenilik Basımevi, 1985, 13. He claims that name of Yemiş street was Nearion at the Byzantion age and this street’s name change to Ottoman era. Zindan Street’s name was Yemiş street and Yemiş Port side was in Zindankapı street. However he did not any information which support.

<sup>15</sup> Constantinople Carte Archéologique et Topographique, İstanbul: Imprimerie Kephallides, 1936. See: picture 1.

*named after them.*<sup>16</sup> The cause of the complexity of the various sources of information given here is due to the fact that the name of this gate during the Byzantine period is unidentified. Historians that dedicated names to this door did not provide firm evidence. The importance of this location as the center of trade for this region is indicated as follows; "*the city's tenth gate, the dungeon gate (Zindankapı) is between the Balık Pazarı Kapısı and the Odun Kapısı and the original name of this area is the Fruit pier. And on this coast; beeswax, delicious coffee, henna, rice and many kinds of dried and fresh fruits are sold.*"<sup>17</sup> What we know for certain is that it was used as a prison during the Ottoman era.

The most important evidence of this tower being a dungeon in the 16<sup>th</sup> century is the previously mentioned pilgrim Melchior Lorics Panorama of Istanbul. This panorama shows the dungeon and the city surrounding it. In fact, the map engravings of Melchior Lorichs of Flesburg who came to Istanbul in the 16th century during the reign of Kanuni with official delegates were 21 pieces of which many of them were damaged. This map is one of the most important and oldest maps we hold. Melchior's illustration of 1559 Istanbul is 11.275 meters long and 0.450 meters in width. The picture illustrates the image of the mid point of the Golden Horn, the Bosphorus and the Marmara Sea and continues until the city's far west, *Galata and Uskudar* are not depicted in the illustration.<sup>18</sup>

This panorama of the *Baba Cafer* dungeon is explained with a little memo attached to it. The Sultans note reading the prison tower, definitely indicates that this was a dungeon in the 16<sup>th</sup> century. According to the *Eyice's* findings, the image

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<sup>16</sup> Semavi Eyice, "Dünüyle, Bugünüyle, Çevresiyle Zindan Kapı", 129-138.

<sup>17</sup> Eremya Çelebi Kömürçüyan, *XVII. Asırda İstanbul*, İstanbul: Kutulmuş Basımevi, 1952, 17.

<sup>18</sup> Metin And, *16. Yı da İstanbul*, İstanbul: Akbank Kültür Yayınları, 1993, 21.

shows more than one tower on the west side and a rope hanging from the tower with a basket connected to its ends. In his statements *Eyice* says that "despicable people caught in the city and the homeless are locked up in this tower at night. In the tower there is grave of *Eldad* who was a relative of *Eyyub* (Companion of Prophet Mohammed pbuh). Thus, this means that two of these walls of the Golden Horn were used as dungeons, and the author argues that this is verified in Ottoman documents.<sup>19</sup> Furthermore, *İnciciyan* was the second historian to support that there were two dungeons here.<sup>20</sup> The hanging baskets from a rope with food and the presence of the prisoners had been clearly demonstrated in the picture.<sup>21</sup> We can not understand which tower the *Baba Cafer* dungeon is located above.<sup>22</sup> Some travel books mention the *Baba Cafer* Dungeon but the clearest picture of the *Baba Cafer* dungeon is in *Lorichs'* map.

Used through the classical Ottoman period until today, the *Baba Cafer* dungeon has undergone many changes. Despite going through many changes in the years, the greatest change this dungeon went through was done in the year 1276 (1859) with a regulation that foresaw that the *Zindankapı* neighbourhood topography go through massive changes including the walls going down and the land being auctioned. According to the enactment which was called *Kule-i Zemin* or

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<sup>19</sup> Semavi Eyice, "Zindankapı", 132. According to document which was found by Mustafa Cezar at Topkapı Palace Library 700 prison died in fire which was emergence at Zindankapı place and explanation of fire was mentioned Subaşı dungeon in this way this document supported two dungeons in here.

<sup>20</sup> Money agent Hovannesyan, the *Baba Cafer* dungeon on the information given in the *Zindankapı* of the left side of the various nationalities-off male and female prisoners related to different sections of the existing prison other than a heavy penalty in the bloody well known as a prison had claimed. (İnciciyan, 117.)

<sup>21</sup> See, Melchior's panorama

<sup>22</sup> Panorama of Melchior Lorichs is in appendix. See Picture 2.



*Zemin-i Kule*'s management, it would be sold by auction through the *Şehremini*. The *Zindankapı* neighbourhood was one of the most important centers of commerce not only in the Byzantine period but also in the Ottoman period. Being near the *Yemiş İskelesi*, having the *Çardak Pier* in front of it, and the 56th Janissaries being located here made it an important center. With the *İrade-i Seniyye* in 1884 the regulations were blocked and after several operations the walls were transferred to the municipality.

A map of the location of the *Baba Cafer* dungeon in the early twentieth century does not exist. However detailed maps of fire ridden Istanbul with almost all of its areas were prepared for the *Türkiye Sigortacılar Merkez-i Dairesi* by Jaques Pervititch. Pervititch drew more than 230 maps between the years 1922-1945. These maps, only included the Zindan Street and dungeon locations.<sup>23</sup> Despite most of the walls were destroyed apart appearance between 1984 and 1986 destroyed a portion condemnable activities during the days on the road in this region, it still remains among the ruins and the car park is part of the prison.

Currently the *Baba Cafer* dungeon is beside the *Zinhan Han* in *Eminönü*. The only remains of the *Baba Cafer* dungeon is the tombs of *Baba Cafer* and *Ali Baba*.<sup>24</sup> The location of the tomb seems to be small when one considers the information provided.<sup>25</sup> Moreover, the tomb of *Bekri Mustafa* in the garden is gripping. It is not possible that *Bekri Mustafa* who was the greatest of drunkards and whom we do not know he whether lived or not could have a tomb here.

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<sup>23</sup> Maps are at appendix. See, Picture 3,4,5.

<sup>24</sup> When *Baba Cafer* was put the dungeon by king jailer changed his name and he was called *Ali* saw his miracle so he choiced *İslam*. Thus king wanted to burry both of them in here. The two graves were them.

<sup>25</sup> Photograph is at appendix. Picture 6.

The the inn that nestles *Zinhan Han*, *Ahi Çelebi Cami*, *Marmara Belediyeler Birliđi Lokali* and *Tarih Vakfi* still stands today. *Semavi Eyice* gives the most comprehensive findings of the size of the dungeon. The fact that the two-story part of the prison with an average size of 45m<sup>2</sup> is inconsistent with historical events, because according to an account during a fire 300 prisoners died in the *Baba Cafer* dungeon. In addition it is a fact that the *Baba Cafer* dungeon being the biggest dungeon in its time had a seperate part for female prisoners. Based on this information *Eyice* claims that; the ruins that remain today are only a part of a dungeon that stretched up to the *Ahi Celebi* Mosque. Only ten to twelve people can fit into this space which then makes it contradictory to the fact that this was Istanbul's greatest dungeon. This claim is closer to reality because *Evliya Çelebi* narrates that the number of prisoners who died in fires in anonymous dates, and men and women being prisoned separately indicates that what stands today is only a small part of a big dungeon. We do not have a definite opinion about the physical space but setting out from the data is likely that it was great in size. In the ground floor there are the graves of *Baba Cafer* and *Ali Baba*. The upper floors can be reached through the *Zinhan Han*. There are two floors upstairs. Due to the windows being very small it is very narrow and dark. The stairs that remain from the past are only enough for one person to go through at a time because they are very narrow and steep. No more than fifty standing people could have fit on each floor. The upper level windows are very small. (Refer to appendix for detailed pictures). Like most monumental works of art in İstanbul the *Baba Cafer* dungeon has been affected by earthquakes and fires. I have tried to portray a picture of; the *Baba Cafer* dungeon which went through many disasters and repairs, the inhabitants that were effected and the physical changes the dungeon went through with supporting documents. Moreover, the

changes that the dungeons were exposed to and the repairs and various reasons are dealt with below.

## **1.2. RECONSTRUCTIONS OF THE BABA CAFER DUNGEON (FIRES AND EARTHQUAKES)**

Byzantium or Islambol has been subject to numerous destructions within history. Earthquakes and fires have been the reason for the many changes in the face of this city. These walls that withstood violent attacks, artillery attacks and strong armies couldn't bear some earthquakes. With its face today *Istanbul* went through many fires, floods, famines, earthquakes and plagues. Thus, to highlight the severity of these fires and earthquakes they were often given names. One of these was the Fire of *Hoca Paşa* which was called *Kıyamet-i Suğra*. These disasters affected the architectural reconstruction of city. For example, after the great *Kıyamet-i Suğra* earthquake houses were made of wood instead of masonry. Yet, this exposed Istanbul to a new disaster fire which consumed not only homes but neighbourhoods. The name changes neighborhoods went through and monumental reconstructions are due to such fire related disasters. The duty to extinguish these very famous Istanbul fires was given to the Janissaries. Yet differing arguments are put forward in relation to this. Many authors claimed that the Janissaries came to the fire zone not to fight the fires but to loot the goods. Schweigger argues as follows, " If the Janissaries leader was not good hearted the janissaries would loot the goods, if he was good hearted the goods would be delivered to its owners".<sup>26</sup> Moreover, he claimed that the Janissary did not come to extinguish the fire but rather to demolish the surrounding

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<sup>26</sup> Salomon Schweigger, *Sultanlar Kentine Yolculuk 1578-1581*, translated by: Türkis Noyan, İstanbul: Kitabevi Yayınları, 2003, 103.

buildings in order to prevent the spread of the fire, thus, they would do more damage than the fire. He put forward that the owners of the houses that burned would flee to avoid being thrown into these fires.<sup>27</sup>

We previously mentioned that the *Baba Cafer* dungeon was located next to the *Yemişçi İskelesi* in the middle of the center of trade. The *Haliç* was often the center of the fires.<sup>28</sup> Fires that happened here affected a large part of the city. The piers being exposed to fires and earthquakes were very important as food supplies were shipped into the city from here. After a fire in the pier, society would have to deal with famine. The first prison fire that occurred in this location was in 1539.

#### a) The 1539 Zindankapı Fire

The start of the fire is stated as *Zindankapı*. The following information is given. The fire of 946 started in pitch and tar stores in *Zindankapı* and spread quickly. During this period there wasn't an institution to extinguish the fire. So the Janissary took action to extinguish the fire and even the Janissarie *Ağa* and Grand vizier (sadrazam) went to the fire.<sup>29</sup> The Janissaries that came to the fire couldn't open the dungeon's gate, so many of the prisoners died.<sup>30</sup> In short, many lives were lost and properties destroyed, moreover food problems arose because the pier was the

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<sup>27</sup> Even he claimed that person fire start his house throw to fire even if innocent. *ibid*, 103.

<sup>28</sup> Mustafa Cezar, *Osmanlı Başkenti İstanbul*, İstanbul: Erol Kerim Aksoy Eğitim ve Spor Sağlık Vakfı, 2002, 362.

<sup>29</sup> Even Yavuz Sultan Selim went to the fire which emergence to Bedesten area he mangement fire extinguishing. Cezar, 362.

<sup>30</sup> Doors of dungeon did not opened in fire seven hundred prison died because of fire, (this information was found *Tevarih-i Ali Osman* at Topkapı Palace Library *Revan Kitaplığı* 1101). Mustafa Cezar, *Osmanlı Başkenti İstanbul*, İstanbul: Erol Kerim Aksoy Eğitim ve Spor Sağlık Vakfı, 2002, 362.

gate to the city. Many people died because of the epidemic plague which broke up in the city after the fire. The fire which is told in *Tevarih-i Ali Osman* partly has been given as a text in the footnote.<sup>31</sup>

Another one is the fire which occurred in 1554. This fire is discussed in detail in the following passage from the anonymous *Tevarih-i Ali Osman*.

“962 yılının Muharreminde İslambol’da Baba Cafer Zindanı dibinde bir bakkal dükkanından ateş zahir olub, zindan ehli nicesi ihrak olunub Tahtakale’den Odunkapusu’na varınca yanub helak oldu. Muharrem’in evailinden Saferin ahirine

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<sup>31</sup> 946 senesinde vakı olan Şehr-i Saferin on beşinci günü (2 Temmuz 1539) Perşembe gecesı vakt-i mağribden sonra mahruse-i İstanbul’un surundan taşra derya tarafınan subaşı hapishanesi kurbinde olan ziftve katran dükkanlarından nağah takdir-i ilahi şeb-i mezkurda ateş peyda olup, def etmeğe çare olmadan hapishaneye ulaşıb ve mahbesin kapısı kilidli bulunub ve açmağa dahi kimesne ikda edmeyub hayli mahbus ihrak olunub ol aradan ateş şehr-i İstanbul’un içine dühul edüp, canib-i mahbesin yemin-ü yesarınates ihata edüp, ummal zindanına karib varucak mahpesin kapusun açup içinde olan mahbusin halas edinceğe değin mahbes-i mezkur dahi tamamen ihrak olunup ve subaşı zindanı tarafından ateş def olamağa kabiliyet olmayub Odunkapusu’ndan geçüb ahengeler olan çarşuyu külliyein ihrak edüp ve etrafındaki mahallatı yakub, oradan dolanub KatırcılarHanı’na varup Taht-el-kale dairesini ve Kazgancıları ve Alacahamam demeklemeşhur hamamı ve Şırçacılar dükkanlarını ve taht-el-kaleden yukarı HarratlarBazarı’nı ve Gürani Karbansarayı’nı ateş ihrak edüb ve mezkur karbansaraydan aşağı merhum ve mağfirunleh şehzade Sultan Mehmet Valdesi Sultan Hazretlerinin imaret-i amirelerinin evkafı olan hamama değign erişüb lakin ana zarar etmeyüb aşağı Cuhudlar Kapusu ile Balıkpazarı Kapusu mabeyninde vaki olan mahallatlar ve çarşular külliyein ihrak olunub kat’a ateşi söndürmeğe çare edemeyüb hiçbir veçhile tedbire kabiliyet olamdı kim ateş teskin oluna... cümle Vüzera ve Yeniçeri Ağası ve tamamen taife-i yeniçeri ol gece ta sabaha değin her etraftan ikdam ve ihtimam edüp def etmeyüb vakt-i sabahdan ta giru zaman-ı asra değin muttasıl yanmak üzere idi. Ve hisardan taşrası dahi Balıkpazarı’ndan Oduniskelesi’ne varınca yalıda ve hisar dibinde olan dükkanlar ve mahzenler ve Ahi Çelebi’nin camii tamamen ihrak olunduktan sonra ateş teskin oldu. Ol eyyamlada mahruse-i İstanbul’da ziyade taun olub hayli nüfus helak olmuştur.

Another tarih-i Ali Osman said that to fire;

Bundan sonra Safer ayunun onbişinci pencüşenbe gicesi ahşam namazı vaktinde İstanbul’da Hisar’dan taşra kanlular zindanı dibinde zift ve katran dükkanlarına od düştü. Tutuşıp anda yukarı zindana ulaştı. Zindan dahi kilidli bulunup içinde yedi yüz mikdarı mahbus adem oda yanup helak oldu. Andan od şehir içine ulaşıp yayıldı...ve bu eyyamlarda İstanbul’da taun dahi vakı olamışdı. *Anonim Tevarih-i Ali Osman*, F. GIESE neşri, Prepared by. Nihat Azamat, İstanbul: Edebiyat Fakültesi Basımevi, 1992, 148.

*dek ondört kere ihrak vaki oldu.*"<sup>32</sup> In both fires the prisoners in the dungeon died. Actually, Hans Derschwan who came to Istanbul claimed that; during the great fire in 1554 which ashed Unkapanı Eminonu the prison doors were opened and the prisoners were released to avoid them from burning to death.<sup>33</sup> Although the author gave a number about the first fire, the second author didn't give a number for the second fire. It's understood from the narration that this one seems to be a smaller fire than the previous one. The quotation about the fire from a foreign traveler is like this:

*On the 8<sup>th</sup> of December in 1554 a big fire broke out in Istanbul three hours before the morning. The fire started in a fat melting shop at night.<sup>34</sup> 1000 wooden shops and shacks were burned which were the Private property opposite the Ayasofya Mosque which bought a return of 13 000 akçe daily rent to the hodjas. Now the hodjas are trying to rebuild the shops by getting help from the foundation. Belonging to the city or kadi a big prison which sheltered over some hundred prisoners guilty of fraud, theft, murder, debauchery etc were burnt to ashes... Janissaries broke the door of the prison and released detainees and removed the women among them. There is a shrine in the bottom of this tower. There is a veli called Baba Cafer (Father Cafer lying in it. This fire burnt oil, beans, peas, rice, hemp and a lot of goods that came from Egypt and Tataristan. No one can approach the flames while the fire continues. But the Janissaries rescue everything that needs*

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<sup>32</sup> Mustafa Cezar, *Osmanlı Başkenti İstanbul*, İstanbul: Erol Kerim Aksoy Eğitim ve Spor Sağlık Vakfı, 2002, 364. (Tarih-i Ali Osman, Topkapı Sarayı Müzesi Kütüphanesi, Revan Kitapları no: 1100, y, 104b.)

<sup>33</sup> Necedet Sakaoğlu, Nuri Akbayar, *Osmanlı Dünyasından Yansımalar*, İstanbul: Denizbank Yayınları, 2000, 229.

<sup>34</sup> Only shop was written at Anonim Tarih book, oil shop was not written any books.

*to be rescued out of the fire. Many times most of these things burn. They have water to extinguish the fire but the ladders and big hooks are absent. They only have the small hooks which they don't want. This is why the fire spreads quickly. Fire Extinguishers pass through the narrow streets and burn some huts and houses made of wood in the direction the wind blows. The fire goes out if touches a building made of stone, a caravanserai, bath or mosque. To destroy these big buildings are almost as harmful as the fire. At these moments when Janissaries find anything in one of these of homes they despoil it immediately.*"<sup>35</sup>

Schweigger<sup>36</sup> who is a Protestant preacher under the protection of Joachim Freiherr von Sintzendorff sent to the permanent missions to Istanbul by II. Rudolf fom Habsburg wrote books about his journey. He talks about the fire without giving the date as follows;

*In the city of Konstantinopolis fires often start. Once a fire broke out at the brinks of the pier near the walls of the dungeon. Criminals at the top of the tower leaned with all their efforts and managed to open the door and break free. Approximately seventy detainees died in the flames.*<sup>37</sup> Since Schweigger lived in

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<sup>35</sup> Alpay Kabacalı, *Geçmişten Günümüze İstanbul*, İstanbul: Denizbank Yayınları, 2003, 75.

<sup>36</sup> Solomon embassy delegation came to Istanbul and Germany, and a journey to Jerusalem, about one hundred beautiful and equipped with new artwork consists of three books with the name of a new travel story was published three books, consisting of. In the second part of the book lived up to January 1578 and March 1581 Sultan III. Murad tells of days when the sultan. And Istanbul, from the people of istanbul life, lived in the palace of the sultan and his mention of those features in place to make transfers from the event. His works were removed in some places has been published by Books. Salomon Schweigger, *Sultanlar Kentine Yolculuk*, translated by: Türkis Noyan, İstanbul: Kitabevi Yayınları, 2004.

<sup>37</sup> Salomon Schweigger, *Sultanlar kentine Yolculuk 1578-1581*, translated by: Türkis Noyan, İstanbul: Kitabevi Yayınları, 2003, 103.

Istanbul between the years 1578-1581 the fire must have occurred during this time. There is no trace of any record books of fires or repairs.

In the 1651, 1652, 1653 fires, homes and workplaces were damaged in the district of *Zindankapı*, *Yemiş Pier* and *Hasır Pier*. Until this date many fires would have caused considerable damage in *Islambol*, however there isn't any information about these fires' causing damages in the *Zindankapı* location and in the *Baba Cafer* dungeon. However, according to the *Evliya Çelebi* history there is no information about the damage to *Zindankapı* in the fire which destroyed 1/5 of *Islambol*. But in *Ayvansarayi*'s history in the poem written by a man called *Katipzade*, it is told that *Odun Kapı* and *Bahçe Kapı* were burnt. Despite this document describing various structures around the dungeon, the name of that door or the name of the prison does not exist.<sup>38</sup> However, a historian of the period *Mehmed Halife* puts forward that, the fire was caused by a smoker while he was smoking outside the castle near the *Ahi Çelebi Mosque*.<sup>39</sup> As he continues to talk about the damage the fire caused he says that the fire reached up to the hill of the minaret of the *Suleymaniye Mosque*. This

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<sup>38</sup> Yandı Sultan Süleyman dört minaresi tamam,

Yanar idi sanasın orduda Sultan meşali

Çarşularda hiçbir çarşu kalmadı yanmadık,

Gül gibi açıldı Bayezid Han-ı Veli

Gitti andan Yahudiler mahallatını alub,

Nicesi sersem düşüb yandı ayağı ve eli

Yandı Odunkapusu hem kapusu Ayazma'nın,

Yandı Bağçekapusu hem göğe savruldu külü. (that is different beyits)

<sup>39</sup> Mehmet Halife claimed that location of fire exist was *Odun Kapısı*, *Eremya Çelebi Kömürciyan* who lived at that time argued that location of fire exist was *Ayazma kapısı* but *Anzavuroğlu* who was Armenian poet lived at that time said that location of fire exist was *Odun Kapısı*. All of author said location where was closer of *Ahi Çelebi Mosque*. This mosque was between *Odun Kapısı* and *Ayazma Kapısı*. *Kevork Pamukciyan, İstanbul Yazıları*, İstanbul: Aras Yayınları, 2002, 91.



description indicates that the prison was very likely to be damaged. Proof about the repairs after the fire can not be found. But immediately after the fire reconstruction work was done in Istanbul. There is record of the fires in 1735 and 1739 but there is not any information about the scope of this fire and the damages it caused to the *Zindankapı* district. However, evidence exists on a fire that occurred on evail-i zilhicce 1151 (March 1739) there is a *Kefaretname* given to Architect *Mehmed Ağa* on 27 Cemaziyel'ahir 1152 (1 September 1739) for repair and renovation of the *Baba Cafer* dungeon. There is no information about whether the renovations were connected to the fire. In 1740 in Istanbul two fires started consecutively the first started in the shops near Bayezid and the other started in the shops near Ayasofya. There isn't any information about damage to the *Baba Cafer* Dungeon but there is an offer for the dungeon's repair in 1740. However, it's more likely that the damage was caused by an earthquake. In the offer there is a phrase "to the renovation of the demolished dungeon." This indicates that the dungeon was demolished in a earthquake or fire. A fire that started in *Odun kapısı* in 1792 devastated the region, soon after a *mimarbaşı* sent a written request for workers to come in from *Izmit*, *Bursa* and *Tekirdağ*. This record illustrates the vast size of the fire.<sup>40</sup>

Another major disaster is the Earthquake, Istanbul has gone through wreckages occasionally. There is no information on whether the *Baba Cafer* dungeon was damaged during the many earthquakes *Istanbul* went through. The 1509 earthquake which was titled *Kıyamet-i Suğra* damaged *Istanbul* especially between *Yedikule* and *Eğri Kapı*. But no information exists on damage to the *Baba Cafer* dungeon during this earthquake. Similarly, the 1719 earthquake caused major damages from the

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<sup>40</sup> BOA, C ZB, No: 957.

*Yedikule* up to the *Ahır Kapı*. The first document related to the repair of the *Baba Cafer* dungeon belongs to the year 1739. These repairs may be a result of the earthquake that occurred in 1737 or might be related to the small earthquakes that took place 1737 to 1741. A *Kefaletname* (quotation) document was given by *Hacı Mehmed* who was a *Mimarbaşı* which listed the damages and costs of the *Baba Cafer* dungeon and its prison cells.<sup>41</sup> The words ruined/damaged used in this document causes one to think that it is a result of an earthquake. Similarly, a repair record dated 1740 exists. This document claims that a total of three thousand pennies were given to an architect named *Ahmed Ağa* and that more was needed to finish repairs.<sup>42</sup> The first document that we know of is dated October 1, 1739 addressed *Hass Mimarbaşı Mehmed Aga* for the repair costs of the inspection. Because we don't have it in hand we cannot make a comparison with the February 15, 1740 dated document and can not come to the conclusion on whether *El Hadj Ahmed Agha* was given the duty to repair. In addition there is a repair document dated 1765. This paper documents the repairs of some neighborhoods by old architects and than goes into the detailed costs of these repairs. Even from this document the size of this prison can be estimated.<sup>43</sup> These repairs between 1763 and 1764 as a result of the damage which may be of two small earthquakes. Until approximately five months after a major earthquake occurred in 1766 that these repairs and many of the largest mosque in the city were destroyed. These repairs can be related to two small earthquakes that occurred between 1763 and 1764. Approximately five months after these repairs a major earthquake occurred in 1766 and many of the largest mosque in the city were

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<sup>41</sup> BOA, C.ADL 83/5014. I can not use this document because it was repair.

<sup>42</sup> BOA; C.ZB 79/3904.

<sup>43</sup> BOA; C.ZB 52/2566.

destroyed.<sup>44</sup> This earthquake was likened to the 1506 earthquake in terms of the damage it caused. At this point the repairs can be linked to two things in particular; this dungeon was repaired over as a result of the smaller earthquakes after a major one, or the government prioritized its repairs and rebuilt other buildings.

Another repair is the one that was done in 1780 after the 1776 earthquake. Although there are not any documents as evidence for repairs after the 1790 earthquake, there is a document belonging to the year 1792 recording; fire fighters being bought in from neighboring cities as a result of a fire. The size of the fire can be guessed from this 1792 document. What's more complicated is that there is no suggestion of a fire or earthquake before the repairs made in the years 1811 and 1817. However, a mild earthquake occurred in 1807, due to the small scale of the earthquake no information is found on the areas or damages. This is the reason why these repairs cannot be related to this earthquake.

The *Baba Cafer* dungeon, has been exposed to various repairs over the years. It is possible to forecast the size of dungeon by looking at the actual repairs. Especially on the 24 Z. 1179 (4 May 1766), dated repair the length of repairs and repair costs are given C. ZB 52/ 25566 /1. At this point when looked at the structure of the *Tersane-i Amire* dungeon and the constructions within, a difference is visible. In the place of the shipyard's dungeon, the mosque, a bakery, kitchen, baths and fountains are located.<sup>45</sup> In the most detailed repair documents of the *Baba Cafer*; it is believed

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<sup>44</sup> Orhan Sakin, *Tarihsel Kaynaklara Göre İstanbul Depremleri*, İstanbul: Kitabevi, 2002, 54. Moreover İnciciyan, description of the earthquake which, from the Izmit earthquake in the city of Erzurum to Vienna, and even Hungary's Prezbürg was said to have felt before. Kevork Pamukciyan, *İstanbul Yazıları*, İstanbul: Aras Yayınları, 2002, 80.

<sup>45</sup> İdris Bostan, *XVII. Yüzyılda Tersane-i Amire*, Ankara: Türk Tarih Kurumu, 1992, 12.

that there is a need for repairs such as ward, secretary of the chamber, the rooms of *Nisa*, the *gasilhane* and toilets, and the mosque. The oven is not mentioned. Differences emerge between the architectures of the prisons.

