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STATE AND SOCIAL CONTROL

The Police in the Late Ottoman Empire and
the Early Republican Turkey, 1839-1939

by

Ferdan Ergut

November 1999

Submitted to the Graduate Faculty of Political and Social Science of the New
School for Social Research in partial fulfillment of the requirements for the
degree of Doctor of Philosophy.

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ABSTRACT

This dissertation attempts to establish a correlation between changes in state structure and in police organization and practices as exemplified in the formation and transformation of the police during the late Ottoman Empire and the early republican Turkey. The analysis is based on four basic themes: Transition from "collective responsibility" to "double-edged" policing; the police intrusion to political process; the professionalization of the police; and the issue of public order policing. In situating the narrative into the rather unique integration of the Ottoman state into world capitalist system in the nineteenth century, the emphasis is put on the significance of the 1908 Revolution of the Committee of Union and Progress (CUP) as a turning point. Highly centralized and bureaucratized state structure from 1840s onwards was combined with the new social elements introduced by the emergence of a middle-class after the CUP period. This combination also marked the Kemalist regime and resulted in the survival of a bureaucratized police force in the republican period. The long state centralization process, together with the increased interaction between the state and society with the CUP period, necessitated answering the demands of the people. The main theme that frames the study is, thus, the transition to "double-edged" policing. The argument is that this transition corresponds to the transition from indirect to direct rule, in which as states monopolize and centralize the police, they also centralize responsibilities which cause people to have a say in the process. The study concludes that the police in Turkey have therefore become a force which have more service-related functions, are more professionalized and less violent towards the civilian population in comparison to their counterparts in many parts of the third world. More importantly, the struggles around the issue of the police and policing left a legacy in the form of an opposition platform emerged around the issues of civil rights and liberties.

ACKNOWLEDGMENTS

I owe thanks to Aristide Zolberg, Charles Tilly, and Karen Barkey. They all supported and encouraged me during the writing of this dissertation. Professor Zolberg was a great pathfinder and released me from going into blind alleys and the dissertation from unsubstantiated arguments. Professor Tilly did what he did to his many students: He always gave the quickest and insightful replies to my puzzles. My thanks to these two great scholars cannot be limited to the course of this study. Karen Barkey used her historical knowledge of the Ottoman history and her rarely-found analytical power in the Ottoman studies in criticizing some of my positions. I owe her many thanks not only for her insightful critiques but also for her understanding when it comes to the stubbornness of a young Ph.D. candidate.

I am also indebted to Michael Hanagan and Courtney Jung who kindly accepted to be in my committee and helped me to formulate my questions more effectively.

My thanks also go to my family for their support in many different ways. I would especially like to thank my mother. Without her support from the day one, I would not be able to be what I am now. In each and every achievement of mine, her role has been (and will be) the most valuable.

Elvan Ergut, my wife, deserves a special place in this acknowledgement for her understanding throughout the course of this study as well as for the enormous energy she has put into this project, sometimes even despite the cost of neglecting her own academic work. I owe my very special thanks to her not only for her caring but also, more importantly, for her analytical insights that have helped to shape this dissertation. Writing time of this dissertation is equal to the age of our daughter, Nice. The happiness that she has brought to our life has removed the tensions of writing a dissertation. This study is dedicated to her.

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LIST OF ABBREVIATIONS

BKK: *Bakanlar Kurulu Kararlari* (Prime Minister's Archives, The Council of Ministers Decisions)

CUP: Committee of Union and Progress

CT: *Cevdet Tasnifi* (Classification of Cevdet)

D II: *Dustur: Ikinci Tertip* (Code of Laws: Second Series)

DH: *Dahiliye Nezareti, Muhaberat-i Umumiye Idaresi* (Correspondence of Minister of Interior)

DH. EUM. EMN.: *Dahiliye Nezareti – Emniyet-i Umumiye Muduriyeti, Emniyet Subesi* (Minister of Interior – General Directorate of Security, Department of Security)

DH. EUM.THR.: *Dahiliye Nezareti – Emniyet-i Umumiye Muduriyeti, Tahrirat Kalemi* (Minister of Interior – General Directorate of Security, Secretariat)

DH. EUM. VRK.: *Dahiliye Nezareti – Emniyet-I Umumiye Muduriyeti, Evrak Odasi* (Minister of Interior – General Directorate of Security, Department of Documents)

FAP: Freedom and Accord Party

FRP: Free Republican Party

GDRA-R: Group for the Defense of the Rights of Anatolia and Rumelia

GDS: General Directorate of Security

KVS: *Kastamonu Vilayet Salnamesi* (Yearbook of Kastamonu Province)

MAZC: *Mecli-i Ayan Zabit Ceridesi* (Debate Registers of Senate)

MMZC: *Meclis-i Mebusan Zabit Ceridesi* (Debate Registers of Chamber of Deputies)

PM: *Polis Mecmuasi* (Journal of Police)

PDA: Public Debt Administration

RC: Representative Committee of Sivas Congress

PRP: Progressive Republican Party

RPP: Republican People's Party

TBMMZC: *Turkiye Buyuk Millet Meclisi Zabit Ceridesi* (Debate Registers of the Turkish Grand National Assembly)

CHAPTER I

INTRODUCTION

Police studies are relatively new in social science literature. Most works in the field are the product of the last two decades. The focus of study rather seems to have been the army as the coercive agent of the state. It is the army which makes war, coups d'etat, and sometimes even revolutions. The police force, on the other hand, has been viewed as the mere receiver of commands from the state, applying them with no "contribution" of its own. It is thus thought to be the embodiment of order in a state of inertia. This has been an unhappy simplification on the part of the students of state formation because of the simple fact that for most of the people who are not close to the center of the polity it is the police, which represent the state. The police force is the transmitting belt of the state. It has the capacity to make the values of the center palpable in daily life of citizens (Silver 1967).

This study is about the formation of police forces[1] in Turkey as an important and neglected aspect of state formation, focusing on the case of the formation and transformation

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[1] Until about the end of the nineteenth century, all security forces in the Ottoman Empire were called *zaptiye*. I translate it as "police," though these forces do not fit the definition of the term as understood today. After 1879, there occurred a separation in security forces. From then on until the present, there have existed two different organizations of policing with separate authority structures. *Zaptiye* now became the police as a civilian and *jandarma* (gendarme) as a military force - which has been established according to the French model as will be explained in detail below. In this study, I focus on the policing of urban areas. After all, it is in cities that the state can exert its influence more clearly and effectively. Throughout

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of the police during the late period of the Ottoman Empire, i.e. the period of the Committee of Union and Progress (CUP), when the state launched its most significant centralization/modernization attempts. The main themes of the study are the transition from policing as "collective responsibility" to policing with– what is termed by Giddens, a "double-edged" character; the separation of the police force from the military; the impingement of the police upon the political process; and finally, public order policing.

The first concern of the study, that is the transition from "collective responsibility" to a modern police force, in fact, frames the other three. This transition is directly related to the transition from indirect to direct rule. Since this study takes the police as an important coercive apparatus of the state, the above-mentioned transition gains primary importance. The main argument for it will be the fact that the surveillance devices of the modern state, especially the police, are not simple tools for class domination. They have rather double edges. As people come into the orbit of the state due to its surveillance activities, their voices gain a special importance, which they hitherto do not have, meaning there is an intimate link between the emergence of "rights" and the formation of modern states in terms of the increase thus seen in their infrastructural power of which the police force is an important aspect. This study, examining the transition from the "collective responsibility" in policing seen in pre-modern states to the police as an institutionalized

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Ottoman history, it was also in the cities where the state was the most vulnerable. Accordingly, my concerns in this study such as public order policing - in its different variants like associations, gatherings, vagabonds, etc. – the impingement of the police upon the political process, the interaction between the state and society in the context of continuous presence of a security force distinct from the military, are all better crystallized in urban rather than rural areas. The development and change in the gendarme responsible for the policing of rural areas, are thus beyond the scope of this study, and are only referred to when necessary for comparison or as examples.

force of the modern type of social control mechanisms, will attempt to analyze the significant effects of this transition on the emergence of "rights."[2]

The second concern of the study, the separation of police forces from the military, is also related to the transition from indirect rule to direct rule, the main concerns of which are to collect taxes, conscript soldiers, and divert the allegiance of the population from different societal or external forces to the central state itself (Tilly 1986, 1990). This indicates an important shift on the part of the surveillance agents that also brings about the separation of police forces from the military. Since the army cannot penetrate deep into society and isolate individual cases it cannot be used for a continuous and proactive surveillance. The separation of the police from the military is an important aspect of the territorial administration, especially in countries like Turkey which was heavily influenced from the French system of public administration. In that sense, it is an indicator of the increase in "infrastructural power" of the modern states. This study will attempt to analyze this transition as a means to provide the state's direct surveillance of the public in terms of the "internal" as well as the "external" dynamics of this process that are especially effective in times of crisis such as war and revolution.

The impingement of the police upon the political process is historically a fairly recent phenomenon. I use the term "political process" in a limited way, referring only to a limited portion of human activity. The term "political" will be used as related to the nature

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[2] This study will analyze policing practices in relation to the centralization attempts of the Ottoman state, especially during the period after the 1908 revolution - i.e., the foundation years of the police in the empire - the opposition to which the revolution consequently gave rise, and the reaction of the state to the opposition. I believe that this interaction between a particular type of opposition and a particular state response will also help to understand why civil rights have met with limited success in Turkey, to this day, to the extent of the practice of social and political rights.

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and the structure of the government and to those who make claims upon it. In that sense, "political process" starts with political parties, organizations and/or the masses which have clear claims upon the central state. Needless to say, politics covers a whole range of human activity that this institutional definition cannot uphold.[3] However, my aim, in the chapter related to this issue, is strictly limited to understanding the role and the capacity of the police in maintaining or destabilizing the government by constraining the political competition and lending or abstaining its support for the regime. As Bayley (1985) argues, "the police are to government as the edge is to the knife." (189) We will see that police in the Ottoman Empire began to take such a role in the last quarter of the nineteenth century, and played a crucial role, in this sense, by the beginning of the twentieth century.

The final concern of the study is public order policing, which constitutes a major arena in which various forces have stakes. Unlike serious crimes, a public order "crime" should be defined as such in order to be counted as a crime. In that sense, it reflects the general character of the regime and the class base on which it relies. It is hard to argue that the literature on police has produced clear-cut theories on policing. A focus on public order policing is important in that it brings the two opposing interpretations of the "new police" into a synthesis. In this respect, this study will follow a middle ground between the orthodox (or "whig") histories of policing (Reith 1938, 1948; Tobias 1972) and "radical" theories on the police (Spitzer 1993; Harring 1993). I believe that the police are neither an enlightening evolution of law and order nor simply a device for the rule of dominant class.

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[3] David Held (1984), for example, defines the term as follows: "... activities of cooperation, negotiation and struggle over the use, production and distribution of resources. It is an element of all human life: an inescapable dimension of the production and reproduction of society." (247)

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Its origins can be understood neither as a solution to the crime and public order problems (Tobias 1972) nor as a mere instrument of political control and labor discipline (Harring 1993). Although there are some kernels of truth in both of these accounts, the main impulse for the formation of police forces, I would argue, comes from state managers' conscious attempts to combat the obstacles to their projects. Public order policing, in this sense, is a contentious field in which both the class and the double-edged character of the "new police" can be observed. Moreover, the police in enforcing the public order policing can adopt various political positions. In that sense, assessing the extent and character of the impingement of police forces upon the political process presents fertile ground.

In sum, by analyzing these four topics, this study attempts to present essential concepts and theory on the relationship between the police, the state structure, and society. Focusing on the case of the formation of the police during the late period of the Ottoman Empire provides the necessary evidence for such an analysis. Thus, the attempt will be to correlate the formation and the transformation of police organization and practice with the changes in state structure, especially in times of major regime changes such as the one that occurred with the 1908 Revolution.

The case of the Ottoman Empire is significant: First, it provides a historical background for the analysis of the police in the Turkish Republic. Second, it is also important within the context of non-Western states. What is in question here is a state that was not colonized in any period of its history; and yet shared the same destiny with the rest of the third world in terms of its integration into the world economy. However, because of its never having been colonized, it was a rather unique integration that left the tradition of

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"high stateness" relatively intact, and still more, bureaucratization of the state apparatus had not crumbled but rather benefited from the integration. This indicates a relatively more autonomous - and for that very reason, more contentious - relationship with the dynamics of the international system in comparison to colonial situations.

This peculiarity of the Turkish case also explains the historical perspective employed in this study. What distinguishes the Turkish police from their counterparts in third world countries is the fact that they are comparatively less violent towards the civilian population and have a highly bureaucratic and hierarchical structure. Considering the fact that modern Turkey has the legacy of a long-lasting authoritarian rule by the Ottoman Empire, and experienced an authoritarian one-party rule in its formative periods, this outcome needs to be explained. One cannot understand the modern Turkish police force and its practices without a historical perspective, i.e. without understanding the historical process that led to its establishment as a public force. The argument of the study is that particularities of the state formation in the Ottoman Empire and the consolidation period of the Turkish Republic are crucial to understand the emergence of the modern Turkish police as such. Therefore, this study covers a time-span of more than a hundred years that witnessed these developments.

As for the theoretical approach, the study draws on literature on the police as well as on state formation, bureaucratization, and democracy. Secondary sources have been referred to in order to delineate the historical framework in the context of which the police were established in the Ottoman Empire. More importantly, the study draws on research

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conducted in archives and libraries in Turkey. Unfortunately, as can be expected, I was refused permission to enter the police archives. Instead, I worked at the Archive of the Prime Ministry (*Basbakanlik Arsivi*) in Istanbul and used *Cevdet- Zaptiye* classification for the nineteenth century documents. The Archive of the General Directorate of Security (*Emniyet-i Umumiye Arsivi*) was accessed for the documents of the CUP period. From the National Library in Ankara, I collected documents on the correspondences of the Ministry of the Interior with the provinces, and some of the Ottoman yearbooks.

The three extremely detailed histories of the police in Ottoman-Turkish state (Okcabol 1940; Tongur 1946; and Alyot 1947), utilized in this study were all written during the 1940s with similar contents. However, they are not "histories" in the sense we understand today, but could be labeled as the descriptive works of archivists, all of whom were commissioned and whose work was then published by the Ministry of the Interior. In that sense, they are official history par excellence. All present extremely "legalistic" and "particularistic" perspectives. Reflecting the attitudes of the academic historians of their era in Turkey, they documented almost every change, however minuscule, in police structure, organization, laws, and regulations with no attempt to explain the reasons for that particular change. They neither present the causality for any change nor, for that matter, mentioned the significance of people or events in their histories. Moreover, neither contention between state institutions nor political conflict appears in these histories. They are, in short, the evolutionary story of the Turkish police that is taken as having unfolded in its unchanged perfect nature through time and reached its perfection with the founding of the Turkish Republic. Nevertheless, these works are valuable sources in their careful craftsmanship. I

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will try to use both my theoretical and historical knowledge to critically analyze and account for the changes that they described.

For the CUP and the Republican periods my primary source were the Debate Registrars of the General Assembly *(Meclis-i Mebusan)*, the Senate *(Meclis-i Ayan)*, and, for the period after 1920, the Debate Registrars of the Turkish Grand National Assembly. The Debate Registrars of the First Constitutional Period in 1877 were also used.

For the first parliament of 1877-78, Zurcher (1993: 80) writes that, "in spite of their inexperience and the lack of representative traditions in the empire, many members genuinely tried to represent the views of their constituents responsibly.... [I]t was an effective forum for criticism of the government's conduct of affairs - so effective and irritating, in fact, that on 14 February 1878 the sultan prorogued it indefinitely."

The parliaments of 1908-1920 were more representative of the public. We can safely argue that the period of 1908-1920 (especially until 1913, before the CUP established its one-party regime) was one of the most pluralistic periods of Turkish history. The second parliament of the Ottoman Empire, convened during this period, reflected this plurality. Deputies from every religion, ethnicity, and creed debated passionately with each other. As one of the most important historians of this era writes, this period, which ended the Abdulhamidian regime, can be characterized as the "drunkenness of liberty" (Tunaya 1981).

For the first part of the Kemalist regime (1920-1923), the distinguished historian and eminent critic of the Kemalist republic, Mete Tuncay (1991b), writes that "the most honorable period in 100 years of Turkish political life was the period of the First Turkish Grand National Assembly. It had a wide spectrum due to some special conditions that

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cannot be seen in any other period. There were deputies from fundamentalist Muslims to genuine leftists, and they did not hesitate to express themselves and raise criticisms or critiques from their benches in a relatively free atmosphere" (23).

From 1924 onwards the new regime tried to consolidate itself and this obviously affected the composition of the National Assembly. Those lively discussions were disappeared. However, this was by no means the end of opposition. As Kocak writes, "this would not effect the level of political struggles and conflicts in the Assembly" (90).

These comments by historians who have otherwise deep disagreements indicate that the Debate Registrars can be used as a legitimate and valuable source for understanding the different interests on various issues. Moreover, the fact that the members of the parliaments during these periods were more locally oriented is an extra advantage for studying an issue such as policing.

Finally, extensive use was made of memoirs by various figures who played important roles during the CUP period, both as policy makers and as opponents of those policies. (The translations in English for the quotations given from all Turkish sources have been provided by myself.)

The study is divided into four parts. Part I aims to provide a theoretical and historical basis for the analysis of the police as situated in state-society relations, which is then developed in the following chapters in the context of the Ottoman Empire. The basic themes to be analyzed throughout the study, i.e. the transition from "collective responsibility" to the

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'double-edge' characteristic in policing; the separation of the police from the military; the role of police in political life; and the public order policing; are examined in detail here.

Part II gives a general account of the historical development of the police in the Ottoman Empire until the twentieth century. In Chapter 4., I analyze the "pre-history" of the police, with reference to collective responsibility, military in policing, and public order policing. The chapter covers the period until 1876, when the personalistic rule of Abdulhamid began. The question of how the daily lives of the people were effected from the policing practices of the period is examined as is the degree of change that the *Tanzimat* (1839), major centralization and bureaucratization attempt, brought to the police in each of these issues. This was the period when the system of territorial administration was laid down in the Ottoman state. Therefore, it was crucial to analyze it in order to understand the close affinity between local administrators and police forces.

Chapter 5 examines the period of Abdulhamid (1876-1908) as a prelude to the CUP era. The police force and its practices during an era of a personalistic rule are analyzed, and the reasons why his patrimonial rule gave rise to a civilian Police Ministry discussed.

Part III constitutes the core of the study as it examines the period that started with the 1908 Revolution of the CUP, which is most significant in terms of the formation of the police in the Ottoman Empire, and that has also been effective in the present condition of the police in the Turkish Republic. The reason why it is taken as the basis of analysis here is that it was between 1908 and 1918 that the bureaucratic and structural specificities of the police were laid down and completed as part of the process of the centralization/modernization of the state.

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In Chapter 6, focus is put on the attempt by the state to centralize responsibility in policing, which can be regarded as a natural result of state centralization. The basic theme this chapter develops is the double-edged character of policing in terms of its relationship with both the state and society, which also necessitates an examination of the police as a bureaucratic force. The administrative organization and reorganization of the police during this period in relation to developments in politics are discussed in Chapter 7. In Chapter 8, the separation of the professionalized police force from the military is examined with aim of determining the new characteristics of the police as a militarized, but not a military, force that resulted from the tactics of the new regime to by-pass the vested interests of the old regime police. Chapter 9 concentrates on the concept of public order policing in terms of the issues of vagrancy, prostitution, and work force. The attempt here is to correlate the changes in the definition of public order policing with changes in state structure. It analyzes the class character of the new regime in order to identify the losers of state centralization through an examination of policing practices.

Part IV deals with the police during the early Republican period. Unlike the Turkish official history that has taken the Republican period as the genesis, I argue that, at least in one of the most important aspects of the modern state - i.e. the police - the republican regime experienced a direct continuation from the previous regime. In fact, the police structure established by the CUP prevails in modern Turkey today. Accordingly, while the chapter analyzes what the Republican period contributed to the development of the police as a professional force, it also delineates the ways by which Turkey reconciled the adaptation of Western police models with the heritage of the Ottoman authority system.

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Chapter 10 examines the situation during the War of Liberation (1919-1922). I analyze the impact of the war on the organization of the police during its formation period in the new regime. I provide the evidence to show that all the achievements of the CUP were reversed during this time. The major political struggles of the post-revolutionary period as they were framed around the issue of civil liberties and the police are examined in Chapter 11 with a discussion of how the police force achieved an increase in its discretionary power despite significant opposition. Chapter 12 analyzes the attempts by the Kemalists to professionalize the police in order insulate them from societal influences. Finally, Chapter 13 attempts to solve a puzzle. Despite its shaky start, a degree of bureaucratization and professionalization was achieved in the police, as the previous two chapters indicate. The question is how this was possible. I argue that the particularities of the consolidation of the Kemalist regime are the key to solve the puzzle.

In contrast to the emphasis put on the military in the Ottoman Empire and in Turkey, scholars rarely pronounce the word "police" in their studies. There is not even one single book or article that studies policing in analytical terms either in the Ottoman Empire or in the Turkish Republic. Apart from the very few articles on the regulation of police in 1845, which were written largely by labor historians to interpret the meaning of its one particular article on workers, scholarly articles on the police are absent. As the first analysis of the police in Turkey to my knowledge, this study attempts to highlight the important and yet neglected role of the police in state formation in this country.

In addition, in the face of the existing state-centered and society-centered approaches in social analysis as two distinct perspectives, this study aims to offer a critique of this very

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dualist separation of state and society. I believe that focusing on the institution of the police will help to correct this imbalance by showing how a major state institution should be responsive to societal conditions and demands.

If we are to treat the state as an "administrative apparatus where administration means the extraction of resources, control and coercion, and the maintenance of the political, legal and normative order in society" (Barkey and Parikh 1991: 524), and not as a simple and passive receiver of societal "inputs" (Easton 1964), then the police as the states' most important coercive apparatus for societal control presents an excellent and solid ground for examining the state formation process itself. In these terms, my larger objective in this study is to provide an analysis of variations in policing practices in different contexts of time and place which will help substantiate materially most of the theoretical points of state formation literature.

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PART I

A THEORETICAL PERSPECTIVE ON THE 'NEW POLICE'

This part neither builds a theory nor tests one. It rather introduces the concepts that will be used throughout the study in developing a meaningful historical interpretation (Skocpol 1984). It does not take any theory as pre-given. I employed concepts that extracted from different theoretical and/or historical studies and tried to clarify the concepts to guide my selection and presentation of historical evidence. In this context, I designed this part systematically to introduce my main variables. They are four: the transition from policing as collective responsibility to policing with "double-edged" characteristics, the impingement of the police upon the political process, the separation of the police from the military, and public order policing. When I analyze the Ottoman police in the following chapters, this order will be followed.

These concepts are introduced in order to illuminate a neglected aspect of the state formation process. This cannot be analyzed, I argue, without understanding how the authority structure of the state affected the daily lives of the people. The police are therefore crucial. In the first chapter of this part, I will attempt to draw the necessary conclusions for the present purposes from the literature of state formation - with a special emphasis on the bureaucratization of the administration and the interaction of these

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processes with the international system of states. Here, my main theme will be the "bargain" between the state and society in maintaining social control. Except for some instances, most of the examples given in the text are chosen from the French case as France became, to an increasing extent, a model for the Ottomans, especially after the second half of the nineteenth century.

What follows in the second chapter is the examination of the formation of the "new police" as a corollary to the formation of the state. I define the "new police" as having a "double-edged" characteristic by stressing the role of the police in terms of the new kind of relationship between the state and society that changed the earlier pattern of collective responsibility in policing. I refer to this transnational period to understand the real character of the pre-modern states, which have recently been attributed an aura by a romantic gaze that presents an obstacle for the comprehension of these states. As for the modern states, I emphasize the seemingly contradictory character of social control. As the police become institutionalized, two developments occur: On the one hand, the force serves more efficiently the interests of state managers and the elite (hence its intrusion to political process). On the other hand, since it has to gain the consent of the population, the lower classes get some benefits from the process. The outcome of the bargain between the state and societal forces on the issue of policing is examined as well since it determines the degree of the impingement of police forces upon political process.

The examination then concentrates on how the "new police" were formed as a professional force distinct from the military. There exist three dynamics behind the professionalization of the police, and hence its separation from the military: The degree

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of cultural heterogeneity within the society, various and conflicting interests within the state bureaucracy, and the increase in the discretionary power of the police. I consider the first two of these as "external" to the police, and the last as "internal." Here, I should add an important caveat: Throughout this study, I use the concept of "professionalization" in a minimalist fashion. That is, when I say "professional," I do not mean a perfect system of recruitment and efficiency without corruption[4]. I rather mean that a bureaucratically organized and publicly financed force has replaced intermittent law enforcement by private initiative.

Finally, public order policing is examined in order to clarify better the significance of the practice of the police as an intermediary force between the state and society. The contentious character of policing can most clearly be observed on this terrain. Although I emphasize the "double-edged" character of the "new police," this does not mean that I subscribe to a "Whiggish" history of policing as agents of law and order. The "new police" have a built-in class bias. Public order policing reveals more about the character of a regime - especially about its class character - than, for example, policing of regular crimes can do.