### 1.3 EMERGENCE OF THE BABA CAFER DUNGEON

The first appearance of the *Baba Cafer* dungeon in Ottoman sources is in *Evliya Çelebi's* travel book. *Eminönü* which is the center of businesses today was of great importance during the Byzantium and Ottoman eras. This building that was used as a dungeon in the Byzantium era is first noted in *Evliya* history. Later documents referenced this source. According to the narrative of that travel book, some Arabs lived in Constantinople, after *Harun Reşid's* siege of the city, some violent Byzantine people said there is no peace anymore and it's necessary to kill them. Some Byzantines objected by saying if we harm those Muslims they would do the same to our co-religionists in Islamic lands. Other Byzantines said Muslims had conflict amongst themselves, they martyred *Caliphate Osman, Ali* and *Ayşe* had a war near Fırat and in this battle 20.000 people were killed, they martyred *Imam Huseyn*, who was the grandchild of The Prophet and, still they had mis-chief among them, they didn't have the time to wrestle with us or our friends there. Those unbelievers attacked the Muslims who lived in *Galata* who were busy with pray in their homes, a wailing started amongst the Muslims and thus, they stood against those nonbelievers. Some Muslims succeeded to pass to *Üsküdar* but most of them were martyred. Even today this place is called as the *Şehit kapısı* – The door of Martyrs. Some Muslims took shelter in a small castle in *Kocamustafa paşa* – it is said it was small “as a beef skin”- , which was built by *Harun Reşid*. But they

couldn't hold on for too long either, some of them were martyred around *Saraçhane*, *Zeyrekhan*e and in the place where Janissary rooms existed. Among those Muslims the ones who stood longer were the people in Galata. They fought against *Byzantines* and killed many of them. In the continuation of this narrative we see the exaggeration of *Evliya Çelebi*. He said Muslims in *Galata* resisted for eight days, 23.000 Muslims were martyred but they killed 100,000 unbelievers, among them, there was the King, *Ilyada* and his mother *Alınya* and 700 notables. *Çelebi* added that Byzantium went on without a king for a while and fell into chaos because of the ones who came from other cities for having the throne. During this wartime *Grando Mihal*, one of the grandsons of *Kayser Harkil* who came from *Frengistan*- Europe and they elected him as the King.<sup>46</sup>

Meanwhile, *Seyyid Baba Cafer* and *Baba Maksud* who was the grandson of *Veysel Karani* came to Constantinople with 600 people as embassy<sup>47</sup>. Those two people who were sent by *Harun Reşit*, gave the letter to the new king-*Grando Mihal*. During the entertainment prepared for the embassy in the Palace, *Şeyh Maksud* learned that Muslim corpses were on the streets and he wanted permission from the King to bury them. He gave permission *Şeyh Mansur* and advised to bury them according to Muslim belief. *Sheik Maksud* took his and *Baba Cafer's* men and buried thousands of Muslims where they were. Some bodies were carried by boat and taken to the cemetery that had been formed in *Omar bin Abdulaziz's* time. Being different from *Şeyh Maksud* who buried all corpses in 7 days, *Baba Cafer* was killed

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<sup>46</sup> There is a subtlety in this spot. King Constantine I. When the person came by *Baba Cafer Nikepheros* is known. His Empress *Irene*, the throne was available, but the government. This point if looked at *Baba Cafer* talking about, as the king's death will cause a conflict only Byzantine but Arab sources, the place was, but that relevant information was not found.

<sup>47</sup> According to *Evliya Çelebi's* travel book *Baba Maksud* had three hundred poor men and *Baba Cafer* had three hundred too.

because of his outrageous speech to the King. The king ordered *Şeyh Maksud* to bury *Baba Cafer* in the dungeon where killers, infidels and guilty people stayed so that those infidels would also curse him. After the conquest of Istanbul by Ottomans this place was changed into a tomb. This is the narration of the *Baba Cafer* according to the *Evliya Çelebi* travel book.<sup>48</sup>

We can see a similar account in the book *Mecmua-yı Tevarih* written by *Hüseyin Ayyansarayi*. It was noted that *Baba Cafer* was a famous *şeyh* of *Tarik-i sîdkıyye* from Bagdad. He was one of the two delegates sent to Constantnople's governor by *Harun Reşid*, Abbasid Caliph, the other delegate was *Baba Maksud*. As *Evliya Çelebi* wrote he was sent to prison because of the coarse language he used towards the King he died with its sorrow. He wrote his death date as 807. As *Huseyin Ayyansarayi* mentioned *Evliya Çelebi* as his source and added the *Hayri's* poem. Indeed *Hayri's* poem told a different story. According to *Hayri* the reason for sending *Baba Cafer* to prison was as follows; when *Baba Cafer* was praying in *Ayasofya* monks were so influenced that they became tongue-tied. *Hayri* didn't mention the struggle between Muslims and kafirs.<sup>49</sup> He narrated the reason of

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<sup>48</sup> Vakayi'at-ı Azime ve alam-ı şedayid-i Gamime(y)i beyan ider

<sup>49</sup>

*Ela ey Makbel-i Mevla keramet dürrinin kânî  
Baba Cafer deyü verdin cihâna şöhret i şanı*

*Kerametiyel her yerde olupsun âleme meşhûr  
Hüdânın her cihet olmuş sana lütfîle ihsânî*

*Sen idin hemdem-i hazret olup ashâb ü ensârdan  
O asrın kutb-i aktâbı sen idin anladım ânî*

*Ayasofya'ya girdin iki rekat namaz için  
Ki dolmuş anda kafirler okur İncil'i ruhbanî*

*Okurken Dilleri naghah tutuldu anda ruhbanın  
Dediler kim Muhammed ümmeti var bunda sırranî*

execution in a different way.<sup>50</sup> The King's men martyred *Baba Cafer* when the King learned that the dungeon guard also became Muslim. 72 of the soldiers sent by the King were killed by the resistance of *Baba Cafer* and the dungeon guard, meanwhile they both were martyred. In his Travels, in the chapter of holy places, *Evliya Çelebi* mentioned that "they prayed in a corner around the tomb door in the Southwest of

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*Yedi kimseyle sen o anda oturdun Hakikatde  
Dediler kim sever kalsın Muhammed gibi sultanı*

*O sözden sen ayağ üzre tura geldin o dem fi'l-hal  
Göricek anda küffarın çıka yazdı veli canı*

*Tutup sen gibi sultanı nice dürlü siyasetle  
Yer ettiler sana ol demveli bend ile zindanı*

<sup>50</sup> *Görür kim su kenarında seni zindancı bendin yok  
Dağıldı akli başından bu sırrın oldu hayranı*

*Mukayyed olmayup ol gün yine erte olup tekrar  
Görür kim kayd u bendiyle durursun anda merdanı*

*Bir iki kerre bu hali göricek senden ol akıl  
Didi kim şüphesiz haktır bunun bu din ü imanı*

*Osaat geldi islama çıkıp küfr ü dalaletten  
Gerektir sen gibi merde veli dost ile düşmanı*

*O dem telkin edüp dini kondun ismin Ali Baba  
Senin gibi o da bir er olup tuttu bu meydanı*

*Krala işbu ihbarı götürüp verdiler birbir  
Gazabnak oldu bu sözden yüzünün döndü elvanı*

*Didi kim varınız elbet helak eylen ikisin de  
Gelüben nice kafirler çeke şemşir-i perranı*

*Ali 'ye sen dahi didin götür var tiz iki şemşir  
Bilürdün ki gelip anlar ider üstüne tuğyanı*

*Elimizde birer şemşir buluna der iken nagah  
Gelüp zindan kapusundan olar pes tuttu bir yanı*

*Döğüstünüz siz anlarla kırıp yetmiş iki kafir  
Utandırdı sizin bu cenginiz Samı Nerimanı*

*Gidip yetmiş iki kafirin canı cehenneme  
Ki sizde akıbet sehatlik oldu erzanı<sup>50</sup>*

*Ayasofya*, still known as the holy place of *Baba Cafer* and *Baba Maksud*.”<sup>51</sup> In a way he certified their *Ayasofya* visit that is mentioned in *Hayri*’s poem.

After he quoted from travel book about the *Baba Cafer* dungeon, *İhtifalci Mehmed Ziya Bey* <sup>52</sup> explained the document about the transformation of this place into a police station. The document dated 25 Cemaziyelevvel 1247<sup>53</sup> the title “Baba” was given to that personality by Janissaries, and they used the place around for their dirty business, they didn’t use his real name “*Cafer-el ensari*” although written there, so it was better to change its name as “*Zindankapısı*”- The door of the Dungeon- or Sultan’s castle and writing his identification “*Hazreti-i Cafer*” on this tomb and on the castle door on a marble plate. This was seen suitable by *Kadi*’s and *vaqfs* and this will perfect this personality’s spirituality. This order was announced in “*Takvim-i vekayi*” as follows;

The personality who was buried in the dungeon around *Zindankapı*, one of Istanbul’s castle gate, known as “*Baba Cafer*” but written “*Cafer-i Sadık*” in the certificate of tomb keepers is one of the “*Tabiin*” – followers of the Prophet’s friends. As understood from the poem written on his tomb gate, he travelled to Istanbul and was imprisoned for a while where he was buried, originally that place had been a dungeon. This place is known with his name and a person called *Ali* who became Muslim with his cause. As a reverence to their spirituality this prison would

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<sup>51</sup> Evliya Çelebi, *Evliya Çelebi Seyahatnamesi*, Prepared by Orhan Şaik Gökay, İstanbul: Yapı Kredi Yayınları, 1995, 1/53.

<sup>52</sup> Shortly before the revolution of letters published works about the history of Istanbul’s Byzantine and Ottoman period was an important work. Writer and intellectual of the last term, has graduated from Galatasaray Mekteb-i Sultani. In this way, he knew French language an excellent book to prepare the *Ziya Bey* not only domestic sources of foreign resources, has been a chronicler and depicted beside the tomb stones, inscriptions were,

<sup>53</sup> All of the document is given at chapter which includes *Zindan* was changed to *Karakolhane*.



be moved into *Dariüşşifa* in *Atmeydanı* and this place would be a police station, this gate would be called as “*Bab-ı Cafer*”. Our Sultan has a will and edict about this subject. Our Sultan find it appropriate the existence of a place with evil deeds near this personality who had miracles. He honoured this personality by moving this dungeon that is no doubt, one of the good deeds of our Sultan.”<sup>54</sup>

Interestingly, *Ziya Bey* compared the announcement of The Sultan and “*Takvim- Vekayi*”; in the Sultan’s will it is mentioned as “*Hadrat Cafer*” in *Takvim-i Vekayi* the place is mentioned as “*Baba Cafer*”. *Ziya bey* claimed that the writer of the newspaper had changed the expression according to his own opinion. He considered *Baba Cafer* as an imaginary person, his evidence is “a spirit is buried here” in a document dated H. 1247. *Ziya Bey* argues that it is a delusion to think this grave as “*Cafer’s tomb*”.<sup>55</sup>

*Süheyl Ünver* who had a modest approach at that point, quoted in his book both *Hüseyin Ayyansarayı*<sup>56</sup> and *Hayri*’s poem, he added both accounts are the sources, he explained the existence of various accounts as follows; the *Baba Cafer* dungeon is in Istanbul and the personality whose name is given to that place had been told over generations, in centuries those accounts became legendary being different from each other. Those reports can differ but they aren’t fabrication. However, there are some historians who say there are many fabricated spirituals in Istanbul, because each person who built a mosque or transformed a church to a mosque is buried around those buildings after their death. By this way a spirit was created in those places.

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<sup>54</sup> İhtifalci Mehmed Ziya Bey, *İstanbul ve Boğaziçi*, İstanbul: Bika Kültür Kitaplığı, 2003, 306.

<sup>55</sup> Ibid, 307, “Today, “for soul of marthy” are written for bad places because people there are a tradition as to prevent pollution, in fact, there was this tradition refers to a different thing.

<sup>56</sup> It is second source which mention about *Baba Cafer* after *Evliya Çelebi* traveller.

Sometimes they went too far and attributed spirituality even to some Byzantine districts. For examples, some historians noted that the: *Toklu Dede* in the *Aya Tekil* monastery or the *Baba Cafer* tomb in *Zindan Kapı* are the examples of those fabricated spirituals.<sup>57</sup> We see an interesting description by a foreign traveller about *Baba Cafer*:

*“Janissaries broke the dungeon’s gate and freed the arrested people and took the women among them. There is a tomb under this tower. A spirit called Baba Cafer is buried here. This personality is either a dervish or a mystic. He is one of the mystics who sticks skewers to their bodies and injure themselves. Those people are bald and barefoot, partly naked who show themselves a fool and mad. They only wear a sheep fur around their waist. Those kind of dervishes are common in Turkey, especially in dergahs. Those people are called “evliya”. At their head end a candles burn. A hodja looks after this tomb.”*<sup>58</sup>

Another account can be seen in the book “*The Folklore of Istanbul*”. In the time of *Harun Reşid*, the personality called *Baba Cafer* came to *Istanbul* with 600 people as embassy. But just before his coming, a clash took place between The Muslims settled around *Kocamustafa Paşa* and The Greeks. *Baba Cafer* who saw the mortal remains of Muslims in the street in a miserable way, talked to the King and sharply criticized the situation. The King who got furious ordered to arrest *Baba Cafer* and he was poisoned in the prison by the will of The Emperor. His friend *Şeyh Maksud* who had a more flexible character, assured the King and got permission to entomb the martyrs. A question arises here, in *Evliya Travels* there is no information that the

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<sup>57</sup> Alpay Kabacalı, *Geçmişten Günümüze İstanbul*, İstanbul: Denizbank Finansal Hizmetler Grubu, no: 10, 2003, 68.

<sup>58</sup> *Ibid*, 74-75.

clash between Muslims and Greeks started in *Kocamustafapaşa*. *Çelebi* said the clash began in *Galata*, Muslims dispersed to different places and noted *Kocamustafapaşa* as one of those places. *Galata* is the place which is stressed in Travels and it is said 23.000 Muslims were martyred there.<sup>59</sup> While giving information about Arab sieges of Istanbul, *Evliya Çelebi* noted Muslims lived around *Kocamustafapaşa* and *Galata*.

“In the time of *Omar Bin Abdulaziz*, some friends of The Prophet stayed in *Kocamustafapaşa* district and built a safe castle – it is said, as a size of a beef skin- and put soldiers and equipment inside. *Harun Reşid* concluded peace by taking 50.000 floral tribute per year and taking the ten years of tribute in advance and then he returned to *Bagdad*.”<sup>60</sup> Thus, *Evliya* mentioned the Arabs resided in *Kocamustafapaşa* and *Galata* but he didn't write that the clash originated from this district.

There has been confusion in almost all reports about *Baba Cafer*. We have different accounts not only about his imprisonment but also about his death. According to a report he was martyred by soldiers, another report claims that he was poisoned in the dungeon. In a different story it is said he died because of dysentery.<sup>61</sup> In conclusion, the *Baba Cafer* dungeon is mentioned in historical sources of all periods but it isn't based on any original sources except *Evliya Çelebi*.

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<sup>59</sup> *Evliya Çelebi, Evliya Çelebi Seyahatnamesi*, Prepared by Orhan Şaik Gökyay, İstanbul: Yapı Kredi Yayınları, 1995, 32.

<sup>60</sup> *Ibid*, 31

<sup>61</sup> *Süheyl Ünver, İstanbul Risaleleri*, İstanbul: Belediye Yayınları, 1995, 3/238.

The first report about *Baba Cafer* was given by *Evliya Çelebi*. When we research Arab and Byzantine sources we can not find any information about such a person. The relations between the Arab world and Byzantium naturally continued in Abbasids era. *Evliya Çelebi* mentioned *Harun Reşid*'s reign in which Abbasid state was politically at its peak. During *Harun Reşid*'s reign Arab- Byzantium relations continued intensively, they sometimes had war, sometimes peace. Before his coming to throne, *Harun Reşid* commanded two campaigns against Byzantium. In the reign of Empress Irene I. (786-809), Arabs and Byzantium had peace but when *Nikepheros II* came to throne, this agreement was broken by Byzantium. After Arab siege, Byzantium was forced to request peace. In *Harun Reşid*'s reign there were intensive relations between Arabs and Byzantium because of shifting wars and peace. They were sending embassies between the two States but we can not see any information about the personality with the name “*Cafer*” who is called “*Baba Cafer*”. We can not find any information in the History of Taberi <sup>62</sup> in the chapter of *Harun Reşid* era. However, in the book of İbn-i Rüste<sup>63</sup> there are some notes about the captivity of a person named *Harun bin Yahya* in Constantinople but no mention related to *Baba Cafer*.

Another source is the work of Süleyman Er-Rahili.<sup>64</sup> The third chapter is confined to Abbasids but there is no mention of a delegate named Cafer. In the

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<sup>62</sup> Cerir b. Yezid Taberi, *History of Taberi*, Translated and Annotated by Jane Dammen mcAuliffe, Albany: State University of Newyork Press, 1989.

<sup>63</sup> Ömer b. Rüste b. Rüste, *El Alaku'n-Nefise*, prepared by Martin Theodor Houtsma, 1967.

<sup>64</sup> Süleyman Rahili, *Es Sefaratü'l İslamiyye ilel Devletü'l Bizantiyye*, Riyad: Mektebetü't- Tevbe, 1993.

history book of Ibnu'l Ferrah<sup>65</sup> some delegates were noted but again we can not see any information or narrative about Baba Cafer. The reason for this confusion is the fact that Evliya didn't give *Cafer's* father's name or family name that may help to identify him. The only historian who noted this personality as "*Cafer Tayyar*" was İnciciyan.<sup>66</sup> Who was "Baba Cafer"? What was his father's name and how can we know that he was a descent of The Prophet? Indeed, there were Arab delegates who were sent to Istanbul in that period but it is not possible to make a detailed search of their names. Because we can not confute his account, we accept the information by *Evliya Çelebi* as correct.

In summary, the personality whose name is given to the dungeon in *Zindankapı* came to Constantinople in the reign of *Harun Reşid*; in a way he enraged The Byzantine Emperor and he was imprisoned in this dungeon by the Emperor's will. Perhaps the only common information in the sources about the *Baba Cafer* story is a Sheikh named *Abdurrauf Hamedani* who discovered *Cafer's* grave. *Abdurrauf Hamedani* was a personality who came from Edirne with *Mehmet the Conqueror's* army, he served in the siege and conquest of the city. According to travel account, *Mehmet II* came with some Muslim Saints while he set off to *Edirne*. In the *Evliya Çelebi* travels it is noted that *Mehmet II* appealed to some spiritual guides like *Akşemseddin, Molla Gürani, Sivasi Kara Şemseddin, Cebbe Ali, Ensari Dede, Monla Pulad, Aya Dede, Horosi Dede, Hatablı dede and Sheikh Zindani*<sup>67</sup> for help and said if the Conquest was realized he would build charitable instutions like tombs, soup

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<sup>65</sup> Ebû Ali el-Hüseyn b. Muhammed İbnü'l-Ferra, *Rusulu'l Muluk*, Beyrut: Dârü'l-Kitâbi'l-Cedid, second publish, 1972.

<sup>66</sup> P.G. İnciciyan, *Onsekizinci Asırda İstanbul*, İstanbul: İstanbul Matbaası, 1956, 11.

<sup>67</sup> Later names did not read at traveller he did not say after Abdurrauf after zindani but he described Sheik Zindani instead of Abdurrauf Hamedani before.

kitchens, schools, and madrasahs for each of them. After the Sultan's request all those spiritual guides who took part in the campaign, were deployed in different locations around the city and helped the Conquest with their followers. After the conquest the names of the city's gates were changed.<sup>68</sup>

*Evliya Çelebi* noted the name of *Sheikh Zindani Abdurrauf Efendi* who was one of *Sadat-ı Kiram* -The Muslim Sufi Saints-. After his entering to the City, *Abdurrauf Efendi* took off his turban and put it on the mentioned place by saying “*My forefather Baba Cafer is lying here*”. He served as a tomb keeper for 70 years. This personality is the one who made this tomb. *Evliya Çelebi* went on giving details about this Sheikh and added that he deceased in the reign of *Bayezid II*. The Sultan showed clemency and freed the prisoners because of his death. *Evliya Çelebi* also noted Sheikh's family tree and added that all tomb keepers after the Sheikh come from his blood.<sup>69</sup> *Evliya Çelebi* wrote that *Baba Cafer* had been the ancestor of *Abdurrahman Hamadani*. All the sources verified the case of *Abdurrauf Zindani* and an agreed text was formed about the discovery of the tomb.<sup>70</sup>

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<sup>68</sup> *Evliya Çelebi* İstanbul kapılarının isimlerini bu zatlara bağlar ve fetihle her birinin kuşattığı ve şehre giriş yaptığı kapıların adlarını verir. Cebbe Ali hazretleri Cibali kapısından kuşatmaya katıldığı için Cebbe Ali'den dolayı Cibali Kapısı, Horosi Dede Unkapanı'nın kuşatmaya katıldığı için buraya Horoslu Kapı, Hatablı Sultan Aksarayı de iki bin kişi ile Odun Kapısından kuşatmaya katıldığı için Odun kapısı, Şeyh Zindani Abdurrauf Samadani hazretleri'de üç bin kişi ile kuşatmaya Zindan kapısından katıldığı, şehre buradan girdiği ve buradaki ceddinin yattığı yerde olan zindanın, zindan olarak kullanılmasına devam edildiği için de buradaki kapıya Zindan kapı denilmiştir.

<sup>69</sup> Abdurrauf Samadani b. Şeyh Cemalüddin Binti Emir sultan b. Şerafeddün b. Tacüddin evladından razı bila oğludur. Anlar Binti Seyyid Sikkin kim Akşemseddin kurbında türbeleri Göynükte medfundur. Onlar İslambol zindanında medfun Baba Cafer oğludur. Anlar Muhammed Hanefi evladındır ki bizim ceddimiz Ahmed Yesevi b. Muhammed Hanefi'ye müntehi olduğunda şecerelerimizde böyle tahrir olmağıla hasip ve nesipleri ile malimumuzdur. *Evliya Çelebi, Evliya Çelebi Seyahatnamesi*, prepared by Orhan Şaik Gökyay, 1995, 1/33.

<sup>70</sup> It should be noted here that the prison gates in his book *Tour Feth Abu'l beg'in* get logged by the Sheikh does not have any information about Abdurrauf Zindani. Conquest of İstanbul described in this book is the lack of this information, that information travels to the cautious approach is necessary to.

We understand the influence of the Janissaries or Bektashi order in the naming of the personality as “*Baba*” *Cafer* from *Mahmut II*’s edict about the changing of the Tomb’s name. Sultan Mahmud wanted to change the gate’s name to the *Bab-i Caferi* gate as a reverence to that personality. The state became sensitive about Janissaries and after the abolition of the old army, they revived the tombs of popular personalities to increase prestige among people.<sup>71</sup>

However, Sultan Mahmud’s will of changing the gate’s name wasn’t widely accepted. Today the old name which has been used over generations is still in use that means people continued to name the place as *Baba Cafer* which has been customary. In the folklore of Istanbul the tomb of *Baba Cafer* has a great importance. The tomb which is still a haunting place for women used to have five keepers before, now there is only one keeper there. Although there are many spirituals and Sufis in the city, Istanbulites have had a great regard for the mentioned place. Pregnant women come and pray in the tomb, or the women who wish to have children, the ones who want their children to be reasonable or want to better the bad behaviours of kids brought them to the tomb and put a rosary over them. Formerly it was believed that the children who were brought to this place with the Holy *Quran* and a tool would be calligraphers or to memorize The *Quran*.<sup>72</sup> Besides it has been a custom for the ones who were indebted or ill to visit the tomb and pray at this place. In the sources we also see another approach about those visits; when the people who bring their children to the tomb for providing their survival are mentioned, it is added that, before the Conquest, Christians called the place as *Aya Vasili* and the ones who

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<sup>71</sup>Ferman of Mahmud II is in appendix.

<sup>72</sup> Süheyl Ünver, *İstanbul Risaleleri*, İstanbul: Belediye Yayınları, 3/ 241, 1995. My friend Hattat Bahir Bey said that “I started writing and my brother took *Quran* so he was *hafız*, I took pencil thus I was writer.”

wished their daughters to be nuns or their sons to be priests used to vow in this place. After the conquest its name changed to Baba Cafer and some of the customs originated from Christianity and some from Islam.<sup>73</sup> The tomb of the personality called “*Baba Cafer*” who has been accepted as a Muslim saint, is still being visited today. Women especially are fond of this tomb who believe that the tomb’s well - water has a healing effect and their prayers in that place will be answered.

## **2) CONCEPT OF PRISON (MAHBUS)**

### **2.1 TA’ZİR PUNISHMENT**

The Ottoman Empire based its judicial system on the Islamic Law,<sup>74</sup> and the Ottomans were also inspired by the judicial structure of the previous Turkish-Islamic States in this process. By suggesting that they were inspired by judicial structure, we did not mean that they totally copied the state systems of those states. They prepared a new judicial atmosphere in time in the light of their own needs. There is dualism in the Ottoman judicial system which means it has elements from both *Sharia* (religious) law and also the *Örfi* law. However, the real ground for the laws was always the *Sharia* Law, which is a set of rules based on the *Quran*, *sünnet*, *İcma*, *Kıyas* and codified in the *Fıkıh* books. These rules were quite strict, which means it was impossible to change them. According to Islamic Law, committing a crime was not only a disobedience to Allah, but also it was accepted as doing wrong to the society.<sup>75</sup> In Islamic law there are different categories of punishment. The *Had*

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<sup>73</sup> Ibid, 241.

<sup>74</sup> Murat Şen, “Osmanlı Hukukunun Yapısı”, *Yeni Türkiye Dergisi* 31/686, (özel sayı Ocak Şubat 2000).

<sup>75</sup> Ali Bardakoğlu, “Ceza”, *DIA*, 7/472.



punishment was applied to the crimes like fornication, robbery, grab raiding, which are all committed against the society. The amount and type of punishment for those crimes are determined by Allah in the *Quran*. The retaliation (Kıyas) punishment was mostly applied to the crimes committed against individuals. In the cases of murder, wilful injuring, causing dysfunction of a particular body organ of an individual was punished in the exact way the victim was affected. The retaliation punishment, which is one of the oldest methods of punishment, was limited to the crimes committed against individuals in Islam and the principle that only the courts could apply this punishment was adopted.<sup>76</sup> The amount and method of both penal applications were mentioned in Quran. The Tazir punishment is the penal procedure which applied to the crimes that were not covered by *Had* and retaliation punishments. These punishments were not determined by the *Nass* (rules) and the lawmakers had the authority to determine the punishments for those crimes.<sup>77</sup> In the criminal law regarding the *Had* and retaliation punishments, the judgements of the *Fıkıh* books were applied and the regulations regarding the crimes and punishments out of this scope were done by means of law books directly prepared by the State.<sup>78</sup> It means that for many centuries the Ottoman Sultans categorized their law books regarding administrative, criminal law and financial laws, under the authority given to the State heads by the Islamic Law. The law created with fermans and orders of the Sultan was called as the *Örfi* law.<sup>79</sup> *Örfi* law cannot conflict with the Sharia laws and the *Örfi* laws had to be accepted and obeyed as a result of the “obedience to the head of the

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<sup>76</sup> Coşkun Üçok, Ahmet Mumcu, *Türk Hukuk Tarihine Giriş*, Ankara: Sevinç Matbaası, 1976, 68.

<sup>77</sup> Ali Bardakoğlu, “Ceza”, *DIA*, 7/473.

<sup>78</sup> Ahmet Akgündüz, *Osmanlı Kanunnameleri ve Hukuki Tahlilleri*, 1. Kitap 1990.

<sup>79</sup> Murat Şen, “Osmanlı Hukukun Yapısı”, *Yeni Türkiye Dergisi* 31/686, (özel sayı,2000).

State is obligatory (vacib)” understanding. The laws in the Tanzimat period were prepared with this understanding.<sup>80</sup>

The Tazir crimes constitute the most important and major part of the Ottoman criminal law. Tazir means taming and intimidation. There are different types of *Tazir* punishments;<sup>81</sup> however we will just dwell on the imprisonment in the frame of our study. Imprisonment was not the perfect method of punishment for some Islamic lawyers;<sup>82</sup> however imprisonment was applied in the Ottoman criminal law in the frame of Tazir punishment. The Sultan had the all and only authority in determining the length of the imprisonment penalties according to the crimes committed. He could determine the length of the imprisonment as he wished leaning on his Örfi authority.<sup>83</sup> The Islamic lawyers noted that the imprisonment penalty could be applied for the crimes not covered by *Had* and retaliation punishments, and the crimes committed against public security, general ethics, the society’s common values, state authority, and judicial security. The imprisonment penalty aims both to punish the criminal and also to reintroduce them to the society. For this reason the term “up until rehabilitated - *ıslah-ı nefis oluncaya kadar*” was used for the imprisonment lengths. The verb to jail (hapsetmek) in Turkish means prohibiting and not letting to do something. However, its judicial meaning is preventing someone from doing his/her wishes in order for punishment and preventing them

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<sup>80</sup> Abdülaziz Bayındır, “Osmanlı’da Yargının İşlevi”, *Yeni Türkiye Dergisi*, 31/668.

<sup>81</sup> Execution, clup, penalty of imprisonment, banishment, Money penalty, confiscation penalty, teşhir, fight, advice, cut a beard, face scorch, or bedaub, deposition. See: Halil Cin, Gül Akyılmaz, *Türk Hukuk Tarihi*, Konya: Sayram Yayınları, 2003, 242.

<sup>82</sup> Mustafa Avcı, *Osmanlı Ceza Hukukuna Giriş*, Konya: Mimoza, 2008, 138.

<sup>83</sup> Ahmet Mumcu, *Osmanlı Hukukunda Zulüm*, Ankara: Birey ve Toplum Yayınları, 2. Baskı, 1985, 29.

from running away until their cases are accomplished at the court.<sup>84</sup> There are two types of imprisonments. The first one is sending someone to prison until whether he is guilty or not is revealed and until someone pays his debt. The second reason for imprisonment was to protect a criminal from the relatives of the victims, who might want to take vengeance from him. The imprisonment penalties had certain lengths. There were both lifelong and temporary imprisonment penalties.

Besides this, the prison or jail concept in Islamic Law was different from the prison understanding of the contemporary modern state system. There are reports which prove that there was not a prison or jail in the Islamic state during reigns of Prophet Muhammad and *Ebu Bekir*, the first caliph of the Prophet. The houses, wells, holes were used as jails during this period.<sup>85</sup> In fact the jails had the shape of a well in Islamic tradition as a reference to Prophet Yusuf (Joseph), who was left in a water well by his brothers. It is known that the first prison in Islamic history was built during reign of the Omer (the second caliph of Prophet Muhammad), in fact it was not built but a house was bought and turned into a prison. The first prison was built during reign of the Ali, the forth caliph. First he built a prison named "Nafi"<sup>86</sup> however he had to build new and better prisons named "Mahyes", "Muhayyes", "Mahpis" as the prisoners escaped from the first one easily.<sup>87</sup>

In fact, imprisonment was not a common penal method in Islamic criminal law.

As the person in the prison becomes useless in a way and as imprisonment prevents

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<sup>84</sup> For example Hutbe b. Hasrem killed man and he put in prison because son of man was little child and he could not decide to accept Money penalty or retaliation. Until this child grow up, quilty man was in prison, in this way quilty did not escape from justice. Muhammed Ebu Zehra, *İslam Hukukunda Suç ve Ceza*, translated by. İbrahim Tüfekçi, İstanbul: Kitabevi, 1994, 2/473.

<sup>85</sup> Mustafa Avcı, *Osmanlı Ceza Hukukuna Giriş*, Konya: Mimoza,2008, 213.

<sup>86</sup> Ibid, 213

<sup>87</sup> Metin Hülagü, *İslam Hukukunda Hapis Cezası*, Kayseri: Rey Yayıncılık, 1996, 22.

the person from providing his family with their needs, it was not compatible with the principle of the individuality of the crime. Because, if the person you are sending to prison is the breadwinner of the family, then his family was also punished as they could not earn money to finance the family even if they were innocent. The person in the prison cannot earn money neither for himself nor for the family, for this reason this person is accepted as useless. Besides this, the prisoners need to be fed and their needs should be met. Because, according to the Islamic Law, the person in the prison should not be punished with the bad conditions of the prisons as they are already being punished with restrictions to their freedom.<sup>88</sup> Besides this, the state also had to meet the daily needs of the prisoners and also their prayer needs. According to Islamic Law, as the person in the prison is already paying his sentence in the prison the state cannot give another punishment to this person by restricting their water, food and other needs. For this reason, it was a burden for the State to provide the prisoners with their daily needs. In the *Baba Cafer* dungeon, which we examined in the frame of our study, there are some documents regarding food and other necessary items provided to the prisoners. However, these documents are not in regular order so it is not possible to make a generalization out of those documents. One of the documents we have is about the daily food deliveries of the prisoners during Ramadan month. The state accounting office issued a consent about giving one money bag to the prisoners in the *Galata* dungeon and two money bags in *Baba Cafer* dungeon from *Atiyye-i Hümayun* with a ferman ordering to provide the debtors and prisoners in the prison with this money.<sup>89</sup> As we understand from this document, the prisoners were provided with food in month of Ramadan. We do not have

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<sup>88</sup> Avci, 212.

<sup>89</sup> BOA; C. ADL, 9/567.

evidence regarding the prisoners in the *Baba Cafer* dungeon were being provided with food during the rest of the year however, we have observed in several documents that the prisoners were provided with pocket money for their daily bread.

In an example document we see that the State gave a monthly 80 kuruş to a woman imprisoned in *Imam Hüseyin's* house in Belgrade for her food and candle need.<sup>90</sup> But we do not know why the state gave this money, was it because the woman was under a certain person's responsibility or because the State already had to provide this money. However, there is a document dated 1585 regarding food and clothes given to the prisoners in *Tersane* dungeon. According to this, a person, who was working as a clerk at the prison, recorded the number of prisoners and gave food to them according to their number.<sup>91</sup> Also there are many documents about the daily food and *nan-ı aziz* given to the prisoners in the *Tersane* dungeon.<sup>92</sup> Besides this, another important point about this is the fact that two of the three given money bags for the prisoners were separated for the *Baba Cafer* dungeon. Maybe the number of prisoners in the *Baba Cafer* dungeon was bigger.<sup>93</sup> However, it is impossible to

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<sup>90</sup> Ali Karaca, "XIX. Yüzyılda Osmanlı Devletinde Fahiş Hatunlara Uygulanan Cezalar: Hapis ve Sürgün", in *Hapishane Kitabı*, ed by. Emine Gürsoy Naskalı, Hilal Oytun, İstanbul: Kitabevi, 2005, 154.

<sup>91</sup> İdris Bostan, *XVII. Yy da Tersane-i Amire*, Ankara: TTK, 1992, 42, 126 nolu dipnot.

<sup>92</sup> BŞM.TRZ.d.. no: 15760, D..BŞM.TRZ.d.. no: 15791, D..BŞM.TRZ.d.. no: 15807, D..BŞM.TRZ.d.. no: 15811, D..BŞM.TRZ.d.. no: 15812, D..BŞM.TRZ.d.. no:15810, D..BŞM.d.. no:4581, D..BŞM.d.. no:41435, D..BŞM.d.. no:41402

<sup>93</sup> At this point Evliya Çelebi said that 31.000 prisoners were in Tersane-i Amire ve Galata Dungeons at Kanuni Era. Evliya Çelebi, *Seyahatnamesi I/ 417*, and see, İdris Bostan, *Osmanlı Bahriye Teşkilatı*, Ankara: Türk Tarih Kurumu, 1992, 11. But according to archival document when was 1688 Palace gave three gold pounchs to feed prisoners two of them sent *Baba Cafer* dungeon one of them sent Tersane dungeon. *Evliya Çelebi* gave overinflated stories in his book. Thus we can not decide this number is real or not? We can not know the number of prisoners was true or *Evliya Çelebi* told to overinflated number. Moreover *Wratislaw* who was a slaver in Tersane Dungeon at 16<sup>th</sup> century wrote 700 slave were at this dungeon to row at 1593 in his memory. Furthermore Tersane Emiri who was stuff census slavers and said their number was 562 at 12 Zilhicce 1114.( see, İdris Bostan, 212.)

conclude from the documents we have whether the prisoners in the *Baba Cafer* dungeon were provided with pocket money for food in the months other than Ramadan. In fact there are some other documents that a particular amount of money was separated by the Palace for the prisoners in other months. For instance, there is an expression as “paying the cost of the bread given to the prisoners” in a document dated 10 Şevval 1220<sup>94</sup> however, we are not sure whether those breads were given in Ramadan or not. In another document dated 29 Receb 1152<sup>95</sup> the amount of wheat in the depot and bread given to the prisoners from the prison bake house were demanded. Was this information demanded as a preparation for Ramadan month, during which the prisoners were given bread? Or was it a regular counting being done for the bread given every month? We are not sure about this. Another document about this issue is a notebook about the bread distribution from the prison bake house during the administration of *Tersane Emini Sırrı Selim Efendi* but we do not know date of this document.<sup>96</sup> Lastly, another document dated 7 Receb 1301<sup>97</sup> is about giving the bread share of a prison, which was given by the Palace, to *Şehremaneti* women’s hospital. This document, which was prepared around 1884 according to the Gregorian calendar, was prepared in a period when the *Baba Cafer* dungeon was closed down and a great prison was built in the *Sultanahmet Square*. Even though there is not a document proving that food or bread were given to the prisoners in the *Baba Cafer* dungeon, there is a document about State’s giving clothes to

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<sup>94</sup> BOA; C. BH, 259/ 11986.

<sup>95</sup> BOA; C. BH, 260/ 12036

<sup>96</sup> D..BŞM.TRZ.d 157/1189, This document is repaired so it does not give, if it is given any information can find from it.

<sup>97</sup> BOA: Y.MTV. 14/51

prostitutes.<sup>98</sup> However there is no answer for the question whether those clothes were given only to the prostitutes or all of the prisoners.

## **2.2 SOCIAL ECONOMIC CONDITIONS OF THE PRISONERS AND THEIR SEXES**

The criminal laws of the Tanzimat period have been influential over the imprisonment penalties being effective in the Ottoman judicial system. The imprisonment penalty or isolating someone from the society for a particular period of time were used in the Ottoman judicial system in order to protect society from the negative effects of the criminals. Adultery was at the top of the bad behaviours list affecting the society negatively. As a reflection of the protecting the society from these effects, the prostitutes were sent to prison especially during Ramadan Month, which is accepted as a holy month in Islam, and their food was provided by the State in there.<sup>99</sup> Around 10 prostitutes were sent to the *Baba Cafer* dungeon during Ramadan and they were prevented from doing their jobs during that time. By this way both the prostitutes and other citizens were protected from sinning during Ramadan. The reason behind sending the prostitutes to prison in the three holy months and especially Ramadan, could be the fact that they could sneak back to *Istanbul* after being exiled from *Istanbul* and continue their prostitution. As the State sent them to prison it was ensuring that they would not commit their crimes again. In fact, even though it would not be proper to make generalizations by just evaluating a

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<sup>98</sup> 60 adet Gavur fesi, 60 adet kaba yemeni, 60 adet Diyarbekir alacası entari, 60 adet gömlek, 60 adet Yanbolu kebesi, 60 adet Kaba hasır, 60 adet Santiyan BOA. C.ZB, No: 3534 and see: Osman Köse, “XVIII. Yüzyıl Sonları Rus ve Avusturya Savaşları esnasında Osmanlı Devletinde Bir Uygulama: İstanbul’da İçki ve Fuhuş Yasağı”, *Turkish Studies Volume 2/114*.

<sup>99</sup> BOA; C.ML, 17/1

couple of documents, it is interesting that the women who were caught performing prostitution were sent to prison at first. If they were caught again, then they were transported to the *Limni Island*. And if they escaped from that island and returned to Istanbul to perform prostitution again they were sent to prison again.<sup>100</sup> The procedure of sending the prostitutes directly to prison during Ramadan month, even though they were transported to the island rather than sent to the prison normally, could be explained as a method of protecting the society from adultery and its bad effects. It is observed that the punishments for this kind of crimes get harsher during Ramadan months. In general, the prostitutes and the people having relationships with them during Ramadan month were being executed in order to make it a lesson for everybody else in the society.<sup>101</sup> In relation to this, *Moryson* noted that the prostitutes prostituting during Ramadan were put into gunny bags and they were thrown at sea to drown.<sup>102</sup>

In fact the efforts to protect the society from adultery can be observed with the orders given by the Sultan and written *Fermans*. The measures against the prostitutes were not taken only during the month of Ramadan. However, the present measures were increased and got stricter as a respect for holy Ramadan month. The decree, which was about not permitting a total of 35 prostitutes in the *Tophane İmam evi* house of Hodja and providing them with their daily needs throughout three holy

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<sup>100</sup> C.ZB 88/4351.

<sup>101</sup> Evasıt-ı şehri Ramazanda ehl-i isyan u hevadan din yohsulları ve ma'siyet mübtelaları bedbahtlar hedm-i ırz-ı din-i mübin ola demeyüb alaniyetten fevahişle fisk u fücura cür'et eyleyüp, meclis ile basılmağın, beş nefer avratlar siyaset olunup deryaya atıldı. Ve bir levendın boynu uruldu ve iki nefer celeb sipahilerün ulufelerü kat' olunup haps olundu. ... Selaniki Mustafa Efendi, *Tarih-i Selaniki*, prepared by Mehmet İpşirli, Ankara: Türk Tarih Kurumu, 1999, 597.

<sup>102</sup> Aydoğan Demir, "Kanuni'nin Bir Fermanı Vesilesiyle Zina Üzerine Düşünceler", *Tarih ve Toplum Dergisi*, İstanbul: İletişim Yayınları, 29/9.



months including the Ramadan month, proves the fact that the Ottomans did not let the prostitutes get out of the prisons in order to protect the society during holy months of Islam.<sup>103</sup> There is not a social class, whose names were already recorded at the *Subaşı*'s (a person who protected the city and sometimes who collected taxes in the Ottoman Empire) office, like and suggested, who were permitted to perform prostitution except for religious holidays.<sup>104</sup> The first permanent place where adultery was performed in Istanbul was established during reign on *Sultan Abdülaziz*.<sup>105</sup> Until this period there were a bunch of prostitutes in the empire who were performing prostitution in Istanbul secretly and were changing their houses very often in order not to be detected by the state officials. However, none of those were recorded in the *Subaşı*'s office and permitted to perform prostitution.

Normally prostitution was accepted as an adultery crime at Ottoman jurisprudence and its punishment was determined according to the Ottoman law. Actually, adultery is *Had* crime according to Islamic rules of *Sharia* but the Ottoman State did not give *Had* punishment. Generally adultery or prostitutes were punished by Tazir punishment. The Ottoman Sultans and governors behaved accordingly

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<sup>103</sup> BOA, C. ZB.: 52/ 2557

<sup>104</sup> Metin And, *16. Yüzyılda Günlük Yaşam*, İstanbul: Akbank Kültür Sanat, 1193, 256. He claimed that prostitutes who continue to work a prostitute at Ramadan, they were executed and were thrown to Bosphorus. Moreover he argued that prostitutes and pimps were in Egypt to refer Evliya Çelebi seyahatname and he said that “Şeyhülsürat” which were three different official stuffs controlled them. “ Babüllük çavuşları” followed prostitutes. He said these information to warned people because dangerous places were in Egypt. (see: Evliya Çelebi Seyahatnamesi, translated by: Zuhuri Danışman, 14/ 263-264) Aydoğan Demir has similar argument he claimed that Evliya Çelebi gave number of pimps were five hundred and their names were *Esnaf-ı Gidiyan*. (Aydoğan Demir, 7) However this information could not found in *Evliya Çelebi Seyahatnamesi*. Evliya Çelebi, *Evliya Çelebi Seyahatnamesi*, Prepared by Ahmed Cevdet, İstanbul: İkdam, 1314, 519. Moreover sometimes many prostitutes executed and thrown Bosphorus but they prostitute normal time. (see: BOA, HH no: 10845) moreover prostitute who was given death punishment thrown Bosphorus put into sacks. “Ölüm cezası verilen kadının infazı, bu dönemdeki benzer suçlara verilen “salben” değil, çuval içinde İstanbul boğazında denize bırakılmak suretiyle yerine getirilmiştir”. (see: Osman Köse)

<sup>105</sup> Murat Bardakçı, *Osmanlı'da Seks*, İstanbul: Gür Yayınlar, 1992, 219.

condition and understanding of era.<sup>106</sup> Adultery and prostitute's punishment were given by *Kanunnames* samely. According to the Fatih kanunnames punishment of adultery were 1,2,3 articles and punishment of prostitution were 4 and 5 articles. According to these matters prostitutes' punishments were said and given to selfish of Kadis.<sup>107</sup>

Moreover according to the *Bayezid Kanunnames* and *Kanuni kanunnames* punishment of a pimp was different."If person was a pimp, his face was branded or his nose was cut".<sup>108</sup> Generally the prostitute and pimp accepted their *Tazir* punishment in Ottoman State system and *Kadis* punished them accordingly selfish and *Sharia*. Most of time prostitutes given money or arrested dungeon to punish but time of prison was not certain. For example the *Ebussuud Efendi* who was *Şeyhulislam*(1490-1574) gave a *fetva* about prostitutes. He said that if woman was prostitute, she was arrested to the dungeon until she forswear.<sup>109</sup>

Very harsh measures were taken against this social class from time to time in order to protect the society from them. Especially during the reign of *Selim III*, it was

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<sup>106</sup> İsmail Acar, "Osmanlılarda Zina Suçu ve Cezası", *Türkler*, ed by Hasan Celal Güzel, Kemal Çiçek and Salim Koca, Ankara: Yeni Türkiye Yayınları, 2002, X, 88.

<sup>107</sup> Cihan Osmanağaoğlu, "Klasik Dönem Osmanlı Hukukunda Zina Suçu ve Cezası", *İstanbul Üniversitesi Hukuk Fakültesi Mecmuası*, LXVI, 2008/ 126. These matters; 4- Eğer avretin mali olsa eri kabul eylese **köftehor** kanlığun yüz akçe vire yoksul olursa elli akçe gayet fakir olursa kırk ya otuz akçe cürm alına, 5- Eğer avret **pezevenklik** eylese kadı ta" zir ura nekadar mâ yerahu(takdir ettiği kadar) ağaç başına bir akçe cürm alına..

<sup>108</sup> Bayezid Kanunnamesi "pezevenklik dâimâ âdeti ve san'atı ola, burnı kesile ve illâ eşeğe bindürüb teşhir oluna. Kanuni kanunnamesi "pezevenklik edenin alınına dağ edeler". Cihan Osmanağaoğlu, "Klasik Dönem Osmanlı Hukukunda Zina Suçu ve Cezası", *İstanbul Üniversitesi Hukuk Fakültesi Mecmuası*, LXVI, 2008/ 134.

<sup>109</sup> Mesele; bir taife karye-be karye gezip avretlerine ve kızlarına ve cariyelerine zina attirmeye adet edinseler şer'an ne lazım olur? Elcevab; cumhuru, fevkalhald darb-ı şedidden sonra sahları zahir oluncaya dek zindandan çıkarılmayıp, zinası sabit avredler cemi'an recm olunmak lazımdır. Aydoğan Demir, "Kanuni'nin Bir Fermanı Vesilesiyle Zina Üzerine Düşünceler", *Tarih ve Toplum Dergisi*, İstanbul: İletişim yayınları, 29/7.

thought that the reason behind failures and the State's losing wars was believed to be the corruption in the society and so the prostitutes were believed to be responsible for this. For this reason stricter measures were taken against prostitutes during this period.<sup>110</sup> In fact, there are some other decrees also which were issued from time to time and wanted the prostitutes to be arrested whenever they were detected.<sup>111</sup> Another way of protecting the society from the prostitutes was to transport them to another place. The prostitutes were sent to particular places when they were caught in order to protect the society from their bad effects. There were several reasons for transporting the prostitutes to those places rather than sending them to prison. The most important reason for this was the fact that keeping them in prison for a long time was bringing a heavier burden over the State than sending them to remote islands like *Cyprus*, *Limni* and *Rodos*. There are some documents showing this burden over the State. There is a document about daily food needs of the prostitutes kept in the *Baba Cafer* dungeon during the Ramadan month.<sup>112</sup> Even though there is no evidence whether the state provided them with food only during Ramadan or throughout the year, according to *Köse's* claim the State met clothing and food needs of the women who were imprisoned for performing prostitution.<sup>113</sup> We have a record

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<sup>110</sup> Osman Köse, "XVIII. Yüzyıl Sonları Osmanlı Rus ve Avusturya Savaşları Etnasından Osmanlı Devletinde bir Uygulama: İstanbul'da İçki ve Fuhuş Yasağı", *Turkish Studies Volume 2/1*.

<sup>111</sup> For example 1731 yılında, Şeytan Emine'si isimli ünlü fahişenin ortaya tekrar çıkar ve Osman Paşa vezir olunca onu hemen ibretlik için astırır. " Osman Paşa Vezir oldukça ba'de'l-yevm hey'et-i mezbureye yasak ettikde, İbrahim Paşa vakti gibi fermanın hükmü üç gündür zannı ile üç beş gün sonra ke'l evvel meydana çıkan şeytan Eminesi nam kahbe-i ruz ahz ve aşikare gündüz Bahçe-kapusu kurbunda, Sirke-iskelesinde boğulup, ala-mela'in-nas deryaya atup, birkaç fahişeyi dahi buldurup izale etmekle avratların birunları şöyle dursun,erunlarını dahi ıslah eyledü . Şem'dani-Zade Fındıklılı Süleyman Efendi, *Mür'i't-Tevarih*, prepared by: Münir Aktepe, İstanbul: İstanbul Edebiyat Fakültesi Matbaası, 1976, 1/ 26.

<sup>112</sup> BOA; C. DH 2/ 69.

<sup>113</sup> Osman Köse, XVIII. Yüzyıl Sonları Rus ve Avusturya Savaşları Etnasında Osmanlı Devletinde Bir Uygulama: İstanbul'da İçki ve Fuhuş Yasağı, *Turkish Studies Volume, 2/1*,114.

book dated 1790 which claims that the State met clothing needs of the prisoners. The cost of the clothing provided for 60 prostitutes being kept in Istanbul's different prisons was 4187,5 kuruş( the term used for money during the Ottoman Empire).<sup>114</sup> As the women in the prisons became a burden over the State in time, sending them to remote islands decreased these costs. Another problem was the risk that the officials working at the prisons could have relationships with the prostitutes kept in prisons. Because, some of those officials were having relationships with them and excusing their prostitution.<sup>115</sup> It is also known that prostitutes<sup>116</sup> who were sent to the remote

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<sup>114</sup> BOA, C.ZB, no: 71/3534. see: Osman Köse, XVIII. Yüzyıl Sonları Rus ve Avusturya Savaşları Esnasında Osmanlı Devletinde Bir Uygulama: İstanbul'da İçki ve Fuhuş Yasağı, *Turkish Studies Volume, 2/1,114*.

<sup>115</sup> Kapıcıbaşı Numan Paşazade Abdurrahman Bey fall into the hands of state with six prostitutes and he sent Magosa cast to prison. see: Osman Köse, "XVIII. Yüzyıl Sonları Rus ve Avusturya Savaşları Esnasında Osmanlı Devletinde Bir Uygulama: İstanbul'da İçki ve Fuhuş Yasağı", *Turkish Studies Volume, 2/1,114*.

<sup>116</sup> Neighbourhoods is an important unit in the Ottoman state system. Everyone in the neighborhood and, therefore, the state connected to each other sponsors have provided an automatic control. Everything in the neighborhood who do not just sit in those districts will be responsible for the people who found themselves in the neighborhood and prostitution-related complaint to the state house was used. . As a result of these, prostitutes were not only to be exiled from their homes but also the penalties were applied.

Galata kadısına hüküm ki Südde i sadetime sureti sicil gönderip Galata haricinde merhum sultan Cihangir Camii mahallesi halkı meclisi şer'e gelüp mahalleimizde Arap Fatı ve Narin ve Girütlü Nefise ve Atlu Ases dimekle maruf Kamer ve Baalatlu aynı nam avretler yaramazlık ile meşhurlardır dediklerinde Arap fatıya adem gönderilüp davet olundukta gaybet edüp sayırları gelüp muvacehelerinde cemaati müslimun yaramazlardır diyu mahalle halkından müderris Mevlana Muhyiddin ve Katip Mehmet ve İlyas ve Sinan Halife ile sair Müslümanlar şehadet idüp ve sabıkan mezburenin halini teftiş için imam ve müezzin ve cemaat evi önüne varduklarında imamınıza ve kadınıza ve şeraitinize lanet deyu şetm edüp ve bundan akdem kalafatçı mahallesinde bir namahrem ile basulup ve bundan gayri mezbure Arap Fatının Evinde dahi namahrem ile basulup mahalli fesadı şenaattir evi satulup mahalleimizden giderilmesin reca ideriz didiklerindin bildirdiğün ecilden buyurdum ki hükmü şerifim varıcak zikrolunan avretlerin cebr ile evlerin beyi itdirüp kendülerin şehirden sürüp ve küfür söyliyani yeniçeri avreti dahi tecdidi iman itdirildikten sonra eri gelince zindanda habs etdiresin fi 2 Ra 973. See: Ahmet Refik, *Onuncu Asr-ı Hicride İstanbul Hayatı*, İstanbul: Enderun Kitabevi, 1988, 38. Another example; Derun-i arz- halde masturu'l-isim Cihangirli Saliha nam hatun kendi halinde olmayub, menziline fahişe "avratlar cem" ve gece ve gündüz namahremerkek adamları menziline alup, fesaddan hali değildir deyu sakine olduğu Hızır Bey mahallesine irsal olunan Müzekki Katibi Emin-zade Abdullah Efendi dailerine ahali-yi mahallesinden yirmi neferden ziyade müsecceli'l-esami bi-garaz Müslimin haber verüp ve mahalle-i mezbureden

islands, were returning to *Istanbul* to continue their prostitution and were bribing some State officials for this.

The imprisonment of the prostitutes in the *Baba Cafer* dungeon continued until they promised not to continue prostitution again, namely until they were rehabilitated. Of course their promising alone was not enough, it was the Imam of the district who was supposed to believe their promises. These women were released from the prison with consent of the district Imams and also witnessing of the people who were researched by the *Subaşı* and the *Asesbaşı* (the name given to the chief constable during the Empire). The first advice to those women at this point was that they should not continue prostitution after being released. The decree regarding this was sent to the *Kadi* of *Üsküdar*, *Galata* and *Eyüp*.<sup>117</sup>

Of course it was not enough to just say, they believed and repented before the imam of the neighbourhood. However, this situation was complicated because many people who were religion staff had been caught with prostitutes.<sup>118</sup> Also different applications took place in Istanbul in order to decrease number of prisoners in Istanbul and decrease the burden over the state as the prisons were full from time to time. For instance, it is stated in a document prepared in 18<sup>th</sup> century that 5 prostitutes, who were defined as chronic prostitutes, were smothered at night at an imamevi in the *Ağa Kapısı* district. Three of the bodies were exhibited at the city

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merkume Saliha hatun'un ihracını iltimas eylediklerini Mevlana-i mezbur ile ma'an ba's olunan Hüseyin ve Muhzır Mehmet Meclis-i şer'a gelüp, haber verdiği huzur-i alilerine i'lam olundu. Fi 17 safer 1143. Gökçe Özkan, *İstanbul Bab Mahkemesi 149 No'lu Şer'iyye Sicili Defterine Göre İstanbul'da Sosyal Hayat*, Yüksek Lisans Tezi, İstanbul, 2003,336.

<sup>117</sup> İstanbul Kadılığı Sicili, Numara 42. See: Osman Nuri Ergin, *Mecelle-i Umur-ı Belediyeye*, İstanbul: İstanbul Büyükşehir Belediyesi Kültür İşleri Daire Başkanlığı 1/870,1995.

<sup>118</sup> Kanlıca da İskenderpaşa Camii müezzini, Ubeydi fuhuş ile meluf olup hanesinde kadınlarla rezalette bulunduğu, cemiyet halinde hanesi basılıp meydana çıktığından kendisi de firar ettiğinden azline dair. 25 C 1117. C. ZB 12:/557

center; one of them was in *Kasımpaşa* and the last one in *Üsküdar* in order to deter the society from prostitution. After that the rest of the prostitutes in the prisons were released after promising not to continue prostitution again.<sup>119</sup> Here, firstly the prostitutes were frightened and after that they were released after pledging. In a decree issued by *Sultan Abdulhamid I*, it is stated that the *Subaşı* and the *Asesbaşı* were ordered to arrest those women and send them to the *Baba Cafer* dungeon until they were fully rehabilitated and promised not to continue prostitution after being released. It was also required that the people to accept the promise of those women not to continue prostitution were the district *İmam*, *Subaşı* and *Asesbaşı*. The warning made here to the *Subaşı* and the *Asesbaşı* was not to release the ones who were not rehabilitated in order to save some money from the State budget.<sup>120</sup> In other words, the State wanted to be sure that those people did not continue prostitution in order to prevent it's spread in the society. Another document is about people who committed adultery or the ones who wanted to marry the prostitutes in the prisons.

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<sup>119</sup> BOA, HH,No: 11055, 10845 both of irade mention about caution and hanging of Prostitutes.