Before going further, however one clarification is needed. Although the formation of states is intimately related to the formation of police forces, the police did not emerge with the nation-state. They exist even in the most primitive societies. Bayley's definition of police enables us to see the evolution of the police force as a struggle over an

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[4] As Chevigny (1995) argues, the police force is one of the professions that could easily be corrupted. whereas in most other professions something should be done to cause corruption, it is enough for a police officer only "to look the other way to earn a bribe." (120)

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important domain of people's daily lives: The police are "authorized by a group to regulate interpersonal relations within the group through the application of physical force. This definition has three essential parts: physical force, internal usage, and collective authorization" (Bayley 1985: 7). From such a perspective, the 'police' could be argued to have existed even in tribal social formations. Therefore, it is necessary to define the terms "police" and "policing" as used in this study.

The emphasis is on the organizational, rather than the functional, aspects of the police for the purposes of this study. In a sense, my definition of the police is retrospective: I look for the origins of the modern police force, as we know it today. For this study, the most distinguishing character of the police is its "publicness." I define the police as an organization, which is *paid* and *directed* by a central authority (Bayley 1985: 23-4). Or, following Emsley (1991), the police are "the bureaucratic and hierarchical bodies employed by the state to maintain order and to prevent and detect crime" Then, my objects, as that of Emsley's, are the state policemen (Ibid. 1).

I do not subscribe to a functional definition for the simple reason that it would explain nothing. As Sykes argues, "police functions are pretty much what police do, or are the consequences of what they do. There is no explanation of why they do not do something different, nor for that matter, why they do what they do" (Sykes 1977: 241). Furthermore, many functions that are broadly understood as part of "policing" may be fulfilled by institutions other than the police. For the Turkish case, at least, I can cite the following special security forces: tobacco smuggling, customs, forests, borders and coasts, harbors, and the military police for the army. Therefore, my aim in emphasizing

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the novelty of the new police is not so much related to their functions *per se*. After all, unlike what the conventional wisdom would think, the centrally organized public police force is not a modern creation. Before the new police, streets were patrolled and city entrances checked regularly by institutions such as the *kadi* or different branches of Janissaries, and criminals were pursued by the state or the society through the system of collective responsibility as far back as the fifteenth century.

The core activities of the police are same everywhere: They patrol, watch, and investigate things and persons. What is important here is to analyze the change in the importance given to these activities, which would also reflect the priorities and character of political life at any given time (Marenin 1985: 117). For example, as will be discussed later, the transition from a police force, which limited itself with "elite surveillance," to a force which was "embedded" in the larger population, explains a great deal about the character of and the change in that particular state. Similarly, the change in the definition of "public order" as a police responsibility may reflect the class character of a particular regime. Note that the functional aspect enters the picture not as part of the definition, but rather as a device to correlate the change in the police practices with the regime.

In sum, the novelty of the new police lies not in their functions, but rather first, in the fact that a large body of uniformed men became answerable directly to the Ministry of the Interior; and second, that the priorities of policing changed dramatically with the emergence of the new police.

In this perspective, the authority structure such as the chain of command and the relationship between the Ministry and the provincial branches, is an important

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determinant to understand police behavior and issues subjected to policing. Hence, my emphasis on professionalization. Cotterrell writes: "Among the general aims of police organisation ... is the enhancement of police status and influence in society; an objective which depends ultimately -as for all occupations- on professionalization" (Cotterrel 1992: 278).

Moreover, as Stinchcombe (1963) argues, the organizational structure of modern police forces is determined, in a path-dependent way, by the organizational forms adopted in a particular setting and time. This is the main reason why radical changes in most bureaucratic structures are extremely difficult once they have been established. I argue that this is more so for the police because of the fact that states, irrespective of the character of the regime, do (and did) not easily yield their coercive apparatus once they established its control. Unlike the orthodox organizational theories, however, I do not consider the authority structure of the police as an entity in itself, receiving "inputs" from the "environment." I argue that power struggles between different actors - be it inter-class or intra-class - in the process of state formation are intimately connected with the formation of police organization. To state the obvious, each particular police organization is created within a political context.

The term "policing," on the other hand, "emphasises process above institutions. It is particular people with special powers imposing some designated authority from determined positions of status" (Findlay and Zvekic 1993: 7). Although the police, as used in this study, are a public force, policing historically existed in both public and private spheres, because of the fact that especially in those times when the state lacked

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"infrastructural power" there were entities who had the capacity and will to maintain order in both of these spheres. As Shearing states eloquently, "over time, one of these entities, the nation-state, has obtained supremacy over the definition of both these spheres. It has defined itself as the ultimate guarantor of order within the territorial boundaries defined by the network of states. States, in seeking to realise their claims to supremacy have sought to set limits on what private entities can do to preserve peace" (Shearing 1993:206). Hence, the emphasis on the process.

The struggle between state and society over getting hold of the social control mechanism is one of the main issues of this study. I use both concepts of the "police" and "policing" in order to grasp the complexities of the "police" in systems of indirect rule. The Janissaries who were doing patrol work in fifteenth century were, no doubt, public police. However, the jurisdiction of this force was limited to the capital and a few other important cities. For the rest, policing was delegated to intermediary social forces, where the "police" were organized by a strongman and the "policemen" were his retinue. "[T]he lawmaking community and the law-enforcing community were distinct" (Bayley 1985: 24). In fact, the decision about whether a police force is public or private comes down to the issue of sovereignty. Since in the Ottoman Empire, the landlords did not have a territorial sovereignty, measures of formality matter little for understanding these "police forces."

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CHAPTER 2

THE FORMATION OF THE MODERN STATE

Police forces lie at the intersection of the social and the political. As such, the formation of police forces and public administration is intimately related to the formation of states; one cannot be understood without the other. Bayley's following observation succinctly establishes the link: "Police development in Austria, Russia, and France was intimately tied to achievements of dynastic hegemony by the Habsburgs, Romanovs, and Bourbons, respectively. On the other hand, police were created in Great Britain, Canada and the United States to enforce the king's peace under the common law rather than sustain a particular political regime." That is the main reason why the police were involved in the political process in the first group but not so much in the other (Bayley 1985: 204).[5]

In order to analyze the formation of states as a process of "bargain" between the state and society, Mann's concepts of "despotic" and "infrastructural" powers are useful. The concepts allow us to view the complex interconnections between the "ruler" and the "ruled" in their totality *and* generality. After all, in every pre-modern state, "once you were out of sight of the Red Queen, she had difficulty in getting at you" (Mann 1988: 5);

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[5] The same story can be interpreted as the difference between Roman law and common law traditions. However, large discrepancies between states within the same tradition (see Miller 1975 for New York and

or, as the old Turkish saying goes, "The imperial edict belongs to the Sultan; the mountains to us."

A focus on the distinction between "despotic" and "infrastructural" powers of state also enables us to make a distinction between the autonomy and the capacity of the state, which is generally disregarded in the literature. Originally, the emphasis of the "statist" perspective was much more on *the* central role of the state and on the upper stratum of the state apparatus. Migdal (1994) who attributes this bias to the Weberian influence, warns us about the lower stratum of the state bureaucracy, which is in close contact with societal forces. It can even be argued that at these echelons a kind of "boundary problem" exists between the state and society.[6]

A relational theory of the state is needed rather than an elitist one. This is what Skocpol means when she introduces the concept of the "Tocquevillian" effect. She writes: "On the one hand, states may be viewed as organizations, through which official collectivities may pursue distinctive goals, realizing them more or less effectively given the available state resources in relation to social settings. On the other hand, states may be viewed more macroscopically as configurations of organization and action that influence the meanings and methods of politics for all groups and classes in society" (Skocpol, 1985: 28).

This "Tocquevillian" effect emphasizes the role of institutions. In this sense, it is different from elitist theories. It is hard to defend an elitist version of state theory today. From the relational perspective, the state is still treated as autonomous "but it is acting in

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London police forces) make such an explanation doubtful.

[6] The terms are used by Mitchell (1991). I use the concept without the connotation of his postmodern skepticism. See Goodwin (1994) for a critique of Mitchell's article.

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relation to society, and analysis of state action has to be assessed within specific socioeconomic and sociocultural contexts." Finally, as a variant of this approach, a third appears, which largely comes from the students of third world state formation. In this approach, unlike "the ideal state," which "triumphs in its struggle with society and develops autonomy and capacity for action as a final result of a compact between itself and societal forces, ... unsuccessful states are constrained or even dominated by their social context and are unable to act independently" (Barkey-Parikh 1991: 525).

It is in this context that Mann's definition of the two forms of state power gains significance. The despotic power of the state is defined as "the range of actions which the elite is empowered to undertake without routine, institutionalized negotiation with civil society groups." And this kind of state power "has been virtually unlimited" throughout history. This is what is called the "autonomy of power" in the literature. In that sense, it refers to the ability of states to formulate their policies without the influence of societal forces outside them. However, state autonomy is only one side of the coin. The other side is about the "capacity," which brings us to the question of "infrastructural power." Mann defines the latter as "the capacity of the state to actually penetrate civil society, and to implement logistically political decisions throughout the realm. This was comparatively weak in the historical societies just mentioned" (Mann 1988: 5).

We should point out that the development of infrastructural power is not intentional. In order to wage effective wars, states need money. In order to extract money and other resources, states need to organize effective and centralized structures of public administration. Therefore, the main reason for state centralization and the emergence of

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rational bureaucracy are to check or to overcome competitors who control resources (Tilly 1985: 172, and also Mann 1986: 514-6). Mann calls this process the "caging" of social classes within the orbit of the national state. The drive for a rational bureaucracy should be understood within this context. As Mann argues, phenomena such as office-holding disputes, tariffs, and schools are all aspects of the "caged nation" (Mann 1993: 20).

The question of the autonomy of the state centers on the problem of the institutionalization of bureaucratic organization. Silberman challenges Weber and argues that his well-known model presents only one of the several variations. Different bureaucratic structures in different modern states show that a single pattern does not exist. Silberman's is a political model with two variables to explain the variations: the degree of uncertainty of political succession (either "low" or "high"), and the structure of leadership (the existence or absence of party-like organizations for political leaders). The states in the high uncertainty end of the continuum develop bureaucracies with organizational orientation, similar to the Weberian model (France, Japan). If the uncertainty is low for political succession, as in England, Canada and the United States, depending on the existence or absence of political organizations, the bureaucracies that emerge are more oriented towards professionalization rather than organization (Silberman 1993: 80-83).

At both ends of the continuum, however, the goal is the same: the political elite tries, as much as possible, to prevent the intervention of societal forces into the affairs of the state. Silberman writes, "regardless of role orientation, the rationalized bureaucratic structure became a means by which political leaders could depoliticize a vast array of potentially

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explosive issues" (Silberman 1993: 420). This is natural in that whenever a state could rely on a professionalized group of civil service, it could gain a genuine autonomy from "private" interests (Birnbaum 1982).

I interpret Silberman's model as one of political process in which the relative strength of the central and local political elite, the different configurations of alliances between the two, the path dependency, and most importantly, the existence or absence of a political organization are crucial determinants of bureaucratic structures and the problem of legitimacy. These determinants are conditioned by the competition between the state and society for the control of resources. "The state's efforts to generate the revenues, the food, and the personnel to finance, feed and staff its increasing bureaucracy generated intense popular opposition in the form of tax riots, food riots, and sometimes civil war. These reactions in turn stimulated further expansion of a centralized coercive apparatus" (Alford and Friedland 1985: 186).

The ways in which the transition from indirect to direct rule effected the bureaucratization of the state is best exemplified by the French case, as it was the original one.[7] This will also help to understand the Ottoman bureaucracy, which took France as its role model after the Tanzimat. Both of these countries are at the "high uncertainty" end of Silberman's continuum, albeit with important differences to be mentioned below.

Unlike what Tocqueville argued, France was not a highly centralized state before the revolution. "It was institutionally dual: a centralized monarchical state elite and

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[7] The concept of "indirect rule" was operationalized by Tilly (1990). It denotes a system of state rule which depends on local or regional powerholders as intermediaries between itself and society for taxation, conscription, policing, etc. (24-25)

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privileged decentralized notable parties. Both became less coherent through the 18th century" (Mann 1993: 172). Each class - notables, professionals etc. - resisted any plan to eliminate privileges. Louis XIV's dictum "*l'Etat, c'est moi*" implied that the agents of the central government were his agents; the laws of the land and the judicial process were subject to his arbitrary powers (i.e. "a patrimonial system" in Weberian terms). Such was the theory, and, as Campbell argues, it was never wholly unchallenged from the publicists in the sixteenth century to the philosophers in eighteenth. However, more importantly, "when it was the least challenged, the theory was a distortion of the facts" (Campbell 1964: xii). Offices were sold and the purchasers were not servile agents. Besides, unlike in the modern prefect, the authority of the Intendants was almost limitless, effective in cases as extensive as to include the repression of certain crimes, the hanging of criminals, trade, agriculture, communications, and local industry (Chapman 1955: 12-3).

Skocpol argues that the French revolution started the era of Public Administration (1979: 199). First, the revolutionaries dealt with the Old Regime's functionaries who had to strike a bargain with the powerholders. They

> substituted a series of extraordinary committees, assemblies, and militias, dominated by the nation's bourgeoisie. Then they squeezed out the committees, subordinated the militias, and coupled each assembly with an executive tightly responsible to the next higher level of authority. As the Revolution moved toward Empire, the executives gained more power than assemblies" (Tilly 1986: 254).

The national government demanded regular accounts of its agents in the departments. "The regular, uniform collection of information insured that the government

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would keep in touch with public opinion and, at the same time, keep its agents and the lower levels of the bureaucracy reminded of its loyalties" (Hunt 1984: 70).

As the French state began to "keep in touch with public opinion," its infrastructural power increased. The concept of "infrastructural power" in itself implies the societal effects over the states. "This is collective power, 'power through society,' coordinating social life through state infrastructures." In that sense, "it also enables civil society parties to control the state" (Mann 1993: 59).

At this point, we should remember Weber's definition of the state: "A human community that (successfully) claims the *monopoly of the legitimate use of physical force* within the a given territory. Note that 'territory' is one of the characteristics of the state" (Weber 1946: 78). The other important characteristic, according to this definition, is "legitimacy," which takes three historical forms: traditional ("eternal yesterday"), charismatic ("gift of grace") and legal ("rules") (Ibid. 79). A bureaucratic structure, based on rules and procedures, is crucial in bypassing the vested interests of local office-holders, and to incorporate different societal interests into the orbit of the state. Legal legitimacy is the only way in a modern state to sustain direct rule with a minimum of opposition from the power holders of the ancien regimes. "In proclaiming the publicness of the bureaucratic role," Silberman writes, "political leaders were increasingly successful in convincing the public that their bureaucracies were essentially neutral and utilitarian in their desire to arrive at solutions that were 'scientifically' determined to produce the greatest good for the greatest number" (Silberman 1993: 420). In order to see how this was achieved, reference should be made to post-revolutionary France. The state power that the revolutionaries talked about was

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actualized in Napoleon's era. "Ministries, prefects, and salaried officials governed France under the impersonal rules of Bonaparte's civil code" (Mann 1993: 462). The prefectoral system was established in 1800. Local administration took the place of the local government (Machin 1977: 18). [8]

The main task of the prefects was to restore law and order. From the very beginning, they were intimately linked with policing. Second, they were responsible for maintaining electoral support for the Government. However, until this time, the selection of prefects still depended on patronage. The absence of modern politics based on political parties was decisive in the functioning of the public administration. The inability to create a party that might co-opt local notables, and thus to impose discipline, was the endemic problem from the Revolution onwards. Napoleon's skilful solution was simple: substitution of administration for politics (Silberman 1993:105).

The new social hierarchy created by Napoleon was not based on blood or special privileges but on service to the state, especially to the army and the bureaucracy. This publicness, resulted from the separation of office holding from the "ownership" of means of administration (Silberman 1993: 5), created an aura on which states claimed legitimacy. However, the institutionalization of bureaucracy has two important consequences that Silberman does not mention. One is the fact that this process gives rise to an interpenetration between the state and society (i.e. "the caging process"). An exclusive focus on the top hierarchies of states misses this point. A second consequence is unforeseen development

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[8] The 1800 Constitution created the basis for the autonomy of state administration. It was provided for "an executive that was responsible for the nomination, appointment, and revocation of individuals to public office.... In effect administrative officials were directly responsible to the political will of the executive, not the representatives of the people." It created a "centralized system of local leadership selection." (Silberman 1993: 106)

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within the bureaucracies themselves. Those in subordinate positions within the bureaucratic hierarchy may increase their power at the expense of the higher echelons. As Held argues, "in modern bureaucratic systems there appear to be considerable 'openings' for those 'in formally subordinate positions to acquire or regain control over their organizational tasks' (for example, by hindering or blocking the collection of vital information for centralized decision-making)" (Held 1989: 43). The importance of this factor will be seen below when we analyze the professionalization of police forces.

Given the causes that "triggered" in the first place the evolution of bureaucracy in France examined above, societal or statist perspectives are insufficient to make sense of it. Despite the French revolutionaries' emphasis on political participation, the state was faced with the challenge of building a strong structure of authority to counter international threat, wars and the internal conspiracies of the royalists. None of these were paranoia or myth as the revisionist historians argue (Lewis 1993). Therefore, it is not surprising that the period of "terror" witnessed major attempts at state expansion. During the Revolution, "the size of the bureaucracy may have risen from 50,000 to nearly a quarter of a million; the staff of the central ministries, for example, increased from 420 in 1788 to over 5,000 by 1796" (Skocpol 1979: 199).

This is a reminder of the fact that the international state system must be integrated into our analytical framework in order to arrive at a full picture. First, it goes without saying that "power relations do not stop at the borders of politically organized societies. States stand in close interaction with power centers beyond their borders. In fact they often derive much of their autonomy vis-a-vis their own societies from this involvement in external relations" (Rueschemeyer et al. 1992: 6-7). More importantly, international state system

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causes the state managers to initiate the centralization attempts at the very beginning. As Hintze writes, "pressure from without has been a determining influence on internal structure" (1975: 183). If we define state centralization as a consequence of the competition between the state and societal forces over the issue of determining the social control mechanisms, then the question arises why it is so important for the state to dominate over *all other* social control organizations. After all, this attempt may be risky for the state. Migdal explains this by referring to the necessity for every state to survive the dangers posed by those outside its borders. "In brief," he writes, "the drive towards predominance in their own societies among the earliest states grew out of their interaction with one another in a new state system. Getting the population to obey the rules of the state rather than the rules of the local manor, clan, or any other organizations arose much less from lofty visions of universal justice and what society should be than from the need for political leaders to ensure their own survival" (Migdal 1988: 23).

The maintenance of order not only determines the legitimacy of the government, but is also a criterion for determining its very existence (Bayley 1985: 5). State sovereignty, as Poggi argues, ultimately comes down to 'purely matter of fact realities,' in which the police acquire central importance. "For instance, it was no use for a state to claim sovereignty over territory that it could not effectively police, and that it could not keep from being policed by other states" (Poggi 1978: 90).[9]

The concept of sovereignty as the operating rule of the international state system is one of the important causes of the separation of the police from the military, a major

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[9] See also Hintze (1975).

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development in the professionalization of the police forces. Every state, acting within a system of states, must convince the others of its capacity in order to deserve the status of sovereignty. That it can only be achieved by effective policing is well illustrated by a report written by the Austrian Ministry of Interior in 1850 regarding the state of siege in Vienna. Its first argument is familiar: The military, with its indiscriminate use of force, was incapable of handling diverse social problems. The second argument concerns the link between the international system and the need for effective police: it states that the state of siege,

> creates the impression abroad of lack of internal security and stability and must hurt Austria's international prestige.... Prussia would never have gone as far [as to propose a new German Empire under its direction] had it not believed that Austria's internal weakness prevented it from waging a foreign war.... It is also clear that an unfavorable opinion abroad will have a negative influence on our credit standing since foreign capitalists will shy away from investing in Austria (Quoted in Liang 1992: 26).

The Austrian example shows that other than the issue of sovereignty, the international system exerts its influence on the police via war-making activities. However, Bayley (1975: 359) shows that there is no correlation between the moment of war and the foundation of the modern police. Thus, the crucial variable seems to be not the war itself but the mobilization of different resources for the war, and the consequent resistance to it. Violent resistance to mobilizational demands by the state is to be pacified by the modern police. The case of Switzerland indicates the importance of war in relation to the police. Because of the neutrality [read as the absence of any threat of war] of

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Switzerland, as laid down by the Declaration of the Five Powers on 20 November 1815, its police was largely left undeveloped. The situation would only change with the German unification in 1871 and the revolutionary upheavals in Eastern Europe (Liang 1992: 37).

The reason why wars - i.e. modern wars waged with mass armies - have influence on police forces lies in the fact that it is in war times that states spend enormous efforts to divert the allegiance of the base population from different societal forces to the central government. And once they gain that control, they rarely relinquish it. Under such circumstances, policing becomes the first line of defense of the internal order. "As the scale of threat from the 'enemy within' and the 'enemy without' reached beyond local and national boundaries, so the advocates of an increase in central control everywhere gathered strength" (Emsley and Weinberger 1991: ix).

If there is an intimate link between war making and the police then it should be expected that a change in the technology of war making would cause a change in policing. One of the most important external factors that affects policing is the changing character of war making. Mann writes the following for Europe in the beginning of the nineteenth century: "War was becoming more different from domestic repression. Regimes saw that the two military functions were diverging in tactics, weapons, barracking, and discipline. This threatened army efficiency in what had always been its primary external role" (Mann 1993: 410). That is why the technology of war making has a direct effect on policing. Even if the arms used in the army became obsolete for war making - i.e., short range capacity, lower technology etc. - they can still be used for

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internal pacification. However, as the technology develops, the army loses its 'efficiency' in internal control simply because the incidents cannot be isolated with advanced arms.

If technology is the first reason for the separation of policing from military forces, the change in recruitment patterns is the second. With the emergence of citizen armies, military leaders also raised their voices against their internal employment. That is how the seeds of differentiation between police and military were planted.

In a state of war, public order acquires the meaning of stable recruitment patterns. Hence, a special sensitivity for collective action develops; internal social control and pacification become an existential problem for the state. However, the importance of war is not limited to the period of preparation. More importantly, the end of wars affects the balance of power between the military and the police. Especially lost wars help this process, as experienced in the Weimar Republic. Before the war, German police had had the luxury of not having to become professionalized as it "was able to maintain order with the aid, if necessary, of a large standing army." However, "the collapse and dissolution of the old army had removed the back-up upon which they previously had relied" (Bessel 1991: 189). This had an enormous impact on recruitment patterns. The police "now had to attract recruits from among the civilian population.... The bureaucratization of the German police was reflected in the fact that the number of administrative officials in police service grew substantially during Weimar period." (192) The need for civilian recruitment was also one of the reasons why the training of the police became a matter of great importance during the 1920s in Germany.

For these reasons, it is not surprising that the different camps in the international state system entered into an alliance on police matters a decade before the First World War. "On March 1904, a 'Secret Protocol for the International War on Anarchism' was drawn up in St. Petersburg. It was immediately signed by Germany, Austria-Hungary, Russia, Sweden, Denmark, Bulgaria, Spain, Portugal, Romania, and Turkey" (Liang 1992: 173).

The international system is especially vital in studying a non-Western state. It is at this point that Silberman's model can have little help. He and most of the others assume legitimacy on the part of rationalized bureaucracies. However, the major boost for rational bureaucracy in Turkey came during the *Tanzimat* period thanks to the "enlightened" bureaucrats *in collaboration* with foreign states. This was a major blow to the legitimization efforts of the bureaucracy, and played a crucial role in the emergence of revolutionary situations and outcomes. Therefore, at least in the Turkish case, the bureaucracy was rationalized but lost its legitimacy for the contending political actors.

The discussions in the Ottoman parliament, which will be examined throughout the study, evidence that the issue raised by Poggi – that is, convincing the foreign powers that the state was strong enough to maintain the security of its subjects - was the primary concern of the Ottoman elite; and that this consideration forced them to make changes in the structure of policing. In fact, in non-Western state formations, the process is "triply" external: Most of these states were direct continuations of the colonial boundaries; their governing institutions were shaped under the influence of at least one big power; and concerts of nations ratified and even sustained their existence (Tilly 1989: 16). Except for

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the colonial aspect, the other two are vital in understanding the process of the state formation in Turkey.

I see the last hundred years of the Ottoman Empire as a "bonus" that was derived from the international system. The term "bonus" is used as a caveat to Tilly's formulation. As will be explained in relevant chapters, in a non-colonial situation, a state can masterfully exploit the international balance of power and maintain some concessions by playing off the "great powers" against each other. Furthermore, a non-colonized non-western state still has a margin of maneuver ability, albeit limited. Policy changes can thus be introduced not by foreign pressures but to prevent them. The above-mentioned change in police structures designed to get rid of an important pretext of foreign powers for intervention is a case in point.