<sup>120</sup> Osman Nuri Ergin, *Mecelle-i Umur-ı Belediyye*, İstanbul: İstanbul Büyükşehir Belediyesi Kültür İşleri Daire Başkanlığı, 2/870, 1995. Archival document: İstanbul Kadısı İzzetlü faziletlü Efendi Hazretleri

Bundan akdem zümre-i fevahişin ahz ü te'diblerini muhtevi zabitanâ hitaben neşr olunan buyuruldular mucubince etrafu eknaftan ahz ve li-ecli't-te'dib Baba Cafer Zindanına bendolunarak mahall-i mezkurda teraküm ü ihtîşad eden taife-i nisvanın ıslah-ı nefis edinceye dek zindan-bend olduklarından sonra içlerinden tevbe ve tezkiye-i nefis edenlerin bir dahi mürtekb-fuḥş ü şenaat olmayacaklarına mahalleleri imamaları marifetiyle huzur-ı hakimde yarar kefilleri ahz olundukça bir taraftan sebillerinin tahliyesi dahi labüd olup lakin bu hususa kıyam ü mübaşeret edecek eimme-i mahallat ve kefil ve şahit olacak zevat ve hademe-i mehakimve asesbaşı ve subaşı ve sair huddam ü neferatın tama'-ı hama tebaiyet ile taife-i mezburenin tahliye-i sebili şayan olanlarından akça aldıklarından maada tertib-i ekazib ü dürüḡ ederek şayeste-i itlak olamayanların dahi bir takrib ile itlakına ictisar edecekleri tecessüs olunarak istihbar olunmaḡla imdi zümre-i mezkureden zindan-bend olan guruh-ı fevahişin tezkiye-i nefis eyleyüp itlaka şayan olanlarından mahallesı imamı marifetiyle bir dahi irtikab-ı fuḥş etmeyeceḡine yarar kefilleri ahz olunup sebilleri tahliyesine eimme-i mahallat ve huddam-ı mehakim ve sair hademe ve neferattan kimesnenin ücret-i kadem ve hakk-ı kalem namıyla bir akça almamamsı hususunun tembihi lazım gelenlere te'kid ve hususan henüz tezkiye-i nefis etmeyenlerinin akça ümidiyle sebilini tahliye ettirmeḡe .....iş bu emrin suretin Eyüb ve Galata ve Üsküdar ve sair iktiza eden mahkimin sicilâtına kaydettirmeḡe dikkat eyleyeler diyu. 20 Receb 1192

This document wants those people to get out of town immediately after getting married or else they would be sent to prison.<sup>121</sup> By doing this the State tried to prevent the people from marrying the prostitutes in the prison in order to continue their prostitution. There is information about some people who used the women they married in prostitution.<sup>122</sup> During the periods in which strict measures were taken against prostitution, the prostitutes were smothered in gunny bags rather than being transported to remote islands or sent to prison. And their bodies were exhibited at the centers of the city as an example not only for other prostitutes but also for the society in general.<sup>123</sup>

As a result, it is possible to conclude that there were some adultery cases in the Ottoman Empire and the State tried to prevent them by means of decrees. Stricter measures were taken from time to time, and sometimes the measures softened. The *Baba Cafer* dungeon, which was the place where ordinary criminals were sent, was the focal point of our study as the persons engaging in acts prostitution were sent there. As it was a women's prison and the women were sent to this prison, this facility was related to prostitution somehow. The state did not prefer to apply the recm penalty (killing the committer of adultery by throwing stones), which was

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<sup>121</sup> İstanbul kadısına Hüküm ki Hini teftişte tutlup habs olunan fahişeleri bazı kimseler nikah etmek ile almak murad idindikleri istima olunmağın buyurdum ki vusul buldukta anların gibi fevahişi nikah ile alan kimselere tenbih idesin ki nikah ettiklerinden sonra İstanbul'da durmayup ahar yerlere alub gideler Şöyle ki badettenbih ol makule kimselere aldıkları fevahişe ile İstanbul'da duralar giru habs olunalar fi 5 receb 975. Ahmet Refik, 39.

<sup>122</sup> Adoğan Demir, "Kanuni'nin Bir Fermanı Vesilesiyle Zina Üzerine Düşünceler", *Tarih ve Toplum Dergisi*, İstanbul: İletişim Yayınları, 29/9.

<sup>123</sup> Subject to the provisions of Kanunnames are not limited to just these. Beatings, cutting noses and ears, forehead brand, a man of rape in the sexual organs are cut, if the women agreed on the terms of the sexual organs Kanunnames of the mountain. Lutfi Pasha, Grand Vizier of Kanuni besides that the genitals of a prostitute votes have been captured. These penalties are not in any Kanunnames so generals were dismissed. Ibid, 10.

permitted by Islamic Law, instead it applied milder penalties like transporting them to remote islands or sending them to prisons in order to deter the committers from prostitution. Sometimes the State applied stricter penalties like smothering the committers and exhibiting their bodies in city centers or throwing them into the sea in gunny bags. The bodies were not exhibited only to prevent other women from prostitution but also to show the society that the judicial system was functioning well and doing its job.

The artisans of the era were also affected by the imprisonment system of the Ottoman Empire, which aimed to isolate the people affecting or giving harm to the society. Some of the artisans were punished with carrying animal intestines and organs over their heads in public. Sometimes the artisans were imprisoned in the *Baba Cafer* dungeon also. The *Baba Cafer* dungeon was hosting generally artisans committing crime and also committers of ordinary crimes. The most common reasons for the artisans to be imprisoned at the *Baba Cafer* dungeon were disobeying the *Nizamname* (the name given for regulations during the Empire) of the guild he belonged to<sup>124</sup> cheating and fraud, do blackmarketing,<sup>125</sup> disobeying the fixed price or *Nizam-ı Kadim*,<sup>126</sup> violating neighbourhood right and traditions,<sup>127</sup> opening a shop

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<sup>124</sup> Ekmek tabh eden esnafın fırıncılar nizamnamesine uymaması örnek olarak verilebilir. Örnek olarak Mahmiyye-i İstanbul'da Balat kurbunda Tokmak fırınında etmekçi olan Mıgırdıç zımminin fırında tabh eylediği nan-ı aziz vezn olundukda parelikte otuz ve kırk dirhem noksan gelüp ve noksan-ı merkum fahiş olduğundan ma'ada bu misüllü noksan işlemek adet-i müstemirresi olduğu yine esnafı ihbar ve te'dibe muhtac olmağla te'dib olanca küreğe vaz' olunmak babında emr u ferman Hazret-i men lehü'l emrindir. Fi 22 Şaban 1179. Yaşar Tekin, Şeriyye Sicilleri Işığında Osmanlı Devleti'nde Tazir Suç ve Cezaları, Yüksek Lisans Tezi, İstanbul, 1995, 35.

<sup>125</sup> Especially after the war or earthquakes, fires price of the goods were increased by trades, they did not sell products because of blackmarketeer.

<sup>126</sup> Halen kasab başı ve Ali Ağa ve kasablar kethüdası Muhammed kulları Yeni Camii Şerif havlusu çaryekcileri celebelerinden el-Hac Hasan b. Mustafa'yı meclis-i şer'i hatirde ihzar ve müvacehesinde mezbur el-hac Hasan kendü halinde olmayub Nizam-ı Kadim'e muğayir harekette olmağla öteden



illegally without necessary permissions and using deficient weigh bridges,<sup>128</sup> or well-trained apprentices<sup>129</sup>. The neighbourhood relations of the artisans are important in this sense. When one of the artisans was arrested it was his neighbours who could help him and pay his caution money. It was a kind of solidarity and auto control. This was vital for the artisans as sometimes there were some people to whom no one helped and so the commercial career of this person would end.<sup>130</sup>

In fact, it is known that many officials intervened in the fixed prices in the market from the *Sadrazam* to the *Kadi*.<sup>131</sup> When we examined the documents we

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beri.....mezbur el-Hac Hasan Boğazkesen Kal'ası'nda izzetlü yeniçeri ağası marifetiyle te'dib olunmak babında emr u ferman hazret-i men lehü'l emrindir. Fi 21 Muharrem 1180, Tekin, 36.

<sup>127</sup>At this point to get along with neighbours of all trades are required. Primarily trades with the exception of one neighborhood were imprisoned or sent into exile, allowing his to forgive him as guarantor of the trades is another thing. For instance, Mahmiyye-i Galata'da mahkeme kurbunda etmekçi olan sahib-i arz-ı hal Ali b. Hüseyin hamış-i arz-ı halde der-kenar olduğu vech üzere cümada'l ahirin sekizinc gününden beru Boğazkesen Kal'ası'nda ta'zir için mahpus olup müddet-i mezkurede salahı zahir olub vefima Ba'd hilaf-ı nizam nan-ı aziz tabh etmemek üzere nefsine şeriki Mustafa b. Muhammed ve etmekçiler Kethüdası vekili el-Hac Muhammed b. Ömer ve etmekçi ustalarından hasan ve Molla Osman namkimesneler meclis-i şer'-i hatirde kefil ve kefaletleri tescil olunub mzbur Ali'nin afv ve ıtlakını İstid'a ve istirham eyledikleri derun-ı arz-ı halde sadır olan ferman-ı alışana imtisalen huzur-ı alilerine i'lam olundu. Fi 6 Receb 1179, Tekin, 34.

<sup>128</sup> Especially state tried to prevent shopkeepers who try to derive an improper personal benefit used short weight. Generally they were wood-coal howkers. This document is example of this situation Kantarcı Veli Mustafa put in Ağa Kapısı prison before because of short weight but he repeated this crime again. State put in Boğazkesen Kalası to show all shopkeepers examplary. AğaKapusu Osman Nuri Ergin argued that Ağa Kapusu dungeon was same Ağa Kapusu dungeon. See: Ergin, Mecelle-i Umur-ı Belediye, 2/621.

<sup>129</sup> Yaşar Tekin, Şer'iyye Sicilleri Işığında Osmanlı Devleti'nde Tazir Suç ve Cezaları, Yüksek Lisans Tezi, İstanbul, 1995,34-38.

<sup>130</sup> Mahmiyye-i İstanbul'da hamu'l-alat astarcı esnafı kethüdası Muhammed ve yiğit başileri Osman ve ustalarından Ahmed ve dier Osman ve Hasan ve diğer Ahmed ve Veli ve es-Seyyid Muhammed ve Mustafa nam müslimin ile zımmi ustalarından Karabet ve İsrail ve Matok ve Saad ve Api ve Sahak ve Evadik ve Bedros meclis-i şer'i şerife ihzar ettirdikleri es-Seyyid Mahmud mahzarlarında biz birbirlerimize kefil olup içimizden pir-i perver olamayan mechulu'l ahval kimesneler dahil olmamak şurut ve nizamımızdan iken mezbur es-seyyid Mahmud sanatımızda ehliyeti olmayub mechulu'l ahval ve bila kefil bir takrib ile sanatımıza duhul etmekle emniyetimiz yoktur deyu ihbar ve ihracını iltimas eyledikleri huzur-ı alilerine i'lam olundu. Fi 12L 1179, Tekin, 38.

<sup>131</sup> Osman Nuri Ergin, Mecelle-i Umur-ı Belediye, İstanbul: 2/621.

observed that the crimes the artisans committed were selling imperfect goods, selling goods with short weight, black-marketing, usury and not obeying the fixed prices. The artisans not obeying the rules were tried by the *Kadi* and punished sometimes by placing animal bowels over his head and the crime he committed was being written on a piece of paper that was hung up his neck<sup>132</sup> or was sent to the *Baba Cafer* dungeon.<sup>133</sup> Another common crime committed by the artisans was the bake house owner's selling breads with short weight. The penalties were applied to them according to whether they were Muslim or non-Muslim, the type of penalty could change according to their religions sometimes.<sup>134</sup> *Gerlach* mentions in his *Ruzname* about one Jewish, who sold fabrics with very high prices, and two bake house owners, one Muslim one Christian, who were selling breads with short weight. These artisans were punished by being passed under the yoke with horns on their heads. They were also carrying the short weight breads they were selling with their heads. They were forced to visit all the streets of the city with the yoke on their necks and breads on their heads and were being exposed to all the citizens. After that they were being transported out of town.<sup>135</sup> The reason why these punishments were applied in front of the public was the fact that it was a deterrent for other people who could commit the same crime and also this application demonstrated to the people the public authority and state power. In this way they saw that the criminals were being

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<sup>132</sup> And, 254

<sup>133</sup> Ergin, 2/621. Quilty shopkeepers were sent not only to the Baba Cafer dungeon but also Boğazkesen castle and Seddülbahir Castle.

<sup>134</sup> Kemal Beydilli, "Stephan Gerlach'ın Ruzname'sinde İstanbul", *Tarih Boyunca İstanbul Semineri*, İstanbul: İstanbul Edebiyat Fakültesi Yayınları, 1989, 98.

<sup>135</sup> *Ibid*, 98.

punished and their belief in justice was becoming stronger. Also the punishments were quite deterrent as they were applied before the public.<sup>136</sup>

Moreover, occasionally the artisans committing this kind of crimes were transported to remote places. In a document dated 1182 (according to the Islamic Calendar) the case of *Ibrahim*, who was sent to the *Kilidülbahir* Castle on exile for selling short weight bread, is a good example for this. In fact, this document is very important as it is an example for three situations the artisans faced. First, the artisans selling bread with short weight were first sent to prison and after that they were sent on exile, second, the *Sadrazam* realized this situation, *Ibrahim's* selling breads with short weight, while controlling the bazaar in disguise. Thirdly, this person, who was realized by the *Sadrazam*, was from the 35<sup>th</sup> company of the Janissery army and so he was arrested by *Mazhar Ağa*<sup>137</sup> he arrested Janissary because of his status.<sup>138</sup> It is known that the person or persons imprisoned were sent for exile. Sometimes the prostitutes were also sent for exile or the people who repeated their crimes after being released from prison by promising not to do the same thing again.<sup>139</sup> At this

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<sup>136</sup> Ekrem İsin's ideal about this topic sentence and the phrase, "Merchants of Morality, national, financial and spiritual values in the world, was an ideal mix. This mixture to disrupt the chemistry of any crime, the state's ideals in the face of the punishment came. Ideal for the basics of sentence, was based on the principle of deterrence. Among the four walls of the trades, so do not commit crimes, to be exhibited by the people was punished in front of. Ekrem Işın, *İstanbul'da Gündelik Hayat*, İstanbul: İletişim, 1995, 60.

<sup>137</sup> Mahzar Ağa was not name, it was rank of Janissary corp and Janissary Ağası, Sekbanbaşı, Kul Kethüdası, kethüda Piri, Zağar Başı, Tornacı Başı, Mahzar Ağa, Büyük and Küçük Hasekiler, Katip or Yeniçeri were managed by it. See: Mahmud Şevket Paşa, *Osmanlı Askeri Teşkilatı ve Kıyafeti*, Ankara: K.K.K Basımevi, 1983, 2.

<sup>138</sup> BOA, C BLD, no: 112/5563. İstanbul'da Tavukpazarı'nda ekmekçi olup tabh eylediği ekmeğin bir paralığında otuz beş dirhem noksan olduğu tebdilen gezmekte olan sadrazam tarafından görülerek emr-i mişarünileyh ile Mahzar ağa tarafından hapsedilen yeniçerilerin Otuz Beşinci Bölüğünden İbrahim'in Kilüdülbahir Kalesine Kalebend edildiği...

<sup>139</sup> C ZB. No: 40/1961 Baba Cafer zindanı'nda ki altı nefer hırsızın İstanbul'a gelmemek, gelirlerse cezaları tertib olunmak üzere Girid'e sevkleri, C ZB. No: 28/1355 İstanbul'un muhtelif semtlerinde

point, the case of *Ibrahim*, who was sent to the *Kilidülbahir* Castle on exile, is a good example. On the other hand, it is known that both the Sultan himself and the *Sadrazam* walked around the city in disguise in order to control the criminals and also the state officials who were supposed to prevent them. Needless to say, the persons that applied the orders of the *Sadrazam* were the officials in Istanbul. They could follow the orders perfectly and take necessary measures or they could neglect the rules also. There were some cases in which the state officials committed alcohol trade, even though it was prohibited, had affairs with prostitutes and allowed them to continue their prostitution even though it was directly prohibited by the Sultan himself.<sup>140</sup> So the case of *Ibrahim*, who was caught during a control in disguise, is a good example for us. Lastly, the Janissary soldiers could be arrested by only their own officials, no one else could arrest them. It was determined by *örfi* law and also execution of the laws.<sup>141</sup> So it was *Mazhar Ağa*, from Janissary corps, who arrested *Ibrahim*. This document, which also shows us that the Janissary soldiers joined the artisans, proves the fact that the Janissary soldiers began to intervene in commercial activities. In essence, *Ibrahim* is a symbol of the changing system of the army in Ottoman Empire.

The artisans that were sent to the *Baba Cafer* dungeon could be released after staying for a particular time if one of their colleagues warranted them or their families demanded, claiming that they could not afford their lives without the person in the prison. The artisans' warranting each other in such cases was very important

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tutulup ve evlerde basılıp Baba Cafer Zindan'ında mahpus olan fahişe on kadının bir daha İstanbul'a gelirlerse cezaları tertip edilmek üzere Midilli Adasında Kalebend edilmeleri...

<sup>140</sup> Köse, 114.

<sup>141</sup> Ergin, 2/621.

because they could save each other from prison and other problems in this way. Another way of going out of prison for the ones sent there for their debts was with the demand of the complainers, who wanted this person to work in order to pay their money back.<sup>142</sup> Generally an artisan would not stay in prison or in exile for a long time<sup>143</sup> because if an artisan was in prison it meant a decrease in the tax the State was collecting. Another important point was that the numbers of the artisans for each district was determined by the state so if one of the artisans of a particular district was in prison it caused an imbalance among the districts. Also as the dominant family type in Ottoman Empire was patriarchal, when the father of the family was in prison than there was no-one else to afford the needs of the family. If the artisans who were forgiven after being punished for a short time repeated their crimes again they were being sent to the exactly the same penal facility they were released from.<sup>144</sup> From this perspective, we can clearly see the application of the individualist perspective of Islamic Law to punishment. As the artisans were being forgiven, their families were not punished because of one person's crime. Consequently it would not

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<sup>142</sup> Devletlu sadetlu Sultanım Hazretleri sağolsun; bendelerinin arzuhalleri budur ki, Hacı Mehmed, Hacı Hassan, Hacı Abdullah, İbrahim, Abdurrahman, Mehmed ve diğer İbrahim ve diğer Mehmed adlı kullarının İzak adlı Yahudidehakkımız olup şeriat hasebiyle Galata Zindanına haps olunmuştur. Beş aydır edadan aciz, cümlenin ittifakiyle Faziletli İstanbul efendisi hazretleri huzurunda Şer'atla mürafaa olunuptaksitle eda etmek üzere itlakı rica olunur. Baki ferman Sultanımındır. Bendeleri Mehmed. ---Ashab-ı hukukun rızaları varsa, itlak olunup İstanbul Kadısı faziletli efendi, şer'le göreler diye buyruldu. Galata Kadılığı, Sicil 141, Varak: 66/b.

<sup>143</sup> Generally shopkeepers did not live long time at prison, accordingly Yaşar Tekin, they lived prison 10,12,15 days and they remand to another shopkeepers on bail.

<sup>144</sup> Altmışbircemaat yoldaşlarından Bayram gedik Paşa fırını etmeçisi işbu receb-i şerifin dokuzuncu günü parelikte beş dirhem noksan ile ahz ve orta çavuş kulları marifetiyle ta'zir ve beşgün hapisten sonra itlak olunduğu gün yine parelikte on ve on beş dirhem noksan ile taraf-ı da'ilerinden ahz ve ihzar ve istintak olundukta noksan-ı mezkur şerikim zımminin cesaretidir. Bundan sonra noksan işlemem ve işletmem deyu taahhud etmekle mesfur zımmi ta'zir ve kendu taahhudüne binaen sebili tahliye olunmuş idi. İşbu Receb-i şerifin yigirmi üçüncü günü yine parelikte on dirhem noksan ile yine ahz olunup mezbur Bayram mütenebbih olmayub fiil-i sabıkında ısrar eylediği zahir ve gereği gibi tazir olunmağa muhtac olmağa Seddülbahr Kal'ası'nda li-ecli't-te'dib kal'abend olunmak üzere huzur-ı âlilerine ilam olundu. Fi 28 Receb 1179, Tekin, 35.

be realistic to claim that the state did this only for this reason because forgiving those artisans contributed to the economy of the country as they both produced for the country and paid their taxes.

Another group of people hosted at the *Baba Cafer* dungeon constituted of the thieves, who were regarded as *adi suçlu*. Stealing does not only stem from the characteristic quality of that particular person but also from the life conditions they possessed. If someone wanted to have more than he could, or if he was gluttonous, or if he had financial problems or there are wars and devaluations then this person may have had no choice but to commit theft to survive. In other words the robbery cases increased when the social order was destroyed by big events.<sup>145</sup> Furthermore, as the corruption in the Janissary army began to increase, the Janissary soldiers also committed robberies. In relation with this, *A. Brayer* talks about the perfection of the security in Istanbul a little bit exaggerating and adds only 6 robberies took place in Istanbul annually at most and the almost all of the committers of those events were Janissary soldiers. Similarly, *Heyd* and *d'Ohsson* also notes that the security system in the Ottoman Empire was functioning very well and adds that the crimes like robbery and murder were very rare.<sup>146</sup>

In Ottoman State system the local administration leans not only over the state control but also the individuals controlling each other. If a person wanted to move to a district first he had to find a warrantor for him from that very district and also had to register to the district *Imam*. If a crime happened in a district all dwellers of that street were accepted as responsible for the event and in this way not only the officials

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<sup>145</sup> Ömer Menekşe, XVII ve XVIII. Yüzyılda Osmanlı Devletinde Hırsızlık Suçu ve Cezası, Doktora Tezi, İstanbul: 1998, 65.

<sup>146</sup> Ibid, 66.

but also the residents of the district were working hard to find the real committer. Putting gates among the districts and putting two night guards per gate was one of the measures taken to prevent crime and robbery cases.<sup>147</sup> As no one could come to a district without a warrantor the people moving to a particular district for robbery were prevented. In fact the most effective way of preventing the robberies was the fact that the whole members of the district were compensating the loss of the robbery victims by collecting money among them.<sup>148</sup> By this way as all of the residents were being affected by a robbery case, everybody was sensitive against those attempts. Another preventive measure was the prohibition of the sale of stolen goods and putting heavy punishments for such acts. The first documents in the Ottoman judicial system mentioning robbery are the *Fatih Kanunnames*.<sup>149</sup> The *Kanuni Kanunnames* that affected the following law books gives a larger place to crimes. In *Fatih's Kanunnames* it predicts that if someone is proved to be guilty of robbery he had the choices; *Had* or *Tazir*. There are many documents about different types of penalties for acts of robbery in Ottoman Empire belonging to a different period. Those penalties included cutting of a hand, fining, being sent exile or *Qalabanding*. In fact the determining factor of the above mentioned types of penalties was an article in *Kanuni's* Kanunnames and the following Kanunnames which was *Tazir* penalty would be applied to the criminal rather than *Had* penalty if all elements of crime did not take place.<sup>150</sup> As it affected the whole society robbery was thus considered not an

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<sup>147</sup> Ibid, 69.

<sup>148</sup> If thief situation was lived at Han staffs of Han had to pay Money.

<sup>149</sup> Ömer Menekşe, XVII ve XVIII. Yüzyılda Osmanlı Devletinde Hırsızlık Suçu ve Cezası, Doktora Tezi, İstanbul, 1998, 56.

<sup>150</sup> Ibid, 58.

individual crime but a crime against the society. The robbery was accepted as an ordinary crime so it was punished by cutting off the hand, sending to exile, *Qalabanding*, penal servitude and fining. There is a document about six individuals in the *Baba Cafer* dungeon, who were sent on exile from Istanbul, and it noted if those individuals returned to Istanbul then the rest of their penalties would be executed.<sup>151</sup>

As stated above, the *Baba Cafer* dungeon was hosting the committers of ordinary crimes. They were not only prostitutes, robbers or artisans seeking undeserved gain, but also soldiers from the Janissary army. In fact we cannot exactly claim that they were soldiers of Janissary army as they were dismissed from the army before being sent here. *Koçu* noted that the Janissary soldiers could not be put together with ordinary criminals.<sup>152</sup> The Janissery soldiers, who were sent to the *Baba Cafer* dungeon for annoying and distracting the people in *Beşiktaş*, are a good example to this. Or *Nesimi*, who was distributing several things in some places claiming *Ubudiyet*, is a good example of criminals sent to this prison for different crimes. Imprisonment of seven Armenian Patriarchs in the *Baba Cafer* dungeon,

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<sup>151</sup> BOA, C. ZB. 40, 1961.

<sup>152</sup> According to the author's claim, the *Baba Cafer* prison in the reasoning of the Janissaries were arrested. *Baba Cafer* court were sent to the Rumeli Hisarı there was death and funeral, and put into sacks would be taken from there. Reşat Ekrem Koçu, *Yeniçeriler*, İstanbul: Koçu Yayınları, 1964, 79.

“Cerh ve hafifletici sebep görülen katil vakalarında suçlu yeniçeri zindana atılırdı. Yeniçeri için biri ağakapusu bir diğeri Rumeli hisarında iki zindan vardı. Bazı eserlerde yeniçerilerin *Baba Cafer* zindanına hapsedildiği söylenir, *Baba Cafer* zindanı iki kısımdan oluşur, biri eskiden beri kadınlar için bir diğeri kısımda erkekler için borçlular zindanı olagelmıştır. Padişahın şahsi gazabı ve kahredici emri hariç ancak ağa divanı veya kendi ortasının çorbacısı tarafından cezalandırılan yeniçerilerin müflislerle bir arada zindana atılması asla düşünülemez. İdam cezası eğer siyasi sebepten ise mahkum ocaktaki mevkiinin rütbesinin şanına göre bir valilik veya sancak baylığınetayin edilir vaye kendisine bir sipahi tımarı verilir böylece yeniçeri ocağı ile alakası kesilir ve idam edilirdi. Adi cinai suçlardan ölüme mahkum olan yeniçeriler ise evvela ocaktan merasimle tard olunur sonra öldürülürdü. Ocaktan tard ağa divanında yapılırdı, suçlu yeniçerinin başından külahı, üsküfü alınır üniformasının yakası yırtılır sonra ölüm cezası verilir Rumeli hisarında bu ceza infaz edilirdi”. Reşat Ekrem Koçu, *Yeniçeri*, İstanbul: Koçu yayınları, 1964, 113.



which will be discussed in the third chapter, is also an uncommon situation. The State usually sent the high-level state officials, bureaucrats or important people to the *Yedikule* dungeon, so the case of those seven patriarchs is an exception. It is an important fact that the people sent to prison were released after not a long time or they were sent on exile. We do not have records about the prisoners kept at the *Baba Cafer* dungeon. We know with the help of the *Vakayinüvis* that only the ordinary criminals were kept at this prison and several other sources, as mentioned were only ordinary criminals, were sent to this prison.

### 2.3 GUARDIAN OF THE PEACE

The officials responsible for Istanbul's law and order were *Kadi*, *Subaşı*, *Naib* (*Sharia arbitrator*), *Asesbaşı*, and the *Böcekbaşı Zindan Hasekisi*.<sup>153</sup> The *Kadi* had a different position and responsibility area from contemporary judges and lawyers, who have similar duties like the *Kadi*. The *Kadis* were not only responsible for the only legal and judicial issues but also for administrative and municipal issues. It means the only responsibility of the *Kadi*, who was executor of the *Sharia*, was not judiciary. He was also responsible for many administrative and municipal duties, such as the; control and order of the artisans and shipowners<sup>154</sup> guild order, economic life in the city, determining and controlling the fixed prices in the bazaar, ordering construction studies, controlling foundation administrators etc.<sup>155</sup> They were getting help from *Subaşı* while administering and solving the problems regarding law and

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<sup>153</sup> All of staff's Picture is in appendix. See: Picture 8. *Adalet Kitabı*, Ed by. Bülent Arı, Selim Aslantaş, Ankara: Adalet Bakanlığı, 2007, 156.

<sup>154</sup> *Kadı* and *Kolluk Kuvvetleri* were inspecting in Picture. See: Pictures 7/A -7/B.

<sup>155</sup> İlber Ortaylı, *Hukuk ve İdare Adamı Olarak Osmanlı Devletinde Kadı*, Ankara: Turhan Kitabevi, 1994, 27.

order and also from the *muhtesib* (meaning a kind of a council officer) while administering the affairs of artisans and shopowners.<sup>156</sup>

The characteristics of the pre-Islamic Turkish states can be observed in the Post-Islamic Turkish states. For instance the title *subaşı* was used for *sipehsalar*.<sup>157</sup> The title of *Subaşı*, which was very important in previous Turkish state organizations and continued for long centuries even though its name changed in time, was a title given to the governor of a particular area. Moreover, when *Osman Gazi* conquered *Karacahisar* during the rising period of the empire he assigned his brother *Gündüz Bey* as the *Subaşı* there.<sup>158</sup> During the reign of *Fatih Sultan Mehmet*, the responsibilities of the *Subaşı*, who had become useless in time, were simplified and broadened.<sup>159</sup> According to *Fatih's Kanunnames*, there are two types of the *Subaşı*s. One of them is the *Miri* and the other one was the *Timar Subaşı*. In this framework we will dwell on the *Miri Subaşı*, who dealt with the council affairs in the city. The *subaşı*s, who were directly assigned from the central administration until 16<sup>th</sup> century and assigned by *Beylerbeyi* and *Sancakbeyi* from then on, had two main responsibilities. Firstly one was the *Bad-ı heva*, which was a different tax that was collected by them and the other duty was security.<sup>160</sup> The *Subaşı*s would go to the bazaars, streets, squares and different districts of the cities during daytime to control

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<sup>156</sup> Mustafa Cezar, *Osmanlı Başkenti İstanbul*, İstanbul: erol Kerim Aksoy Kültür, Eğitim, Spor ve Sağlık Vakfı Yayınları, 2002, 305.

<sup>157</sup> Fuad Köprülü, *Bizans Müesseselerinin Osmanlı Müesseselerine Tesiri*, İstanbul: Ötüken, 1981, 31

<sup>158</sup> Necati Gültepe, *İlk Türk İslam Devletlerinde ve Osmanlılarda Bürokrasi*, İstanbul: Ötüken, 2009, 260. The first period, after the conquest of a place were being assigned to a Judge, *Subaşı* and *Dizdar*. The first period was more important than *Subaşı*.

<sup>159</sup> Hüdavendigâr Livası Kanunnamesi put in order duty of *subaşı*, according to it *Subaşı*s were directed more than public order. Mücteba İlgürel, "Subaşı", *DIA*, 2009, 37/447-448.

<sup>160</sup> Ortaylı, 34

whether these places were cleaned properly and they needed maintenance. Their second responsibility was to provide the security of the city at nights. He was responsible for the arrest of ones who caused problems in the city, wandered in streets without candles at night and also the ones committing crime.

The *Subaşı* was responsible for executing the orders coming from the central administration and the decisions taken by the *Kadi* and also arresting the criminals.<sup>161</sup> The *Subaşı* could not punish anybody but he could prosecute the penalties given by the *Kadi*. For this reason the *Subaşı* had to bring the criminals before the *Kadi*. In this light, the *Yasakname* (a list of prohibitions) coming from the Palace from time to time gives us useful information regarding the responsibilities and authorities of the *Subaşı*. The *Yasakname* both determined the law to apply for a particular case and also authorized the prosecutor of the law to apply the penalties. Prosecution of a *Yasakname* was done by the *Kadi*, *Subaşı* and *Sancakbeyi*.<sup>162</sup> The *Subaşı*s were responsible for bringing the person or people violating the *Yasakname* to the *Kadi* and applying the penalties determined by the *Kadi* as he could not punish those people without the *Kadi*'s permission and order. However, they were responsible for any *Cerime* (crime) committed and they took their share from those *Cerimes*.<sup>163</sup>

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<sup>161</sup> Nişan-ı hümayun ve misal-i meymun hükmi oldur ki: Dadarende-i Misal-i Şerif kulum filan İstanbul'un (97b) ve Boğazkesen'in dalyanı yasağını etmeye gönderdim, varup bundan öndin olup gelmiş kanun üzre yasak ede, öte yakada ve berü yakada kime gerekse balık avlatdurmaya, her kim uğurlayın baluk avlarsa dutup balığın elinden alup kendinün gereği gibi hakkından gele, kimesne mani olmaya: ve balıkçılara yasak ede ki her birisi avladukları balıkları getirüp "amilün ve eminün manzuru olmayınca" satmayalar(98a), ve illa satacak olurlarsa ki mezkur kulum bula, gereği hakkından gele.

Fi'l cümle bu babda mezbur kuluma kadi ve subaşı gereği gibi muavin olalar. Şöyle bileler, alamate i'timad kılalar. See: Halil İncılık, Robert Anhegger, *Kanunname-i Sultani*, Ankara: Türk Tarih Kurumu, 1956, 55.

<sup>162</sup> İncılık, Kanunname, XVII.

<sup>163</sup> Halil İncılık, *Osmanlı Devletinde Hukuk ve Adalet*, İstanbul: Eren, 2000, 115.

At the same time the person responsible for the *Baba Cafer* dungeon was the *Subaşı*, who was responsible for running the prison. Even though he had the same status with the *Muhzır Ağa* and the *Asesbaşı* principally, he had more responsibilities in practice.<sup>164</sup> He collaborated with *asesbaşı* in securing the city at nights and running the prison. He had a room for himself in the prison as the administrator of that place. A document dated 1817 notes that the rooms of the *Asesbaşı* and the *Subaşı* needed maintenance, which shows us that they both had their own rooms in the prison.<sup>165</sup> It was also a known fact that the *Subaşı*s, who were supposed to secure and protect the public and were responsible for administering the *Baba Cafer* dungeon, could sometimes use unbalanced force or malpractice. Especially, when they left the office for patrol which out the order or *Ferman* they could collect unlawful fines. However, sometimes *Kadi* and *Subaşı* could go to *Devre* in order to get unethical gain from the citizens when they were in need.<sup>166</sup> There were even cases in which the *Subaşı*s collaborated with gangsters of the era to earn more money.<sup>167</sup> A similar case is clearly observed in a document prepared for the administrators of the prison. It was prohibited for the administrators of the *Baba Cafer* dungeon to maltreat the prisoners and collect money from them.<sup>168</sup> The following couplet of the famous poet *Veysi*,

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<sup>164</sup> Robert Mantran, *17. Yüzyılın İkinci Yarısında İstanbul*, Ankara: Türk Tarih Kurumu, 1990, 146.

<sup>165</sup> C:BLD. No: 1/16. Takrir-i kullarıdır ki, Baba Cafer zindanında kapu tabir olunan hapisanenin.....dolup ve tadhiri ve nisalara mahsus hapisane odaları döşemeleri ve mimşalarının? kiremitleri ve kapıları tamirleri ve lağımların tadhiri ve asesbaşı ağalara mahsus mahallin ve subaşı ağalara mahsus mahallin önündeki sakf(çatı, dam) ve mahpushane kapıları tamirleri eşeddi-i ihtiyac (en zorunlu ihtiyaç) ile muhtaç olduğu .....alileri buyruldukta emr-i ferman devletli inayetli merhametli efendim .....hazretlerindir. Sakk asesbaşı ..... kulları sakk subaşı ibrahim kulları

<sup>166</sup> Ahmet Mumcu, *Osmanlı'da Zulüm Kavramı*, Ankara: Birey Toplum Yayınları, 1985,16.

<sup>167</sup> Ibid, 19. Picture 7/A.

who lived in the 17<sup>th</sup> century, is a good example for this: “*cihanda hırsız u yankesici kim durur der isen / Asesbaşı ile tahkik Şubaşadır inan billah*”<sup>169</sup> Moreover sometimes many orders were given by Sultan to prevent staffs’ corruptions. Especially the staffs of the *Baba Cafer* dungeon started to take money or gifts which were given meritoriously for the *sadaka*. If a prisoner gave money to the staffs, they behaved very well or when forgiven order of prisoner came, staffs took a lot of money from them. The Sultan gave irade to order the *Baba Cafer* dungeon.<sup>170</sup>

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<sup>168</sup> Ma‘rûz-ı Dâ‘î-i Devlet-i Aliyyeleridir ki Zâviye-i Baba Cafer Zindanı’na vaz‘ olunan mahbusların sûret-i nizâmlariyçün sâdır olan fermân-ı âlilerine imtisâlen hademe ve zâbitân zindân-ı mezbûr meclis-i şer‘-i mutahhara ihzâr olunduklarında zindân-ı merkûmda mahbûs olanlar için ashâb-ı hayrâtın verdikleri şem‘ ve nân-ı azîz ve sâir sadakât ve nüzûrdan cem‘ olunan akçeden mahbûs olanlara nizâm-ı kadîmi üzere yevmî her on adama birer paralık nân-ı azîz ve her gece çorba ve her Cuma gecesi pilav tabh olunmak biraz müddetden beri metrûk olup ve kâtipleri olanlar i‘lâmları tamâmen kayd itmeyüp merâmları üzere kayd ü imlâ ve celb-i menfa‘atlarıyçün murâdlarınca der-kenâra ictirâ itmeleri ve zindân-ı merkûm hasekileri fuzûlî bazı kimseleri haps ile tecrîm ve tahsîl-i mâl ve cürmü kesîr olup akçe verirse itlâkı bâbında hilâf-ı inhâ tezvîrâta sülûk ile hükkâmı tağlît ve iğfâlleri ve Yehûd ve Nasârâ mahbûsları kavmleri tarafından himâyet ve akçe vermeleri ile ehl-i İslâm’dan olanlara kıyâs ile râhat üzere olmaları gibi ve sâir bu misilli mefâsid ve mel‘aneti fimâ-ba‘d irtikâb itmeyüp mahbûsların me‘kulâtı husûsunda kemâl-i dikkat ve bir mahbûs geldikte yatak akçesi nâmıyla bir şey alınmayup itlâk olundukda mu‘tâd üzere on sekiz para ve der-kenârda kırk akçeden yirmi para’ya dek harc alınup ziyâde talep eylememeleri ve beher yevm çorba ve ekmepleri tamâm verilüp mücerred cerr-i menfa‘atlarıyçün mahbûsâna hilâf-ı şer‘ ve kânûn cevri ü eziyet etmemeleri kendülere kemâ-yenbağî tenbîh ve ifhâm ve hademe-i mezbûrdan dahi ber-vech-i meşrûh bu nizâm üzere sa‘y ü ihtimâma ta‘ahhüd-i tâm eylediklerinden sonra verilen sadakât ve nüzûrdan cem‘ olun akçeden ta‘âm-ı tabbâhî ve firâş ve bazara giden ücreti ve odun ve kömür ve kandil ve hasır ve dilekçi akçesi masârıfı ba‘de’l-ihrac fazla kalan meblâğ der-kîs ve temhîr olunup Zâviyedâr Şeyh es-Seyyid Sâlih meblağ-ı mezbûra kayyim ve hâfiz ve subaşı nâzır nasb olunmakla yedinde hıfz idüp her dört ayda bir def‘a İslambol kadıları ma‘rifetiyle hesâbı ru‘yet ve fazla kalan meblâğ ile edâ-yı deyne adem-i kudreti olan medyûnların dâyinleri irzâ ve bedel-i sulh için i‘tâ olunmak üzere taht-ı zâbika-i nizâma idhâl olunmakla lillâhi’l-hamd bu emri savâb müsmirü’s-savâbın zamân-ı merâhim-nişân-ı şehinşâh-ı mekârim-ünvânda derece-i ahsen ile sûret-bâb olduğu vedî‘a-i Bârf olan fukarâ ve zu‘afâyâ mahzâ eser-i nazar-ı inâyet ve re’fet-i şehri-yârî olup müstelzim-i du‘â-yı devâm-ı ömr ü devlet ve müsted‘î-i sınıf-ı tevfiât-ı inâyet-i Rabbü izzet olacağı bî-şâibe-i irtiyâb olmakla işbu nisâm-ı müstahsen ve mergûbun sûreti Başmuhâsebe’ye kayd olunup ilm u haber kâimesi verilmek ile istihkâm-ı bâ‘is-i devâmı idüğü huzûr-ı âlilerine i‘lâm olundu. Hurrîre fi’l-yevmi’s-sâlis min-Zi’l-ka‘deti’ş-şerîfe li-sene semânîn ve miete ve elf. [03.Za.1180]

<sup>169</sup> Ömer Menekşe, XVII ve XVIII. Yüzyılda Osmanlı Devletinde Hırsızlık Suçu ve Cezası, Doktora Tezi, İstanbul, 1998, 67.

<sup>170</sup> This order’s date was 1766 and it ocured nine matters. Reşat Ekrem Koçu, “Baba Cafer Zindanı”, *Hayat Tarih Mecmuası*, 6/1974, 11.

The Ottoman bureaucracy was described with the outfit and uniforms of the officials. The uniform worn by the *Subaşı*s during the first decades of the Empire is not known even though there are many pictures in the *Hünername*.<sup>171</sup> Later, it was concluded with the help of similarities among the pictures of the *subaşı*s in many pictures that the outfit of the *Subaşı* was a yellow cloth at upper part of the body and a pair of blue trousers. This outfit was completed with a blue felt hat and a yellow vest.<sup>172</sup>

Another official responsible for the law and order of the city was the *Asesbaşı* and *Asesler*. The *Asesbaşı*s were the ban imposers who worked with *Subaşı* and were assigned by *Sancakbeyi*.<sup>173</sup> The *Ases* (ranger/police on patrol), and *Asesbaşı* were among the *Ağa Bölükleri* in the Janissary army and they had their own rooms however, the number of the rooms were not known. The room of the *Asesbaşı* was at his workplace.<sup>174</sup> This application started after the position of *Aseslik* started to be given to the Janissary soldiers alternately rather than assigning a particular company for this beginning from the 17<sup>th</sup> century. The *Ases* institution, which was responsible for securing the bazaars and the streets beginning from the late 14<sup>th</sup> century, was getting its staff from the 28<sup>th</sup> *Orta* of Janissary Army after Fatih Sultan Mehmet conquered Istanbul.<sup>175</sup> The commander of this *Orta* (troops) was called *Asesbaşı*.

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<sup>171</sup> Nurettin Sevin, *On Üç Asırlık Türk Kıyafet Tarihine Bir Bakış*, Ankara: Kültür bakanlığı, 1990, 54

<sup>172</sup> Picture 8, Mahmud Şevket Paşa, *Osmanlı Askeri Teşkilatı ve Kıyafeti*, Ankara: KKK. Basımevi, 1983.

<sup>173</sup> If Kadi offered appointment of *Asesbaşı* who work under of him, *Asesbaşı* was assigned by Padişah. See: *Asesbaşı*, *DIA*, 3/44.

<sup>174</sup> Uzunçarşılı, *Kapıkulu Ocakları*, Ankara: TTK, 1943, 170. According to Sakaoğlu duty of *Ases* could given not determined Janissary's rank, this duty started to given successively in Janissary corp after 17<sup>th</sup> century.

<sup>175</sup> Necdet Sakaoğlu, "Baba Cafer Zindanı", *Dünden Bugüne İstanbul Ansiklopedisi*,1/343.

*Mahmut Şevket Paşa* noted that *Asesbaşı* was the *Çorbacı* (a rank equal to that of a colonel) of the 28<sup>th</sup> company in Janissary army and added he took a few officers with him at nights and guarded the streets and remote districts.<sup>176</sup>

There were two *Asesbaşıs* in the city, one of them was *Galata Asesbaşı* and the other one was *Dersaadet Asesbaşı* and each of them had 500 soldiers under their authority. In the *Evliya* history the number of those soldiers is given as 202 and it is noted that those soldiers were experienced in capturing, catching, biting and punching. These soldiers patrolled dangerous places like markets and bazaars and arrested the criminals like prostitutes, drunks and thieves. The pubs, bozahanes and cafes had to be closed at nights. Sometimes the shop owners could close the doors but continue their work behind closed doors. It is known that some *Ases* (ranger/police) neglected them but some others did not and gave penalties.<sup>177</sup> Unlike *Subaşı*, the *Ases* could punish someone if they caught him in the act. They did not give only corporal punishment they could also fine those people. However, in general when they caught someone at night first they would bite that person and later they would give this person in to the *Kadi Evliya Çelebi* describes the *Asesses* as a group of “*birbirinden eşed melu'un.*” It is claimed that the *Zülfikar Ağa*, who was the *Asesbaşı* during the reign of *Köprülü Mehmet Paşa*, killed more than 4000 criminals with his own hands.<sup>178</sup> *Asesbaşıs* had their own assistant named “*Pasban*” in order to help them to prevent the robbery cases especially at nights. Those people were

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<sup>176</sup> Mahmud Şevket Paşa, *Osmanlı Askeri Teşkilatı ve Kıyafeti*, Ankara: Kara Kuvvetleri Komutanlığı Yayınları, 1983, 47.

<sup>177</sup> Uşşakzade'nin dizelerinde “ hanede meynuş eden bilmez nedir havf-ı ases/ pençe-işehbazdan azadedir mürg-i kafes” kepenkleri kapatılmış meyhanede içenlerin özgürlük istediklerini dairdir. See: Necdet Sakaoğlu, “Baba Cafer Zindanı”, *Dünden Bugüne İstanbul Ansiklopedisi*,1/343.

<sup>178</sup> Abdülkadir Özcan, “Asesbaşı”, *DIA*, 3/44.

responsible for compensating the money or goods stolen under their responsibility. The *Pasbans* were elected by the artisans in order to work under *Subaşı*'s authority to protect the shops of the artisans at nights against robberies.<sup>179</sup> The *Pasban* just did not deal with theft crimes at the same time they would catch another trespass.<sup>180</sup> Even though the *Subaşı* was not responsible for securing the city only at nights, it is observed that *Subaşı* and *Asseses* were cooperating in providing safety in the city. A picture made during reign of *Ahmet I*, ironically depicts assesses capturing a man and woman while they were having fun in the countryside.<sup>181</sup> So we understand assesses were also responsible for the public order during daytime.

The only responsibility of the *Asseses* was not capturing the criminals; the *Asesbaşı* were the 17<sup>th</sup> of the 18 high-ranking officers of the Janissary army, who were called *Katar Ağaları*. The *Asesbaşı* participated in the *Ağa Divanı*, which was gathering at the *Ağa Kapısı*, and he was responsible for punishing the Janissary Soldiers given to him to be punished.<sup>182</sup> This situation was clearly shown in *Telhisü'l Beyan*.<sup>183</sup> At this point, if a Janissary Soldier was to be executed then he

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<sup>179</sup> Necdet Sakaoğlu, Nuri Akbayar, *Osmanlı Dünyasından Yansımalar*, İstanbul: Denizbank Yayınları, 2000, 223.

<sup>180</sup> Galata da börek fırınında çıkan bir yangınla lakalı baspanın basması sonucu beş kişi gayri müslim küreğe vaz edildi. Vakanüvis Esad Efendi, *Vakanüvis Esad Efendi Tarihi*, prepared by Ziya Yılmaz, İstanbul: Osav, 2000, 491.

<sup>181</sup> Nurettin Sevin, *On Üç Asırlık Türk Kıyafet Tarihine Bir Bakış*, Ankara: Kültür Bakanlığı, 1990, 91. Picture 9 (Hesna Haral, Osmanlı Minyatüründe Kadın, Yüksek Lisans Tezi, İstanbul, 2006, 315).

<sup>182</sup> If janissary was guilty janissary corp punished him, guilty janissary was punished different rank rarely. When Janissary was punished his rank took, his name was erased Janissary's record and he sent court of Grand vizier. Uzunçarşılı, *Kapıkulu Ocakları*, 359.

<sup>183</sup> Eğer Yeniçeri Katle müstehak olsa, orta-çavuşun hapsine verüp esamisini çalarlar. Ba'dehu asesbaşıya verüp Baba Cafer zindanı'na götürüler. Katli ferman olundukta işa' namazından sonra cellat boğar. Ve bir kayığa koyup Kurşunlu Mahzen önüne vardıkta boğazına bir taş bağlayup denize atarlar. Selefde il'am için bir top atarlardı. El'an top atılmak memnu'dur. see: Hezarfen Hüseyin Efendi, *Telhisü'l Beyan Fi Kavanin-i Ali Osman*, ed. by. Sevim İlgürel, Ankara: Türk Tarih Kurumu, 1998, 153.



would be sent to prison under the control of *Orta Çavuş*, his name was deleted from the records and then he was given to *Asesbaşı*. *Asesbaşı* would take him and bring him to the *Baba Cafer* dungeon and smothered him at night after the *Ferman* reached for his execution. After that his body was put into a gunny bag was thrown into the waters of the Bosphorus.<sup>184</sup> If a Janissary soldiers would get capital punishment or would be sent on exile then the *Janissary Ağası* would get permission from the *Vezir-i azam* for this.<sup>185</sup> *Asesbaşı* patrolled the city streets at nights and captured the suspicious people, criminals and would bring them to *Kadi*.

The *Asesses* did not only secure the city at nights, they also secured the route the *Sadrazam* used while going to the mosque for Friday prayers. Or when the *Sadrazam* was going to the Bazaar to control the artisans and shops, he tried to provide the security of *Sadrazam*. Besides this, *Asesbaşı* was responsible for securing celebrations and the route of the *Kapıkulu* soldiers while they were going for a campaign with his 500 assesses.<sup>186</sup> Other responsibilities of the *Asesbaşı* were presenting candies to *Sadrazam* and *Ocak Ağaları* as a symbol of good wishes of the Janissaries while *Ulufe* (a salary given to the janissaries) was being distributed and

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<sup>184</sup> For example; Sefine reislerinden Kara İbrahim'in miri mubayasını sattığından mübaşirle Deralliye'ye gönderildiği Varna Muhafızı Ferhat Paşatahrirat ile bildirdiğinden ve reisin kapanda siyaset edilmesi ferman kılınmış ise de yeniçeri olduğundan alenen siyaseti münasip olmayup Baba Cafer Zindanı'na irsal ve tertib-i cezasının münasip olacağına dair belgedir. BOA, Hat, No: 594/29101.

<sup>185</sup>Eyyubi Efendi, *Eyyubi Efendi Kanunnamesi*, prepared by Abdülkadir Özcan, İstanbul: Eren Yayıncılık, 1994, 48.

<sup>186</sup>Abdülkadir Özcan, "Asesbaşı", *DIA*, 3/44. Moreover after declaration of Russian war Sultan *Mustafa* the third arranged seyir alayı and while *Esnaf Alayı* was walking *Subaşı*, *Kılavuz Çavuşu* and *Asesbaşı* were cross over and their staff followed them. After farmers....,bakers....,another shopkeepers walked. See: Uzunçarşılı, *Kapıkulu Ocakları*, 370.

also participation in the farewell ceremonies of the *Sultan* and *Sadrazam* while they were leaving the city for a campaign.<sup>187</sup>

*Fatih Sultan Mehmet* collected a particular amount of money called *resm-i asesiyeye* in order to finance the night patrolling of the *Assesses*. The *Assesses* collected one *akçe* (penny) from a shop per month. Besides this they also collected money under the title of *pişkeş* in the frame of *Kanun-i Asesan* during *Arife* (the eve before Eid), religious holidays, weddings, *esnaf alayı*, etc. Moreover a particular part of the *Zabita* fine, collected by *Subaşı*s at nights, was being given to *Asesbaşı*.<sup>188</sup> Besides this, these officials were collecting money from coal and wood sellers, pubs and couples getting married. According to *Evliya Çelebi*, the *Asesbaşı*s were also collecting taxes from robbers and thieves.<sup>189</sup> There is no evidence proving this claim after the 17<sup>th</sup> century. According to claim of the *Mantran*, the *Assesses* were being selected among the soldiers in the army beginning from 17<sup>th</sup> century and those taxes were cancelled as they were getting their salaries directly from the State.<sup>190</sup> There were some corrupt assesses also. They were accepting bribes from robbers, thieves and people conducting illegal activities for neglecting their activities.<sup>191</sup> As the Janissary army was abolished the *Asesbaşılık* position was also abolished. Their

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<sup>187</sup> Necdet Sakaoğlu, “Böcekbaşı”, *Dünden Bugüne İstanbul Ansiklopedisi*, 1/344.

<sup>188</sup> Bernhauer claimed similar argument. See: Robert Mantran, *On Yedinci Yüzyılın İkinci Yarısında İstanbul*, Ankara: Türk Tarih Kurumu, 1990, 146.

<sup>189</sup> Abdülkadir Özcan, “Asesbaşı”, *DIA*, 3/44.

<sup>190</sup> Mantran, 145

<sup>191</sup> Necdet Sakaoğlu, “Böcekbaşı”, *Dünden Bugüne İstanbul Ansiklopedisi*, 1/344.

uniform consisted of “yeşil çuhadan çatal kalafat başlık, zağra yakalı ve yeşil kaplı divan kürkü, ak çakşır, sarı Yemeni”.<sup>192</sup>

Another official responsibly for security was the *Böcekbaşı*. It was a special police force in the city between 18<sup>th</sup> and 20<sup>th</sup> centuries. This institution was similar to contemporary sky marshal it was used especially against robbery cases. The *Böcekbaşı* was responsible for preventing the robberies in the city by forming his own staff after being assigned by the *Kadi*. The the staff of the *Böcekbaşı* constituted of former criminals, who promised not to repeat their crimes again; they were famous for finding the doers of the crimes in a very short time. They wandered on the streets in disguise and could enter the most dangerous corners of the city easily. They could gather information regarding the crime cases from their informers. They even used women as informers for themselves. These people were famous for solving the robbery cases very quickly and catching the thieves easily.

The *böcek's* gave the thieves they caught to the *Böcekbaşı*. Later the *Böcekbaşı* would bring those criminals to *Kadi*, *Janissary Ağası*, *Ihtisab Nazırı* or the *Baba Cafer* dungeon in accordance with the occupation of them. According to the claim of Sakaoglu, the *Böcekbaşı* would cut off the nose, ear, hand or arm of the criminal caught according to the characteristic of the crime he committed before bringing him to the *Kadi*. He could even cut their head or hand before a crowd if he had committed the same crime several times.<sup>193</sup> However, it was only the *Kadi's* authority and responsibility to decide what to do with someone who committed a crime in the

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<sup>192</sup> Cloth of Asses who catch one man and women near the river was described at *Birinci Ahmet albümü* like this; *devrik yakalı yeşil ceketinin önü sık düğmelerle ilikli, başında beyaz bir yeniçeri börtü, beline kemer kadar ince kırmızı bir kuşak sarılmış, sağ elinde yegane silahı olan kısa balta, bacaklarında zeybek dizliğine benzer kırmızı bir dizlik ve bunun altında eflatun bir potur olarak tasvir edilmiştir*. Sevin, 91.

<sup>193</sup>Necdet Sakaoglu, “Böcekbaşı”, *Dünden Bugüne İstanbul Ansiklopedisi*, 1/320.

Ottoman judicial system.<sup>194</sup> Also if the *Böcekbaşı* could cut someone's hand or any other organ for his crime, then there would not be need for bringing this person to the *Kadi* after that. Considering this, it does not seem very possible for the *Böcekbaşı* to punish the criminals by himself. It is also unknown why this person was called as *Böcekbaşı*; was it because the *Böceks* could enter any corner of the city or because he was not liked by anybody<sup>195</sup> The uniform of the *Böcekbaşı* was a kind of Hat made of sheep skin painted in black, with a tight sleeved vest, a pair of blue baggy şalvar, red boots or scarf.<sup>196</sup>

## 2.4 IMAGE OF THE PRISONERS

In the Ottoman Empire the image of prisoners in the eyes of the public and the state were different. According to the *Vakayinames* it was a common tradition that the prisoners in all prisons of the country were released by the rebels after all of the rebellions in the country. We know that the first case the prisoners were released took place after the Janissary rebellion during which *Osman II* was overthrown and killed. As Sultan *Osman II* had got Prince *Mehmet* killed as he saw him as a threat to his crown and as he wanted to go for pilgrimage to *Hejaz* the relations of the state and the army got worse. Later as other problems of the era emerged the rebellion started. *Osman II* did not take any measures against the rebellion when it first started and after that as the soldiers came to *Topkapı Palace* and wanted *Prince Mustafa I* to

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<sup>194</sup> Halil İnalçık, *Osmanlı Devletinde Hukuk ve Adalet*, İstanbul: Eren, 2000, 115.

<sup>195</sup> Secret police institution was used at Era of second Constitutional Monarchy to control and pressure under society. Intellectuals did not accept this pressure and control, they used "Böcekli Memeleket" sentence. See: Necdet Sakaoğlu, "Böcekbaşı" *Dünden Bugüne İstanbul Ansiklopedisi*, 1/321.