CHAPTER 3

THE FORMATION OF NATIONAL POLICE FORCES

Before introducing my main concepts, I would like to make a clarification. A story on the police can be told in two ways: society-centered or state-centered. The reader will notice that these are the distinctions made above in the discussion on the literature of state formation. Anglo-Saxon intellectual heritage emphasizes "society-centered" theories. In these countries, as Zolberg puts it, "society overshadows the state" (1987: 57). Authors like Hintze, Weber, and Schmitt, by contrast, "restate a distinctly Continental conception, one first and most sharply articulated by Machiavelli in the sixteenth century as the operational code of the emergent sovereign states of Western and Central Europe. Here the prime fact of political experience is the continuous threat" (Poggi 1978: 10); hence the importance of the military, war-making, and the international state system in "continental theories." Under these conditions, the interests of state managers gains primary importance. However, this is not an elitist theory. As Mann argues, "state autonomy might reside less in elite autonomy at all than in the autonomous logic of definite political institutions, arisen in the course of previous power struggles, then institutionalized and constraining present struggles... This theory would predict less

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that state elites dominate civil society actors and more that all actors are constrained by existing political institutions" (Mann 1993: 52).

How can we apply these discussions into the police studies? I argue that the same distinction can be made between the British and Continental police systems. While in the former, an intra-societal perspective can better account for the emergence of the "new police," in the latter, a statist perspective (i.e. preserving the "King's peace") will do better. Emsley writes, "If prevention was a key word for England's new police, surveillance to meet the needs of *la police generale* remained a key word in France." When several prefects in France requested an increase in gendarmes, their reasons had nothing to do with fears of increasing crime. The main emphasis was the surveillance of travelers, increased communes etc (Emsley 1984: 86).

The origins of the English police can be found in the rise of capitalism and the new urban proletariat of the late eighteenth century. This is not the case for the Continental police forces. Forstenzer argues:

> the word police, in the United States and Britain, mean the police force: the police respond to a threatened or an actual breach of the law... In France, however, and in those countries that share the French legal system, the term police powers suggests much more than the apprehension of malefactors and the prevention of particular crimes. It means 'good order of society.' Thus, police and administration (the regulation of society) have overlapping meanings in France (1981: xii-xiii).

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Therefore, we can argue that whereas crime fighting is a major concern for the English police, it is subsumed within a wider concern for administration and especially good order in France (Mawby 1990: 198).

Since the Ottoman police was strictly organized according to the French model, in what follows, I have employed those concepts that would be useful in analyzing a police force organized according to the continental model, unless otherwise stated. Moreover, as far as the Ottoman Empire is concerned, the political sphere gains extra importance. In the West, the formations of states with a monopoly of legitimate use of force went hand in hand with the economic and social changes. "In the third world by contrast, elements of the modern bureaucratic state often appeared before the introduction of capitalist economic organization. Thus ... the two historical trends of state formation and capitalist industrialization which were associated in Europe were unlinked in the periphery, and the independent causal role of state formation in social structural change is more readily apparent" (Anderson 1986: 8).

This is the main reason why I emphasize the political rather than economic sphere, such as industrialization and its allegedly consequence of "crime-wave"[10]. As Gamson and Yuchtman argue, "societies differ considerably with respect to the relative importance of the political sphere vis-a-vis other institutional areas. Where the polity dominates over subsystems of society, such as the economy and culture, political

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[10] While Tobias (1972: 215) and Silver (1967: 3) think that increasing crime rates are responsible for the creation of New Police, Bayley (1975: 353) rejects this correlation. It seems that crime statistics approves Bayley. However, in the last instance it was the *perception* of crime rates that led the elite to support the New Police in England.

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principles and roles pervade decisions and behavior of groups and organizations throughout society" (Gamson and Yuchtman 1977: 198).

The often contentious relationship between the army and the police should be considered in this context. When I argue below that the biggest challenge to the police in establishing its authority comes from the military, this is a statement based on the facts from the Continent (including the Ottoman Empire), rather than from England. As Emsley argues,

> the key difference appears to lie in the structures and ideologies of the two governing regimes. France before the Revolution was ruled by an absolutist monarch; its constitutional thinkers had few qualms about an armed force responsible for imposing and maintaining order, especially given the independent and/or backward nature of so many regions in France. Englishmen, in contrast, believed themselves 'free-born' and not subject to the whims, and the armed forces, of an absolute monarch (Emsley 1984: 139).[11]

Everything stated up to this point by no means indicates that class and economic structure are irrelevant to the police. Just the opposite: with the rise of the capitalist state, surveillance practices took a different turn. The transition to an industrial economy changes the surveillance patterns from direct repression/deterrence to a more indirect, integrative control using information (Gillis 1989: 335).[12] 'Modernization' may also

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[11] In fact, Britain developed a standing army in the eighteenth century and used it for internal pacification. However, at that time there was already a firmly established civilian force and the need for army intervention did not mean that the civilian force could be replaced but rather that it should made more stronger and efficient. (Bayley 1975: 367)

[12] Similarly, Spitzer (1993) argues that in pre-capitalist regimes the details of social administration can be "farmed out," because of the fact that the main goal was to extract as great a surplus value as possible.

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cause changes *within* the police organization. This effect shows itself "by creating new tasks leading to new organizational assignments and by influencing social relations, thereby producing changes in the proportion of service-related to crime-related demands" (Bayley 1985: 136).[13]

Returning to Anderson's earlier argument on the disjunction between capitalism and state formation in the third world, I will argue that with the CUP period (1908-1918) there emerged a clear consciousness of creating a "national economy" and a native bourgeois class, and that a real success in these goals was achieved. From that time onwards, capitalism and state formation went hand in hand. The problems of "dangerous classes" and public order start to be redefined at this moment with considerable effects on the role and the structure of the police. However, my point is that the new structure was still determined by the contours laid down in previous periods. In other words, in order to understand the **change** in police forces, rather than their structure in a particular moment, we have to give special emphasis to the political sphere in the Ottoman Empire.

The police are the general clout that make state penetration possible. It is one of the most important issues in the "bargain" between the state and societal forces in the process of evolution of the state's infrastructural power. However, one should keep in mind that state penetration can never be completed. Penetration must be measured in different areas ranging from taxing to conscription, from jurisdiction to execution. Some

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Results are more important than the methods. With capitalism, domestic populations became to be seen not as "finished products," but rather as potential sources of investment. As the social relations required predictable patterns of social intercourse, the result was a centralized, highly rationalized system of administration. (579-580)

[13] See also Stinchcombe (1963).

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states might be able to penetrate into only some of these areas but fail for the rest (Bayley 1975: 361).

The "multiplicity of functions" and "unevenness" of state power in these multiple functions also explain the variations between states. In some states, such as in France, there is a positive correlation between policing and penetration. The fact that the *Intendant* was both the primary representative of the central government for taxation and the police at the same time shows the intimate relationship between resource mobilization and social unrest in that country (Bayley 1975: 357). On the other hand, the relationship can also be negative, as in Prussia: There was a bargain between Frederick William I and the Junkers. The ruler "appropriated the power to tax and maintain a large standing army throughout Prussia. In exchange, the Great Elector ... allowed local landowners to remain independent in other areas of administration, notably law enforcement" (Bayley 1985: 68) .

In essence, this is a struggle over the issue of who will set the rules for social control. We know that the militarization of the state and civilianization of the state administration went hand in hand. This happened in two ways. The first was the seizure of arms from the people in order to maintain the monopoly of violence. The second was the expansion of the policing agents of the state, securing day-to-day compliance (Tilly 1986: 130).

Policing, then, is the process in which the state and society struggle over the control of the daily lives of the people. A study on police should thus focus on the

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changing patterns of this struggle, determine the relative strengths of the players during different periods, and give causal accounts for the changes in power structures.

As stated in the introduction, police are analytically disregarded in comparison to other political institutions. Enloe argues that we have many persuasive theories on pluralism, military-industrial complex, bureaucratic politics, and praetorianism, "but there are no equivalent theoretical constructs arising thus far out of the study of police or police policies. One can survey literally volumes on Soviet, French, Chinese, or Japanese politics without encountering a single analytical chapter devoted to the police or police policymaking (especially if one discounts references to secret police)" (Enloe 1976: 26).

The situation in the case of the literature on state formation is gloomier. Skocpol, in her major book (1979), analyzes "great revolutions" (i.e. France, Russia and China) without mentioning in any way the role of the police in these revolutions. (Of course, with the exception of the role of the Cheka in Russia). Migdal (1988), who wrote a book on struggle between the state and society over the social control mechanisms, surprisingly, did not find it necessary to reserve a place for the police and policing in his analysis. Similarly, Migdal and nine other scholars, who followed the same trajectory of Migdal's earlier book are all silent about the police, although the subtitle of the book is "Domination and Transformation in the Third World."[14]

The neglect of the police in the literature on state formation is more problematic for two reasons: First, stakes are high in policing the daily lives of the people. In that sense, a study on police might reveal some of the patterns between state and society, which would

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[14] Examples can be multiplied. However, the best indicator of the neglect of the police by the students of state formation are the books written as a general review of the field, most of which have nothing to "review" about the police. See, for example, Pierson (1996), Carnoy (1984), Hall and Ikenberry (1989),

remain unobservable in an analysis, focused on higher echelons of the state. Second, and not unrelated to the point made above, treating the state as an executive organ, the statist perspectives take it as more homogenous than is really the case. In order to correct this imbalance, the emphasis should change from focusing attention on the top "to investigation at different levels of the state, including the lowest rungs on the organizational hierarchy where direct engagement with society often occurs, and the interaction among the levels" (Migdal 1994: 15). Migdal 'desegregates' the state into four levels from bottom to up as 'trenches,' 'the dispersed field offices,' 'the agency's central offices,' and 'the commanding heights' (Ibid. 16). In this scale, the police are the state agency that is the closest to the society. Although the police are perceived as state agents *par excellence*, they are embedded within the particular societal settings that influence them.

With the development of the infrastructural power of the state, in other words, as the state began to use its power not "over society" but "through society," the characteristics of the police changed. By linking the daily life to the central authority in terms of the representation of the legal system (Silver 1967: 14), the police started to be perceived primarily as a direct symbol of the state. This perception was the result of the transition from reactive to proactive policing.

I. The Transition from Collective Responsibility to the "New Police"

As the police began to take over more administrative tasks, the interaction between the people and state agents increased. This was part of what Mann calls "the

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Alford and Friedland (1985). Tilly (1990), Mann (1993), and to a certain extent Poggi (1978) stand as

caging process." However, in order to grasp the changing patterns of policing in this process, we should first examine how policing practice was during the periods in which states lacked infrastructural power. During these periods, irrespective of the cultural or political traits of a particular country, the universal pattern of policing was "collective responsibility."

Because of its "limited technical ability and superintending resources," the pre-capitalist state, under feudal or patrimonial forms of domination, could not penetrate society (Spitzer 1993: 572). In fact, the pre-capitalist state, having a system of indirect rule, did not need penetration. Its main goal was to extract surplus value without interfering in the daily lives of its subjects. In this type of system, the means available to authorities for maintaining public order were twofold: either the responsibility was delegated to intermediary functionaries or the army was used as the last resort. Most of the time this meant the imposition of 'collective responsibility' to localities for ordering their own lives. This obviously implies a particular style of policing.

In order to understand the intimate link between state centralization and the emergence of 'rights,' we need to examine the mechanisms of surveillance deployed by pre-modern states. Unlike what postmodernists think, the real terror cannot be associated with the modern state, but rather just the opposite, that is, with its absence. Before the advent of the modern state, neither social life nor the mechanisms to control it operated in a peaceful manner. In England, for example, homicide rates in the thirteenth century were about twice as high as those of the sixteenth and seventeenth centuries, and the rates of

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bright exceptions to the rule.

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the sixteenth and early seventeenth centuries were some five times higher than those of today (Stone 1983: 298).

Lack of professionalization means small numbers staffed with inefficient recruits, and the lack of money. These conditions forced the police to enforce law selectively, focusing on the poor and leaving the well-to-do alone. Since the consent of the population was not important at this stage, the police served the interests of the dominant classes.

Rock's article is very illuminating in these respects. The comparative autonomy of specific groups from social control mechanisms, their freedom to commit many crimes which were prohibited for the rest of the population, the employment of 'thief-takers' as middlemen in crime control, and criminal activities of the same middlemen themselves, are all documented in this article. This kind of surveillance had nothing to do with the 'double-edged' character but just the opposite: "[Thief-taker's] clients were dependent on him, but it was not necessarily a reciprocal dependence" (Rock 1983: 214).[15]

Crime prevention was a profitable business at that time. "The constables worked for the rewards which they earned by restoring stolen property; consequently crimes for which there was no likelihood of reward were of little immediate interest" (Emsley 1984: 118). Poorer sections of societies had not benefited, but suffered, from the absence of bureaucratic police structures. "The pursuit of offenders, going before magistrates and subsequent court appearances were time-consuming ... the prosecutor and his witnesses, after having traveled to the county town where a particular court was sitting, could have to

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[15] See Hughes (1994: 13) for the situation in Italy.

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wait for several days before their case was heard; for members of the lower classes time was money" (Emsley 1987: 145). Before the modern police, most of the cases were not prosecuted because of cost. Many reports by magistrates in England who complained of their inability to prosecute offences exist (Ibid. 148).

More importantly, the lack of formal training, recruitment based on merit, full time service, and discipline necessitated efficient use of time and energy. As a result, "rather than waste their limited time and energy on a futile attempt to keep up with government legislation, the policemen of the eighteenth century preferred to concentrate their efforts to cope with really serious situations" (Cameron 1977: 68). This practice left most of the provinces unpoliced; and policing thus became a task "to which successive Revolutionary governments addressed themselves with enthusiasm" (Ibid. 70).

In pre-Revolutionary France, state agents were constantly in a bargaining process with city authorities for increasing the fiscal power of the state. However, they were still outsiders. Tilly writes that "they left the day-to-day surveillance and control of the general population to municipal authorities, regional courts, church officials, and local lords. As a result, little anticipatory intelligence about the likely actions of workers and regional powerholders flowed from Lille or Valenciennes to Versailles" (Tilly 1986: 260).

Post-revolutionary France, on the other hand, was radically different. Surveillance became the business of the central government's agents. Procedures of surveillance became bureaucratized and finally anticipatory surveillance increased greatly (Tilly 1986: 36). The main idea is well summarized by a prefect of the police in France: "Better to prevent than to heal" (Forstenzer 1981: xiv).

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What did the transition from reactive to proactive policing indicate? With this transition, states gained an important leverage in surpassing the local strongmen. They formed their own intelligence/police bureaucracy. In France, *Surete* evolved by absorbing the existing municipal police forces one by one after each of the nineteenth century revolutions in 1830, 1848, and 1870. "[T]he new regime consolidated its control over the country by vigorously expanding the police force.... [P]olicing and political repression waxed and waned together. The final effect was to lay down a uniform net of control over the entire country" (Tilly 1986: 289). Fouche's *haute police* as the heart of imperial system is in stark contrast with the police of the ancien regime who rarely "meddled with affairs of state." No preceding police chief could have said the following: "Every branch of the administration has a part, which subordinates it to the police" (Levy 1966: 507).

Proactive policing, willy-nilly, changed the character of policing. It gained a "double-edged character." On the one hand, as Silver argues, bureaucratic organizations have the capacity "to make the values of the 'center' palpable in daily life by means of detached persons operating on organizationally defined missions" (Silver 1967: 13). However, on the other hand, without the consent of general population, internal control by policing is impossible. Centralizing the police power by eliminating useful buffer institutions also centralizes the responsibilities (Hughes 1994: 3). The police have thus been pulled into administrative and welfare oriented tasks that they were hitherto not expected to fulfill. For example, in Italy, while welfare had been provided by religious orders previously, Napoleon changed this by "[closing down] most of the orders.... The central government now took responsibility for all social assistance, depriving the

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nobility of an important source of influence and patronage, and supposedly making the entire system more equitable and efficient" (Ibid. 20-1). The perception of the police as the representative of the state has been the result of this double-edged process.

That is why the failure of the police in terms of both image and performance ultimately leads to the alienation of just those groups that should be the most closely tied to the forces of law and order. This implies that the centralization of police forces is irreversible. It also explains the enormous stability and institutional inertia of the police organization, irrespective of the character of regime. Any step going back would be devastating. In that sense, the system is self-perpetuating. Once forces of coercion are monopolized, the state becomes the guarantor of public security. As Hughes remarks on the case of Bologna, "breakdowns in public order shook the very legitimacy of the regime, especially in the eyes of those aristocrats who had so recently protected themselves and were now deprived of the privilege.... Public security and right to rule went hand in hand" (Hughes 1994: 27-8).

In fact, it is after the moment of police centralization that even regular crimes can be perceived as "political." The struggle between center and periphery also takes the shape of a struggle for crime prevention, whereby local social and political elites can only be convinced of state centralization if the public security is guaranteed by the state. We will see below how this issue was an important point the provincial elites used in their bargaining with the state in the Ottoman Empire.

More interestingly, after the state takes the upper hand in policing, political struggle starts to revolve around the defense of civil liberties. Opponents try to force the

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state to respect its own laws. Thus, the defense of civil liberties becomes a locus of opposition. "Ultimately, therefore," writes Davis, "the law remained a double-edged weapon which governments might seek to turn to their own ends, but which could as easily be turned against them since the law offered important opportunities and guarantees to those whom the authorities sought to persecute" (Davis 1988: 356).

Here I will designate it as the 'Tocquevillian effect' of policing. The emergence of the modern police also leads to framing of discussions and struggles in such a way that it becomes crucial to understand the development of civil rights, or lack of it for that matter, in a particular society. A better understanding of the extent of civil liberties requires going beyond a formal examination of constitutional rights. For we know that, unlike what the common sense dictates, the problems of maintaining order and constitutional law are not complementary. States use criminal law, and more frequently police regulations, to curtail constitutional rights.[16] That is why special attention should be paid to the police in order to understand the extent of citizenship rights. This is especially so in countries like Prussia, France, Italy, and Turkey, all of which experienced absolutism and centralized bureaucracies for long periods. In these countries, constitutionalism and liberalism diverged throughout the nineteenth century, particularly concerning matters of the police and the administration of criminal justice (McDonald 1993: 149). It is from this point of view that Forstenzer criticizes Hoffman. He writes:

> [Hoffman] describes France as a nation in which liberties are tightly circumscribed despite the guarantees of the republican regimes.... In

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[16] See Davis (1988: 212) for an explanation of how this happened in Italy.

his consideration of the French bureaucracy, Hoffman does not fully discuss an outstanding feature of the authority relationship that has been established between French citizens and the state over more than a century and a half: the police powers of the civil service.... This power has existed in France almost without interruption from the time of Louis XIV down to the present Fifth Republic (1981: 7-8).

II. The Police and the Political Process

The outcomes of the bargain between the state and societal forces on the issue of policing largely determine the degree of the impingement of police forces upon political process. Bayley's main thesis is that if the state formation process faces a violent resistance, and its legitimacy is jeopardized, the police will play a political role (1975: 361, 1985: 69).

It seems that special attention should be paid to the consolidation period of new states in order to understand the issue. A relatively quick consolidation would render the political impingement of the police less urgent. When it is delayed for a long time, "the problems of institutionalization of contestation and of inclusion tended to pose themselves simultaneously because economic development had increased pressures from subordinate classes" (Rueschemeyer et al. 1992: 163). A relatively easy transition to independence, little involvement in border wars, and lack of great regional diversity, are among the most conducive conditions for early consolidation and institutionalization of contestation among the elite (Ibid. 165). Diamond and Linz's findings support these observations. In Latin America, the administrative structures imposed by Spain were destroyed by nationalist struggles. Diamond and Linz argue that "the destruction of the

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centers of authority and the constant conflicts between centers and peripheries in each of the emerging republics complicated the process of state building for decades." Therefore, it is not surprising that the countries that have had the least success in terms of democracy are also the ones that "were unable to develop and institutionalize some kind of partial, oligarchical democracy in the 19ᵗʰ century" (Diamond and Linz 1989: 6 and 8).

As Rustow argues, the background condition is national unity, not a specific rate of economic development. This factor "enters the model only indirectly as one of several alternative bases for national unity or for entrenched conflict" (Rustow 1970: 352). Similarly, Dahl defines the most favorable path to "polyarchy" as the one in which political competition preceded the expansion of participation (Dahl 1971: 41).

How can we relate these insights of the literature of democratization to variations in police systems in different countries? First, it can safely be argued that continuous warfare increases the impingement of police forces upon the political process. The fact that Israel, surrounded by hostile countries and involved in many border wars, has a militarized and politicized police force proves the link (Gamson and Yuchtman 1977).

Second, if the competitive political system is not sufficiently developed, many political movements in their experimental stage search for security in anonymity. This, in turn, requires aggressive intelligence of the political underworld (Liang 1992: 52).

Although the police forces may be used for intervention in the political process by governments, this does not mean that they are mere puppets. As the bureaucratic structure of the police is formed, they gain a certain degree of autonomy from the government. It would therefore be wrong to assume a one-to-one correspondence between a change in

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regime and a change in patterns of policing. The position of the state bureaucracy is much more important for the police than a mere change in regime.

The examination of the Turkish case in the following chapters will further clarify how a police force, once bureaucratized, can make its own choices and take sides with one political group even if that particular group is in opposition. Furthermore, in the Turkish case, the police played a crucial role in the conflicts between civilian and military wings of the same organization that made the 1908 revolution. The CUP was administered by a triumvirate of Talat, Cemal and Enver Pashas. Talat Pasha was a civilian and the Prime Minister and/or the Minister of the Interior for most of the time. The other two, especially Enver Pasha, were national heroes and Ministers of War. We will see the evidence that the police force worked not only for the suppression of regime opponents but also for controlling the military bureaucracy within the CUP.

Therefore, police forces affect the formation of opposition groups in certain ways, depending on different styles of policing. Their response to the surveillance activities of the state and the impingement of the police upon political life has been to wage a struggle for civil liberties, indicating a strong correlation between policing and citizenship rights. As Giddens argues, "the intensification of surveillance which is the basis of the development of organizations in modern societies and in the world system as a whole is, on the contrary, *the condition of the emergence of tendencies and pressures towards democratic participation*": Consolidation of power, possible via surveillance, is never without its counter-influences (Giddens 1987: 314).

Therefore, it is wrong to argue that the activities of police forces are to the benefit of the ruling classes *in their totality*. Many historical cases show that the middle and working classes also benefited, and demanded, crime prevention themselves. After all, we should think which classes would be in need of police protection from crime. It seems that the aristocracy and the very poor would be unlikely supporters of police for crime prevention: The former has its own 'police forces' and the latter has little to lose. This leaves us with the middle and the working classes. "Certain police activities could aid working-class interests, particularly as wider sections of the population became property owners" (Dandeker 1990: 123). We should remember that the working class, more often than the rich, is victim of theft (see Emsley 1984: 158 and Davis 1988: 287).

We know that "the repressiveness of a government is never a simple matter of more or less. It is always selective, and always consists of some combination of repression, toleration, and facilitation" (Tilly 1978: 106). That is why repression is not the only basis of order. For its maintenance, social aid, for example, can also be used for processing toleration and facilitation. The tasks such as supervision of lost and abandoned children and the indigent, and the general health of cities, have been police business throughout history. Emsley writes:

> as more and more legislation was passed concerning 'order' in the broadest sense, so the police were drawn further into the welfare role; they were after all, the largest existing public organization capable of supervising much of this legislation.... There was no reason why the lower classes should deprive themselves of such aid because it was provided by a policeman who, in other contexts, they might shun (1984: 147).

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Some of the French workers, argues Emsley, were even sympathetic to the idea of order (Ibid. 157-8).

The effects of socio-economic factors on policing are indirect but important. These can be summarized under three headings: Economic changes cause modifications in the law and related areas such as the definition of crime and deviance (Giddens 1981; 1987); the development of capitalism transforms and redefines the public and private spheres (Stinchcombe 1963); and by introducing new classes such as the working class into the arena, capitalism makes the government more sensitive to their control.[17] Therefore, the transition from policing-as-repression to policing-as-law enforcement emerged at the intersection between state formation and capitalism, which went together in Western state formations.

It is in this sense that one can talk about an increasing demand by the popular classes for more state intervention in private domains. However, the capability of the state to meet this demand depends on its financial resources. Approaches that view the police exclusively as a product of class struggle miss the point that police action is constrained by two forces: the elite resenting the formation of national forces, and the working people putting pressures on police by their specific demands. As Giddens argues, "however wide-ranging the control which actors may have over others, the weak nevertheless always have some capabilities of turning resources back against the strong" (Giddens 1981: 63).

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[17] When capitalism as a distinct class structure is organized around a national market, combined with the "rise of bureaucracies and other formal organizations as the principal means of accomplishing collective ends, ... [it transforms] the identities and the interests of the major contenders for power, as well as the form of their concerted action." (Tilly et al. 1975: 84)

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One consequence of all these interactions between state agents and the people is the re-definition of the "public" and "private" spheres, which has important repercussions for policing. If we define the police as those groups who have coercive power over population, and who are authorized by the state, this means that we are talking about a public force. In that case, the definition of the private and the public becomes crucial. Logically, the police can rarely intervene in the private sphere. If it does, it faces strong resistance. This is largely because of the special characteristic of 'private places,' which Stinchcombe defines as follows: "[T]he legal existence of 'private places' ... is the main source of the capacity of small social systems to maintain their boundaries and determine their own interaction without interference from the outside.... Access to private places itself [is a] sufficient evidence that a man has a legitimate relation to the social structure" (Stinchcombe 1963: 151). The basis of the present discussion is the familiar distinction between *Gemeinschaft* and *Gesellschaft*. Rural areas, in the sense they form "small social systems," are 'private places.' Under such conditions, it is unlikely that people will appeal to law and/or its enforcement.