<sup>196</sup> Mahmud Şevket Paşa, *Osmanlı Askeri Teşkilatı ve Kıyafeti*, Ankara: KKK. Basımevi, 1983, 47. See Picture 7/A.

be the Sultan a deep crisis began. As a result the rebels wanted the *ulema* to conform to *Mustafa I*. The insurgents, who used the rebels to overthrow *Osman II*, announced *Mustafa I* as the new sultan even though *Osman II* was still the Sultan. After that they got *Osman II* out of the Palace claiming that he was being brought to somewhere safe. When the rebels saw this they freed the prisoners in *Tersane*, *Baba Cafer* and *Galata* dungeons and plundered residencies of *Istanbul's Kadi Abdullah Çelebi*, *Başdefterdar Baki Paşa* and Janissary Ağası *Kara Ali Ağa*.<sup>197</sup> *Naima* writes in his history that the rebels of the terrific *Hal'i Osman* rebellion, which took place in 1622, released the prisoners in the *Baba Cafer* and *Tersane* dungeons. The historian of the period *Hasan Beyzade* did not mention this event in his history book and also the other historian of the period *Peçevi* does not talk about release of any prisoners in the rebellion. He writes that the crowd became larger and larger in time but he does not mention any release of the prisoners. *Naima* says in his history; “*Ve asker şükran-e-i cülus Baba Cafer Zindanı'a varup anda ve Galata-zindanı'nda olan mahbusları itlak ettiler. Ve taş gemilerinde ve Tersane-zindan'ında olan mücrimleri Salı-verdiler.*”<sup>198</sup> It is mentioned that only the prisoners in those prisons were released but there is not information whether they joined the rebellion. It is not known what those prisoners did after being released. Did they join the rebellion, or did they not?

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<sup>197</sup> Esra Keskinç, *Sultan II. Osman*, İstanbul: Şule yayınları, 1999,40. Another story is when rebels declared new Sultan Mustafa, Şeyhülislam Esad Efendi claimed that when one sultan was into thrown another was not sultan so he did not accept his sultanate. Another ulema said that Sultan Mustafa was dotty he was dethroned because of it. However janissary drew their sword and they were accepted sultanate of Mustafa forcibly. They took new sultan to go to another palace which was near of Bayezid Mosque. After these rebels released all prisons at *Tersane*, *Galata* and *Baba Cafer* dungeons for honour of his *Culus*. Reşat Ekrem Koçu, *Yeniçeriler*, İstanbul: Koçu Yayınları, 1964, 173.

<sup>198</sup> Mustafa Naima, *Tarih-i Naima*, prepared by: Mehmet İpşirli, Ankara: Türk Tarih Kurumu, 2007, 484.

In another rebellion, which was mentioned in history books as the Edirne rebellion, that took place in Edirne in 1703, the prisoners were released by the rebels and they joined the rebellion.<sup>199</sup>

Another rebellion that we know the prisoners were released was the Patrona Halil rebellion. The books of the historians of the period Raşid and Çelebizade Asım Efendi and also the Abdi History, which gives information about only this event, give us abundant and clear information about this rebellion, which ended the *Sadaret* of Damat Ibrahim Paşa and Lale Devri. The difference of this rebellion from the others was the fact that the prisoners released from the prisons were brought to the rebellion site “*Mezbur yevm-i Cuma hemen bunlar adem getürmekte ve Baba Cafer’e Ağa Kapısına ve Hisarlarda ve Galata Zindanında ve Tersane Zindanında ve taş sefinelerinde mahbus olan mücrimini fil-cümle ıtlak ve Ağa Kapusunda olan kerhanlı ve falakayı cümle alup meydana getirdüler*”.<sup>200</sup>

The *vakayinivis* did not write good things about both rebellions and the prisoners released by them. However, it is almost impossible for the state historians to write good things about the rebellions who rioted against the state. It is not known how many prisoners helped the rebellion after being released and when they were put into the prison again.

The document we hold indicate that; *Abdülhamid* the first would forgive and release prisoners him who were sentence for financial debts in order to avoid pain *Culus*. In this case the prisoners were not called as “*mucrim*”, but they were called as *mucrim* when the rebels released them. The prisoners who were released because of

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<sup>199</sup> Koçu, Yeniçeriler, 265.

<sup>200</sup> Abdi Efendi, *Abdi Tarihi*, Prepared by: Faik Reşit Unat, Ankara: Türk Tarih Kurumu, 1943,35.

the events that they were not involved in were being called with different names according to the type of the events. A similar event took place after Sultan *Murad IV* conquered Baghdad. During the return journey the Sultan got sick and the prisoners in the Baba Cafer dungeon were released and money was distributed to the poor as charity in order to help the Sultan to get better.<sup>201</sup> In fact it is possible to summarize the image of the prisoners in the eyes of both the society and the state. When the Sultan releases the prisoners they are called as “poor prisoners” –the Sultan strengthens his authority with this amnesty- and when the rebels release them they were called as “evil prisoners”. Releasing the prisoners in order to help the Sultan to recover from his illness in fact shows us how the state perceives the prisoners. The prisoner in the prison was not accepted as a direct threat to the state authority and also when we look at the imprisonments of the artisans we observe that the state released them in a short time. Even though we do not have a clear view regarding how the society perceived the prisoners, we understand from one artisan’s warranting another, or the society’s not alienating the people being released from the prison that there was not a general alienation of the ex-prisoners in the Ottoman society on the contrary of Europe.

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<sup>201</sup> Şehzade Mahmud’un kesb-i afiyet etmesi üzerine Baba Cafer zindanı’nda ve Mahzar Ağa Hapishanesinde borçlarından dolayı mahpus olanların müstehakk-ı muavenet kısımlarının borçlarının edasıyla itlakları hakkında arz olup, üzerinde Abdülhamid I’in hattı vardır. Hat, 19/887. . Another forgiveness was lived at Sultan *Beyazid II* forgived all prisons at Baba Cafer dungeon, when Sheik Abdurrauf Zindani who was grandchild of Baba Cafer accordingly Evliya Çelebi died. Evliya Çelebi, *Evliya Çelebi Seyahatnamesi*, prepared by. Orhan Şaik Gökyay, İstanbul: Yapı Kredi Yayınları, 1995, 39. Another was Sultan *Murad IV* conqured Baghdat secondly, he was sick. Müftü Yahya Efendi adviced him to give sadaka, Sultan given Money and he was relased many prisoners from the Baba Cafer dungeon to gain meritorious. Mehmet Gilmani, *Tarih-i Gilmani*, Prepared by Kamil Su, Ankara: Kültür Bakanlığı Yayınları, 1986, 19.

There is another interesting issue in the rebels' releasing of the prisoners and the events mentioned in *Vakayinames*. The rebels released the prisoners in the *Tersane*, *Tomruk*, *Ağa Kapısu* and *Baba Cafer* dungeons. None of the rebels released the prisoners in *Yedikule* dungeon. It means that, the rebels released the prisoners who are commune.<sup>202</sup> In fact, the state and perspectives of people convicted of a summary can be viewed from this point. Amnesty is forgiveness with the sultan that reinforces their dominance, and the prisoners are poor borrowers in the lurch, but the rebels themselves enhance and improve a little more for the power of chaos arising from the release of prisoners is a *mücrim*. To find a cure is seen as a reward for the door release of prisoners, in fact, the Sultan is a striking example of the prisoner to detect. The inmate in dungeon, is not a danger to the state directly, in addition to trades, especially when looking at jail time in favor of the state in a short time seems to be forgiven. However, prisoners could be released a guarantor and could mix into society without being stereotyped as the "other".

Release of prisoners by the rebels in the events described in history books has another interesting issue. Rebels released prisoners who were condemned in *Tersane*, *Tomruk*, *Ağa Kapısu* and *Baba Cafer* dungeon. No rebels attempt to release prisons in *Yedikule* dungeon where the elite group was condemned. The rebels were confined to certain sections of the public that prisoners had been released. Chains of prison inmates were not released as part of the bureaucrats.<sup>203</sup> According to the perspective

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<sup>202</sup> Müftü Yahya efendi said that my Sultan give a Money to relase prisoners for God and Sultan accepted his advice. Sultan released prisoners but number of them did not given. See: Mehmet Halife, *Tarih-i Gülmani*, prepared by Kamil Su, Ankara: Kültür ve Turizm bakanlığı Yayınları, 1986, 19.

<sup>203</sup> Koçu calimed that prisoners who lived at Yedikule dungeon were released time of Patrona Halil rebellion. As Patrona Halil learned prisoners who were arrested Tersane dungeon supported rebellion, all prisoners who were arrested Ağa Kapısu, Baba Cafer, Tersane, Galata, Rumeli and Anadolu Hisarları, Yedikule dungeons were released by rebels in 1730 Patrona Halil rebellion. Koçu, *Yeniçeriler* 265.



of state prisoners who trades, given food during Ramadan, in the case of victimization of the family and other traders can forgive him after being sponsored by the state is a party to be forgiven.

Even they could be released important days when Sultans came to throne or their sons' circumcision feast or to recover from an illness by Sultans. That is if you see the state as guilty of this part or a group described as dangerous if not released with amnesty. State was not seen as threat but as a group of rebels that their relatives in defining what they were actually convicted. How was the community in terms of perception?

### **3) ARMENIAN PATRIARCHS**

#### **3.1 THE REIGN OF MEHMET IV AND RELATIONS WITH ARMENIANS**

The reign of Sultan Mehmet “the hunter”, 19th of Ottoman sultans, witnessed a number of internal disturbances. *Mehmet IV* is actually the second ranking Ottoman Sultan after *Suleyman the Magnificent* for duration of his reign but he ascended the throne as a child and consequently his power was never fully recognised by the state apparatus. Our interest in this period primarily lies with the fact that between the years 1660-1688 seven Armenian patriarchs were confined in cells of Baba Cafer dungeon. It is unusual that they were held in this jail with common criminals. Ottoman bureaucrats, statesmen, foreign emissaries and patriarchs were normally sent to *Yedikule* dungeons.<sup>204</sup> To comprehend this situation it is necessary to take a

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<sup>204</sup> Even Şeyhülislam Feyzullah Efendi killed and Basmakcızade Ali Efendi was instead of him, this situation damaged Patriarch Avedik because Feyzullah Eendi protected and supported him. After his death Patriarch Avedik tried to escape from İstanbul but he caught and throw *Yedikule* dungeon at 1703. He was released and exiled *Avrad* island. Kevork Pamukciyan, *Biyografilerle Ermeniler*,

look at the general picture. *Mehmet IV* ascended to the Ottoman throne following the abdication of Sultan *Ibrahim*. Palace women and eunuchs dominated state affairs during this period. Kösem Sultan, mother of Sultan *Murat IV*, and the grand viziers under her control decided for abdication of Sultan *Ibrahim* following questions about his sanity and he was replaced by *Mehmet IV*, just 7 years old at the time.

The *Kösem Sultan* was at the peak of her power by then thanks to her close cooperation with Janissary commanders. She intended to be the defacto ruler of the Ottoman empire through her grandson. She discarded her arch enemy grand vizier *Sofu Mehmed Paşa* by the hand of her janissary allies. Following this event *Kösem Sultan* and janissary commanders enjoyed unchallenged control over the empire.<sup>205</sup>. At the beginning we see *Turhan Sultan* in an insignificant position. But her position gained strength as *Kösem Sultan* tried to evict *Mehmet* and replace him with prince *Süleyman*<sup>206</sup> *Turhan Sultan* was supported by palace eunuchs in her struggle.<sup>207</sup> In

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İstanbul: Aras Yayınları, 2003, 54. This situation shows strangeness of conviction of Armenian Patriarch who were arrested in *Baba Cafer* dungeon. .

<sup>205</sup> At that time conflict which emerge between janissary corps to *Sipahis* increased and *Sultanahmet* movement emerged. Many bureaucrats used Both of side a pawn to their benefits. Actually cause of event was that when Sultan came a throne, sultans gave *Culus*. Everytime many of *İçoğlan* at palace were accepted *Sipahi*. Hovewer this tradition did not realize time of *Mehmed the fourt's cülus*. *Sipahi* angered this event, they went to *Sultanahmet Mosque* and claimed that *Sultan İbrahim* killed unfairly. When they came to *Sultanahmet* *Sipahis* complained not only Grand Vizier but also Janissaries. Thus janissaries started to conflict *Bosnak Muslihiddin* provokated janissaries and they killed many *Sipahis*. Even *Bıyıklı Mahmud*, *Hüseyin Kahya*, *Kara Ağa* were Ağas of *Sipahis* escaped but Janissaries could catch and killed them. see: Zuhuri Danişman, *Osmanlı İmparatorluğu Tarihi*, İstanbul: Yeni Matbaa,1965,272. Moreover, another Notion was many event emerged because supporters of Grandvizier *Sofu Mehmed Pasha* and janissaries conflicted *Sipahis'* ulufes were late and power of Janisaary corp was increasing day by day. This conflict could controlled thanks to *Kara Murad Ağa* and *Koca Muslihiddin* who were influence people under janissary corp. Hovewer not only *Kösem Sultan* who was grandmother of *Sultan Mehmed the Fourth* gained support of Janiisary corp but also janissary corp gained support of *Kösem Sultan* increased power. After *Kösem Sultan* was killed *Sofu Mehmed Pasha*, she used as an excuse beaten of Ottoman Navy at *Foça*. Abdülkadir Özcan, "IV. Mehmet" *DIA*, 28/ 414.

<sup>206</sup> Kösem Sultan wanted new Sultan was Prince Süleyman because his mother was ingenuous and navigable woman. If this prince was new sultan Kösem Sultan could managed state. She agreed

the end *Kösem Sultan* was defeated. *Süleyman ağa* and other palace eunuchs strangled her. With the death of *Kösem Sultan*, *Turhan Sultan* became the mother Sultan and played a dominant role over her son. She forged alliances with grand viziers and statesmen and took state matters to her hand. During this initial phase of Sultan Mehmet the IV s rule the Sultan still being a child was either ignorant of state affairs or too powerless to intervene.<sup>208</sup>

On the other hand the masses were on the verge of rebellion. As palace women and grand viziers rose in power janissary discipline deteriorated. Ottoman coins were devaluated and mostly decrepit<sup>209</sup>, Simultaneous harsh winters, earthquakes, widespread fires in Istanbul and draught drove many people to famine. Statesmen used Janissaries to intrigue against each other. This made janissary commanders all

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janissary Ağas and they raid a harem to be throne Prince Süleyman instead of Sultan Mehmed IV. drove Dilaşup Hanım out of saf ve idare edilebilir olduğu için bu şehzadeyi tahta çıkarmak isteyen she gave two jar poison sherbets Helvacı Hüseyin Ağa to killed Sultan Mehmed IV. Valide Turhan Sultan learned this plot she agreed Zülüflü Baltacılar and Has odalılar they unravel a plot and they killed Kösem Sultan. See: Zuhuri Danişman, *İzahlı Osmanlı İmparatorluğu Tarihi*, İstanbul: Yeni Matbaa, 1965, 280.

<sup>207</sup> Many unskillfull governors who were choice by *Kösem Sultan* were unsuccessful. Thus Venice closed the Dardanelles and famine started in İstanbul. Society was pound at the Palace door because high inflation, bribes and high taxes, *Sultan Mehmed IV* had to accept *Ayak Divanı*. *Melek Pasha* had to abdicate and society was released. Furthermore opposition circle increased against *Kösem Sultan* because she was very affective management. *Valide Turhan Sultan* benefit this circle especially *Saray Ağas*. Azmi Özcan, “IV. Mehmet”, *DIA*, 28/ 414.

<sup>208</sup> When Sultan was thirteenth years old, accordingly tradition he went to hasoda to watch show of Enderun Ağas at eve of religious festival. Darü-s-saade ağas afraid of Sultan could find new friends so Behram Ağas tired to prevent Sultan. However Sultan went to Hasoda, in this way Behram Ağas talked Valide Sultan and he wanted to call Sultan from there but valide Sultan did not accept. He angered and he called Sultan from Hasoda loudly voice “ my Sultan! Your mother called you”. This example show Sultan could affected very simple and Babüs-sade Ağas did not want to lose their affection under Sultan. Sultan was not sapient. See: İsmail Hakkı Uzunçarşılı, *Osmanlı Tarihi*, Ankara: Türk Tarih Kurumu, 1983, 3/270-271.

<sup>209</sup> *Kara Murad Paşa* lay down an Grandvizirate because he did not abide interfene of Kösem Sultan and Ocağ Ağas. *Melek Ahmed Paşa* instead of him but state was very bad situation and he monetized weak currency (akçe) in this way he caused very big inflation. Azmi Özcan, “IV. Mehmet”, *DIA*, 28/ 414.

too aware of their power. After a while janissary corps tended to see itself as the only source of political power in the empire. Their occasional attempt to replace the Sultan was outmaneuvered by grand viziers. But these were also pursuing their own interest and the post of grand vizier lost a great portion of its initial prestige because of too many replacements. *Çınar event* or *Vaka-yı Vakvakiye*<sup>210</sup> (1656) demonstrated dimensions of this situation.

Another noteworthy development in the period is the increased influence of the *Kadızađes*,<sup>211</sup> this group experienced an increase in their position during the rule of *Murat IV*. They enjoyed the respect of a large number of people. The real problem started when some of the palace eunuchs and Mother Sultan also started to hold them in high esteem. *Kadızađes* started to distribute positions in the state bureaucracy as they wished. When the *Köprülü Mehmed Paşa* was the grand vizier, in the year (1656) they held a meeting in the *Fatih Mosque* demanding demolition of all shrines, Dervish houses, massacre of inhabitants, demolition of extra minarets in mosques. The *Köprülü Mehmed* dispersed their mass, sent *Üstünevî Mehmet Efendi* and a few other leaders of the movement to Cyprus in exile.

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<sup>210</sup> At that time Janissary too power and they rebelled everything. Stability of state spoiled because *Kara* and *Ak Hadım Ağas* interfered state policy and Grand vizier *Süleyman Paşa* afraid of them. Shopkeepers did not accept weak akça which were given Janissaries from state, many of shopkeepers had accept these akçes because of threats. Everyday discussion and fights were lived. For example; many janissaries came from Girid to İstanbul because they did not take salaries until nine months and *Osman Ağa* who was *Kul Kethüdası* send them away. Janissaries and Sipahis accumulated *Atmeydanı* and they gave thirty people names and they killed them. Rebels put up their death bodies to plane trees so this event was called *Çınar Vakası*. See: *Uzunçarşılı, Osmanlı Tarihi* 4/ 293, Danişman, X/4.

<sup>211</sup> Sultan Murat the fourth banned cigarette and drunk, this forbidden's cause was not only Janissary used them and they accumulated place where these sell but also Kadızadelis movement.

These developments notwithstanding, *Sultan Mehmet IV* s interest in hunting showed signs of becoming a weakness in time.<sup>212</sup> He started to visit Edirne (Hadrianopolis) famous for hunting fields. After a while he settled there.<sup>213</sup> During this period, Edirne, the formal capital of the Empire was living its old glorious days. In Istanbul on the other hand, the complaints of the people and soldiers were increasing day by day. According to them, the major cause of this deteriorating was the hunting interest of *Mehmet the fourth*. The Sultan was so busy with the hunting parties that he could not find any time to deal with state business. Just at that time, the loss of Budin was the last drop out of the cup. The Sultan was being criticised even in the mosque pulpits. The tension among people began to rise, *Mehmet IV* returned to Istanbul and declared his repentance on the hunt. But it was too late. Janissaries, acting together with the religious scholars wanted the Sultan executed and replaced by prince *Süleyman*. In 1687 this happened, *Mehmet IV* was sent to *Şimşirlik* for confinement together with his sons *Ahmet* and *Mustafa*. Ascending to the throne at an early age, without proper education, and under heavy influence by palace women and eunuchs *Mehmet IV* s reign is marked by many historians as the beginning of the Ottoman decline.<sup>214</sup> 20 different Grand viziers served under him. But it was the *Köprülü* family who left their mark in the period.<sup>215</sup>

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<sup>212</sup> Mehmet the fourth was Sultan too little age, when Kösem Sultan who was grandmother of him managed state he participated shoots at Kağıthane and palace garden. In course of time this entertainment changed ambition.

<sup>213</sup> Sultan Mehmet did not participate second Russian voyage, he appointed Kara Mustafa Pasha to manage army, Sultan set out to Edirne he started from Edirne while he was going to Edirne, he hunted. His trip continued twelfth months and days. Army arrived Edirne before Sultan. See: İsmail Hami Danişmend, *İzahlı Osmanlı Tarihi Kronolojisi*, İstanbul: Türkiye Yayınevi, 1972,449.

<sup>214</sup> Mehmet Gılmani who was historian of that time narrated event; state lost power at time of *Mehmet IV*. and many events emerged with these weakness. Erdel beg who gave tribute to Ottoman state died and *Görke ( II Görke Rakoczy)* who was prison of Yedikule dungeon appointed new Erdel beg instead of him. When he went to Erdel, he explained everything which he see or learn as he was prison about Ottoman State. He said that Ottoman State lost all power and state could not defend

The period under *Mehmet IV* is actually known as the *Köprülü Period*. They were more influential than the sultan. But overall political tension remained low throughout the period. As *Köprülü Mehmet* Pasha took office, he suppressed uprisings in Anatolia and took harsh measures to restore order in the area.<sup>216</sup> Thanks to his iron handed rule, the Janissaries were brought back to line. This also contributed to the choice of his son for the post of grand vizier following his death. The *Köprülü Fazıl Ahmet* Pasha was the second Ottoman grand vizier after the *Çandarlı Halil* Pasha for the duration of his term in office. His period was one of order and prosperity; He was an able and well educated statesman. When *Merzifonlu Kara Mustafa* Pasha, *Köprülü Mehmet*'s son in law took office it was seen as the 3rd generation of *Köprülü grand viziers*. But he was eventually executed on the charges that he was responsible for the defeat following second siege of Vienna. *Sarı Süleyman* Pasha succeeded him. He was not the authoritarian type of vizier. Unable to control Janissaries, he had to give in to their pressure and eventually problems in the military followed. In a matter of years *Köprülü* legacy ended and the Ottoman Empire succumbed back to turmoil.

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Ottoman boundary against to other states. In this way he agreed with Girit Beg to attack Ottoman State. This event is interesting example to show situation of state. Mehmet Halife, *Tarih-i Gilmani*, Prepared by Kamil Su, Ankara: Kültür bakanlığı Yayınları: 667, İstanbul: 64.

<sup>215</sup>Zuhuri Danişman, *Osmanlı İmparatorluğu Tarihi*, İstanbul: Yeni Matbaa, 1969,88.

<sup>216</sup> Historians who lived that time censured *Köprülü Mehmet* Pasha. Sultan İbrahim'in katledildiği tarihten 1655 yılına gelene kadar kul taifesi dokuz kere baş kaldırıp büyük cemiyetler halinde nice kimseleri haksız yere katil edip, nice devlet erbabının mallarını haksız yere talan ettiler.....fakat subhan olan Hakk taala(cc) mazlumların ah ve enini sebebiyle bunların hakkından gelmesi ve vücutlarını yer yüzünden kaldırması için başlarına Köprülü gibi merhametsiz bir hakimi ve onun keskin kılıcını musallat etmiştir. Mehmed Halife, *Tarih-i Gilmani*, İstanbul: Tercüman 1001 temel Eser, 114. Even he said that earthquake, fire, famine, plague and another disasters emerged at İstanbul because Allah gave them to punish for unmoral behaviors. Allah gave *sharp sword of Köprülü* for people who did not become well-behaved. Ibid, 144.

During the rule of *Mehmet IV* there was no problem in the relations with Armenians. Chronicles of the time report no specific incident. One important source for the developments at the time is Armenian Chronicle *Eremya Çelebi Kömürcüyan*.<sup>217</sup> He was the head secretary of patriarchate. In his “History of Istanbul”, Ottoman-Armenian relations of the time is summarized as follows:

The author mentions seven Armenian patriarchs being imprisoned in the *Baba Cafer* Dungeon. Actually Ottoman Sultans did enjoy the right to dismiss patriarchs. Sometimes based on petitions, an illness or general discontent patriarchs have been disposed by Sultans. There are also patriarchs who were left in the office in spite of widespread criticisms.<sup>218</sup> When a patriarch is dismissed by the sultan, he cannot be restored to his position. Yet, the author mentions a priest named *Gazaros of Sivas*<sup>219</sup> who replaced *Patriarch Mardiros* and occupied the post from 1660 to 1663.<sup>220</sup> He arrived from his Birthplace *Sivas* to *Istanbul* as a hermit. From there he continued to *Eçmiazin*, but he was not awarded priesthood there. So he returned to *Istanbul* to get the title. As priest he gave sermons directly targeting *Patriarch Hovannes of Muğla* but public reaction forced him to flee. Later he accompanied his compatriot

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<sup>217</sup> Eremya Çelebi came from Kömürcüyan family and his father was pope Mardiros. Eremya Çelebi was patriarchate chief clerk in 1660. He wrote historical record like İstanbul history, Patriarchate history and Ottoman Sultan History. he given first information about Armenian Patriarchs who were arrested Baba Cafer dungeon and his information is primarily source of Patriarchate.

<sup>218</sup> Macit Kenanoğlu, *Osmalı Millet Sistemi*, İstanbul: Klasik Yayınları, 2004,171. Many people wanted dismissal from a post Armenian patriarch because of gossip but Sultan did not accept this complains.

<sup>219</sup> Ormanyan used name of Gazaros or Lazaros.

<sup>220</sup> Tuğlalı argued that II. Mardiros went to Jerusalem after he abdicated from İstanbul patriarchate in 1660 and he was Jerusalem Patriarchate. Pars Tuğlacı, *Tarih Boyunca Batı Ermenileri*, İstanbul: Pars Yayınları, 2004,221.

*Haçadin*, contributed greatly to his appointment as catolicos of *Sis*.<sup>221</sup> In return he was declared an episcopos. Back in *Istanbul*, he headed a delegation from *Sivas* and surrounding areas. He was appointed as patriarch. Later on, he lost his position because he ordered restoration of a damaged church without permission from state authorities. *Hovannes “tütüncü”* replaced him. *Hovannes* sent *Gazaros* on the grounds of security to.<sup>222</sup> *Kömürciyan* says he was imprisoned for his debts and was freed with the help of his friends in 1664.<sup>223</sup> Another patriarch is *Sargis* of *Trakya*<sup>224</sup> (Trachea) he served as patriarch for two terms and following both was imprisoned. His appointment reflects the role played by other churches. The *Eçmiazin* Katogigos *Hagop II* arrived in *Istanbul* in the year 1666 and asked for *Hovannes V* to step down. He intervened on behalf of *Sargis* of *Rodos* (Tekfurdağ) who eventually became the new patriarch. The third patriarch to be imprisoned is *Stepanos* of *Megria*. He arrived in *Istanbul* as a delegate of *Echmiadzin* and with the consent of congregation members became the patriarch. He was jailed because of debts of patriarchate to 3. Parties. He died two days after his release.<sup>225</sup> *Kömürciyan* also notes that this person remained reputable after his service. The only reason for his imprisonment being debts left by his predecessors.

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<sup>221</sup> Not only this example but also other examples showed that when people had rank, he tried to establish his friends in an other ranks accordingly Ormanyan.

<sup>222</sup> Pars Tuğlacı, *Tarih Boyunca Batı Ermenileri*, İstanbul: Pars Yayınları, 2004,222.

<sup>223</sup> *Kömürciyan*, *XVII. Asırda İstanbul*, İstanbul: Kutulmuş Basımevi, 1952, 168.

<sup>224</sup> Kadı of İstanbul was İ sazade at that time. İ sazade, *İ sazade Tarihi*, prepared by Ziya Yılmaz, İstanbul: İstanbul Fetih Cemiyeti, 1996, 232.

<sup>225</sup> He was Patriarch between 1670-73 but he was imprisoned Baba Cafer Dungeon because of patriarchate's debts. He wrote 1660 fire and he described fire. Kevork Pamukciyan, *Biyografilerle Ermeniler*, İstanbul: Aras Yayınları, 2003, 250.



The fourth patriarch to be jailed in the *Baba Cafer* dungeon is *Hovannes* of *Messia*. Nicknamed “the lame” this man was the 30th Armenian patriarch. He remained in office for one year. Neither *Ormanyan* nor *Kömürcüyan* give detailed information on him. The fifth patriarch to be confined is Andreas of Istanbul. He engaged in a number of intrigues to succeed *Hovannes* the lame. He was known as a vulgar priest. His nickname was “the ladder to hell”. *Ormanyan* doesn't give detailed information on him. As sixth patriarch to be sent to the *Baba Cafer* dungeon was *Karabet of Kayseri*, the 32nd Patriarch in church history. *Kömürcüyan* mentions him as a common priest like his predecessor, “the ladder to hell” But after he became patriarch, piskopos *Mardiros of Kefe* one of his supporters helped him to Vardapets degree.<sup>226</sup> He occupied the post of patriarch 5 times.<sup>227</sup> The seventh patriarch who was imprisoned in the *Baba Cafer* dungeon is *Taurus* or *Teotoros of Istanbul*. He held office twice. Overall, it is an extraordinary occurrence that all seven of these patriarchs were imprisoned in a dungeon for common criminals. They were considered common criminals because their alleged crimes were tampering with financial records of the patriarchate or overtaxation of subjects or corruption.<sup>228</sup> The

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<sup>226</sup> Spiritual hierarchy was this at Armenian Church; Diyakos, Clergyman and bishop was basic ranks and eight ranks were under them; Diyakos associate (Tbir), Diyakos (Sargavak), clergyman(Kahana veya Yerets), headclergyman(Avakerets), headbishop or doctor ( Vartabed), episcopacy, Patriarch Katoğışos( Gatoğışos). Canan Seyfeli, *İstanbul Ermeni Patriği*, Ankara: Andaç Yayınları, 2005, 83.