However, even if they appeal to state law, law-enforcement agencies are themselves reluctant to interfere in a domain perceived as 'private.' The conceptualization of privacy is crucial for understanding different police behaviors in different contexts. A study conducted on the concept of 'privacy' in different cultures can lead to interesting results. In a liberal society, such as the United States, the police had no concern for the rule of law in arrest, search, interrogation, etc. for the entire nineteenth century. There was only one exception: A rising concern of testimony by suspects

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(Walker 1993: 35). In a paternalistic traditional society, on the other hand, the search of private houses might be the most sensitive issue from the very beginning.

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

III. The Professionalization of the Police: Separation from the Military

The institutionalization of a centralized police force is intimately linked with the distinction between the "public" and the "private." In fact, this distinction is the basis of all kinds of bureaucracies, irrespective of their traits (Silberman 1993: 418). Similarly, surges in professionalism overlap with changes from private to public auspices in policing. Especially as the traditional structures lose their vitality, a reliable instrument of forceful regulation is required (Bayley 1985: 50).

There are three factors that effect the level of professionalization of the police: Different organizational interests within the state bureaucracy, the level of cultural homogeneity in society, and an increase in the discretionary power of the police. As can be seen, the first two are more general conditions, and in that sense, they are "external" to

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the police. The last, on the other hand, is related to police force itself. These factors will be analyzed in this order.

The police force is not the only institution responsible for social control. It should compete with other - mostly state - institutions like welfare agencies, the judiciary, and the military, which may have different definitions of social control. More interestingly, all these institutions have to use the police in order to function properly. These two facts together increase the stake in policing for many different institutions. The difference in perspectives "produces the need to accept or reject involvement, negotiate organizational boundaries, engage in conflict and power struggles, coordinate efforts with other organizations, create new programs or expand current ones, etc., with the resultant impact on the department's functioning" (Clark and Sykes 1974: 469).

During stable periods, these conflicting interests can remain latent. However, in times of crisis such as war, and/or massive unemployment, everything is up for grabs. As times of change in the rules of the game, they are worthy of special attention. E. A. Ross writes:

> Certain groups of persons - executive, cabinet, the central government, the party machine, the higher clergy, the educational hierarchy, 'authorities' of every kind in short - are always striving for more power. When the need of a more stringent control makes itself felt, they find the barriers to their self-aggrandizement unexpectedly giving way before them. Formerly they were held in check, while now they find encroachment strangely easy (Quoted in Silver 1967: 7).

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The different organizational interests of the bureaucracy play a major role in preventing the police from becoming omnipotent. For example, although "theory provided ample bases for the police state" in France, several reactions such as "the corporate resistance of the prefectorial bureaucracy" and the insistence by the judiciary "upon acceptable evidence, due process of law, and the autonomy of justice, ... [kept] the Second Empire far removed from the totalitarian models of the twentieth century" (Payne 1958: 23).[18]

In sum, the police, being at the very intersection of diverse institutional interests, face both opportunities and constraints. However, there is a significant element that presents only a constraint on, not an opportunity for, the bureaucratization of police forces: Cultural heterogeneity. This can be detrimental to police systems and, as we will see below, it turned out to be so in the Ottoman Empire.

The effects of cultural heterogeneity over the police forces can be analyzed in three headings: the organizational dimension, police effectiveness, and the militarization of the police. Tilly writes:

> to the extent that a state's population was segmented and heterogeneous, the likelihood of large-scale rebellion declined, but the difficulty of imposing uniform administrative arrangements increased. In a homogenous, connected population, an administrative innovation installed and tested in one region had a reasonable chance of working elsewhere, and officials could easily transfer their knowledge from one locality to another (1990: 100).

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[18] For a similar situation in England's New Police, see Philiphs (1983: 67).

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Britain's different police structures in England and Ireland are cases in point. Although the New Police established in 1829 could easily be adopted throughout England, this was not the case for the Royal Irish Constabulary, whose military character was in sharp contrast with that of the English Bobbies. Ultimately, it failed to bring order to Ireland: "[I]ts failure was conditioned by the circumstances of the force - it was organized and controlled and trained for the task which it had to perform in the country districts but not for the task which it had to perform in Belfast" (Tobias 1972: 218). In a culturally heterogeneous environment, the coercive function of the police tends to prevail over the consensual one, the latter being difficult to accomplish.

Second, cultural heterogeneity effects not only the organizational aspects of the police but also their effectiveness. As Clark and Sykes argue "in a culturally pluralistic society, the influence of the cultural setting can present diverse and frequently conflicting expectations for police service." Mediating between the universalism of social justice and the particularisms of cultural differences is a real difficulty for police effectiveness (Clarks and Sykes 1974: 467). Furthermore, if the cultural heterogeneity of the society is reflected within the police organization, this factor can prevent the police intervention in the political process (Gamson and Yuchtman 1977).

Third, the degree of heterogeneity of the population has an explanatory power for the dominant role of military in policing. Part of the explanation why the English police have a less militaristic character than their French counterparts lies in the degree of homogeneity of the two societies. As Emsley argues, whereas the first has some sort of notion of "Englishness," the latter had little idea of what France was and did not even

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speak French. Therefore, Emsley continues, the French *marechaussee*, and later gendarmes have had a colonizing role towards Alsatians, Bretons and Gascons, helping to transform them into Frenchmen. The same situation exists for Spain, Italy, and Prussia. It is exactly for this reason that the colonial police of Britain imitated the Continental model for the colonies, rather than their own tradition (Emsley 1991: 234).

Various organizational interests within the state and the level of cultural homogeneity of the society are, in a sense, objective conditions that effect the professionalization of the police. In these areas, they have relatively limited scope to maneuver. This is not the case for the other factor, which shapes the level of the professionalization of the police: the increase in the discretionary power of the police.

Discretion is almost inherent to police business. The law might be impartial, but it must be interpreted and enforced by local agents who, inevitably, have their own opinions and interests (Emsley 1987: 12). Carl Klockars defines discretion as follows: "[A] police officer or police agent may be said to exercise discretion whenever effective limits on his, her, or its power leave the officer or agency free to make choices among possible courses of action or inaction." (Clockars 1995: 93) Having (and making) choices is part of what makes the police different from soldiers – or for that matter any other civilian bureaucracy - whose actions are severely restricted by direct orders or the established rules and procedures and thus largely predictable.

As Brogden summarizes, the judicial power of the police is exercised in three forms: "Law enforcement action is discretionary. Police officers exercise quasi-judicial functions under certain statutes. The police institution may exert open pressure on the

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judiciary and on the production of judicial decisions" (Brogden 1982: 24). The first form has existed from the very beginning, being inherent to law-enforcement. However, the others seem to have emerged when a proactive role was assigned to the police with the enactment of new laws that provided them with wide discretionary power. When Fouche wrote to Napoleon, he implied the new role of the police: "The police, to my mind, should be established in order to forestall and prevent crimes and check any which the law has not foreseen." Levy added: His officers "were, one realizes, tempted to use their own personal feelings as a guide to morality" (1966: 501).

The bureaucratization of police forces and their increasing role in law making are closely related. The police, by using an established bureaucratic structure, may create different kinds of "social problems." Furthermore, thanks to the bureaucratic structure, their opinions are considered by the legislature as reflecting the opinions of special experts. However, "a host of evidence suggests just the opposite," writes Chambliss (1974). "By virtue of their special role, they have an especially biased view that would make objective testimony impossible." The police force may play the most important role in creating a new law just because of its organizational needs such as expanding its domain or reaching far greater resources (Ibid. 28-9). We will see how the Turkish police during the CUP era made its attack against the other state institutions, especially the judiciary, by playing a decisive role in the making of new laws.

The police try to use all three factors –conflicting organizational interests, the cultural homogeneity of the general population, and their own discretionary power- in different degrees in order to gain autonomy from the military. This is the most crucial

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step towards professionalization for the reason that the biggest challenge to police authority in getting hold of social control comes from the military, especially in Continental Europe.[19] Having been responsible for policing for hundreds of years, the military has vested interests in social control. Once direct rule is achieved, however, the agent for internal pacification takes a different turn. This agent now has to penetrate into society. However, the army is not capable of performing such a task for the reason that it uses force extensively and indifferentially, and therefore, lacks the capacity to isolate individual cases. A police historian of the Weimar Republic wrote after the war, as follows, "surely we all have seen enough to know the terrible consequences when military ways of thinking and acting are transposed to the sphere of politics and state administration" (Quoted in Liang 1970: 44). The use of the army in policing has consequences: Since, by its very nature, the army cannot penetrate into society it can only intervene if a serious disturbance occurs. This means that first, the regular policing of society is left to local initiatives, and second the only form of policing is reactive, i.e. unless the disturbances cannot be dealt with by the intermediary forces, only then will the military intervene. Needless to say, policing by the military corresponds to a state, which lacked "infrastructural power" and left the day-to-day surveillance to "collective responsibility."

The differentiation of the police from military forces is intimately linked with the extent of citizenship rights. This can be seen not only in the difference between Europe

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[19] One can argue that, even in Britain, until the Metropolitan Police model of 1829 was adopted throughout England and Wales in 1870s, the military was involved in internal repression, as the Gordon and the Paterloo riots demonstrated. (Enloe 1978: 249) Of course, no need to mention the case of Ireland, which

and the third world, where the army is still being used for internal suppression, but also in the cases of Germany and the Habsburg Empire before the First World War. There was a real decline in military repression in those parts of Europe where political citizenship and labor relations were institutionalized. Still, Germany and Austria were exceptional: As they "had not solved their representative, nor Austria its national, crystallization, their militarization were required as before" (Mann 1993: 411).

Mann defines four levels of repression: Conciliation, policing, paramilitary formations (constables, regular army troops, militia, etc.), and military repression. The police are a disciplined force that possesses only simple weapons, combats crime and disorder without recourse to a show of military force. Meanwhile, "neither regimes nor armies welcomed [the fourth] stage because it actually represented their failure to provide routinized order. Its instruments were also relatively uncontrollable.... It could lead to even more disorderly outcomes and regimes often jettisoned officials who ordered it." The main function of the police is, then, to remove armies from the third level of enforcement (Mann 1993: 403-4). The police do that by penetrating into society. They concentrate on particular groups, the selection of which can inform us about the character of the regime. The police force as a permanent bureaucratic organization performs a continuous function that could not be fulfilled by intermittent military intervention. As such, it lowers the long-term costs of official coercion for the state and the propertied classes (Silver 1967: 14).

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was heavily policed by the military.

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IV. The Police and Public Order

The issue of public order policing brings together all the discussions sketched above. Questions concerning the extent of state penetration, law and the bureaucratization of the police, and definitions of "private" and "public" spheres are constantly at work in public order policing. This is because of the special character of the term "public order." Regular crimes such as theft and murder can be analyzed with reference to "large processes." Changing patterns of property crimes, for example, can be attributed to the transition from feudalism to capitalism. In that sense, these types of crime are determined "structurally." Public order "crimes," on the other hand, are widely open to definition, many actors being involved in the defining process. The outcome of struggles over the definitions of public order crimes, consequently, reflects the power relations within a society, the character of the regime and even the changes in the relations of production.

Before going on further, it is necessary to give a brief definition of public order as it is used in the study. I will focus on four different public order issues: the regulation of prostitution; vagrancy; the work force; and, finally, associations and public meetings. The first two of these are what criminologists called "conventional crimes" (Quinney 1970b: 221). Both are related to morality on the surface. However, material aspects of the society are controlled at the same time. Laws and regulations on prostitution are enacted, in fact, to protect a particular family system as a corporate body. Similarly, vagrancy laws tell us a good deal about the class character of a particular state. By following the changes in the

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definition and regulation of "vagrants" - such as turning the vagrants into "dangerous classes - we can find out more about the prevailing social conditions in specific settings and time. I will analyze the third one, i.e. the regulation of the work force, as a transitory category to a different genre of public order issue, namely that of the regulation of public meetings. There, the main emphasis will be on the control of the leisure activities of the poor in which the regulations and laws on prostitution and vagrancy are the major devices. We will see how and why the issues related to workers were perceived as public order issues in the Turkish case.

The issue of vagrancy is highly related with the controlling of the leisure activities of the poor and workers. State managers and the elite perceive a threat of anarchy from those people who fail to accept the discipline of the system. As Tombs argues, for nineteenth-century Paris, "this failure was considered to be fundamentally a personal and moral one, having at its root the idleness, improvidence and vice of the indigent, in contrast with the diligence, sobriety and thrift of the idealized 'honest worker'" (Ibid. 215).

Regulations on the work force have an additional dimension that reveal the separation of the economy from the "political," which is one of the most important conditions for the development of civil rights. Related to that, developments in the field of public meetings will be analyzed to correlate the changes in the regulations of meetings with the character of the regime in question. Needless to say, the public order was the main pretext in the curtailment of this essential civil right.

In a study, which examines the development of the police, focusing on these aspects of public order is the most relevant for several reasons. First, neither prostitution,

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nor vagrancy, nor the leisure activities of the poor are crimes in themselves. (In this sense, there is nothing "conventional" about them). As one criminologist argues, "vagrancy is the principal crime in which the offense consists of being a certain kind of person rather than in having done or failed to do certain acts" (Quinney 1970a: 94). This is also true for prostitution. Therefore, these kinds of "crimes" present ample opportunity for the police to extend their organizational needs and discretionary power.

The second reason for focusing on public order is the fact that these "crimes" should first be defined as "criminal"; and, as in every act of definition, this opens up a space for different definitions by different actors. There consequently exist power struggles on definitions among the police, other state agencies and the people. The "labeling theory" is most valid with these kinds of "crimes."[20]

Besides these theoretical concerns, several historical accounts also show that it was the public order issues that initiated the centralization of the police in the first place. One of the most controversial issues in the literature is the question of whether there is a link between crime rates and the establishment of the "new police." According to Tobias, when the British elite decided to establish a police system in 1829, "it was the level of crime not the fear of revolt which led it to do so." (1972: 205).[21] Contrarily, Bayley (1975) thinks that crime rate has nothing to do with policing. Crime statistics seem to support Bayley's approach. Although England had suffered a lot from crimes, nobody attempted to change

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[20] Quinney (1970a) writes "no behavior is criminal until it has been so defined through recognized procedures of the state. In this sense, 'criminal behavior' differs from 'noncriminal behavior' only according to the definition that has been created by others." (207) Skolnick (1972) rightly objects this opinion on the grounds that it turns a useful antidote (i.e. labeling perspective) into absurdity. After all, forcible rape and armed robbery are not dependent on "definitions" as gambling or using marijuana are. (12)

the police system until 1829. Besides, if crime had been the main reason for establishing the new police forces, they should have incorporated crime detection sections very early on, whereas the detective force was established only forty years later (Palmer 1988: 9).

Nevertheless, we cannot argue that crime had nothing to do with the establishment of the "new police." In the last instance, it was the *perception* of crime rates that led the elite to support the New Police. In order to understand the change, one needs a grasp of the overall picture within which the existing crime is located. I would argue that what the elite scared off was not the crime *per se* but rather *disorder*. Thereby, the crime assumed the meaning of a potential riot. Not ordinary crimes but only those which are *perceived* as a threat to political order cause an increase in policing (Bayley 1985: 88).

If the perception of crime is more important than the actual rate of crime, then the question will be which groups are influential in the process of definition. The ruling elite has no doubt a crucial role in this. However, "deviance is not a set of activities or attitudes separate from the surveillance operations of the state, but is formed in and through them" (Giddens 1987: 309). In this sense, "among non-elite groups that are a source of definitions of behavior as or delinquent, none is more important in modern society than the bureaucracies that carry out the work of the state" (Chambliss 1974: 27). The police, as experts in crime and social control, attach the label 'criminal' to a group that presents selected deviant behaviors, and thereby convert the political activity of policing into the technical application of the law (Marenin 1985: 112).

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[21] See Silver (1967) for a similar explanation.

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It is therefore safe to argue that, whether the real cause for the emergence of the "new police" is crime prevention or state managers' interests, the police theory legitimates itself, in most cases, with reference to public order. Hence, the need to "demystify" this argument. Furthermore, detection of "disorder" is in itself a subjective judgement that is difficult to disprove. In this sense, public order issues increase the discretionary power of the police. In public order issues, the police "derive their authority from enforcing a 'public interest' that resides neither in politics, nor in law, nor in entrenched constitutional liberties but in traditional beliefs about power and class" (Uglow 1988: 85). It is this problem in which the class character of the police can be detected. The distinction between the "private" and "public" presents a convenient ground for differential treatment of people by the police.

Especially the disorder in times of social upheavals in continental Europe like the French revolution and the industrial revolution at home is alarming to the state managers. In times of crisis, pressure upon the state increase while the crime takes on the meaning of potential riot. These periods affect the distribution of power throughout society, and present opportunities for any agency, including the state. That is why the introduction of new police systems in different states overlaps with acute crisis, such as war, revolution and massive migration. It is not a coincidence that, most of the time, national police forces have been established after waves of collective action. In the United States, for example, the modern police system was founded in reaction to the riots of the 1830s, 1840s and 1850s (Palmer 1988: 20). Similarly in France, as Tilly et al. state, "the five years [between 1825-1900] which brought the largest increases in the national expenditure for policing were

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1831, 1852, 1860, 1868, and 1872. Three of them immediately followed a revolution or coup. The other two came in the aftermath to major threats to Louis Napoleon's regime" (Quoted in Gillis 1989: 333). In this sense, the establishment of a modern police force is one form of response to excessive pressures upon state (Bowden: 70).

Public order policing cannot be examined without analyzing the structure of law. Decisions about public order derive from the legal structure, and their enforcement is an important manifestation of state practice. The structure of law defines the framework in which police interventions become legitimate. This is very important in defining the "private" and the "public." The lives of those who do not belong to any corporate body such as a family, guild, factory, etc., were treated as "public" and open to police intervention. The authority of the police themselves justify the policing practice according to the perceptions of public and private spaces. English police argued in 1837:

> Idleness and drunkenness are completely ruinous to the private economy of a mechanic or tradesman, while to the opulent, however personally degrading, they are comparatively innoxious. On this principle it may be urged that low gaming ought to be rigorously suppressed. Time and money are alike valuable to the industrious classes; neither can be wasted without detriment to their business and domestic comforts (Quoted in Emsley 1984: 137).

This account shows us the other side of public order policing: disciplining the work force.

T. H. Marshall takes the judiciary as the major site of civil rights. Freeing people from feudal bondage, the law creates the ground for the emergence of political rights. The new laws enforce the insulation of economy from the political: "The extrusion of violence from the labor

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contract is central to the process of the internal pacification of nation-states" (Giddens 1981: xiv). Since the "depoliticization" of economic relations is basic to class rule, it will be important for this study to determine at what point in history this development occurred (Giddens 1987: 211).

As the economic sphere ceased to be "political," law enforcement on this terrain was designed accordingly. For example, the Factory Act of 1833 in England regulated the labor of only children and the young, leaving adult men and women outside the state's protection; and appointed only four government inspectors to enforce the act's provisions in some 5,000 factories (Palmer 1988: 25). Similarly, the civil code of 1865 in Italy did not have specific regulations for labor relations (Davis 1988: 276).

The metaphor of base/superstructure is wrong in this sense. As Wood argues, the "relations of production themselves take the form of particular juridical and political relations - modes of domination and coercion, forms of property and social organization - which are not mere secondary reflexes, nor even just external supports, but *constituents* of these production relations" (Wood 1995: 27).

As will be seen in the Turkish case, insulating the economic sphere from the political one enables the state to handle worker's problems as a policing issue rather than problems resulting from economic relations. Strikes, demonstrations, etc. were considered public order issues and thus became subject to criminal law. In that sense, criminal law codes, imposing a set of rules for maintaining public order, can be used as good indicators for understanding the change in definitions of deviancy and crime as they accord with the socio-economic structure of a particular society. In some cases, the enactment of specific types of criminal law may also cause the populace to perceive the police as the mere tool of the ruling class.

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PART II

TOWARDS THE 'NEW POLICE' IN THE OTTOMAN EMPIRE

The modern police force is first and foremost an organization established to further the interests of state managers. In that sense, its history is bound up with the struggles between various actors in the process of state formation. A better understanding of the organization and the role of the police in a modern state can be reached by analyzing its formative periods during the transition of the states from indirect to direct rule. In a sense, this transition corresponds to a similar transition of policing from "collective responsibility" to a "double edged" character, in which the bureaucratically organized police force has to gain the consent of the general population. Once policing is centralized under the rubric of a modern state, it becomes open to societal demands. Citizenship rights emerge in the process of the consolidation of the modern state.

An inquiry into the history of the Ottoman/Turkish police that takes this "double-edged" character as the basis of analysis must pay due attention to the particularities of the process of state centralization in the Ottoman Empire, as well as to the accompanying class structures that this process formed and on which it was based. Since before the advent of modern state policing was in the hands of societal forces to a large extent, the

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formation of a police force that would be responsible to a public bureaucracy and be financed from the public purse gave rise to a genuine struggle between the state and those societal forces. The bargain/competition/struggle between the state and these forces in this issue gained momentum during the second half of the nineteenth century in the Ottoman Empire.

The Ottoman state followed two strategies in this process: until the *Tanzimat* ("Reorganization"-1839), but also during the rest of the nineteenth century to an extent, the strategy was based on mainly what I call 'the co-optation' of the strongmen, according to which the state left the responsibility for social control to local notables. The 'terms' of the bargain were about keeping the peasantry intact. Due to the specific conditions of the Empire, the strongmen did not become big landlords. They struggled not to transform the relations of production - which was successfully prevented by the state - but to keep as much surplus value as possible for themselves.

The second strategy was introduced in the *Tanzimat* period (1839-1876) and forcefully implemented at the beginning of the twentieth century by the CUP as well as by the Kemalists in the Republican period. I call this strategy the 'elimination' of the strongmen. They will be analyzed in the following chapters. First, however, a brief note on my periodization of the change from one strategy to another and the use of the term of "elimination": I argue by no means that the Ottoman state has achieved to "eliminate" the strongmen. I rather argue that, starting with the *Tanzimat*, there occurred a break with the traditional Ottoman system of administration.

The Ottoman society was a plural, not pluralistic, one. Each group, whether

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Istanbulers, Armenians, tanners, etc., could easily form its identity autonomously without any significant sense of belonging to the Sultan/state. This autonomy can be observed in the institution of tax. Taxing constituted the limits of Ottoman state rule. Once an optimum amount of tax had been collected, the daily lives of the people were out of the reach of the state. The legitimacy of the state was highly abstract and dependent on the image of the Sultan as 'the shadow of God on earth.' This system of rule did not present much of a problem until the eighteenth, and especially the nineteenth centuries. The 'fall' of the Empire, as the traditional literature calls it, was, in fact, the fall of the system of legitimization (Aktar 1993).

In this context, the *Tanzimat* period constitutes a reference point. The *Tanzimat* Edict was announced in 1839, starting a period that would last until 1876 and be called after the name of the Edict. The Edict promised four basic reforms: The establishment of guarantees for life and property of the people; a system of taxation through appointed and salaried *muhassils* instead of tax-farmers; a system of conscription for the army; and equality before the law of all subjects (Zurcher 1993: 53). The nineteenth century was "the longest century of the Empire," as Ortayli (1983) terms it in one of his books. It was the *beginning* of the transition from indirect to direct rule.

The years following 1839 were crucial for several reasons. First, the fact that the reforms were introduced just one year after the trade agreement with Britain in 1838 shows that "internal" and "external" dynamics were interconnected. The trade agreement was a major concession given to Britain in return for its support of the Empire against the French in the Egyptian crisis (Sander 1993: 178). Since until the last quarter of the

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century, the interests of Britain lay in the sovereignty of the Ottoman Empire, it backed the Empire against the rebellious governor of Egypt, who was supported by France. The Ottomans paid their tribute to Britain by signing the trade agreement in 1838.

In the following years, similar agreements were made with other European states. For the Ottoman Empire, 1838 denoted the transition from a pre-capitalist, provisionalist and fiscalist structure to a more modernized economy with monetized production relations. According to the terms of these agreements, internal customs and monopolies on buying and selling were abolished. Liberalization in international trade was accepted. Guild structures were dissolved. The circulation of money and commodification rapidly increased (Toprak 1988). In short, 'all that [was] solid [started to melt] into air.' The remarkable expansion of the Ottoman economy was the clearest evidence of the significance of the change[22], which also caused the emergence of merchants as a new intermediary group[23].

The conventional paradigm in Turkish historiography considers this to have been the period of the 'semi-colonization' of the Ottoman Empire. According to this paradigm, imperialism forced the Empire to integrate with the world economy.[24] While the role of

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[22] Between 1840 and the beginning of the First World War, when "measured in constant 1880 prices, Ottoman exports increased by nine times, imports by ten times" (Kasaba 1994: 211).

[23] As the international trade increased, foreign powers needed merchants to carry their goods to inside of the country. Role of the merchants gained importance at the moment. They maintained the circulation of the goods and organized the production (Issawi 1980: 302).

[24] For a typical example of this kind of analysis, see Cavdar (1970).

coercion/imposition by the western powers is undeniable,[25] it can be argued that the Ottoman state chose the integration of its own will, because the integration into the world economy was the empire's last chance to save its state structure from total breakdown.

The newly emerged bureaucrats, who would be the main actors in state centralization, realized that their interests in bypassing the authority of the Sultan and his traditional circle could only be furthered by the help of foreign influence. Major changes in central and provincial administration from the mid-nineteenth century onwards were consequences of an inherently contradictory purpose: Keeping the privileged status of the bureaucracy intact while bringing about significant reforms. The bureaucracy realized during this process that unless it cooperated with the rapidly changing conditions resultant from the integration into world economy, a considerable loss of power would be inevitable. I therefore argue that the bureaucratization of administration was not a master plan of the state; it was rather a "strategy of survival" on the part of the state.

As noted earlier, the CUP was a liberal and bourgeois reaction to the *Tanzimat*. However, the first reaction to this period came in the form of the authoritarian regime of Abdulhamid, who came to power in 1876 and reversed the trend of rational bureaucratization of the state structure. His was a personalistic rule *par excellence*. He exploited the reactions of the traditional classes and pursued a pan-Islamic policy against the foreign incursion. However, this policy was rather a bluff in order to maneouvre in the international system, and it did not change the position of the Muslim middle class.

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[25] For example, the demands for reforms on equality before the law and on guarantees of life and property largely came from foreign powers to 'protect' the non-Muslim population of the empire.

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On the contrary, he continued with the modernization project of the *Tanzimat* bureaucrats within the context of his patrimonial system. As will be seen below, this contradiction prepared the ground for the emergence of his gravediggers, i..e the Unionists.

A discussion of the despotic rule of Abdulhamid is important in this study for two reasons: First, the police developed immensely in this period as one of the most important instruments of his divide-and-rule policy. Second, it is important in understanding why the CUP emerged as a liberal opposition movement. The Unionists incorporated two strings of oppositional ideology: Against the *Tanzimat* they were nationalist; and against Abdulhamid they were liberal.

Following, the police and policing in the period until Abdulhamid will be discussed. After that, the Abdulhamidian peirod as a prelude to the CUP era will be examined.

CHAPTER 4

THE PRE-HISTORY OF POLICING:

UNTIL THE ABDULHAMIDIAN PERIOD (1876)

The *Tanzimat* started a new phase in policing as a civilian and "rational" bureaucracy emerged for the first time in the empire. The civilian bureaucracy strove to capture the control of policing from the military bureaucracy. Nonetheless, the pace of change in policing decreased, and even halted, at some moments by the system of indirect rule on which the Empire was still based. It was only at the middle of the nineteenth century that policing practices were centralized to a certain extent. However, the general system of indirect rule in the Empire still caused various authorities and practices to exist simultaneously throughout the country. The absence of a centralized police force caused policing practices to operate in a multi-layered system within a highly complex hierarchy, in which the position of both state and local agents of policing constantly changed. Collective responsibility, as imposed on localities, remained the basic form of policing in this context.

Accordingly, as far as the policing was concerned, the years before the *Tanzimat*

can be termed "classical" period.[26] In order to understand the changes occurred in the *Tanzimat* period, we should first examine the characteristics of the police and policing in the Empire during the classical period. The *Tanzimat* was a bureaucratic reaction within the state to the decay of the Empire. Its solution was to introduce European methods in order to preserve the old order. Therefore, it was both fragile and presented continuities with the old system of policing. The period was characterized by dualities, from economy to law, from public administration to policing. Old and new institutions coexisted without achieving to eliminate each other. Therefore, changes in the police during the *Tanzimat* cannot be analyzed without understanding the policing practices of the previous periods.

Continuities and changes can best be understood by sorting out the most important characteristics of policing in the Ottoman Empire in its "classical" period. Continuity can be best observed in the policing by local initiatives, as during both the "classical" and *Tanzimat* periods, the dominant style was that of collective responsibility. The Empire lacked "infrastructural power" and was dependent on local strongmen, as is typical of indirect rule in other parts of the world.

This had to do with the fact that policing was mainly in the hands of the military. From the very beginning, the Ottoman army, the Janissaries, functioned as the police force as well. However, the police role of the army was limited to larger cities and to some urgent situations, such as riots. This is what Mann calls "the third level" of

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[26] I should remind the reader that this periodization has been done according to the policing practices in the empire. Otherwise, an Ottomanist may rightly be outraged to call a whole period until 1839 "classical," a term which is conventionally used for the period until the end of the sixteenth century.

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domestic repression and it came about when the first level, that is the bargain did not work (Mann 1993: 403). The second level of domestic repression was policing and the pre-modern Ottoman Empire had no interest, -and later in the nineteenth century, any power- to enforce it. This level was left to local strongmen, who organized their own "police forces" to maintain security in their regions. As the ample evidence will demonstrate later, for the lower classes this policing style largely meant repression and terror. Local notables enforced the rules as they saw fit and collaborated with the *kadi* (judge) appointed by the state in solving cases. Draconian the dominant style of policing was also "entrepreneurial," in that the extraction of "fines" became a source of profit for the notables. In sum, the reactive style of military policing in the center and "collective responsibility" in the periphery went hand in hand.

Although, the *Tanzimat* did not give rise to any drastic change in policing practices, and assigning the duty to local initiatives, we witness important changes in the organizational dimension. In accordance with the general bureaucratization of the state administration by the modernist wing of the civilian bureaucracy, the organization of the police forces was begun to be civilianized for the first time.

Given the military police at the center and collective responsibility at the periphery, the consequent character of policing practices in the empire may reveal much about the state-society relationship. In these terms, the contemporary definition of public order issues was significantly related to the contextual specificities of the initial attempts at the bureaucratization of the police in the empire. What is interesting about the changes in the definitions of public order crimes is the fact that they reflect the typical

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characteristic of the period, its duality. We will see the state's effort to extend the area that the public law would cover.

This chapter analyzes the *Tanzimat* period in order to understand the changes and continuities in the police and policing from the earlier period. In accordance with the main themes of the study, as delineated in Part I, the chapter is divided into three headings: Collective responsibility, the military in policing, and public order policing. A causal account of the continuities, changes, and transitory phases will be given, respectively, for each theme.

I. Collective Responsibility

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

The most serious threat to public order in the Ottoman Empire since the end of the sixteenth century was bandits. There were both push and pull factors in the rise of

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banditry. The major population growth in the sixteenth century, economic down turn, and the use of mercenary units by the state were all triggering causes. However, most importantly, the military recruitment policies of the state and its officials in provinces shaped the form of banditry (Barkey 1994: 148-152). As Barkey argues "peasants were enticed by official grandees to join their retinues or were directly enlisted into the sultan's army" (Ibid. 164). Furthermore, competition between these high ranking state officials forced them to enlarge these retinues. "The larger their retinues, the more powerful they were and the more important was their military contribution to wars; and the favors they gathered from the state" (Ibid.)

The reasons that gave rise to banditry continued into the nineteenth century. Wars continued and were lost; regional governors left their places to participate in wars; the households of governors who were dismissed or deceased were drifting restlessly to find new patrons; and the tax burden on the population was increased (Ulucay 1955: 56).

The state faced a dilemma. On the one hand it needed retinues of the governors for possible mobilization for war and to maintain the security of the regions in times of peace. On the other, these people were themselves the biggest threat to the public order. The solution was to facilitate local initiatives for self-policing. Attempts were made to this end as early as the 1600's. Barkey writes, for the seventeenth century, "in response to complaints from the provinces and demands for protection, the state let the peasants arm themselves and form protective organizations such as low-level militias" (Barkey 1994: 167).

As the problems persisted throughout the nineteenth century, the solutions did

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too. "Collective responsibility" was the only feasible way to deal with the banditry. The practice was enforced in every region of the Empire. In the Balkans, a village was fined for 250 piasters per household for not catching a bandit and for providing shelter for a bandit for six months. In another instance, a local notable in the region was fined for a large amount of money for not catching a group of bandits in his region. The document states that 60,000 piasters of that amount were collected and the rest would be collected by installments (CT no.373).[27]

As these examples show, the state was aloof from the surveillance of daily life and it delegated its policing functions to private initiatives. Its authority was limited to extracting fines when the local population failed to fulfill its 'responsibility.'

Collective responsibility in policing, which empowers the strongmen, also had significant results in terms of the characteristics of policing practices in relation to the people in general. It should be remembered at this point that the relationship between a state and society that balances the demands of the state with the rights of people can only be established through the existence of a modern state administrative apparatus. The fact that the police force was not centralized and effectively penetrated into society was an important cause of the draconian and "entrepreneurial" style in policing.

In this system, corporate bodies like guilds, families, etc. were immune from

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[27] In order to see the universality of this practice in every pre-modern state it is suffice to give an example from pre-eighteenth Britain, possibly the most irrelevant case in comparison to the policing in the Ottoman Empire. "In Britain, ... prior to eighteenth century rule from the center was accomplished in large part via a formula in which the center delegated responsibility for governance to the sub-political centers of feudalism. What this meant was that the sovereign delegated responsibility for such matters as policing to local structures under a system of central supervision." During the heyday of frankpledge system in Britain "populations who did not succeed in maintaining the order of the center were required to pay a financial

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external policing. Their domains were treated as "private." Therefore, summary justice was applied to those who had no job, family, or no particular house in which to live. With this selectivity comes the demonstration effect of the punishment. Torture was common in the classical period of the empire. A document from the sixteenth century states that, "if someone bought a stolen good, he should bring the seller to the *kadi* or he should prove that he found it. However, whatever the case is, officials should be careful not to kill the man during torture. If he died during the torture, however, there would not be a case for him" (Tongur 1946: 95). Similarly, the *Naima History* accounts that, during the period when Koprulu was Grand Vizier (seventeenth century), one *asesbasi* (Zulfikar Aga), for example, who was responsible for night and day beats, killed more than 4,000 men and threw their bodies into the sea (Okcabol 1940: 40).

The draconian style of policing was partly due to the fact that the society had not still been pacified until the nineteenth century. Collective responsibility necessitated the armament of the people. In fact, the establishment of the modern state goes hand in hand with the extraction of the means of coercion from the people and their monopolization in the hands of the state. For a long period, the Ottoman state had been unable to deal with the problem of the violent civilian life, although it did attempt to take some precautions against it, such as the prohibition of carrying guns in cities, the enforcement of which was one of the important duties of the police.

In the absence of a professionalized police force, the distinction between legitimate and illegitimate users of violence was blurred (Tilly 1985). The system of

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penalty to the Crown for not doing so" (Shearing 1996: 287).

policing had an additional function of 'pacifying' the armed people by co-opting them into the system. For example, *bocekbasis* ('chief of bugs') who were responsible for catching thieves and other criminals were themselves chosen from among those who had previously been convicted of a crime and become policemen after they had 'repented' (Okcabol 1940: 45). Evliya Celebi gives a similar example: "The governor of Sivas, Murtaza Pasha, gave the position of *subasi* to a person with a retinue of 150 people, who had been a member of a leading banditry group" (Alyot 1947: 50).

The reactive policing practices, being controlled locally, are naturally affected by power relations in their particular localities, and consequently led to the intensified application of terror against ordinary people with minimum accountability. The rich, on the other hand, were left free to organize their daily lives. The policing authority of the local strongmen increased in the eighteenth century as these people turned into *ayans* (notables). In the traditional system of fief holding *(timar)*, a timariot was granted the right to collect the revenues of the district allotted to him in return for performing state services. He appropriated, consumed, and thereby passed on to, state surpluses from the producing population in the name of the Sultan (Haldon 1992: 63).

This system became increasingly dysfunctional for the state after the eighteenth century due to changes in war technology and fiscal problems.[28] As a practical solution, the state abolished the fief system *(timar)* and established tax-farming *(iltizam)*. This gave rise to a powerful class of nobility *(ayan)* in the provinces, and to decentralization in

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[28] The fiscal problems of the empire can be observed from the change in its ability to collect taxes. One of the Ottoman budgets (1527\28) shows that the state was controlling 51 % of total tax revenues. In the budget of 1669\70, this rate was only 25 % (Kiray 1993: 52).

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the control of the economic surplus. It was now this powerful class of nobility that collected taxes and maintained security in their districts (Ortayli 1983: 29).

As the *ayan* families became the ruling elite in the provinces, collaboration developed between the official police agents *(subasi)* and these families. The residences of these families were like government houses. There were even prisons inside the houses. As one of the countless documents on complaints shows, such strongmen in Sivas were illegally extracting money and claiming rights over the inheritances of deceased persons. If someone went to court against them, they were buying off the local *kadi* and other security agents and punishing the complainant by beating him with stick seven hundred times (Akcam 1982: 87). In another document, dated 1798, regarding peoples' complaints about the malpractice of *subasi,* the state "admits" the oppression of a *subasi* called Ibrahim Efendi, in a Greek village and gives order for preventing this oppression (CT no.2313).[29]

Bandits were also used by the *ayans* as police forces.[30] A notable in Develi

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[29] A note on one peculiarity of the Ottoman documents: The archives are full of with these kinds of warnings by the central state. However, they have nothing to do with a "generous" or an "omnipotent" state. The only benefit a scholar can get from such documents, which were sent to provinces one after another on the same issue, is the fact that they indicate there is a serious problem going on.

[30] There are basically two interpretations on bandits. Hobsbawm (1990) treats them as "social banditry" that struggles against the oppression of the powerful. (11) According to the other interpretation they are "pragmatic, opportunistic, aspiring self-promoters who robbed their fellow peasants along with people of better means" (Vanderwood 1992: xxi) In the Ottoman Empire, the second interpretation captures the reality better. (Barkey 1992: 176-188) In his book on nineteenth century bandits in Aegean region, Yetkin (1997) espouses Hobsbawm's line (7-19). However, a careful reading of his book reveals that most of the bandits functioned as power brokers that allied themselves to ambitious state officials or local strongmen. For example, a leading English capitalist, Whitaller, who have big investments in Western Anatolia ,was providing arms to the legendary bandit leader of the period, Cakici. He also bargained with the state for Cakici's amnesty (61). In another incidence, Cakici was provided money and arms by a notable of the region. A rival notable organized another bandit group and has them clash with Cakici's bandits (Ibid. 89).

employed more than one thousand bandits to suppress the local population (Akcam 1992: 87). Another document of the period mentions "a leader of the bandits, Mehmet Aga, with his retinue" who was appointed *subasi* in Mus. Tongur documents similar cases in such regions as Hakkari and Musul (1946: 172).[31]

Although a great majority of these *ayans* were notables, sometimes the state had to appoint a person as *ayan* just for "maintaining security." In one town, for instance, there was no notable. The state, therefore, was searching a person to designate him as *ayan*, as the only way to suppress the banditry (CT no.373). Evidence exists from the Balkan regions in the late eighteenth century that bandit groups themselves were declared *ayans* to convince them to stop their disruptive actions (CT no.1063). The main reason of appointing bandits as police was the fact that internal pacification required assimilation of them into a police force. Thanks to this policy not only the public order was ensured in appearance but also a major obstacle to centralization was removed.

Besides the draconian style of policing, the other problematic characteristic of policing practices in the Ottoman Empire until the nineteenth century was its "entrepreneurial" character. Because the practice of preventing crime was considered profitable, those places that did not provide such an opportunity were mostly left unpoliced. This fact was related to the relative increase in the monetization with the tax-

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These cases show that bandits in the nineteenth century Ottoman Empire were serving the notables' interests, rather than that of the peasants.

[31] Until well into the Abdulhamidian period, the state dealt with banditry by the help of other groups of bandits. A deputy from Salonica in the Assembly of 1908 similarly recalled: "When the government captured the "Verhovist bandits," it did not treat them as bandits and did not enforce the law. Because they were pursuing the other bandit group of Apostol" (MMZC, 1/1 1: 391).

farming system. The transition from fief to tax-farming was itself the result of the state's need for cash to finance its increasing war expenditures. Therefore, collecting taxes in cash rather than in kind, especially from those provinces far from the center, became an urgent need (Genc 1973). The system encouraged the tax-farmers to increase the taxable products so that they could extract the surplus after having paid a fixed amount of money as contractors to the state. Initially, contractors were largely from the civilian and military bureaucracies. They owned the newly created estate lands (*malikane*). However, instead of becoming part of the production process, they became a kind of rentier class and delegated their powers to tax farmers *(ayans)* in localities (Genc 1994: 61).

Policing was one of the most profitable areas for the *ayans*. They found the Janissary corps, who were responsible for policing, as their natural allies in this enterprise. As the old system declined, the Janissaries spread throughout the empire, consolidating their position and economic independence in towns where they were based by allying themselves with, working for, and sometimes becoming members of, the new landholding elite (Haldon 1992: 69). They began to appropriate an increasing amount of the surplus for themselves.

The collaboration of the *ayans* and Janissaries can be observed in the financing of the police force. The policemen in a local area were paid by the people who lived there and this was a heavy burden as they were required to pay additional taxes. For example, "in return for their policing services, Edirne *Bostancibasilari* collected many different taxes *(cenber, kotek, hatap, balik, konakci, saman etc.)* from the local people." As these taxes became unbearable, the central government forbade the imposition of such taxes

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except where the beats involved were very small (Tongur 1946: 99).

Moreover, the police responsible for areas outside the capital city got not only their salaries but also the additional costs of wheat, meat or grain that were generally all financed by the local people. There are numerous documents of the complaints of local people about the corruption of the Janissaries and *subasis*. A document dated 1795 states that in Edirne, the Janissaries responsible for the public order were seizing free food, fodder, and "etc." from the local people (CT no.2916, see also no.2313; 1063).

In addition, as the payments to the security forces that worked in rural areas were not satisfactory, the quality of the personnel was low. A letter written from the Ministry of the Interior to the to sub-governors in 1860 stated that, because of the low wages, regular soldiers did not want to be transferred to *zaptiye* and only "vagrants" were eager to become police (CT, no. 1984).

Another consequence of low payments was that *zaptiye* officers stayed longer in villages where living was cheaper. This caused their work collecting taxes and maintaining public order in other places to be neglected. Even the *kadis*, who were the highest authority in localities, were involved in the practice of gaining illegal profit from their duties:

> After the 16th century, there appeared a corrupt practice of *kadis* of leaving their jurisdiction for hearing cases in other regions. Normally, only the *kadi's* representative, *naib*, would go to villages for investigation or inspection of properties in controversy. However, later, administrative and military authorities with large retinues started to go to different places and take free meals from the local population. They also forced people to organize court hearings everywhere they

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went, just for the sake of extracting special taxes for the hearings (Ortayli 1976: 100).

The further the place from the center the more influence the local authorities enjoyed. In those places, policing was controlled by powerful figures of the locality that were "appointed" by, and paid a certain amount to, the center. This mechanism degenerated as the overall system of the empire began to break down, and it became solely a source of profit for those in power. Although the local notables 'bought' the work of policing, they received much more from the local people than they paid to the state.

In order to better analyze how the system of collective responsibility worked in cities, it seems necessary to understand their structures.

As in all feudal cities, there existed in the center of the Ottoman city a temple (mabet), a central government building, and finally, a bedesten, a building similar to guildhalls in European cities. These buildings were located on the grand plaza at the city center. Around this central area was there the shopping center where artisans worked, surrounded by residential districts. In the Ottoman city, districts were separated not according to social classification but according to ethnic and religious differentiation (Ortayli 1979: 195).

This structure gives hints about the elements significant for the operation of policing, the guilds and the neighborhood (mahalle). "In the traditional Ottoman city, municipal service meant in practice, the use of repression for forcing people to do their own business by themselves. The official assistants of the kadi were, in fact, responsible

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for security" (Ortayli 1985: 113).

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

In the Ottoman Empire, it was the local *imam*, the religious leader of the community, who had the "access to private places." The basic elements of surveillance based on collective responsibility were the communitarian ethos and the family. Neighborhoods were the basic unit in policing the cities and *Imams* were responsible for organizing the community for maintaining order. Each person was designated as responsible for another one. Their names were registered. If the perpetrator of a crime could not be found then the whole neighborhood and its *imam* were held responsible (Cadirci 1991: 71). If the people of the neighborhood stigmatized a person as notorious for stealing or other inappropriate behaviors, he would be investigated. When an inappropriate behavior was detected in his past, he was exiled to another region. In case of the recurrence of similar behaviors in that district, he was exiled again (Alyot 1947:

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In the classical Ottoman system, policing practices were organized by a very complex hierarchy. The Grand Vizier was the highest authority in this system, under whose control there existed police forces with different names, which were designed to control various districts. The appointment of these agents, however, was a venal matter. In Istanbul, the Janissaries were in charge of policing. Their *kethuda* (lieutenant) was responsible for appointing *kullukcus* who were financed by the local people. Those Janissaries who were appointed as *kullukcu* had to pay a charge for their profits and could only have this job for three months (Tongur 1946: 56 and 63). As the job was quite profitable, their number increased in time.

The authority for the sanctions that ensured the efficiency of the collective responsibility in an Ottoman city resided in the *kadi*. Since there was no separation of powers in the Ottoman Empire, the *kadi* had both judiciary and administrative functions. He was "*kaymakam* (sub-governor), mayor and chief of police, all at the same time" (Okcabol 1940: 44). He is comparable to *Maire, praetor,* or *Alcade* in Spain (Ortayli 1978: 4).[32] According to the *Nesri* history, he was the first official to be appointed in the Ottoman state. The transportation to Istanbul of goods such as firewood, meat, oil, grains, and vegetables, which were essential for the sustenance of the city, was the main duty of the *kadi*. As the representative of the Sultan in towns, he assumed all the administrative, juridical and policing functions. He could give penalties to criminals in his region.

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[32] He can also be compared with the sheriff in England. Apart from their policing functions, both of them were royal officials, and granted power to levy fines against criminals (Bayley 1985: 28-29).

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Though mainly authorized in judiciary issues, he also had administrative duties and worked as a controller. They frequently walked police beats.

Kadis, according to the official Ottoman documents, were supposed to be objective. They had to abide by strict regulations on judicial procedures. However, there were many instances in which local strongmen - be it the head of guild or another notable - came to the court during the hearings and intervened in the final decision to their advantage (Ortayli 1994: 62).

In dealing with public order problems, the *subasi* helped, and was ordered by, the *kadi*. Though appointed by the central government in the early period of the Empire, *subasis* began to be appointed by local authorities *(sancak beyleri)* as the land of the empire expanded. 'Venal policing' was also prevalent in this position. The authority to appoint them resided in the governor (*vali*) or sub-governor (*mutasarrif*) and was generally granted to those powerful persons who had large retinues. In provinces where pashas had the authority, their *kethuda* and *haznedars* (treasurers) appointed the subasis, receiving money from them which was called *avaid* and *fevaid* (Okcabol 1940: 32). That means that the office of *subasi* was considered a matter of private ownership. A document dated 1770 shows that an Abdulaziz Aga was subasi for thirty years in a town. The townsmen complained that he increased the tax from seven hundred bushels of grain to three thousand. Still more, he had collected five thousand piasters, and additional six thousand piasters on the pretext of sending a group of soldiers to another region. The people demanded that he be replaced with Hasan Aga who belonged to an old notable family of the region, and that they be paid back (CT, no.2337).

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Under the *subasi* in the hierarchy came the *ases*, who was responsible from the control of shopping and bazaar areas, and was paid by shop owners for his work (Ortayli 1979: 198-9).[33] Besides, a ten percent of the fee paid by shopkeepers for any penalty belonged to the *ases* (Alyot 1947: 31). Since *subasi* and *ases* were unpaid and had to live in community in which they worked, we can assume that they were cautious not to provoke any hatred from the community.

The most important administrative duty of the *kadi* was to control the artisans. Policing of these relatively autonomous production organizations was crucial for the state. Guilds were under the jurisdiction of *kadi*, who put *narh* (fixed prices) on products. *Muhtesips* (market supervisors)[34] oversaw the application of the pricing policies. "The guild organization was a continuing and endless source for war-making" (Tongur 1946: 35). The state needed the support of this corporate body not only for the production of goods but also for their power in case of the emergence of any mass disturbance. For example, we know that the *kadi* of Ankara organized the public against the Celali upheaval in 1599 with the help of the guilds of the city. The rulers of the Ottoman Empire had to respect this enormous force. This respect was to such an extent that guilds, thanks to their collectivity, were able to protect themselves against governments and the police. Neither the *subasi* nor the chief of the Janissaries could so much as enter a bazaar

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[33] I would like to note an interesting etymological similarity between the words of *ases* in the pre-Ottoman Turks and *assize* of the traditional English police system. I could not find any clue about this but it could be an interesting study for an etymologist.

[34] *Muhtesips* were the administrative police in the capital city, and were contracted for one year by way of iltizam (right to levy tax). Those who were appointed as *Muhtesip* were given *berat* (title of privilege) in return for a certain amount of money (Tongur 1946: 27).

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with an organized guild structure without permission (Ibid. 35). As Ortayli indicates, "some guilds, such as tanners, went even further by not handing over their members to the police even if they were guilty of murder" (Ortayli 1979: 212).

Between the guild and the state was the *kethuda* (steward). He was elected amongst guild members to take this prestigious position. "Since stewards could resolve any kind of disagreement, most of the issues were not brought to courts or police" (Tongur 1946: 37). Since the state could not penetrate into the daily life of its subjects, most of the time, the *kadis* had to ask for their advice on the resolution of legal conflicts.