According to this hierarchy he rose higher rank after bishopric. Nickname of Kayserili Karabet was “baker” (ekmekçi) because he made bread for Ottoman army. Actually he was ignorant person.

<sup>227</sup> 1676-79, 1680-81, 1681-84, 1686-87, 1688-89 He was patriarch between these years five instances.

<sup>228</sup> Nonmuslim spiritual leaders had many authority one of the important competence was financial situation. When they were appointed anywhere they had to pay tax which was called Pişkeş. Sometime many of them paid more Money to state and when they went to place, they accumulated Armenian people more money. Thus state wanted to choice fair spiritual staff to live peace and quiet Armenian population.(169) Cause of Patriarch dismisses were derive and improver personal benefit from appointments, took Money from Armenian nations box, disorderly behaviors and so on.. Macit Kenanoğlu, *Osmanlı Millet Sistemi*, İstanbul: Klasik Yayınları, 2004, 172.

Ottomans are known to confine high ranking bureaucrats or foreign emissaries in *Yedikule* dungeon. Ottoman sources and other chronicles of the time<sup>229</sup> present no evidence that Armenian patriarchs were imprisoned in the *Baba Cafer* dungeon. On the other hand, *Eremya Çelebi's* history has made great contribution to our understanding of the period, he also has reputation as a dependable source. He is heavily critical of all the patriarchs concerned. *Kömürçiyân* is also known as an impartial source. If they wanted to give the impression that Armenian patriarchs were imprisoned with common criminals and mistreated by Ottomans *Eremya Çelebi* would write favorably of Patriarch *Karabet of Kayseri* who gave him the permission to open a printing house in *Istanbul*. He printed two books here between years 1677/78, but the initiative was short lived. *Eremya Çelebi* depicts the patriarch *Karabet* who granted him this spectacular favor as a vulgar priest. We need more detailed studies in this respect to arrive at a better judgement.

### **3.2 RELATIONSHIP BETWEEN THE ARMENIAN PATRIARCHATES EACH OTHER AND WITH OTTOMAN STATE**

For the study of seven Armenian patriarchs who were imprisoned in the *Baba Cafer* dungeon between the years 1660-1688 it is as important to review the relations between Armenian churches and centers as their relations with the Ottoman State. The relations between Katoğışos and patriarchs account for this situation to a great extent. Each patriarch had support of some churches but there was always significant number of churches in opposition or which supported another candidate. At this point, as we finish a short summary of the political environment of the period it is

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<sup>229</sup> All of *vekayinames* which related about that time and Ali Emiri Kataloğu was scanned but no information could find about it. Moreover many *Mühimme defterleri* and part of *İstanbul Kadılığı* was researched too.

useful to take a look at the influential Armenian churches of the time. In this context, we will study the emergence and interrelations of *Sis*, *Ahtamar*, *Echmiadzin*, *Jerusalem* and *Istanbul* Patriarchates. As a case in point, *Mardiros Patrik episcopos* was *Istanbul* patriarch between years 1659-1660 in 1661 he is sanctised episcopos in *Echmiadzin*. And between the years 1667-1683 he served as patriarch three times. As he was the patriarch in Jerusalem he granted Karabet of Kayseri Vardapet degree and practically gave him the opportunity to become patriarch in *Istanbul*. *Mardiros* lost his post as Patriarch of Jerusalem to *Yeğyazar*.<sup>230</sup> He was the *Istanbul* patriarch between 1651/52, *Jerusalem* Armenian patriarch between 1664-65, 66-68, 70-77.<sup>231</sup> Also *Stepanos of Istanbul* was assigned patriarch with the support of *Eçmiazin* patriarch *Hagop*.<sup>232</sup> Another example of the conflict between patriarchs is *Avedik I*. He was known to be under protection of *Şeyhülislam*. He visited the grand vizier in *Edirne*, the ensuing decree dated 13 July 1702 abolished patriarchate of *Jerusalem* and both titles were united in *Avedik's* person. And he sent *Hovannes of Amasya* (messia) as representative omnipotentiary to *Jerusalem*.<sup>233</sup>

Three *Katogiğos* and two patriarchates were found in the hierarchy of the Armenian Church.<sup>234</sup> The first sacred place for the Armenian Church was

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<sup>230</sup> Kevork Pamukciyan, *Biyografilerle Ermeniler*, İstanbul: Aras Yayınları, 2003, 300.

<sup>231</sup> Pamukciyan, *Biyografilerle Ermeniler*, 378. Yeğyazar, Patriarch of Istanbul, Tekirdağ Sarkis sells at half the cost of debt securities, and it has been fighting to get the Patriarchate of Jerusalem.

<sup>232</sup> Kevork Pamukciyan, *İstanbul Yazıları*, İstanbul: Aras Yayınları, 2002, 97.

<sup>233</sup> Assigned to the struggle of the patriarchs and metropolitans was controlled State. Patriarchs and metropolitans were not about having unlimited savings, sometimes unjustly taken away from metropolitan work complained to the sultan who had sought a refund of the duties. Patriarchal authority of that dismissal was regulated by the state. Macit Kenanoğlu, *Osmanlı Millet Sistemi*, İstanbul: Klasik Yayınları, 2004, 167.

<sup>234</sup> Canan Seyfeli, *İstanbul Ermeni Patrikliği*, Ankara: Andaç Yayınları, 2005, 41, and see: Abdurrahman Küçük, *Ermeni Kilisesi ve Türkler*, Ankara: Andaç Yayınları, 2003, 170.

*Echmiadzin* founded by *Gregoir*.<sup>235</sup> Later on the *Katoğiğos* location had to change twice, in the end three different *Katoğiğos* emerged.<sup>236</sup> This situation has resulted in competition for influence between these three. Actually *Echmiadzin* gained a dominant position over the others once the *Katoğiğos* could return to *Echmiadzin* in 1441.<sup>237</sup> But *Sis* and *Ahtamar Katoğiğoses* wouldn't agree to waiver their influence and authority areas. So there emerged three competing *katoğiğoses*.

In addition to three *katoğiğoses*, there were two Armenian Patriarchates. The *Jerusalem Armenian Patriarchate*, was founded in 638 with the effect of Byzantine planning to create political and religious clout on the Armenians who rejected The Kadıköy Council and after that, Caliph Hazrat Umar who conquered *Jerusalem* in 638.<sup>238</sup> After Sultan *Selim* conquered *Jerusalem* in 1516, for a long period of time the Ottomans dominated *Jerusalem Patriarchate*. Informally, it was bound to the Patriarchate of *Istanbul* and the *Jerusalem Patriarch* was nominated through the *Istanbul Patriarchate*. Both The *Jerusalem* and *Istanbul Patriarchates* were dominated

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<sup>235</sup>It was believed that Jesus Christ descended to earth at exactly this point of earth and built the church, *Etchmiadzen Katoğiğos* always enjoyed a superior spiritual influence. Davut Kılıç, *Osmanlı İdaresinde Ermeniler Arasında Dini ve Siyasi Mücadeleler*, Ankara: Asam Yayınları, 2000, 183.

<sup>236</sup> In 485 the city was transferred from *Echmiadzin* to *Dvi Katoğiğosluk* authority. *V. Katoğiğosluk* authority *Katoğiğos* to *Ohannes* remained in this city. This authority was transferred to *istanbul Ohannes* in 947. ... .. In *Cilicia* in 1294 it was transferred to *fog*. Meanwhile, some relatives from *Echmiadzin Katoğiğosun* immigrants, that *Ahtamar* island in *Lake Van*, where they settled. It was a religious center for the Armenians are here. Remaining within the borders of *Iran*, *Gregorian Armenian*, the Armenians of *Cilicia* and a part of their relationship with the Catholic crusaders accepted from Catholicism in 1441 because they were uncomfortable chair in a new allocation *Echmiadzin* wanted to revitalize it. *Sis'* in *katoğiğosu* urged that it not come on, they choice among themselves so that their *katoğiğos* had appeared in three different *katoğiğosluk*. See: Davut Kılıç, *Osmanlı İdaresinde Ermeniler Arasında Dini ve Siyasi Mücadeleler*, Ankara: Asam Yayınları, 2000, 183.-184.

<sup>237</sup> *Kenanoğlu* claimed that episcopacy lived *Sis* where was capital city of *Kilikya Armenian Kingdom* and moved to *Ecmiyadzin* in 1441. *Macit Kenanoğlu*, *Osmanlı Devletinde Millet Sistemi ve Gayrimüslimlerin Hukuki Statüleri*, Doktora Tezi, *İstanbul Üniversitesi*, 2001,161.

<sup>238</sup> *Canan Seyfeli*, *İstanbul Ermeni Patriği*, Ankara: *Aziz Andaç Yayınlar*, 2005, 46.

by the Ottoman State therefore the State did not intervene their relationships. However, the competent authority was the Patriarchate of *Istanbul*. The oldest document about the existence of the Armenian Church in Istanbul extends to the end of the Gregorian 11<sup>th</sup> century. Patriarch of *Antioch Jacob Michelle Syrien*(1166\_1199) mentioned the existence of an Armenian Church in the capital of Byzantine.<sup>239</sup> But before the conquest of *Istanbul*, the Istanbul Armenian community was under the authority of *Cilicia Katagigos*.<sup>240</sup> When Sultan *Mehmet II* conquered *Istanbul*, He took *Hovakim*, the Bishop of *Bursa* to *Istanbul*, made him establish the Armenian Patriarchate and announced him as Patriarch. There is no information about any effect of the three katagigos on the establishment of Patriarchate.<sup>241</sup>

The *Istanbul* Armenian Patriarchate is the highest spiritual, administrative and judicial instance of the Ottoman Armenian nation. Patriarchs were dominated only by the Sultan.<sup>242</sup> They were exempt from taxes and military service.<sup>243</sup> The blessing of the spirituals, administration of the church monastery, the religious aspect of sacraments, marriage, divorce, burial and training affairs had been left to the administration of the patriarchate.<sup>244</sup> Although *Echmiadzin* had a priority, the Armenian Patriarchate was accepted as the highest authority by the Ottoman State.

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<sup>239</sup> Macit Kenanoğlu, *Osmanlı Devletinde Millet Sistemi ve Gayrimüslimlerin Hukuki Statüleri*, Doktora Tezi, İstanbul Üniversitesi, 2001, 161.

<sup>240</sup> Ibid, 162.

<sup>241</sup> Pamukciyan, *Onsekizinci Yüzyılda Patrik Basmacıyan'a Verilen Cülus Fermanı*, 40 and see: Canan Seyfeli, *İstanbul Ermeni Patrikliği*, Ankara: Aziz Andaç Yayınları, 2005, 64.

<sup>242</sup> Sometimes complain about the Patriarch of the Armenian nation to the Sultan and the Patriarch had come to change or not change, the Sultan decided. Saving power belongs to the sultan.

<sup>243</sup> Canan Seyfeli, *İstanbul Ermeni Patriği*, Ankara: Andaç Yayınları, 2005, 85.

<sup>244</sup> Pamukciyan, *Onsekizinci Yüzyılda Patrik Basmacıyan'a Verilen Cülus Fermanı*, 40, and see: Canan Seyfeli, *İstanbul Ermeni Patriği*, 85.

Eventhough *Ormanyen*, the main reason of the imprisonment of the seven Armenian Patriarchs was the fight between the Armenian churches to have the control over each church.<sup>245</sup>

A short time after the Armenian Patriarchs were imprisoned, two more shared the same destiny. But one was sent to *Yedikule* and the other one to the *Tersane* dungeon. These two places were important because of the periods of the imprisonments. According to *Eremya Çelebi*, corruption was the reason of the confinement of the seven patriarchs. And he was the only one to have this information. It is not certain whether their crime was considered in the category of ordinary crimes. Because even the Janissaries were not sent to these prisons. First, they were dismissed from the corps and after that they were sent to these prisons and were executed. From this point the confinement of the seven patriarches in these prisons are interesting. What is more interesting is that some of them were able to go back to patriarchs post. At this point, it is important to have a look at the famous *Kanunname* (law book) of *Mehmet IV*. In the first chapter of the *Kanunname*, it is stated that if there is a possibility of escape for the criminals who could not find any sponsors for their crime, they can be arrested. Execution started as confinement in a castle, imprisonment, such as restricting freedom penalties prisoners *Salah Zahir* happens, he sponsored those bail and be registered if it is still debt because of the jail and put pressure debt to be paid in installments, even if accepted, has to be evacuated.<sup>246</sup> This *Kanunnames* looking at the material quality offense meant, thinking were incarcerated.

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<sup>245</sup> Ormanyen wrote many knowledge about this topic at *Azkabadum* which is history of Ameniian.

<sup>246</sup> Mustafa Avcı, "Osmanlı Hukukunda Tutuklama", *Yeni Türkiye Dergisi*, 31/728.

Thrown into two different prisons, the other two patriarchs's crimes were political. One of these patriarchs was *Melkisetek*, the 36<sup>th</sup> Armenian Patriarch of *Istanbul*. There is an order about the confinement of this patriarch in the *Tersane* dungeon.<sup>247</sup> But just before this order, there was another order about these patriarchs explaining that they tried to interfere with a priest's congregation and tried to make them Catholic, furthermore, established a printing machine in *Valide Hanı* and pressed some books<sup>248</sup> *Melkisetek's* was guilty because he acted permissively towards the propaganda and he did not do anything to prevent the possible civil unrest. In fact there was not anything wrong with Armenians' printing machines or books.<sup>249</sup> The *dersaadet* Armenian Printing printed some books for a

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<sup>247</sup> İstanbul Ermeni Patriği'nin hapsine dair;

İstanbul'da Ermeni Patriği olan Sahak Mülhidin taife-i mezburenin ahar ayine intihallerine müsamaha ve taksiri nümayan olmağla sen ki vezir-i mişarünileyhsin emri şerifim vusulünde mezbur Tersane-i amirem zindanında habs olunub fermanı Hümayunum sadrı olmadıkca itlak olunmamak babında deyu yazılmıştır. Fi evasıtı ra 1113. Ahmed Rafik, *Onikinci Asr-ı Hicri'de İstanbul Hayatı*, İstanbul: Enderun Kitabevi, 1988, 33.

<sup>248</sup> Ermenileri Katolikleştirmek isteyen Ermeni rahiblerin tevkifiyle ve Ermeni matbaalarının kapatılmasına dair;

İstanbul kaymakamına hüküm ki, İstanbul'Da Sulumanastır'da Ermeni rahiplerinden Ermeni taifesini mezahibi eferenciyeye terğib ve igva ve ifsad iden Haçador nam rahip ahz ve kürek çekmek üzere Tersane-i Amirem Zindanına vaz'u hasbi fermanım olub ve Ermeni kitapların tağyir ve yeniden bazı ilhak ile basma idüp Ermeni taifesinin arasına yayup fesad eden habisler dahi aya eyyihali el getirilüb ahzu kabz ve vakı hali deri devletmedarıma arzu ilam eylemen fermanım olmuş idi sen ki viziri mişarünileyhsin tarafından sıran ve alenen tefahhus olundukta Valde ve Vezir hanlarında olduğu muhakkak olub ancak kadimden beyinlerinde mütedavil olan kitab basmacılığı olduğundan muaheze olunmamıştır. Ve muharref basma kitaplar Frengistandan gelip onlara mütebeat eden habisler vesatetile füruht olunub .....fermanım üzere mesfur Haçador'u müebbed kürek çekmek üzere Tersane-i Amirem Zindanı'na vaz-ı habs eylüyüp.....gerek Valde gerek Vezir hanlarında ve gerek sair yerlerde her nerede bu misüllü kitap basmacıları var ise tecessüs ve tefahhus ile buldurub .....badelyevm ki bundan sonra dahi mütenebbih olmayub kitap basmasına ictira ederler ise ahz ü habs ve isim ve resimlerle deri, devletmedarıma arzu ilam eylesin ki ne yüzden fermanı hümayunum sadır olur ise mazmunu münifi üzre amel olunmak babında fermanı Alişanım sadır olmuştur deyu yazılmıştır. Fi evaili ra 1113. Ahmed Refik, *Onikinci Asr-ı Hicri'de İstanbul Hayatı*, İstanbul: Enderun Yayınları, 1988, 33.

<sup>249</sup> Patriarch of the Armenian printing press was established in 1697. Mıgırdiç'in son born in 1698 Merzifon printers Tıbir Gregory, Wesley Armenians in Dersaadet had been fourth. The same year, the

long time and some Armenian books were published abroad as well.<sup>250</sup> *Dersaadet* did not have any position against the Armenian printing machine or Armenian books. However, there is an order about sending the priest trying to spread Catholicism in the society and the ones who were establishing the printing machine to the *Tersane* dungeon. But even those people were not send to the *Baba Cafer* dungeon. In this era European states are known to try to direct the Armenians towards Catholicism. The most striking example of this situation was that the *Dersaadet* ambassadors of France, *Ferriole*, wanted to have political effect by using Catholic propaganda elements in 1699. Ferriole must have been obsessed with this case because after a short while the events between him and *Avedik*, the Patriarch of *Istanbul* are very striking examples of *Ferriole*'s mind.<sup>251</sup>

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third time in Dersaadet founded a printing press called Holy Etchmiadzin. Etchmiadzin Holy called the third time in Dersaadet founded a printing press. Holy Echmiadzin Dersaadet'te third time in the same year opened with the name of a printing press. Practice established in 1700 passed Printing Tıbir Sarkis, mahdesi Asdvadzadur Dersaadet by Tıbir established a printing press came into service in Ortaköy. Surp Surp Sarkis Echmiadzin and Zoravar Press, Reverend Mikhitar (Appa) from the city by Italy's Livorno Dersaadet-Pera, 'or whether the transfer was put into service. Pars Tuğlacı, *Tarih Boyunca Batı Ermneileri*, İstanbul: Pars Yayınları, 2004, 251-254.

<sup>250</sup> Armenian language book of "Patrik Yeremya Vartabedi" was published in Livorno. Another religion book of "Kordzk Arakelots" was published at Amsterdam, Ğugas and Tovmas Nuricanyan brothers published their printing house. "Jamarkirk", "Asdvadzaşunç Nor Gıdagaran", "Hamatsaynuyun", and "Tsanykağ Şaragan" were published in Tovma Vanantetsi printing house at Amsterdam. All of boks language are Armenian. Ibid, 251.

<sup>251</sup> *Feyzullah Efendi* who was Şeyhulislam and protector of Armenian Patriarch *Avedik I* was killed in 1702 *Edirne Vakası*. *Avedik I* afraid of new situation and he tried to escape from İstanbul but he caught at *Edirne* and he arrested to *Yedikule* dungeon. After Grand vizier relegated him *Avrad* island because of French ambassador Ferriol. He lived in this island one year and he was Armanian Patriarch again in 1704. Later grandvizier relegated him *Bohça* island but he released soneest. He wanted to go Jerusalem but he was arrested Messina because of French ambassador's hate. When this situation learned in İstanbul, state wanted to *Avedik* from French ambassador. Firstly ambassador deny an assertion but he had to say true because of torture. *Avedik I* was carried of the shipyard prison at Marsilya. His foot shackled, his beard and hair cut and his closes and boks were taken him. French ambassador gave secret order and he sent to monastery Saint Michel which was prison for bureaucrats at Marsilya. *Avedik* undergo torturer and was insulted and he was removed Bastille prison at Paris in 8 January 1710 because this prison was more security. He had to accept catholic sect in the Paris archbishop at 1711. Kevork Pamukciyan, *Biyoğrafilerle Ermeniler*, İstanbul: Aras Yayınları, 2003, 52-56.



At this point, we have encountered two problems. Did the Ottoman State try to prevent the Armenians from establishing a sectarian relationship with Europeans? The intensions of the French Ambassador is an important proof of this theory. According to the Ottoman State the spread of Catholicism among Armenians would not only increase the power of the ambassador. To explain this situation another important question should be answered at this point. Were the Armenian communities and their leaders offended by this situation? We have no clear evidence about Armenian complaints to *Dersaadet* but the following sentence from *Tuğlacı*'s book leads us to the conclusion that they were uncomfortable about the situation and reported to *Dersaadet*. “*Dersaadet-Galata*’Da iki yerde ve *Valide Hanı*’nda bazı bozguncuların Ermenilere ait bazı kitapları değiştirerek yeniden basıp Ermeniler arasında bozgunculuğa sebep oldukları **bildirildiğinden** bunların yakalanıp cezalandırılmaları için *Dersaadet* kaymakamına Ferman gönderildi.” It has been reported that at two places in *Dersaadet-Galata* and in *Valide Hanı*, some provocators have changed some of the Armenian books, repressed them and caused tensions among the society. A decree has been sent to the governor of *Dersaadet* to arrest and imprison the people involved.<sup>252</sup> At this point did *Dersaadet* deal with this situation after the Armenian society had complained about it or did the state intervene first and then the Armenian society joined this reaction? We do not have any definite answer to this question.<sup>253</sup>

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<sup>252</sup> Pars Tuğlacı, *Tarih Boyunca Batı Ermenileri*, İstanbul: Batı Yayınları, 2004, 254.

<sup>253</sup> European states tried to convert Armenians to catholic sect at 19<sup>th</sup> century. This work started firstly 1641 when Armenian Patriarch moved from Samatya to Kumkapı. In course of time many armenians choice catholic sect but not only Armenian church but also Ottoman government did not accept them. In 1810 *lusvaorçagan* tried to combined Armenian who believed Jesus was created by God and catholic Armenian. However Armenian church did not want this combine, French ambassador serve as a gone between Armenian church and catholic Armenain. Consequently Armenian church and Ottoman Sultan Mahmud the second recognized catholic Armenian parish in 1830. Esat Uras, *Tarihte*

The dismissal of *Melkisetek II* and *Mikhitar I* who acted permissively towards the Catholic Armenians and the arrest of *Melkisetek*, might have caused the following patriarches to react more vigorously against the Catholic Armenian society. When *Yeprem* of *Ĝapan* was assigned third time he persecuted the Armenians who were inclined towards the Catholic denomination. His Successor *Avedik* was also not tolerant against the same society and even he was not in good terms with France Ambassadors *Ferriole* for this reason. As a result none of the patriarches who were jailed or exiled during this period were confined in *Baba Cafer* dungeon. The two patriarches, one sent to *Tersane* dungeon and the other one to *Yedikule* dungeon, had committed political crimes. The reason why the other seven patriarchs and these two were sent to different prisons should probably be evaluated in the light of this fact.<sup>254</sup>

It has been claimed that the patriarches who were sent to the *Baba Cafer* dungeon were confined because of corruption. It may be useful to make a comparison of the taxes that the patriarches had to pay to the state and the amount of money they collected from their community. When the Armenian Patriarches were assigned, they were supposed to pay a direct tax called *pişkeş* to the state and this money was then obtained from the Armenian community. Time to time some complaints were made by the community to the state claiming that the patriarches were collecting too much

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*Ermeniler ve Ermeni Meselesi*, İstanbul: Belge Yayınları, 1987, 152-153. Cilicia catholic Armanian parish tried to be recognized in İstanbul but Orthodox Armenian parish prevent this working. Canan Seyfeli, *İstanbul Ermeni Patrikliği*, İstanbul: Andaç Yayınları, 2005, 48.

<sup>254</sup> Macit Kenanoğlu claimed that dismissed Armenian Patriarch sent to Eğin village but no information could find dismissed patriarchs who were arrasted Baba Cafer dungeon to sent Eğin village. Kenanoğlu, *Osmanlı Millet Sistemi*, 175.

money from their community.<sup>255</sup> During the period of *Mehmet IV*, an additional tax burden was imposed to Patriarches and the metropolitans paid to the shipyard.<sup>256</sup>

In conclusion, in Ottoman state, the Armenian and Greek communities paid the same taxes and when the Patriarchs of both nations were assigned, they paid the same tax named *pişkeş*. It has been claimed that during the period of *Mehmet IV*, the seven Armenian Patriarchs were confined in the *Baba Cafer* dungeon for corruption. According to these accusations, after the patriarchs paid the tax named *pişkeş* to the state, they collected much more money from their own society or they used this money illegally for their own interests. There is no report of a Greek Patriarch imprisoned in this period. There isn't any Greek Patriarch that was imprisoned in *Baba Cafer* dungeon in this period. Also, there is no reference to imprisoned Armenian Patriarchs in the Ottoman documents of the period. The only information about these patriarchs is *Eremya Çelebi*. No information has been encountered about the existence of problems between the State and the Armenian Society. There are some precautions taken by the State to prevent the spread of Catholicism among Armenians.

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<sup>255</sup> Not only clergy people but also non muslim population complained their ecclesiastics to state, especially Patriarch and popes wanted high taxes, Armenian people complained to State them. Macit Kenanoğlu, *Osmanlı Millet Sistemi*, İstanbul: Klasik Yayınları, 2004, 178.

<sup>256</sup> Rich Armenian People had to pay tax which was called *Kürekçi Akçesi* it was took after Mehmet IV. Ibid, 188.

## CONCLUSION

My graduate studies were on the subject of the dungeon system which was the tool of the Ottoman punishment system and a reflection of the dungeon system in Ottoman society. Actually, prisoners who were disregarded by historians are an important tool to understand better the structure of society. I examined the image of prisoners and the function of the *Baba Cafer* dungeon which was an arrested community. Generally, the Ottoman Bureaucrats and important people were arrested in the Yedikule dungeon which is more famous than others. Contrary to the *Yedikule* dungeon, normal people were arrested in the *Baba Cafer* dungeon like *İbrahim Ağa*, *Ahmed Ağa* or *Mehmed Ağa* and prostitutes like *Emine*, *Ayşe*, *Fatma* and thieves *Ali*, *Yusuf*, *Musa*, *Mehmed* and *Nesimi* who claimed to be Allah, in other words, these people were a small population in themselves. When the Ottoman society is understood, every class is examined and while social analysis should be viewed with good and bad classes. Based on this point, the role of the *Baba Cafer* dungeon and the prisoners who were arrested in the *Baba Cafer* dungeon played a role in the classic time of the Ottoman State.

In the first chapter, we examined the location of the *Baba Cafer* dungeon. Constantinople was conquered by *Fatih*, its face changed but most of the structures were used continuously. According to *Evliya Çelebi*, this dungeon was used in the Byzantium era, so I tried to locate the dungeon. Byzantium had huge city wall, towers and doors for which after the conquest their names were change. Thus nobody said what was name of zindankapı in the Byzantium era. Voyagers who came to the

Ottoman State contributed to the Ottomans and the city history, one of the most important voyager was *Melchior Lorich* who drew the *Baba Cafer* dungeon and he showed that this dungeon existed in the 16th century. Earthquakes and fires damaged Istanbul and I examined these disasters which affected the *Baba Cafer* dungeon in another episode. Some archival documents, demonstrated repair dates and charges and I compared these repairs and disasters which took place in Istanbul. By this way, I had the opportunity to study how disasters affected the dungeon and whether or not the repairs and repair dates of disasters were parallel or not. Many repair dates were after large disasters but also many of them were not related to any disasters. In this regards, two different approaches emerged according to this data. Either large disasters did not damage the *Baba Cafer* dungeon but in course of time little disasters and wears resulted in damages or disasters caused the damage but the *Baba Cafer* dungeon was not in the position of priority for the state. In other words, the State was repaired firstly another place dungeon was not them. Both of these arguments are only implications and are not certain data. The last episode of first chapter comprehends the emergence of the *Baba Cafer* dungeon. According to *Evliya Çelebi*, the *Baba Cafer* dungeon was used in the Byzantium era and when *Fatih* came to *Edirne* to conquest Constantinople, many Sheiks came with him. After the Conquest, *Fatih* gave places for them to built medreses. *Abdurrauf Zindani* or *Hamedani* entered the city door of *Zindankapı* and he said that his ascendent was buried in this dungeon. *Evliya Çelebi* explained the identity of the *Baba Cafer* in this story. *Evliya Çelebi* is an important source for historians but his knowledge can be wrong so I accept this information with reservations. I also researched many Arab sources to find the identity of the *Baba Cafer* or ambassador *Cafer* who came to Constantinople

in the era of *Harun Reşid* but I could not find any information on him. Thus, I accepted that I could not disprove this information.