The importance of the guilds for the system of policing in the empire becomes significant when their structure is considered. These organizations were autonomous units. They were free in their internal affairs, from setting the production standards to inflicting punishment on their members. The state could not and did not interfere in their decisions. Gerber (1994: 114), even argues that "the involvement of the central government in the guild system was clearly sees as derivative, the government having been merely co-opted into involvement by the artisans themselves.

In 1850, an attempt was made by the state to gain control over the guilds. With the abolition of the *Ihtisap Nezareti*, the *Zaptiye Musiriyeti* (Field Marshall of Policing) was assigned to perform its function. An "Assembly of Fixed Prices" *(esar)* was consequently formed under the *Zaptiye Musiriyeti* to control whether the policies of trade and fixed prices were appropriately enforced. Representatives selected by the guilds were also members of this assembly. When the *Ihtisap Nezareti* was reestablished in 1851, the *Esar* Assembly was relocated there (Tongur 1946: 156). Strikingly enough, even under

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the *Zaptiye Musiriyeti*, the *Esar* assembly was not considered as an agent in maintaining public order. As a result of the fact that the guilds were represented in the assembly, *Esar* mainly performed the limited function of controlling prices. That again shows that the guilds, as corporate bodies, policed themselves.

Collective responsibility, as exemplified in the 'power' of the guilds in policing, was a natural outcome of the Ottoman system of administration until the end of the nineteenth century. The state did not, and in fact could not, do much about changing this situation.

How can we explain the persistence of "collective responsibility" in policing? What could explain this condition is the fact that most crimes were accepted as related to private law at that time. The main goal of the law in this period was to maintain order rather than to detect crime or to intervene in the daily lives of the people. This was the basis of guild autonomy. Gerber (1994: 125) explains that, "one factor here may have been a basic indifference on the part of the Ottoman government to what was happening 'down below' among the simple folk, as long as no disturbance of the peace, reduction in tax revenue, or anything of the kind occurred."

All these indicate that state formation in the Ottoman Empire followed a path partially independent from its domestic social structure. The *Tanzimat*, which was introduced by the modernist bureaucracy in direct collaboration with the foreign powers, was, in fact, a reaction *within* the state to the decay of the Empire. The lack of popular basis showed its effect in the continuity of traditional policing by local initiative, with all its consequences.

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Useful in this context is Hall's concept of "capstone empiresaccording to which, states seek "control rather than efficiency" (1994: 13). The Ottoman Empire was a capstone state, not in the sense of directing the economy as it wished, but rather in the sense of preserving the peasant-based economy. In that sense, it was not omnipotent. The situation was rather a "power stand-off" between state and society, as described by Hall for China: "Nevertheless, arbitrary action against individuals was counterbalanced by a fundamental inability of the state to go against the gentry class as a whole" (Ibid. 5).

Similar arguments have been made for the Ottoman Empire by Eldem (1988: 23). He writes, "the state viewed economy very opportunistically, just to search for and to create resources. As a result of this political mutilation, economic productivity was limited or decreased by losing its flexibility and competitiveness." Therefore, for Eldem, the question is not whether there was a capital accumulation in the empire (since there obviously was), but rather the site of this accumulation. He argues that because the revenue maximization approaches, the state patronage became dominant. Therefore, a parasitical sector developed around the state treasury. The most profitable enterprise was to exploit the advantages granted to the "military class" such as *iltizam*, land ownership, and status grant. Investments in these areas were parasitical and had an appealing force on the capital to such an extent that the real sectors of the economy were left with no resource (Ibid. 24-5).

The appealing force of the state treasury was enough to pacify the merchant class. The system of manufacture, on the other hand, put effective limits to the state authority. However, this was not so much a concern for the state, because the guilds were natural

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allies of the state in preventing any change in the production process. In short, the primary goal of the state was to keep the peasantry from changing their production techniques and to tie them to the land.

That was the condition of the bargain between the state and the intermediary societal forces. In return for helping the state keep the peasants on the land, the state would grant them privileges in the form of rent, authority to tax, status, etc., and would not interfere with their daily relations with the people. This explains the privileged status of the local strongmen in policing their regions and their relative independence from the state.

II. The Military in Policing

The *Tanzimat* reforms showed their main effects on the organizational structure of the state police. The codifications introduced in this period had important implications in taking policing from private initiative and allocating it to a central organization. The establishment of a police force as a public and a specialized body could only be achieved in steps with varying success during the course of the nineteenth century. The history of policing demonstrates how the choices and intentions of the agents were constrained by their environments. Most of the time state managers experimented with the organization of the police, the history of which witnesses attempts at introducing new forms of police, their failures, and re-formulations. Although most of these attempts were abortive, they are still suggestive of the interaction among multiple

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actors in state and society.

It will first be argued that the internal conditions of the Ottoman state and society were not conducive to a civilian police force. The factors, which were outlined in Part I, i.e. cultural heterogeneity, conflicting interests between civilian and military bureaucracy, and the power of the local strongmen presented important obstacles for a civilian police force during the *Tanzimat*. After I show these obstacles, it will further be argued that the limited success in centralization of the police forces can be attributed largely to "external" factors, most importantly, to warfare and the international state system.

The military was one of the main obstacles for any change in the organizational structure of policing. As it was involved in the work of maintaining public order, for most of the period, the police was administered under the military organization. Even when a civilian police authority had been established, the police officers themselves were still recruited from among the army in most, if not all, cases.

The first step towards a centralized organization for policing was taken after the abolition, in 1826, of the Janissaries, who had performed the policing practice in the empire until then. The *Ihtisap* Ministry was founded the same year and entitled to be responsible of not only municipal affairs but also policing. Although the new system provided a public and centralized organization, those who were appointed for policing under this ministry were still recruited form the military. The Ministry was authorized for both judicial and executive functions. It was later incorporated into *Zaptiye Musiriyeti*, which was established in 1846.

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The real developments in police organization were realized after the proclamation of the *Tanzimat* edict in 1839. If one considers the fact that the origin of the word *Tanzimat* is *nizam* (order) it becomes clear that the issues related to maintaining the internal order of the Empire were of primary importance. As a matter of fact, the most important article in the edict concerned the guarantee of "the life, honor, and property of the subjects" by the Sultan. As Zurcher argues, this article, "apart from echoing classical liberal thought as understood by the Ottoman statesmen who had been to Europe and knew European languages, also reflected the Ottoman bureaucrats' desire to escape their vulnerable position as slaves of the sultan" (Zurcher 1993: 53). This shows that the attempt of the civilian bureaucracy to separate the police force from the military and centralize it, was, in fact, an attempt to increase its own authority over the traditional military bureaucracy and the Sultan.

The need for a rational bureaucracy and a centralized administrative structure arose from the need to by-pass both the local notables and the Palace. In doing this, the civilian bureaucracy fought with not only the local notables but also with the religious (*ulema*) and military bureaucracies. Gaining the control of policing was therefore one of the major issues of contention.

Civilian police officers were introduced into the empire with the foundation of the 'police organization' (*polis teskilati*) in 1845[35]. This was, however, a short-lived

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[35] This was the first organization in which the term "police" was used. An interesting note: In Turkish, there is no word, which corresponds to "policing." However, in this regulation, for the first time –and probably the last time- the word "police" was used in stead of "policing." The following excerpt is from the Regulation: "*polis tabir olunan usul-u zaptiye,*" it can be translated as follows: "a method of maintaining security which is called police." It seems that the agents responsible for policing was not called police but

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experience. Mostly due to the general resistance of the military, the state reestablished the military system in policing.

In accordance with the general objective of maintaining the security of subjects (and the bureaucrats!) of the *Tanzimat* edict, the *Zaptiye Musiriyeti* (Police Field Marshal) was founded in 1846. This was a crucial step for the reason that, all of the agencies responsible for policing – especially the police and gendarme *(Jandarma)* – were united under one central organization for the first time. For this reason the period between 1846 and 1879 is referred as 'Unification of the Security Forces' *(Tevhid-i Zabita)*. Despite the significant development in terms of centralization, the new organization was still based on the military.[36]

The *Zaptiye Musiriyeti* is crucial in that its foundation represents the first acknowledgment of the necessity for specialization in policing. In the preamble of the statute, it was stated that the responsibility of soldiers for policing was detrimental to their essential function, i.e. dealing with external security affairs (Alyot 1947: 83). It was for this reason that an organization that would exclusively deal with internal security was necessary. It seems that, with the foundation of the *Zaptiye Musiriyeti*, security problems came to be considered as distinct from the military and as part of administrative affairs. All of the appointed *Zaptiye* Marshals were civilian governors.

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still referred as *zaptiye*.

[36] The term *zaptiye* was replaced by *jandarma* at the end of the period in 1879. Originally, *zaptiye* was considered as an administrative unit. However, after the Ottoman-Russian War of 1877-8, in order to satisfy the reform demands of the European powers, the French model was accepted. Accordingly, it was taken away from administrative bureaucracy and put under the authority of General Commander of Gendarme. With respect to training, recruitment, and promotion, the organization belonged to the Ministry of War; and as for the tasks concerning internal security and the enforcement of the rules, it belonged to the Ministry of Interior. The basic

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Recruitment of *zaptiye* officers was achieved as follows: First, one of the oldest institutions in the Empire, the timariots, were abolished, in 1844. They were held responsible for becoming *zaptiye*, instead of soldiers. Second, depending on the income of the fiefs (*timar*) they held, they became either cavalry or infantry in the new organization. The governors and the Provincial Administrative Assemblies, which were established in the same period, were to determine and then inform the center on the situation of the fiefs in their regions (Cadirci 1991: 318).[37]

However, one of the distinctive features of the *Tanzimat* Period was its institutional dualities. The modern bureaucracy and its novel institutions did not replace the traditional ones. Instead, they existed side by side and were often in contradiction to each other (Ortayli 1987). The multi-layered structure perpetuated throughout the period as a result of the endurance of old institutions and the power of local authorities. This seriously limited the development of the Tanzimat bureaucracy.

Policing and the prefectoral system as the two most important components of the territorial administration went hand in hand in the Ottoman state. Since the basis of the prefectoral system was established towards the end of the *Tanzimat* period we have to analyze the relationship between the police and the governors very briefly.

In its inclusiveness, one of the most important functions of the prefectoral system was to maintain the security in cities. Historically, local public administrators had the

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structure, which was consolidated during the CUP regime in 1912, is still intact (Tongur 1946: 148, 281).

[37] Needless to say; this reorganization was done **after** the reorganization of the army which was divided into two sections, one is "regular" (*nizami*) and the other "reserve" (*redif*) army. The duration of the military service was five years for the former; and after completing this, seven years for the latter. Soldiers were to

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highest authority in administrative ("preventive") police work. Article 15 of the regulation put into effect after the Tanzimat in 1839 stated: "Policing affairs in provinces are under the authority of the governors. The distribution in city and in town of police forces and their transfer from one region to another are regulated by the order of the governor (Aslanoglu 1946: 27). According to Article 12 of an order dated 1858, "it was the responsibility of the governors to appropriately provide the order and security of all the people in a province" (Tongur 1946: 180).

The original idea of the *Tanzimat* reformers about the security forces was that the they were to be put under the authority of the governors on the one hand, and the omnipotent governor of the old system was to be restricted by making them more responsible to the center on the other. In this way, the security forces would be brought under the control of the central government. The achievements of the goals was undertaken by the biggest centralization attempt of the Tanzimat period, the Administrative Assemblies. The analysis of these assemblies and their effects on the organization of the police will reveal the inconsistencies of the *Tanzimat* period.

Provincial assemblies were first introduced in 1840. At that point, the sole aim was to restrict the authority of the governors with assemblies and tax-collectors sent from Istanbul. However, because of the lack of experienced bureaucrats and the resistance of the local population to the tax-collectors, the system failed. The government then decided to increase the role of the governors, by limiting them with other devices as will be seen shortly. The administrative structure of the empire was reorganized in 1864. "For this,

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be determined by special councils in provinces after a draw (Cadirci 1991: 313-317).

there was only one model, for the Middle East as for Continental Europe; this was France as it was evolving from the First through the Second Empire" (Wickwar 1958: 250). The Provincial Regulation of 1864 was derived from French *departements*. The empire, accordingly, was divided into four administrative units: the *Vilayet* (province), sancak (county), *kaza* (district), and *nahiye* (commune). In a short period of time there were established 10 provinces and 44 counties in the Balkans; 16 provinces and 74 counties in Anatolia; and 1 province and 5 counties in Africa. In addition to these reorganizations there were created several "independent counties" that were tied directly to the center rather than to a province. As Ortayli (1985: 61) argues this latter type of counties are important indications for the centralization policies of the *Tanzimat* reformers. He writes that the CUP government continued and even increased this type of counties. What is crucial in all these reorganization, however, was the fact that the Administrative Assemblies were established in every step of the administrative entity and their members were elected as individuals rather than as members of different millets.

The Administrative Assemblies are important for understanding the main characteristics of the Tanzimat period and its centralization policies. The difference between the 'New Ottomans' (reformers of the Tanzimat) and the later 'Young Turks' (revolutionaries of the CUP) lies in their different responses to the ethnic and class crystallization of the empire. As Mann writes, this is a matter about representation - who should be a full citizen and where citizenship should be located (Mann 1993: 731).

According to the New Ottomans, a Western-type constitutional regime would break up the empire. Therefore, the state should opt for administration via local councils.

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The Young Turks thought otherwise. They chose a western style of centralization, i.e. through citizenship and parliament.

The Administrative Assemblies were initially designed to incorporate the land-holding elite so that they would not object to the muhassils (collectors) when they collected taxes. Another aim in their establishment was the control of state agencies by the central state. The authority of governors was almost absolute before the Tanzimat. With the Provincial Regulations of 1864 and 1871, functional specialization was introduced for restricting the authority of governors. Governors were forced to share their authority with other state agencies like directors of police, agriculture, and commerce who were appointed by different ministries from the center. Despite the division of labor we can argue that the center increased its authority in the provinces. Now the governors were far from being omnipotent actors but rather the representative of the state in the provinces who supervised the actions of different state agents and he was the chair of the Administrative Assemblies. The division of labor functioned as a system of checks and balance over the governors.[38]

However, a more important factor that restricted the authority of the governors was the representation of the strongmen in the Administrative Assemblies. The system of election was designed in such a way that the positions in the assemblies would be filled exclusively by the land-holding elite. Representation of different ethnic groups, through their religious leaders, was especially considered. The representation of the lower classes,

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[38] We can compare the situation with the transition from *Intendant* to *Prefect* in France. French Revolution also curtailed the despotic powers of the former and created the prefectoral system which were more effective for the central authority (Chapman 1955: 13).

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on the other hand, was prevented by the electoral system.

In Europe, conditions such as open balloting and no salary for the councilors were the prime mechanisms to keep the lower classes underrepresented. The nineteenth century liberals of Europe justified these restrictions by arguing that wealth and property would bring a 'disinterested' and 'altruistic' approach to politics and that, therefore, public affairs should be delegated to property owners who were removed from the selfish anxieties of ordinary people (Goldstein 1983: Chapter 1).

Strikingly similar statements were put forward in the Ottoman Empire to justify these restrictions. An Ottoman deputy stated: "According to my opinion, because they will work in assemblies without any salary, candidates [for the Administrative Assemblies] should be those who pay at least 1000 piasters of tax. [The proposal was 250 piasters minimum]. What will happen if they are chosen from amongst the poor? They should be rich so that they can spend from their own wealth." Another deputy declared: "If he is rich, he will not be corrupt. Therefore, we should define the candidates as 'wealth possessors'" (1877 MMZC: 72). During a parliamentary session for the reorganization of city administration in Istanbul, in addition to the above-mentioned restrictions, travel allowance to the city center for assembly meetings was denied, so that, de facto, lower class people would not dare to be candidates (Ibid. 126).

The Administrative Assemblies, which had initially been established by the state to control its own agencies, soon turned out to be a formidable barrier to centralization.

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The dominant classes in localities resisted every attempt at centralization.[39] This land-holding class even managed to organize riots,[40] and to replace governors or sub-governors whom they disliked.[41]

As noted earlier, the assemblies were responsible for the recruitment of *zaptiye* officers as the police force. According to the regulation, each region would provide its own officers. For example, we know that in Saruhan (a town in Western Anatolia), 359 infantry, and 195 cavalry were recruited by the Provincial Assembly as *zaptiye* officers (Tongur 1947: 139). One might expect that strongmen of every region had important authority over these "police" forces. This was indeed the case. "Most of these officers were sons of notable families of regions, who were about to become feudal lords... They continued with their old habits. Although they were paid they were still pillaging people and extract illegal moneys" (Cadirci 1991: 320). For the sake of completing the formation of the police forces as soon as possible, people from the native population,

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[39] For example, one of the representatives of this class in the Chamber of Deputies complained in 1877 as follows: "Now, there are certain men coming to a vilayet and claiming that they are the tax-collectors. They perform their alleged duties. These men stay in cities and send their officials to towns. They give one or two percent of the income to these officials. We heard that even the kaymakam (sub-governors) received their 30 percent. All the corruption happens with the aid of kaymakam and *mutasarrif* (high ranking provincial governor)" (1877 MMZC, vol.2: 240).

[40] A deputy of the republican period stated during the parliamentary proceedings that, at a time when the people of Mus [an eastern city] suffered from hunger, the administrators came to the city and wanted to transfer the grain from the storehouse to the military or to sell it immediately. The members of the Assembly refused. The governor dismissed the members. In the end, people revolted and the grain was distributed to the people. Another deputy explained that the governors and sub-governors were "influenced" by the members of the local assemblies (TBMMZC, 2/1 4: 373).

[41] For example, when the famous figure of the period, Ziya Pasha, was appointed as the sub-governor to Amasya, he levied some extra taxes for the public improvements, and in few cases, he sided with the peasants. The Administrative Assembly wrote a complaint to the Porte, and consequently Ziya Pasha was dismissed (Ortayli 1974: 67).

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who were called 'irregular cavalry' or 'infantry,' were enlisted in many regions. "For example, in Hama [a region in Syria], 244 irregular soldiers were recruited from several parts of the region and put under the command of a *sergerde* (chief) for maintaining the security of the region" (Tongur 1946: 138). The general practice, especially outside Istanbul, was to delegate the establishment of *zaptiye* officers to an *Aga* (strongman), who had many men under his control, for a certain amount of money. That is why it could be argued that even after 1846, when a relatively institutionalized police force was established under the *Zaptiye Musiriyeti*, the practice of maintaining order worked as a system of incorporating local power holders into the state.

The government was aware that its plans did not work as it intended. Complaints against the new *zaptiye* officers increased. Therefore, another distinct civilian police force, called 'investigation officers' (*teftis memurlari*), was formed in 1867. In the literature, these officers are considered the first predecessor of the modern police. "While maintaining security had been considered a military affair previously, with the foundation of the Zaptiye Musiriyeti, it was organized as a special branch and the first form of today's police forces, 'investigation officers,' was put under military command as a paramilitary organization" (Okcabol 1940: 72). It stated their basic duties as "revealing the incidents that should be known related to the government or to public in a timely fashion" (Alyot 1947: 179). This shows that the real objective in founding this police organization was the interest of the state. As was the general rule in the *Tanzimat* period, the "investigation officers" did not replace the *zaptiye* organization. They existed side by side.

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This organization was also short-lived and replaced by another military organization, the Military Police (*Asakir-i Zaptiye*), during the late nineteenth century. The international system had primary importance in the emergence of this organization. The *Islahat* Edict was announced in 1856, two years after the Crimean War. It included clauses on the abolition of torture, the punishment of government officials who did not comply with laws and regulations, and the placement of all security forces in the provinces under an order. As stated above, the *Islahat* Edict was the price paid to the European powers in return for their help in Crimean War against Russia. The Ottoman Empire should have put its own house into order.

In accordance with the reform decree of 1856, the *Asakir-i Zaptiye Nizamnamesi* (Military Police Regulation) was prepared in 1869. From then on, several related regulations were published concerning these troops. The main significance of this statute lies in the fact that it accepted the work of the *zaptiye* soldiers not as military but as administrative. They were thus put under the authority of governors and sub-governors in performing their function (Alyot 1947: 100).

In short, the influence of neither the religious and military bureaucracy nor societal forces could be curtailed. The result was that effectiveness had greater priority than productivity for the Ottoman bureaucracy.[42] Therefore, even when policing was assigned to a special branch, it was still considered as part of the military organization. Although all of the appointed *Zaptiye* marshals were civilian governors, policing

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[42] Heper (1985: 248) argues that guaranteeing the survival of new institutions was more important than having them work productively.

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remained under the control of the military, nearly 10,000 *zaptiye* soldiers being employed in Anatolia for this function (Alyot 1947: 92).

Consequently, these steps towards the foundation of a 'modern police force' were limited in two ways: first, 'publicness' in administration of policing could not be provided because policing was shared between military in the center and local initiatives in the periphery. Though a centralized organization was finally provided, it could not be efficiently extended throughout the country which caused local authorities to continue in their involvement in various policing practices. The main reason for this was the fact that the Ottoman Empire was composed of diverse peoples with different historical and cultural backgrounds. As mentioned in Chapter 3, it is extremely difficult to spread an organizational innovation throughout a heterogeneous society. It was almost impossible to copy one experiment from one part of the Empire to another. The state could not even apply its Provincial Administrative Regulations of 1864 and 1871 throughout its lands.[43] Because of the heterogeneity of the empire, Istanbul was chosen as the model *vilayet* for the application of the Regulation of 1864. Cevdet Pasha explained the fact by saying "different peculiarities and different structures of every region of the empire should be taken into account" (Ortayli 1985: 33). The deputies of the Chamber acutely felt the problem in 1877. During the discussions, a deputy from Aleppo stated: "If it is convenient for one part of the country, it cannot be so for another. It should be something else in another part.... If it is useful for one part, it can be harmful for the others" (1877 MMZC, vol. 1: 236).

Second, the organizations that were responsible of policing were not publicly

financed. For the first time during the Ottoman period, the government levied tax for the authority in policing, i.e. the *Ihtisap* Ministry, in 1826. However, this provoked significant reactions led by the local strongmen. In Damascus, for example, the people rose up against the new tax (Ortayli 1974: 112). For most of the Ottoman period, although the police were structured in administrative and organizational terms by the state, most of the policing practices were still financed by local authorities and local people. Even in the case of *Zaptiye Ministry*, the officers were financed from their own lands (*timars*).

The centralization via local representation (the route of the 'New Ottomans') proved unsuccessful. The state was not strong enough to by-pass the resistance of societal forces. Kasaba writes:

> when the provincial councils were established, local notables were quick to take their places in them either directly or through people whom they trusted. Consequently, in most cases, the provincial assemblies became not instruments of reform but sites of struggle among the representatives of the central and local interests, and in most cases they turned into effective barriers against the proposed changes in the status quo (Kasaba 1994: 217).

The separation of the police from the military could never be totally achieved during the nineteenth century. As noted earlier, the police were mostly recruited from army officers. Moreover, although police work was finally acknowledged to be an administrative matter, it was governed by the military until the Hamidian period.

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[43] See Tilly 1990: 100 for the effects of cultural heterogeneity on institutional developments.

Nevertheless, it was during the *Tanzimat* period that significant developments took place in terms of the foundation of a public police force in the Ottoman Empire.

If the internal factors do not help us to understand the centralization of the police forces what else can account for it? The most effective factors in these developments seem to have been warfare and the international state system.

Wars, especially lost wars, influenced the balance of power between the police and the military forces. Almost all of the significant organizational changes in policing during the Ottoman period corresponded to changes in war-making. The abolition of the Janissaries in 1826 was due to repeated defeats abroad. It was a crucial event for the development of police organization in the empire because the abolition of the Janissaries responsible for the security in the capital city and countryside created a void in policing. The subsequent period of *Asakir-i Mansure-i Muhammediye* (Victorious Soldiers of Islam), substituted for the Janissaries between 1826-1847, was followed by the rise of the police force as independent from the military (Tongur 1946: 121).

Another factor effective in the differentiation between the police and the military was the international state system. Since the eighteenth century, the Ottoman Empire had accepted the implementation of the rules of international law: "The first treaty signed between Christian states and a Muslim state in history was that of Karlowitz in 1699. It was in accordance with the secular international law whose principles were laid down by Grotious. From then on, Ottoman state would have to comply with the international customary practices and agreements in all its international relations" (Ortayli 1983: 72).

Every state, acting within a system of states, must convince the others of its

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capacity in order to deserve sovereign status. The Ottoman Empire was quite experienced and well aware of the fact that the inability to maintain order in the country would lead to foreign intervention. [44]

The fact that the 1850s witnessed major initiatives in the reorganization and extension of urban policing in various countries could be effective in the reforms of the Ottoman Empire in terms of the demonstration effect in policing.[45] As almost all of the other reforms, the police system was reorganized by taking the experience of western countries as a model. For example, the reason for founding the *Zaptiye Musiriyeti* was explained by referring to the 'rules of the contemporary world.'

However, this demonstration effect should not be evaluated as the absolute pressure of external factors. It was not the imposition of foreign states that caused the attempts for, and the realization of, reforms in the Ottoman Empire since the *Tanzimat*. On the contrary, the intellectuals of the *Tanzimat* period adopted the understanding of the European politics and the modernization of its administration in terms formulated by Metternich. Metternich's dictum, 'the power of the empire in international politics depends on the strength of the internal order,' was their guiding principle (Ortayli 1983: 187). In order to understand this point better, the concerns of the civilian bureaucrats and

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[44] For example, when a communal fighting occurred in 1845 in Lebanon because of the inability of Druzes and Maronites to maintain the dual governor status, the European states sent soldiers to Lebanon in order to suppress the turmoil. "That means that Europe actively intervened in an internal affair of the Ottoman state" (Ortayli 1985: 51).

[45] "In the modern period, professionalization has been accepted as essential to efficient management. It was an axiom of progressive reform. Governments studied innovations made elsewhere and copied them at home. Prussia, Austria, and Russia studied the French experience closely in the 18th century. Japan borrowed self-consciously from Prussia and France. Professionalization promised to enhance effectiveness and reliability regardless of the nature of political systems" (Bayley 1985: 51).

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their relations with the international system must first be understood.

The international system was a stepping stone for the civilian bureaucracy in taking the control of the state apparatus from the hands of military and the Sultan. In this hostile environment (or, in Silberman's (1993) wording, "high uncertainty"), the new bureaucracy had one specific advantage, which was their specialty in international relations.[46] This monopoly of knowledge also constituted the most effective ground for gaining an autonomous base within the state hierarchy. As Nettl puts it, "whatever the state may or may not be internally, ... there have in the past been few challenges to both its sovereignty and its autonomy in 'foreign affairs'" (Nettl 1968: 563-4). This is more relevant in a non-Western case such as that of the Ottoman Empire, for which the externality of state formation was much more important than for the Western examples.[47]

During this period, the Ottoman state masterfully used the internal rivalry amongst the "European Concert."[48] This rivalry gave the Ottoman Empire important leverage that it could use against foreign incursions. The bureaucrats, most of whom had been educated abroad, played a vital role in maintaining the status quo by strategic moves between the different "great powers." Therefore, their skills on the field of international relations were their safety belts.[49] There was always a positive correlation between the increase in

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[46] All of the prime ministers of the period, Mustafa Resit, Ali, and Fuat Pashas were all from the ranks of Ministry of Foreign Affairs.

[47] For the "externality" of state formation in third world states, see Tilly (1985: 184-186).

[48] See Sander (1993: 159) for the intricacy of the international relations of the Empire.

[49] In fact, it was also a safety belt for the state, which gained an extra 100 years thanks to these shifting alliances.

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the authority of the bureaucrats and the increase in foreign intervention (Findley 1985).

In order to understand the position of the civilian bureaucracy vis a vis the Sultan and the traditional military bureaucracy, the former's attitude towards foreign financial help (i.e. debt) is key to understanding the centralization pattern of the *Tanzimat* bureaucrats. The Ottoman debts started with the Crimean War in 1854. What is interesting about all this debt adventure is the fact that the modernized (and "secular") bureaucracy had lobbied for it from the very beginning. One of the three leaders of the reformist bureaucracy,[50] the Sadrazam ("prime minister") Ali Pasha, had already attempted to borrow from France in 1852, before the Crimean War. When the Sultan was informed about this, Ali Pasha was dismissed from his post (Sander 1993: 205). This fact shows the overlapping interests of the civilian bureaucracy and foreign capital (albeit, each had different aims). Foreign capital, backed by strong states, lent more power to bureaucrats in resisting the authority of the Ottoman sultans than local money-lenders. For the reformist bureaucracy, this reresented an opportunity for using more funds freely (Keyder 1985: 646 and Gursel: 1985).[51]

This intersection between the interests of foreign powers and those of the new Ottoman bureaucrats was an important aspect of state formation in the empire. In this sense, "the external system is real in itself, but exercises its maximum weight when it reappears as an 'internal' force, by way of the social practices of local groups" (Zolberg

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[50] The others were Resit Pasha and Fuat Pasha. These three dominated the scene as prime ministers for the most part of the Tanzimat period.

[51] That is the main reason why the period of Tanzimat (1839-1876) coincides with the opening of the Ottoman economy to foreign capital between 1820 and the mid-1870s (Pamuk 1985: 720).

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1987: 53). For these reasons, it is wrong to think that integration into the world economy was detrimental to the Ottoman state. The state bureaucracy gained from the integration and successfully used its benefit, sometimes even against the Western powers.

To conclude, it should be pointed out that, despite significant developments in terms of founding a 'modern' police system after the *Tanzimat*, such a force could not be created until near the end of the nineteenth century mostly because of the relation of the police force with the army. It can be said that a police model was established between 1845 and 1869, to a certain extent. Nevertheless, the real development was only in terms of the provision of a statute while the earlier *Zaptiye* based model remained in effect.

In the absence of a centralized police force, public control in cities was performed in a mixed form by both military personnel and neighborhood watches, and in rural are mostly left to the responsibility of local public as. The multi-layered structure that signifies collective responsibility in the Ottoman system of policing is evident in this organization because the 'policemen' were locally financed.[52]

It can be argued that the highly complex hierarchy of policing and many experiments with police organizations reflected a structural problem in the Ottoman Empire. Since the civilian bureaucracy was relatively independent from its social base no institutions developed within the society to cooperate with the bureaucracy in its attempt at reform. Although the civilian bureaucrats achieved the establishment of a central police organization, this was largely due to their skills in using international relations

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[52] Tongur (1946: 83) writes: "The Janissaries who were located outside the capital city obtained their wheat, meat or grains free from the region. Their salaries were paid by the local population."

against the authority of the Sultan and the traditional bureaucracy. They failed utterly in transmitting the new police model to the broader society. What McDaniel argues for Russia is also relevant for the Ottoman Empire: "In many areas ... the Russian government was simply immobilized, unable to chart new policies capable of dealing with the social and political issues... In addition, even when the government did act, its policies were often unclear or indecisive, subject to changes of interpretation or reversals of policy" (McDaniel 1991: 93).

III. Public Order Policing

The predominance of the military in policing in the nineteenth century Ottoman Empire imposed a reactive style of policing, which left the daily surveillance to local populations. The resultant collective responsibility meant the absence of an effective centralized police force in the countryside. A centralized police force, as situated between state and society, should take into consideration the consent of the public in general as well as the demands of the state. It could then be argued that the Ottoman system of policing through collective responsibility could work against not only the demands of the state but also the rights of the public.

The attempts of the Ottoman state during the nineteenth century for centralization should be evaluated in these terms. Various organizational changes designed to establish a centralized police force, albeit not effective, were steps towards the provision of state control over broader domains. Despite these developments, the prevalence of a

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decentralized system of policing caused the predominance of local authorities over policing practices. It meant that those in power in various localities could implement different practices in favor of themselves, disregarding, and even suppressing, the rights of those without power.

Below the characteristics of policing practices in this system will be examined. The stress will be on the ways in which the concept of public order was understood during the period. The unfavorable outcomes of the system for the people at large will also be investigated in order to provide a better understanding of how this system really worked. This will help to reveal the true nature of the Ottoman past, which is so romanticized by some of the contemporary debates in a reaction to modernism.

The experience of the Ottoman Empire in public order policing witnessed similar trends to those in other pre-modern states. It operated strictly on the basis of distinction between "private" and "public" places. The basic work of the 'policemen' was defined as maintaining public order whereby the 'public' seems to have been defined in a limited fashion, which left aside most of the domains into which a police force in modern terms would normally interfere.

The Ottoman police mainly dealt with public order issues instead of serious crimes. The importance attributed to the maintenance of public order may indicate the attempt by the police force to justify itself in the face of its inability to deal with serious crimes. In that sense, it gives clues about the level of professionalization of the police force and its limitations as well. The importance attributed to public order issues during the course of the century suggests that the police were still an unprofessionalized force

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with limited authority.

The maintenance of public order was especially crucial for the capital city. Istanbul always had a privileged place in the Empire. The people of the city neither participated in production activities nor paid taxes. That is why the provisioning of the city was vital. This was mainly done by the control of entrance into the city, especially by those people who did not have jobs. A significant practice of policing in these terms was the pursuing of vagrants *(serseriler)* and barring them from the city. For example, the head of the Janissaries, together with his retinue patrolled the streets two or three times a week both night and day in search of vagrants and punished them by bastinado if necessary (Tongur 1946: 54).

Collecting taxes for entrance to Istanbul also helped to control immigration from Anatolia. This was attempted to be deterred by the *cift bozan*[53] tax. Especially those without jobs were put under close surveillance. A document, dated 1792, states that for those Muslim and Christian single men who would come to Istanbul, special inns were reserved. Newcomers had to stay there until they found jobs. They were also registered when they found jobs or left the city. It was illegal for single men to live alone. They also were not allowed to carry arms (Tongur 1946: 81).

Some other precautions were taken to control the entrance of Istanbul. At the entrance points, passing permits (*murur tezkereleri*) were controlled. The control of city gates was such an important issue that the registrar responsible for it at the *Ihtisap* Ministry, was given an imperial medal of honor in 1846 (Tongur 1946: 131).

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The first - and failed - attempt in the Ottoman Empire for establishing a civilian police force occurred in 1845. The articles of the 1845 Police Statute are illuminating in this respect and deserve to be dwelled upon at length. Almost all of these articles referred to the problem of maintaining public order. Most of them dealt with the explanation of the enforcement of laws related to public order. They included procedures for issuing licenses for those traveling in the country; for the control of passports and issuing of residence permits; the persecution of beggars; the control of public places, especially recreation places like theaters, gambling houses and the dwellings of the bachelors; and the prevention of workers from strikes and demonstrations.

The place of the new police organization within the bureaucratic hierarchy also reflects the importance attributed to the control of entrance to Istanbul. The police were put under the administration of *Tophane Musirligi* according to the new system as people mostly entered the city through Galata and Tophane and by ship (Tongur 1946: 148). The fact that those were the districts where taverns, brothels, and work places were most common implies that maintaining public order in such places was the primary issue with which the police force dealt.

The significance of controlling Istanbul is reflected in the *fetvas* and regulations related to policing. Given the importance of the surveillance of vagrants in the capital city, the aim of these police organizations clearly seems to have been the control of the poor. In fact, concentrating on public order meant concentrating on the poor themselves.

All types of policing practices carried out in the name of public order were

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[53] This is a tax levied on those who decided to leave their lands for another occupation.

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mainly delimited to the control of the poor and of places where they gathered for recreation activities. Their places of recreation were defined in the 1845 Regulation as the "places where persons with bad intentions came together." The control of hotels, houses and restaurants, where the newcomers to Istanbul - especially single men – dwelt in or frequented as well as the city gates, was in fact aimed at the surveillance of the poor.

Strikingly, the relationship between the vagrants defined loosely in legal texts and crime was not made clear at that time. For example, in the 1845 statute, the word "vagabond" was used only once in a sentence related to workers who leave their jobs as "workers and other vagrant people" *(isci ve amele ve sair serseri makuleleri)*. Although vagrants would have great significance during the following periods in the policing of the empire, they were not evaluated as potential criminals during most of the nineteenth century when the public law was not still established and the concept of crime was mostly accepted as an inter-personal problem.

The reason why the policing practice was concentrated on public order issues instead of serious crimes lies in the fact that the underlying objective in the establishment of the police in the empire was not to prevent crime but to pursue state interests. This is evident in the general indifference to ordinary murders. The police neither had the power nor the will to deal such a crime. Personal security was under serious threat in the important cities of the empire. For example, "in the official journal of Izmir, it was stated in 1873 that there happened an average of 4-5 murders in Manisa in a day." The European travelers in Istanbul at about the same period also stated that they could wander

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around the city only during daytime (Akcam 1992: 228).

Given the fact that the relationship between crime and *serseri*, was not clearly defined, and that crime was not in fact the real concern of the police, how could the control of especially the vagrants in Istanbul in the name of public order be explained? It appears that the underlying objective in controlling the entrance to the city was to prevent the mobilization of the work force. It was of paramount importance to the system that workers be prevented from leaving their jobs, and peasants from imigrating to other places.

It should be remembered that the empire suffered a serious shortage of labor during the nineteenth century. The experience of the English in western Anatolia during the period is illustrative. Their attempt to establish capitalist farms in that region in the second half of 1830s failed in a short time mainly because of the fact that salaries in the empire were the highest in Europe due to the low labor/land ratio (Kurmus 1982).

During the nineteenth century, the Ottoman Empire attempted to secure the position of the peasantry as its basic source of tax. The basic terms of the bargain between the state and local forces were to preserve the power of the former to tax in order to increase its financial resources and to 'maintain a standing army' in order to retain its lands. The first objective caused the function of the 'police' to be mainly limited to tax collection. The case of policing in Cyprus illustrates the fact that this condition continued to exist even as late as the end of the ninteenth century: "At the time of the British occupation in 1878, the island [Cyprus] had been policed by a force of some 275 men recruited entirely from amongst Turkish community. The 'Turkish

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police,' as this force was known, had dealt with tax collection and revenue matters rather than crime" (Anderson 1992: 191). Obviously, prohibiting the movement of the peasants was a primary concern for the state.

As Chambliss argues for the different context of capitalist England, "there is little question that statutes were designed for one express purpose: to force laborers (whether personally free or unfree) to accept employment at a low wage in order to insure the landowner an adequate supply of labor at a price he could afford to pay" (Chambliss 1974: 12). The important difference in the Ottoman Empire, however, was the fact that it used similar tools for preventing the mobility of the laborers but not for the sake of capitalist production.

The much-debated twelfth article of the 1845 police statute shows how the Ottoman state approached industrial development in relation to issues concerning workers. The article stated its purpose as being to pursue "continuously and preventing those group of workers who leave their work place and provoke others to do the same or their meetings or their associations which will break the public tranquility" (Guzel 1993: 31).

There are two interpretations of the article. The first accepts that it refers to a real necessity and that it represents the initial understanding of problems related to workers as policing issues. Accordingly, the 1845 police statute, by restricting the existing workers demonstrations, tried to promote foreign investment in the country. The restrictions on the working class had three hierarchical levels: strikes were forbidden, and all kinds of meetings and demonstrations by the workers were banned, and finally, workers' organizations were forbidden so as to keep such events from occurring (Guzel

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1993: 31). Relying on some earlier edicts by the Sultan that prohibited workers from leaving their jobs, the writers who favored this interpretation argue that the statute referred to some objective conditions in the country. They contend that it is also necessary to take the argument about the promoting the foreign investment into serious consideration given the fact that foreign investment started to take its crucial place in the empire during the1830s. Those were the times factories were established, creating the necessary conditions for the existence of a working class. Therefore, the 1845 police statute could be considered as the first legal document giving evidence that the state attempted to take precautions against the emerging working class (Guzel 1993: 34-38).

Contrary to this interpretation, generally accepted in the literature, other views reject the existence of any objective basis for this article of the statute. According to this interpretation, it was almost a word-for-word translation of a French ordinance by Paris police prefect, dated July 1, 1800, regulating the working conditions in Paris (Gulmez 1983, 1984). I believe that, although the very existence of the twelfth article is significant, it would be misleading to become preoccupied with it as if the basic objective of the statute were hidden there.

There are sixteen other articles in this statute, most of which are directly related to public order issues. Some others, on the other hand, are about police duties that would be delegated to subsequent institutions in the future when bureaucratization in the empire was more developed.[54] None of these have been touched upon in the literature. In the

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[54] For example, according to this statute, police duties included helping the poor, which would later be regarded as a matter of welfare to be dealt with by the ministries. Similarly, the control of stock exchange and brokers was accepted as a police duty at the time but would become one of the duties of Ministry of Trade later on.

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Ottoman Empire, the issue of public order was crucial in that the state mainly presented itself in this field instead of in the organization of the economy. It could be argued, following Migdal, that the objective of the state was to substitute itself by eliminating the existing alternative forces of 'social control' in society.

The period analyzed in this chapter is crucial in the sense that it represents a transitory phase from the strategy of "co-optation" to the "elimination" of strongmen. Observing the changes in the law-making activities during the second half of the nineteenth century is indicative, as they give hints about the state's intentions for the future.

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

It is in this context that I find it necessary to mention the state formation and the reorganizations in the field of criminal law in the Ottoman Empire. Classical Islamic law punished theft but applied serious limitations to this crime. For the punishment to be

carried out, it was necessary that the value of the thing stolen should be more than ten silver *drachma*, that the thief should not have any kind of right to the stolen property, or that it should be well protected (Ucok-Mumcu 1987: 73).

For serious crimes, like murder, the situation was more interesting. While the registers of that allegedly almighty *kadi* during the sixteenth century indicate that although there were many criminal cases, they contain only a record of bare facts of cases and no verdict without exception. "There is no instance of someone's actual trial for murder" (Gerber 1994: 67). Gerber continues that "this pattern is repeated again and again - the *kadi* hears the case but does not decide one way or the other" (Ibid. 67). During the seventeenth and eighteenth centuries, the *kadi* started to deliver verdict in most of the criminal cases. However, in many cases, he behaved according to custom rather than to law, allowing the relatives of a murdered person to decide the punishment (Ibid. 72). This indicates that deviance control and order maintenance were local matters. The criminal law of the state was only one response to the problems of deviance. More importantly, prosecution was probably used in few cases and state officials actively took part in not invoking the 'state law.'

The state's attitude towards crimes concerning ownership issues was even more interesting. The importance given to crime about public order was absent for property crimes. It seems that for this reason, the empire referred to laws in France while reorganizing its criminal law, but refused such reference for its civil law (*Mecelle)* (the first section of this "law collection" appeared in 1870 and it was completed in 1876).

Those people who wrote the Criminal Law were from the reformist wing of the

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bureaucracy and they wanted also to write the civil law. However, suggestive of the fierce struggle between the traditional and modern bureaucrats within the Empire, their stance was not accepted and the conservative scholars won the battle. The Civil Law was written according to Islamic law. The chair of the commission who codified the *Mecelle*, Cevdet Pasha, mentions, in a letter, his struggle with those who tried to "imitate" the French civil law. We also know that the reception of a "code civil" was the stance taken by the leader of the reformist bureaucracy, Ali Pasha (Veldet 1940: 187 and 200).

Although the *Mecelle* was intended to be a "civil law," most of the crucial issues that should have been incorporated such as individual, family, inheritance and property rights, were left out to be dealt within the Islamic jurisprudence (*fikih*) (Veldet 1940: 191). That is why the crime of usurpation was still accepted as belonging to the field of private law and considered, mainly, to be settled inter-personally. For example, the 899th Article of the *Mecelle* stated: "if someone steals grain and make flour out of it, he will compensate for the grain but will keep the flour for himself. If someone steals grain and sews it to his own land, the product will belong to him and the grain will be compensated from him" (Ozturk 1973: 271). The fact that the punishment the *Mecelle* anticipated for all crimes of usurpation was only reparation can never be explained with reference to capitalist logic.[55]

How can we give a general account for i) the lack of importance given to crimes

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[55] A comparison with the situation in England is illuminating. Chambliss (1993: 43) explains the labor laws as follows: "If workers convert owners' property to their own use, those laws subject them to harsh punishment. Prior to these laws, workers who converted an employer's property to their own use became liable only to civil sanctions: having to repay the amount of property stolen, loss of job, etc."

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related to private ownership and ii) the widely used terror in policing in pre-nineteenth century Ottoman Empire? As argued earlier, the state did not involve itself in the production process, and, moreover, as a "capstone state," the empire attempted to prevent possible changes in the relations of production. The state's role was restricted to the extraction of surplus as much as possible by political, rather than economic, means. Therefore, political coercion prevailed over economic coercion. As noted earlier, keeping the status of peasantry intact was the primary goal.[56]

This was achieved, to a certain extent, during the times of successful warfare. Eldem writes:

> The revenues of the state relied on non-economic areas such as war, *harac* (tax paid by non-Muslims), and conquer until the seventeenth century. From that century onwards it relied mostly on resources extracted from the peripheral regions -or even from the regions in the status of partial colonies- rather than from the core of the Ottoman land. This fact caused, on the one hand, the state power and resource mobilization to increase at a much higher level than the European states, but at the same time, as the state's control over these resources decreased or lost totally, it faced with very serious crisis (1998: 28).

This indicates a similar state structure that Anderson (1986) analyzes, in which the formation of state followed an independent path from its domestic social structure. When the extraction mechanisms due to successful warfare stopped at the end of the seventeenth century, the state had no chance but to rely on strongmen for suppressing the

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[56] Even after the *Tanzimat* the Ottoman state used its power to protect peasants for they were the tax base. However, that was not the case for trade and industry. As Kiray (1993: 131-132) argues, "whereas the government was keen on to establish free competitive system in trade and industry, it did not want to do the same thing in agriculture."

dissent of the peasantry.

From that time on, the state fought on two fronts, attempting to curb the power of strongmen on the one hand, and to control the lower classes on the other. Needless to say, from time to time, there existed shifting alliances between these three actors in the struggle. However, for the purposes of this study, suffice it to say that mechanisms of social control - policing specifically - worked against the lower classes. In order to re-write the rules of the game it was necessary to weaken the existing patterns of social control, which could occur only in the aftermath of a serious crisis. This was a structural condition rather than a voluntary process.

Integration into the world economy during the mid-nineteenth century signifies such a crisis, not only for the Ottoman Empire but also for most of the third world states (Migdal 1988). This is the main reason this study focuses, on the post-*Tanzimat* (1838) period, which is crucial to understanding the transformation of the economic structure of the Empire from a "fiscalist" to an "economic" mentality (Toprak 1988). The transition changed the patterns of struggle between the actors over the social control mechanisms until the closure occurred in the CUP period. Equality before the law was introduced into the Penal Code in 1840, in accordance with the *Tanzimat* Edict. Yet the decisive organization in these terms came with the new Penal Code established as late as 1851. It was only from that point on that the state became responsible for dealing with punishment issues even if the plaintiff withdrew the case. That means, "with the abolition of a principle of the Islamic criminal law that was, in fact, part of the private law, the understanding of a public prosecution took its place in the Turkish law" (Ucok-

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Mumcu 1987: 322).[57]

The attempts at modernization resulted in the inclusion of personal crimes into the field of public law. That was an indication of a coming era when the state would attempt to gain control of public order issues. However, because of the delicate balance of power between the state and the strongmen, the former left private law as part of the classical Islamic law that enabled the latter to impose their own strategies of social control on to local groups. The story of the state formation in Turkey from empire to republic can be fruitfully told as the story of the extension of the public over the private sphere. The *Tanzimat* was the transitory phase of this history.

How can we summarize the *Tanzimat* period in relation to the three main themes of this study, i.e. the transition from collective responsibility to double-edged policing, the separation of the police from the military, and the public order policing. First, the double-edged character was absent in this period, because the policing was still run largely by "collective responsibility." This can be attributed to the fact that *Tanzimat* was a reform movement with no substantial social basis. Therefore, it did not have the cooperation of society to fulfill its goals. Seond, on the part of the bureaucratization of the central police force, there were important organizational changes. For the first time, a

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[57] In fact, this is what was seen in all pre-modern states. For example, Chambliss explains the following for the case of England: "Before the Norman conquest in England, a killing was 'first of all an offense against the victim or his family and was therefore to be settled by suitable payment to the sufferers.'... The customary practices left dispute resolutions under the domain of families, but the state gradually preempted the family and assumed responsibility for settling disputes. 'Crime' as we know it today as an act against the state was thus born not out of customary practices but from the usurpation of traditional familial authority by the state" (Chambliss 1993: 38). In England, unlike the Ottoman Empire, the process of the inclusion of the inter-personal crimes into the domain of public law was synchronous with putting the rights of private ownership under legal protection. The acceptance of theft as an important crime followed these practices (Ibid. 44-5).

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civilian police force, distinct from the military, was established. Nevertheless, the central organization was the result of "external" factors and did not penetrate into society. Finally, the changes in the public order policing reveal the transitory character of the period. In this field, the civilian bureaucracy tried to extend the area of social relations covered by the "public law." The period witnessed the struggle between the traditional (and Islamic) law and the modernized bureaucrats.

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CHAPTER 5

A PRELUDE TO THE CUP ERA:

THE POLICE OF THE ABDULHAMIDIAN PERIOD (1876-1908)

Although the integration to the world economy had positive aspects such as the wide circulation of money, it also changed the typical role of the state as witnessed in the classical period in terms of taxation and the maintenance of the market network. A very important element was added to this process: the ethnic make-up of the merchants changed drastically. We can argue that the state became more autonomous from the lower classes. As Inan writes, "the legitimization efforts of the central bureaucracy in the inter-state system was in contradiction with its legitimization efforts in the empire" (Inan 1991: 42). This is exactly what Wolf argues about the effect of the development of capitalism. He explains that "the economic power holders [statesmen] retreat from participation in the existential problems of the population into the protective carapace provided by the administrative machinery" (Wolf 1969: 287).

'Oriental despotism,' which is so easily attributed to non-western states, is, in fact, the result of such integration into the world economy. Weber's terms such as 'patrimonial' or 'sultanist' do not sufficiently explain the characteristics of the Ottoman

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Empire before the integration. Unlike in 'patrimonial' regimes, there were sharp distinctions between private and public spheres in the empire.