In the Second chapter of this thesis, I mostly examined the Ottoman jurisprudence, the *Ta'zir* punishment and the prisoners. *Ta'zir* cezası was criticized in one episode because it originates on the basis of Ottoman jurisprudence. Most of prisoners who were arrested in the *Baba Cafer* dungeon were punished in the *Tazir* punishment. Practice and function of *Ta'zir* punishment were examined by looking at gender, occupation and nationally in the Ottoman State system. When a Janissary was guilty, his name was erased from the records of Janissary corp primarily, he was arrested in the *Baba Cafer* dungeon because the Janissary corp, they did not accept him to themselves. In this way, they protected the honor of the Janissary corp and they excluded him from the corp. As such, they wanted to give the message that “he was not ourselves or Janissary, no Janissary could commit a crime”. Another group of prisoners were the shopkeepers but they were more comfortable than others. All shopkeepers had to be a guarantor of another shopkeeper because when one of them was arrested another rescued him thanks to the guaranty. In this way, all of them protected not only other shopkeepers but also themselves. Shopkeepers did not made create concepts like “the other” rather they internalized their colleagues. Another important point is that the State could accept shopkeepers who were arrested that were a waste of work force. If a shopkeeper was not in habit of crime, always he was not playing per gram of bread, he could get rid of, he was punished shot-term penalties. *Yaşar Yücel* who studied about shopkeepers and their punishments in his thesis showed that most of the *Maruz* included shopkeepers that lived in the dungeon ten, twelve, fifteen and eighteen days. Shortly after, they were often rescued thanks

to their guarantors and thus continued in their occupation. Shopkeepers were perceived differently because they contributed to the State economy through the tax system and the State controlled a large number of shopkeepers. Maybe the State could have behaved more tolerantly towards shopkeepers to protect this system. Another prison group were prostitutes who were accepted cause of morality depression in the Ottoman society. Even though sometimes they were accepted because of defeats, a bad situation, a faltering economy or natural disasters. I studied about the punishment of these women and how they were punished differently or why punishments changed. Their job and their penalties are criticized in the archival documents. Many of the documents included the dungeon penalty, many of them included punishment. This data shows that prostitutes were accepted as a bad job, *Aydođan Demir* said that most of them were Muslim and that the State tried to banish these people but it was not. Most probably, the State and governors could not stop them because prostitutes were arrested in the *Baba Cafer* dungeon, in the month of Ramadan. When they were in the dungeon, the State could control them so they were arrested and sent to the dungeon to protect society from such evil acts. The State examined prostitutes because they were considered as a group which damaged the dynamics of society and people's moralities. Thus, they were subjected to different penalties and practices. The State not only executed them but also answered their necessities like food, bread, candles and clothes. One of the best ways was exiling these prostitutes to Cyprus, Mytilene, Bursa, Mudanya, *Limni*. However, it is not clear how the community criticized them. Not only prostitutes who were arrested in the *Baba Cafer* dungeon but also prostitutes that were exiled and evaluated n reflection of the *Ta'zir* punishment.

The dungeon not only reflected the prisoners, it also reflected the State and officials that represented the State. In my study, I evaluated staffs that had to provide public security that were working in the dungeon. Wrong doing, exploitations, and interruptions emerged as people continued to exist, the State gave many powers and although some of them used good management, many of them did not. It should have prevented corruption, wrong doings, exploitations but most of them were not prevented. *İrade* which was published in 1180 warned staff to behave fairly and it tried to order the dungeon's staff. For example, prostitutes were released if she forswore and the İmam accepted it. Sometimes, dungeon staff released prostitutes who did not forswear to take money, “ if prostitute did not rehabilitate, her forswear did not accepted to take money from prostitutes” showed that order of dungeon was not good and staff were not innocent. Moreover, prostitutes did not live a long time in the dungeon to prevent relations between staff and prostitutes. Many archival documents showed that some prostitutes were sent to different places for exile but many of them could return to İstanbul thanks to State's staff. The State tried to prevent such situations but the main aim was not it. These women were a burden of the State economy. When the state arrested them, it gave food, cloths and candles.

The *Subaşı* and the *Asesbaşı* who had to provide security had to catch thieves and other offenders. When they chased thieves they used *Böcekbaşı* and *Böcekler* who were old thieves but they forswore that could enter anywhere. In this way, they could learn the moves of thieves and others, the *Subaşı* and the *Asesbaşı* found offenders thanks to them. The *Böcekbaşı* and the *Böcekler* who knew potential offenders and lived in commonly were an important power to provide security in *İstanbul*. As such, I evaluated them and the bridge they created between offenders



and the State and also how the State accepted these old offenders that were assessed with them. Actually, when I assessed the relation of offenders and the State, I evaluated two sides of this relationship. Firstly, if the State accepted offenders that were dangerous, it was called “Mücrim”. The Janissary rebellions were lived rather frequently, when the Janissary started to rebel, they released prisoners that were arrested in the *Baba Cafer*, *Tersane* and *Tomruk* dungeons. It is unknown the percentage of prisoners who were released from dungeons participated rebellions, or how they affected the situation of rebellions. However, the State was called them “Mücrim” because they were released hands of oppositions of the State. On the other hand, sometimes prisoners were released from Sultans and their families. Also, sometimes prisoners were released from the State like during circumcision feasts of princes, recovering from an illness of the Sultans or women of the Sultanate, were released prisoners for eleemosynary. In that time prisoners were described “garib-gureba” because their forgiveness was realized by the hands of sultans. I assessed two different instances describing the “poor or offender” and how society was affected by these describes.

The last chapter was very different from others because not only Muslim but also non- Muslim people were arrested in the *Baba Cafer* dungeon. In the 17th century, seven Armenian Patriarchs were imprisoned in this dungeon. The Ottoman state was a multinational, multi-ethnic and multi religion structure. Different people were arrested but these patriarchs had to be imprisoned at the *Yedikule* dungeon according to the Ottoman political tradition. When the Ottoman State declared war with a different state, this state’s ambassador was arrested or bureaucrats, spiritual leaders were arrested and imprisoned in the *Yedikule* dungeon. Why were these

people arrested in different a dungeon which was used for vulgar offenders? This question can be answered by these patriarchs who were arrested because of bribery and corruption. Maybe they were punished like ordinary people. After this event, two different patriarchs were arrested in different dungeons and one of them was the Yedikule dungeon and another was the Tersane dungeon. The crime of these two patriarchs was political perhaps they were arrested in different dungeons. This information was given by *Eremya Çelebi Kömürçiyân* who was the chief clerk of the *Istanbul* Patriarchate wrote *Istanbul History*. He claimed that these patriarchs were bad people and they did not deserve the rank of the patriarchate. This information was not found any Ottoman *Vekayinames*. Only *Eremya Çelebi* and *Azkabadum* who wrote the *Ormanyan* to tell the history of Armenians gave such information. It is unclear why *Eremya Çelebi* aspersed his spiritual leaders. He was a good historian and he lived at that time. The Armenian historians gave this information based on *Eremya Çelebi*. This sentence demonstrates that non-Muslims were arrested in the *Baba Cafer* dungeon and that “non-Muslim's bribery was prevented at the dungeon” the state tried to protect bribery at the *Baba Cafer* dungeon in *İrade* which was given 1180.

In summary, I was unable to assert precisely why these seven patriarchs were arrested in the *Baba Cafer* dungeon, so I evaluated the relationship of four Armenian catogiğoses with each other. These patriarchs, were punished because conflicts with each other in the *Azkabadum*. They accumulated too much money from the Armenian population to answer their *Pişkeş*. The *Pişkeş* tax was paid to the Ottoman State by the Armenian Patriarch. All patriarchs conflicted each other and they also gave money to gain rank in patriarchate system. Thus, when they were patriarchs

they accumulated more money than from the *Pişkeş*. Furthermore, sometimes the Armenian population complained the Armenian bishop, archbishop, patriarchs because of money. For example, *Ekmekçi Garabet* who sold bread to Ottoman army that is also why he was called *Ekmekçi*, could not to be patriarch because he did not have enough religious education but he could be thanks to his supporters and money. *Istanbul, Jerusalem, Ecmiyadzin, and Ahtamar* Catağiğoses conflicted with one another. When one person came to the *Jerusalem* Patriarchate, he tried to institute into the *Istanbul, Ahtamar or Ecdmiyazin* catağiğoses. Thus their relations were assessed in this chapter to explain why these patriarchs were arrested in the *Baba Cafer* dungeon.

In contrast, interestingly although prisoners represented a smaller part of society but we had to evaluate them closer to gain a deeper understanding. In this thesis, the dungeon is not only accepted by location, but is also used as a tool to see all members of the Ottoman State's society. Not only the Ottoman Empire but also the European countries dungeons, crimes, offenders, security staffs are an important part of society and structure of state. Crime and punishment were perceived different in some European States, sometimes the king used prisoners to show his power to society. In explaining the torture aspects, *Foucault* used headlines like “The body of the condemned” and “The spectacle of the scaffold”. He explained the aim of torture, the king demonstrated power to win society in these ceremonies. The Ottoman Sultans used death bodies in substitute of torture. The Sultan used different systems to show his power. Corps was hung in the center of cities like flags which represented the power of the Sultan to the Ottoman society. It was called “*ibreten lil-alemin*”. Time was important explanation of these penalties. The modern prison

system came to the Ottoman State era of the Sultan *Mahmud* the second (Administrative Reform). In classical times, the dungeon system was used rarely because prisons were a burden of the state, their families situations, loss of workforce and taxes and the *Sharia* did not advise the penalty of imprisonment. I can not find how much the longest time of imprisonment or why the modern prison was built. Did the *Baba Cafer* dungeon answer such necessities? In 19th century did number of crimes and offenders increase? The new prison which was opened at Sultanahmed was criticized by educated people. They described it as “it was luxury to encourage crime”.

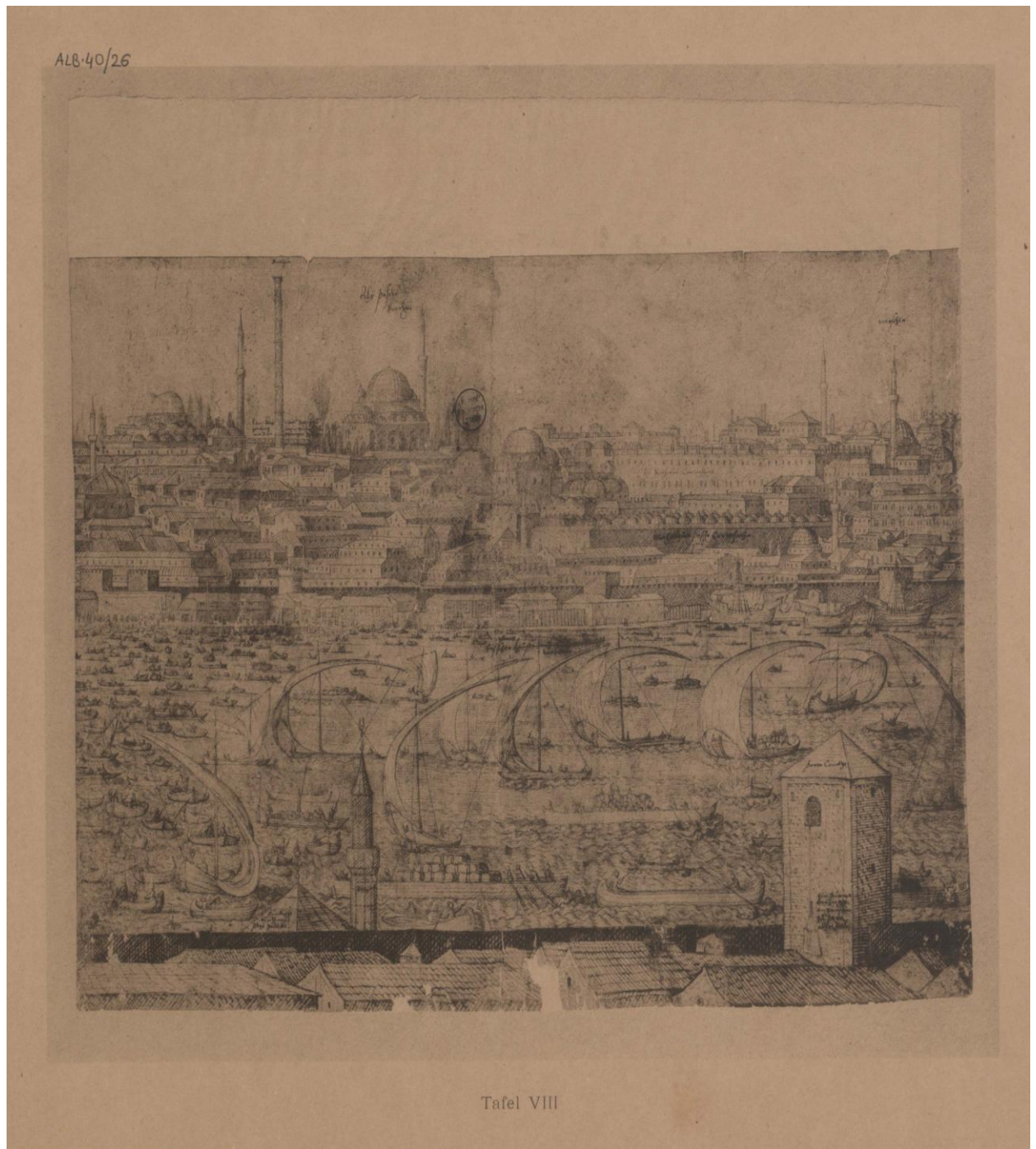
The concept of the dungeon and imprisonment shed light on several different questions, for example the Ottoman State had a lot of Vaqf, did special vaqf exist in the Ottoman State or did sultans and their families build a lot of vaqf, did they build vaqf for prisons? Either existing or unexisting, bring new questions about our understanding of prisons. The location the *Baba Cafer* tomb who was believed to be a Muslim Saint by the community, what was the *Baba Cafer* dungeon and was it a significant point to understand the concept of dungeons, prisons, state and society?

# APPENDIX



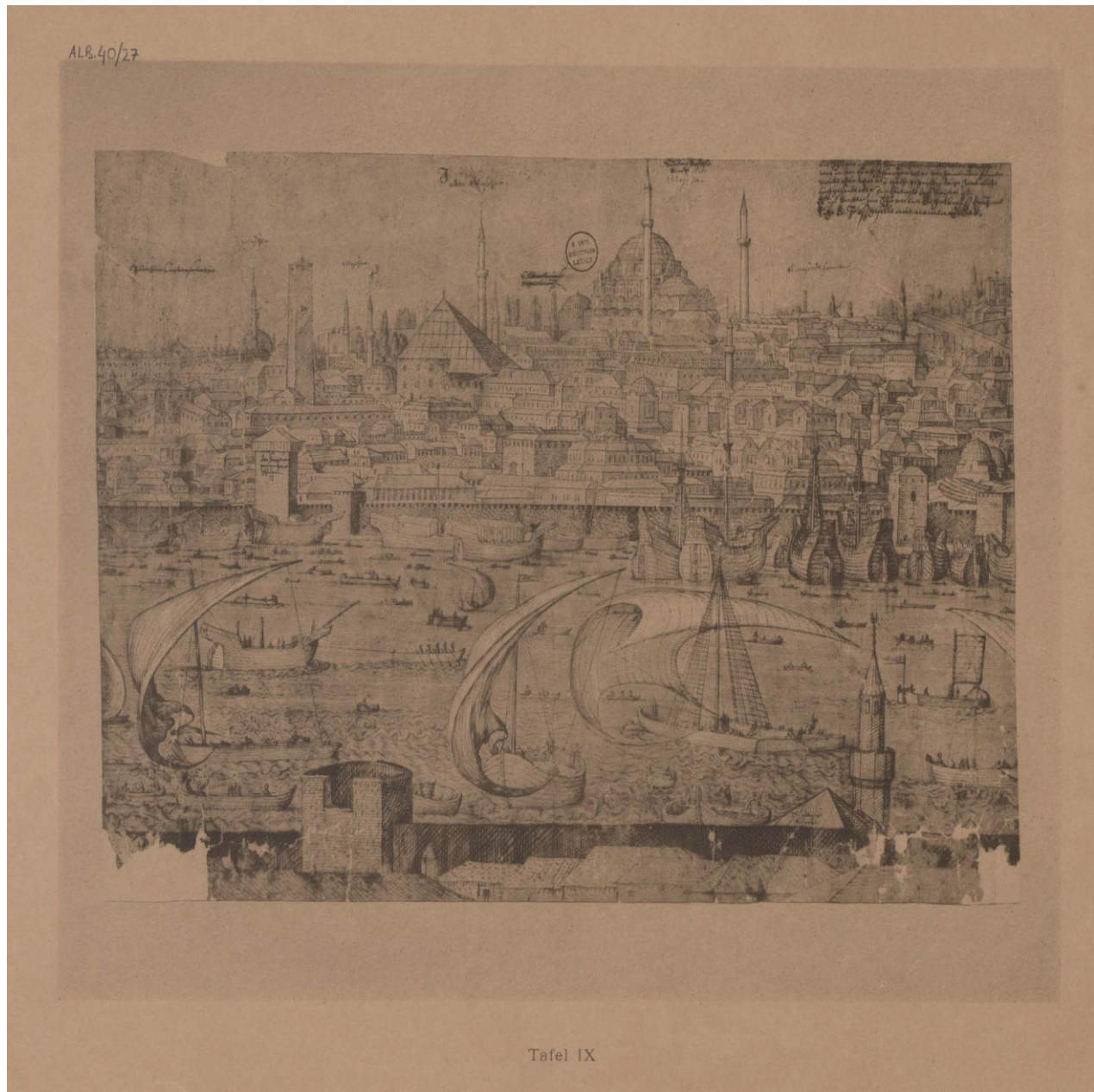
Constantinople Carte Archelogue et Topographique, İstanbul: Imprimerie Kephallides, 1936

Picture 2 A.



Melchior's panorama Album, 40/26

Picture 2 B.



Melchior's panorama, Albüm, 40/27.

Picture 3.



Jacques Pervititch' insurance map,

Picture 4.



Jacques Pervititch' insurance map



Picture 5.















Picture 7 A.



Kadı ve Subaşı Kolluk Güçleriyle Birlikte Teftişte

Picture 7 B.



İstanbul Kadısı Tarafından Hatalı Mal Sattığı İçin Cezalandırılan Bir Satıcı



Picture 8.



Soldan Sağa: Cellad, Celladbaşı, Subaşı, Asesbaşı, Böcek Başı

Picture9.



Resim 9. Dere kenarında basılan çift, I. Ahmed Albümü, XVII. yüzyıl başı, [TSMK, B. 408, y.27a].

## İkinci Mahmudun Fermanı,

Âsitâne-i şevket-âşiyânede vâki karakol ikâme oluan mahaller ahşap ve kadim ve Asâkir-i Mansûre-i Muhammediyye ikâmesine gayr-i çesbân olunduğundan mühimmât-ı harbiye karakolhâneleri misüllü kârgîr olarak inşâlarına teşebbüs olunmuş ve Zindankapısı Karakolhânesi için dahi bâb-ı mezkûr lede'l-muâyene Karakolhâne-i mezkûr “mülga” dan(yeniçeri taifesi için kullanılmıştır.)kalıp ve türbe-i şerîfede mahfûz sandûka-i hurmet olan zât dahi Ensâr-ı Kirâm'dan bir zât-ı şerîf olarak müşârün-ileyh hakkında “Baba Itlakı” “mülgâ takımının yapmaları olduğuna ve Sultan Ahmed Han tâbe serâhu Hazretlerinin tâbhanesi mahpes tahsîsi ile sadaka-i cenâb-ı şâhâne olmak üzere imâret tarafından nân ve çorba ve ateş dahi i'tâ kılındığı sûrette bir nevi hayır olacağına binâen bundan böyle Zindankapısına “Bâb-ı Cafer” ve “İnşa olunacak karakolhâneye Bâb-ı Cafer karakolhânesi” tesmiye olunmak üzere İstanbul Kadısı fazîletlü efendi hazretleri atarafına ve sâir iktizâ eden mahallere ilmü haberlerinin i'tası sûreti tensip olunduğu devletlüSerasker Paşa Hazretleri tarafından ifâde vü iş'âr ve bu bâbda Ebnie-i Hâssa Müdürü Efendinin takdim eylediği lâhiya tisyar olunmuş olup mahal-i mezkûra Karakolhâne inşâ olunmak üzere tâbhâne-i mezkûrun mahbese tahsisi ve bâb-ı mezkûrun bundan böyle “Bâb-ı Cafer” nâmıyla tahsîsi vâkiâ hengâm-ı mehâsin-ittisâm-ı Hazret-i Şâhâne'nin âsâr-ı bedi'âsından ma'dût ve civârı türbe-i şerîfesinden ol vechile Zindân-ı mezkûrun lâğvı dahi merhûm müşârün-ileyhin rûhâniyetine bir sahâbe-i cemîle olacağı rû-nümûn olduğundan keyfiyet Rikâb-ı hikmet- me'âb-ı cenâb-ı mülûkânedan lede'l-istîzân serasker-i mişârün-ileyhin iş'ârları vechile icrasına irâde-i Seniyye-i Şâhâne taallukuyla ol bâbda Hatt-ı Hümâyûn kerâmet- meşhûn-ı tâcdârî şeref-efzâ-yı sâhife-i sudûr buyrulmuş ve lâyihayi mezkûre tarafından gönderilmiş olmâğla lazım gelen ilmuhaberlerini i'tâsıyla ber-vec-i muharrer iktizâsının icrâsına himmet olunmak bâbında beyaz üzerine musahhah fermân-ı âlî sâdir olmuş ve Âsitâne-i Saâdet'te olan ibâdullâhın sâye-i Hazret-i Tâc-dârî de leyl ü nehâr muhafaza ve istirahatleri için tayin ve irsal olunan Asâkir-i mansûre'nin ikametlerine mahsus ve Karakolhâneler kadîmden kalmış ve kânûn-ı mansûre üzere derûnlarında asâkirin iskân ü râhatları emri muhal olduğundan bu kere karakolhânelerin resmi cedîde-i müstahzane üzre inşâlarına irâde-i seniyye müteallik buyrulup Bahçe ve Hatapkapısı Şehzâdebaşında Karakolhânelerin inşâlarına memuru marifetiyle henüz mübâşeret olunmuş ise de sâbıkda Zindankapısı tabir olunur. Hazret-i Cafer kapısı hâricinde tensip buyurulan mevkilerden mevki'-i evvel olan kuruyemişçi dükkânlarından üç bâb dükkânların gayri ez-masârif -i inşâ yalnız ashablarından mübâyaları elli bin guruşa yakın olacağı ve dükkân-ı mezkûrların tahtlarından Uzunçarşı ve civarlarından cereyan eden çirkâbın lağımları mürur etmekte olup mübâyalarına verilecek akça mikdarı mesârifıyla yalnız temelleri vücûda gelmeyeceği zâhir ve bâb-ı mezkûrun hârici ittisalinde muahharan tertip buyurulan on iki bâb abacı dükkânlarıyla zahrında kâin han mahallinin mübâyaaası dahi yemişçi dükkânının esmânına varacağı ve bu mahaller âhar mahalle ... olmayıp... ve matlup

üzre derunlarında nısf bölük âsakir-i mehmâ- emken istîâb edebileceği karîn-i ihtimâl olmadığından mâadâ mevki'ayn-ı mezkûreteyn leyâlde hâric-i kal'a gelip derun-ı kal'anın muhâfaza ve rü'yetinden asâkir berî olacağı ba'de 't-tefhîm derûn-ı kal'ada vâki mevkilerde ufak ufak bir takım kârgir ve ahşap dükkândan ibaret ve mübâyaları vâfirce akça-yı mûcib bir madde olacağına binâen sıyânet-i mîrî hususunda mütâlaa üzre iken Ashâb-ı Kirâm'dan Cafer'ül Ensâri hazretlerinin Meşhed-i Şerîfleri dairesinde zükûr ve inâsa mahsus olunan mahlaller tahtâni fevkânî kârgir ebniyeli bir mahal olduğu mesmû olup bade'l muâyene husûsi mezkûru etrafıyla devletlü ve atûfetlü serasker paşa Hazretlerine bi'l-ifâde mahalli-i mezkûrun muâyenesi için Miralay alıp kendileri ile maan varulup meşhûd-ı âlî buyrulduktan mukaddemâ hâric ve dâhil-i kal'a da tensip buyrulan mahallerden sarf-ı nazarla iş bu ebniyelerin tertib ve derunlarında iki bölük asâkairin ikâmetlerine râzı olacağı tahmin buyrulup mahalle-i mezkûrda olan zükûr ve inâstan mahbusları Sultan Ahmed han Hazretleri imâret-i âmireleri civarında olan tavhâne ve sâir kârgir ebniyeler derunlarına bi't-tefrik mahaller tanzimi ile nakilleri ve mine'l kadîm cânib-i Mülûkânedden ve me'kûlâtları için ihsân-ı inâyet buyrulan tayinâtlarının kadîm-i vechile ihsanı ve imâret-i amire furunundan eyyâm-ı şitâda kifâyet miktarı ateş ve fukara-yı sâire misüllü çorba ve pilav-ı zerde ve fodla dahi inâyet buyurulması âsâr-ı daavât-ı hayriyeden olup bu hususun icarası ve zikrolunan mahallin üzerinde kiremid-i taklîb ve derûnunda... cadde çatılarına pencereler küşâdı ve suûd için nerdübân inşası ve türbe-i şerîf ile karakolhâne misüllü yanına kargîr duvar ve türbe kapısıyla üst cânibinde câdde-i selâseye karşı müceddeden nevresm karakolhâne kapısı ile türbe kapılarının inşâları zikroluna yemişçi dükkânlarının yalnız mübâyaaaları bahâsıyla vücûda geleceği ve bu ebniyeler kârgir olmak mülâbesesiyle tâmirat masârifinden vâreste olduğundan bu hususta ber-vech-i muharrer tamîr-ı tecdîdine irâde-i aliyye müteallik buyrulur ise... kaleminden bir kıta ilmuhabele emr-i tanzîmi ...memuru tarafından i'tâsı ve mahal... fi'l-asıl tâife-i mülgâ yedinde olduğundan ittihaz eyledikleri tarîk-i kâzibeleri üzre ol zâtı saâdete ( Baba) tesmiyesiyle civarını zindan ve nâpâk mücrimleri vazı tevkîf ve dürlü dürlü nâ-sezâ harekâtıyla bi'r-ruhâniyye medfun zât-ı âlîye adem-i riâyetleri der-kâr olup ve türbesi kapısı üzerinde Ashâb-ı kirâmdan Cafer el-Ensârî olduğu tahrîr ü beyan olunup fe-lehü'l-hamd ve'l-minne sâye-i cenâb-ı zıllu'l-lâhî'de kâffe-i bilâd-ı İslâmiyye tathîr u tenvir buyrulup bu mevki'-i ali dahi bu vechile tathir ve nâm-ı kadîmi olan zindan ve kal'a-i pâdişâhî kapısına Zindankapısı lağv ve Hazret-i Cafer Türbesi ve kale kapısı bâlâlarına birer mermer levha üzerine nâm-ı şerîfleriyle künyelenerek "Hazret-i Cafer Kapısı" tahriri ve fimâ-ba'd hukkâm ve vakıflar taraflarından nâm-ı hazret-i müşârun-ileyh ile tahrir olunması mahzâ tahsîl-i rızâ-yı rûhâniyelerini mûcib olacağı Ebniye-i Hâssa müdürü saâdetlü efendi lâyiha-i mezkûresinde iş'âr etmiş olmağla mücebince kaydolunup diğeri ilmühaberleri verilmiş olmağla İstanbul Mahkemesi'ne dahi işbu ilmühaber verildi. 25 Cemâziyelevvel 1247/1831<sup>257</sup>

<sup>257</sup> Osman Nuri Ergin, *Mecelle-i Umûr-ı Belediye*, İstanbul: İstanbul Büyükşehir Belediyesi Kültür İşleri



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