The integration into the world economy changed all of this with considerable effects for the future revolutionary struggle. As the state managers turned into 'despots,' the opposition started to raise liberal demands such as to institution of a constitution.[58] The reign of Sultan Abdulhamid, who reigned from 1876 until the 1908 Revolution of the CUP, symbolized a despotic regime that was much closer to the Weberian "patrimonial" model. At the end of the Tanzimat period (1876), the Ottoman Empire had gained important ground on the way towards a rationally bureaucratic state. Secular education had been started to meet the goal of establishing a rational public administration. "Priority was given to the creation of professional training colleges for the bureaucracy and the army, the most important being the Civil Service School, founded in 1859" (Zurcher 1992: 65). During this period, the power was in the hands of high-ranking bureaucrats. Their biggest chance was the absence of charismatic sultans during the whole period. With Abdulhamid, on the other hand, the power was shifted from the civilian bureaucracy to the Palace again. This time, there was a determined sultan at the throne, with a relatively developed technology in hand. As a reaction to the excesses of the *Tanzimat* period, the new Sultan maintained a certain suspiciousness toward the West. He "exercised the old statecraft, of a balancing act, one which had become appropriate in the epoch of intense imperialist rivalry." In this search for a

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[58] That was the common theme both in the Turkish and the Mexican revolutions that occurred in the same historical period with the same positivistic and enlightenment ideologies. President Diaz's rule in Mexico was highly personalistic because of the "necessities" of the integration into world economy (Goldfrank 1986: 110).

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restorative scheme, westernizing intellectuals were excluded and Islam was used to extol the virtues of the traditional order (Keyder 1988: 194).

The first thing Abdulhamid did was to 'postpone' the meetings of the Chamber of Deputies, one year after it had been opened in 1877, citing the war with Russia as just reason. The Ottoman-Russian War marks a turning point in the "Eastern question." During the 1870s, unified Germany had begun to take the upper hand in the "European Concert." Bismarck made plans on the Balkans by offering Bosnia to Austria-Hungary; and Rumania and Bulgaria to Russia. Britain, on the other hand, opposed any plan that would strengthen Russia. It offered, instead, "administrative reforms" for the Ottoman Balkan lands under the supervision of the "great powers." Germany backed down and accepted the proposal (Ulman 1985: 282). At this point, the Ottoman statesmen made a strategic move that had important implications on the character of interconnections between "internal" and "external" dynamics in the Ottoman case. They declared a constitutional regime in 1876. Their argument was dependent on the inauguration of the Chamber of Deputies, which was designed as an extension of the representative institutions that had initially been formed as Administrative Assemblies in the provinces during the 1860s. It was argued that, as deputies were gathered from all of the Ottoman lands, representatives of the Balkans would themselves do the necessary reforms. Therefore, European intervention became unnecessary. This shows that internal developments of the Ottoman administration were not simple outcomes of foreign pressure. The situation rather indicates an original response from the state, designed just to fend off the foreign intervention. It also indicates that the declaration of the First

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Constitutional Regime in 1876 (*Birinci Mesrutiyet*), unlike the second one in 1908, was largely the result of "external" factors.

Despite this maneuver, however, Abdulhamid was unable to prevent the war with Russia (but he did manage to prevent any help to Russia from Europe). Trying to balance the pan-German block, which emerged in 1871, Russia started to pursue a pan-Slavic policy. The Serbs within the borders of the Ottoman Empire were the target (Sander 1993: 233). The Ottomans were defeated in the war. Under the terms of the Treaty of San Stefano, it lost most of its territory in the Balkans. However, Britain and Austria, frightened with the changing balance of power in the Balkans, intervened and, with the Treaty of Berlin in 1878, much of the Russian and Bulgarian gains were given back to the Ottoman Empire as autonomous regions (Ulman 1985: 282).

Changes in the balance of power in Europe played an important role in Abdulhamid's decision to abolish the parliament. After the end of the Ottoman-Russian War and the consequent Treaty of Berlin, it became clear to the Ottomans that Britain had changed its foreign policy and would no longer defend the territorial integrity of the Ottoman Empire. The new policy of the Liberal Gladstone was to divide the Ottoman territories into independent states, all of which would be under Britain's control. The new policy was oriented to an old concern about maintaining the security of the Indian route and first revealed itself in the occupation of Cyprus in 1878 and of Egypt in 1882 (Ulman 1985: 284).

There were two important outcomes of all these international power games for internal dynamics. First, as Britain fell into disrepute, Germany took its place as the new

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mentor of the Empire. Second, after the Treaty of Berlin, the Ottoman Empire lost the Balkans where a significant number of its non-Muslim population resided. The first outcome was especially significant for the parliamentary regime, and the second for the bureaucracy. Abdulhamid believed that Britain had forced the empire into a parliamentarian regime solely to cause the destruction of the empire. Furthermore, the electoral victory of Gladstone in Britain was perceived as a policy change favorable to Russia and detrimental to the Ottoman Empire. With a new mentor, Wilhelm II, and his *Weltpolitik*, Abdulhamid had no reason left to continue with a parliament (Ulman 1985: 284). At the beginning, everybody thought that once the war with Russia was over, the Chamber would be reopened. Aksin (1986) argues that this was highly probable until 1881. At this date, however, Abdulhamid came to an agreement with the European powers on how the state would pay its debts, and the Public Debt Administration was established by the foreign powers. From then on, Abdulhamid did not need any representational institution. He did not open the Chamber for thirty-two years, until the last year of his reign in 1908.

The loss of the non-Muslim population meant a major demographic transformation. The Ottoman Empire became a smaller country and a predeominantly a Muslim one.[59] From that time on, the Muslims (Turks and Arabs) gained dominance over the Christians and Jews.[60] This demographic change was crucial for the

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[59] It lost 5.5 million people (20% of the total population) and 210,000 km. square land.

[60] In three years from 1875 to 1878, the Muslim population rose from 68% to 76% (Georgeon 1995: 306). Besides the loss of a significant number of its non-Muslim population, the empire witnessed an immense wave of immigration of Muslims who had been fled from wars and massacres in the Balkans and Caucasia.

institutionalization of the bureaucracy. As noted earlier, the bureaucrats of the Tanzimat had secured their positions by defending a secular system. In fact, it was their only chance to survive in the hostile environment of the traditional bureaucracy. All this changed during the Abdulhamidian period, when Abdulhamid began to pursue a pan-Islamic policy.[61] However, this was not a sincere policy, but just a state ideology. He was astute enough to know that the Ottoman state was incapable of pursuing it. Its main interest was to bluff the European powers[62] and appease the Empire's Muslim subjects who had felt threatened by the privileged position of the Christians. The policy's main effect showed itself in bureaucratic organization, rather than in the economic or social domains.

In accordance with the general mood of the period, religious affinity gained ground in the bureaucracy. Although developments occurred in the field of personnel recruitment such as the establishment of recruitment commissions, their authority was limited to making proposals to the Sultan, who had the final say. The result was pure patronage. During the Abdulhamidian era, the personnel in the civilian bureaucracy

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From a statistical yearbook published in 1900, we learn that, from 1877 to 1897, 1,020,861 immigrants came to the Empire *(Istatistik-i Umumiye 1900: 27)*. However, we should note that ethnic configuration of the economic power did not change. Non-Muslims were still dominating the activity, may be even more than the previous period, thanks to the PDA. Muslims were employed largely in state sector (Shaw&Shaw 1977: 242).

[61] We can sense the change from a notice by the Interior Ministry, which was sent to the provinces in 1891. Here it was stated that "the growth of churches or schools that going to be built with political concerns should not be permitted" (KVS: 244).

[62] Shaw&Shaw (1977: 260) argue that he was successful in this endeavor. They write: "The fact that European aggression against the Ottomans mainly stopped after the British occupation of Egypt and the imperialist rivalries of the powers were diverted from military to economic competition .... can be attributed at least partly to the success of his use of Islam as a weapon to ward off the aggressors."

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reached a high of 100,000, a number that was far above the employment capacity of the state. Most of the personnel had had no previous career in state bureaucracy and thus made their choices on the grounds of gaining a status or making money (Findley 1985: 262). These new bureaucrats were "loyal agents" of the Sultan. As Zurcher writes, "with loyalty to his person becoming the sultan's overriding concern, the way was open to large-scale corruption and favoritism, something for which the vastly overstaffed government departments offered ample scope. In every department rational and efficient exercise of its functions was impaired" (Zurcher 1993: 84). The fact that Abdulhamid employed seventeen different Sadrazams (Grand Veziers) and formed twenty-six different governments proves that Sadrazams, unlike their colleagues during the Tanzimat period, were mere puppets (Georgeon 1995: 154).[63]

Nevertheless, in terms of policing, there were important developments, and the CUP benefited from what had been established during the period of Abdulhamid as evidenced by the fact that the Police Regulation of 1907 was in effect until 1913. Hence, we need an analysis of the reign of Abdulhamid to be able to trace the consequent developments in the police forces of the empire. Police forces developed significantly during the period of the despotic and personalistic reign of Abdulhamid. After the army, the security forces became the most developed segment of bureaucratic organization in the empire.

The international system and war-making played roles equally important as the

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[63] During the Abdulhamidian era, a classical method of patrimonialism was introduced. The bureaucrats of the Foreign Ministry were forbidden to take their wives with them when they went abroad and had to leave a certain amount of gold as mortgage (Heper 1977: 87).

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suspicious character of Abdulhamid and his personalistic rule in the extension of the police organization. Given the fact that policing was in the hands of the military, things could hardly change unless an organizational change occurred in the latter. Mann's emphasis on the fact that wars, which increasingly gain a character much different from domestic repression, help conceptualize the retreat of the military from policing. Here a brief account of the evolution of the Ottoman army until the end of the nineteenth century will be given in order to contextualize the changes witnessed in the military and their influence in the police organization.

It is argued that following the defeat in the Russian War of 1877-78, the reorganization of the armed forces became crucial. The perception of war-making in the Empire started to change with the defeat. Following Mann, I argue that, since war-making did not considerably change in the Empire, a distinction between internal and external repression did not occur until that time.

The first reason for the absence of change was the traditional contempt of Europe held by the Ottoman elite. The victorious past affected the statesmen like a ghost and prevented them from taking radical steps. As McNeill argues, "the Turks refused to believe that infidels could improve on time-tested Moslem methods of training and deployment" (1982: 135). However, as the undeniable facts asserted themselves in the eighteenth century, some modifications were made. There were two important stages in this period, both of which were realized by foreign specialists. In the 1730s, a French renegade, Comte de Bonneval, was appointed to the highest post in the Ottoman Army. But the reactionary wing of the Ottoman bureaucracy managed to remove and imprison

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him in 1738. The second abortive effort occured in the 1770s. This time, Frenchified Hungarian Baron Francois de Tott tried to modernize the Ottoman artillery and fleet. However, "the reforms he had introduced withered away to triviality after he returned to France in 1776" (McNeill 1982: 147).

The initial attempts at founding a European style army started with the abolition of Janissaries in 1826. Sultan Mahmud II called foreign advisors for help to reorganize the army. What is interesting about this external dimension is the fact that the Ottoman state still had the capacity to choose amongst different foreign alternatives, a situation that is totally unexpected for an allegedly semi-colonial state. As a result of their fear of being left out, Russia, Britain, and Prussia all offered help, almost simultaneously. The Russians were invited to train infantry. Britain supplied industrial and military equipment, including blast furnaces and steam drills (Shaw and Shaw 1977: 45). However, Mahmud was looking for a state that had no previous interests in the Middle East.[64] Finally, he settled on Prussia. Furthermore, Prussia had sent officers far superior than the other states, amongst them was a young pupil of Clausewitz, Helmuth von Moltke. The Prussian presence did not last long however, only from 1833 to 1839. Nevertheless, the visit by Moltke has a symbolic importance as it inaugurated a lasting relationship with Germany, especially in military affairs, as well as in the economic field after the Treaty of Berlin in 1878.

Despite all these advisors, the new army could not be developed. "[Sultan]

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[64] Lewis (1968: 81) mentions "philhellenism" for both France and Britain as a factor that discouraged Mahmud to seek help from them.

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Mahmud was forced to rely on men from the traditional Ottoman upper classes or from his personal slaves. None of these people had either the military skills to command European style tactical formations on the inclinations to acquire them" (Ralston 1990: 55).[65]

The European style was only peripheral to the new organization of the army. In 1839, only 12,000 soldiers out of 118,400 were organized under divisions formed according to the European style. The major change came after the defeat in the Russian War of 1878. Then, in accordance with the European armies, the organizations of "division" and "army corps" were introduced. But, these were limited to wartime. In peacetime, they were dismissed and the commanders acted autonomously in their own districts and dealt with internal security issues (Tacan 1940: 129-186).[66]

Nevertheless, the most interesting aspect of all these changes was the fact that all of them corresponded to some organizational changes in police structure. The end of the Ottoman-Russian War had two important consequences for the army and the police. First, as mentioned above, the Sultan acted decisively to change the organization of the army. The conscription system was reorganized and made more comprehensive. Technical assistance came from the Empire's new mentor, Germany. Huge cannons by Krupp and Mauser rifles replaced archaic weaponry. Once a young officer serving in the Ottoman

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[65] Moltke wrote in his memoirs that, "in Turkey, even the least gift becomes a suspect, as soon as it comes from the hand of a Christian." At the end when he returned to Prussia, he was "profoundly disillusioned by the resistance of the Ottoman sultan's peoples to necessary reform" (Keagan 1993: 40).

[66] We will see in the next part, when we analyze the CUP, how the Abdulhamidian Western-style education policy in the army influenced the officers and changed their perception of their own role as the agents in internal suppression.

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army, and now the German Chief of the General Staff, Moltke sent several of his best officers (Shaw and Shaw 1977: 245).

The second consequence of the Russian War was the new geopolitics that emerged after the Treaty of Berlin. The Empire lost most of its territory in the Balkans and faced the threat of losing the rest if it could not "reform" its internal administration. Considering the delicate situation in the Balkans, especially in Macedonia, Abdulhamid decided to organize a separate body within the army that would exclusively deal with internal security (Tokay 1996: 117). That was the moment when the gendarme was established and separated from the police. The period of "unified security forces" ended. The police and gendarme had both been under the authority of the *Zaptiye Musiriyeti* (Field Marshall of Policing) since 1846. The authorization of the *Serasker* (Commander in Chief) to control the gendarme was maintained by the abrogation of the Field Marshall in 1879. Consequently, the police were put under the authority of the newly founded *Zaptiye Nezareti* (Ministry of Police). From that time onwards, the term *zaptiye* started to be used only in reference to the police.

The struggle between the civilian and military bureaucracies over internal security, however, was always in effect. This was also true for the case of the establishment of the gendarme and its subsequent practice. For example, the regulation of 1904 that was copied from France stated: "The gendarme is an armed force, which is organized according to military codes and regulations and put under the authority of the army. On the other hand, *Zaptiye* regulation of 1869 considered *zaptiye* officers as administrative civil servants rather than military" (Alyot 1947: 148). For this reason, the administrative bureaucracy resisted the

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regulation of 1904 and it could not be applied. The governors kept following the old regulation. Behind the resistance of governors lay the Provincial Regulations of 1864 and 1871, which stated that provincial administrators could give orders to the commanders of gendarmes.

After all these changes in the organization of the army, the police were finally able to become a distinct force under the authority of the *Zaptiye Nezareti* (Ministry of Police) that was established in 1879 in place of the *Musiriyet*. When the *Zaptiye Musiriyeti* was abolished the *zaptiye* officers were put under the authority of *Serasker* and their names were changed to *jandarma*. As they became gendarmes, the space was opened for civilian police officers. Therefore, the period starting with the Ministry of Police can be considered as the beginning of the first civilian police force.[67]

The establishment of the Ministry of Police was indicative of Abdulhamid's general system of rule. In accordance with his personalistic and autocratic rule, Abdulhamid relied on administrative powers that had increased since the *Tanzimat*. His efforts to reform education and the superstructure prove that he continued the same program of modernization. However, these organizations might have threatened his personal control. For an effective centralization, he designed the Ministry of Police as a check on the centrifugal tendencies of the bureaucratic apparatus. The Ministry was designed to supply him with complete and reliable information. If one thinks that the main problem of the state during the *Tanzimat* period was to curb the powers of state

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[67] However, correspondences of the Ministry of Interior with provinces indicate that the military continued to interfere with police work. That is why, the Ministry sent a notice to the provinces in 1887, stating that the military interference should stop. It seems that it was very difficult to curb the army. Four years later in

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agencies, especially of the governors and military commanders (most of the time these two were the same), it might be understood that the differentiation of the police from the military would be a major concern for Abdulhamid. In accordance with his divide-and-rule policy, this would be a crucial step toward controlling the military bureaucracy.

With the establishment of the Ministry of Police:

> commissioners *(komiser)* under the direct control of the Minister supervised and directed police activities in each district of Istanbul and other large cities as well as in each province. The urban and rural police forces were now put under united control.... The ministry was given a number of functions formerly exercised by other departments, including the control of the operation and activities of the press and theater and supervision of travel within the empire, requiring all subjects and foreigners to register whenever they changed residence or traveled from one place to another (Shaw and Shaw 1977: 215).

Four ministers of police were appointed between 1879 and 1909: "It should be noted that, similar to the European examples, they were chosen either from the people with an educational background in law or from those who had a background in public administration" (Okcabol 1940: 74). The attempt necessitated not only that the police force would be organized as distinct from the army, but also that the responsibility in policing issues would be that of the state instead of the public in general.

Article 15 of a regulation issued in 1896 is proof of the attempt by the state to gain control of policing under its authority: "The Government will not accept the involvement by anybody in its own duty of maintaining security. If a situation that

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1891, we see another notice on the same issue (KVS 1894: 166 and 237).

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disturbs the order occurs, everyone will do his/her own business and will not interfere in the task of the government. If anyone intervenes or does not obey the police instructions, he/she will be arrested" (Yagar 1987: 400). We can see the effect of this regulation by examining the crime rates. In 1898, 44,836 people were sentenced to different punishments by the courts for misdemeanors and 3,318 people for murder. Thirty-one different "crimes" were defined as misdemeanors. "Inflicting injury" ranked the first with a rate of 45.42 %. It was followed by "burglary," and "slander and insult" with rates of 12.85 % and 12.03 %, respectively. An interesting type of crime was "insulting and disobeying police orders," which ranked fourth with a rate of 8.52 % (*Istatitistik-i Umumiye* 1900: 37).

It was from 1881 onwards that the establishment of a distinct police force was realized. Initially in Istanbul, it was in that year that maintaining order and security was taken from the control of the *Asakir-i Zaptiye* (soldiers) and given to the control of the police organization. Later, this type of organization spread into Anatolia. In 1895, there existed police organizations in fifteen *vilayets* and *serkomisers* (police commissioner) were appointed as their heads. Moreover, in 1898 an under-cover police organization was established in Istanbul (Alyot 1947: 184).

What is interesting in this development is the fact that, while all the previous attempts to legalize a model for policing by regulations and reorganizations had been unsatisfactory, this new police organization succeeded in being effective in practice although it was not based on any legal text. With the new system, what had been attempted in 1845 was finally realized in 1881. Nonetheless, the absence of a law or

regulation remained to its deficiency which was eventually overcome by a detailed Police Regulation issued in 1907. It was by this Regulation, enacted by Abdulhamid but applied mainly by the CUP, that a modern police organization was finally established.

Notwithstanding these significant developments, internal security was mostly regarded as a matter of elite surveillance during the reign of Abdulhamid. It can safely be argued that the function of the police in this period was limited to activities of the nobility and the political elite who presented the main threat to the authority of the despot. For that reason, the control of the press, which largely had been ignored in the empire, was put under police scrutiny during the Abdulhamidian period. Opening a printing house, and issuing a new newspaper became subject to license granted by the police. Moreover, strict censorship accompanied these procedures. A notice, dated 1890, from the Ministry of the Interior to provinces on the press regulation reveals the real character of the regime: The Ministry required that the police would not permit newspapers in provinces to "mention literature" (KVS 1894: 228).

From 1896 onwards, Abdulhamid increased repression, especially over the opposition groups living in Europe as exiles. He sent chief of the secret police Ahmet Celalettin Pasha to divide the opposition. At the same time, the Istanbul police revealed a conspiracy against the Sultan in the Istanbul Military Academy. The students were suppressed and a hundred of them were exiled to Tripoli. Thereby, the Sultan managed to silence the opposition in 1897 (Georgeon 1995: 208).

Besides the official police organization, an extensive system of espionage, which was at least as important as the official one, was established during the thirty-three-year

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reign of Abdulhamid. According to Mavroyani Pasha, who was influential in the

establishment of the undercover police organization, the aim of the organization was to

control the houses and private lives of some of the pashas, big merchants, and diplomats

(Timur 1984: 417). An organization of 4,000 agents is said to have existed in Istanbul.

The consequence was that:

> Abdulhamid became the first recipient of all the important information. The system of informants that were supported by a strong network of telegram turned the inner circle of the state into an organization dependent on the Sultan. Daunted the palace bureaucracy, it prevented them from making use of any mechanism of internal liquidation. From then on, everyone, from a small civil servant to the Grand Vizier, competed to give information to the Sultan (Parlar 1996: 45).[68]

The increasing importance of the police for the personalistic rule of Abdulhamid

also reveals itself in state budgets. The share of the police in the budget was 14% of the

total, next to the army. The budgets of the navy, finance, and legislative bodies were all

behind the police (Shaw and Shaw 1977: 225).

A regulation issued in 1896 is representative of the characteristics of policing

practices during the period. The issue of sanctity of dwellings, which would gain

importance in the following periods, was not taken into consideration in this regulation,

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[68] Sources of information varied in Abdulhamid's regime from "mysterious files which in the years to come were to accumulate in the vaults of Yildiz (palace); files ranging from the private dispatches of the Turkish ambassadors which, contrary to established custom, were sent direct to the Sultan instead of to the Sublime Porte, to the badly written and often illiterate reports of the spies employed in the coffee-houses of Stamboul and in the households of His Majesty's trusted ministers. There was not a man of substance in the capital, from the Sultan's Greek banker, Zarifi, to the Grand Vizier, who did not have his dossier in the files of

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which authorized the police to control "the circumstances inside of houses [and] the people coming and going to districts." According to one of its articles, which could be related to the issue of 'Regulation on Vagabonds' that would also become important in the following periods, the police could control the houses of "suspected persons." Which authority was responsible to order this type of control was uncertain. Also, the article made no distinction between day and night for the search (Alyot 1947: 187-8). The regulation did not either have any article on the time limits for police supervision.

Although the characteristics of policing practices did not develop for the better, the period of Abdulhamid was important in the development of a professionalized police force. First, the differentiation between the judiciary and administrative police initially appeared at this time. In accordance with the new division of labor, the Ministry of the Interior sent a notice to the provinces in 1885 warning the administrative bureaucracy not to interfere in the orders given by the judicial bureaucracy to the police (KVS 1894: 134).

In addition, the contemporary changes in recruitment patterns and education were also effective in the professionalization of the police in the empire. What had been expected earlier from those who would be recruited into the police force illustrates the absence of professionalization. They were chosen from the soldiers for a specific period. According to the Regulation of 1870 that outlined the recruitment patterns of the "investigation officials" (teftis memurlari) - predecessors of the modern police - those soldiers to be chosen as zaptiye should be younger than fifty and older than twenty-one. They should not have any physical disability that would affect their activities (Aslanoglu

Yildiz" (Haslip 1958: 121).

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1946: 29). It is evident that becoming part of the police force was not outlined according to the criteria of professional knowledge or education.[69] As Akcam states, "most of the policemen were not literate until the 1880s. Those who were literate, on the other hand, were ignorant of current criminal law and investigation procedures. The number of those who knew the legal codes and regulations, mostly translated from French, was very limited" (Akcam 1992: 229).

For a long period, i.e. until the Abdulhamidian era, there had not existed any attempt towards professionalization. Considering the fact that the Ottomans issued many different regulations on the organization and structure of police force, the lack of professionalization needs to be explained. It appears to have been a conscious choice. As seen above, policing was in the hands of governors and other intermediary powers, especially in the provinces, and it gave these people an advantage to impose their authority in localities.

The discussions in the parliament of 1877 indicate that there was a genuine concern for eliminating these intermediaries. One deputy declared: "Our primary problem is to minimize the number of intermediaries and interventions. Because, as the number of these intermediaries increases, wrongdoing and evil conditions also increase" (1877 MMZC, vol.2: 237). Away from the center, the state's authority was naturally further undermined. Especially if the people in question were settled in a mountainous region, the problem with intermediaries became insurmountable. Mountains were the

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[69] Even the first class "inspection officials" were not required to be literate if they knew a second language. For the second and third class officials, there were no conditions at all (Alyot 1947: 178-9).

"weapons of the weak."[70]

To professionalize the police force was one solution to deal with the influence of strongmen, and the correspondences of the Ministry of Interior with the provinces indicate that the government of Abdulhamid took important steps in that direction. In one notice, dated 1887, the Ministry ordered that police officers could not be dismissed without court decisions. In another notice in 1889, it became required for statement of the reasons and legal grounds for every dismissed and recruited police officer be sent to the Ministry and personal records of every police officer be kept (KVS 1894: 166 and 198).

The Regulation of 1907 was significant in these terms. Those who worked as sergeants or head squads in the army, and those who knew a foreign language, would be preferred as police officer appointees if they also fulfilled other criteria. Additionally, a system of examination was introduced both in Istanbul and in the provinces (Tongur 1946: 208). The regulation also changed the criterion of age to become a police officer, setting the upper limit as forty instead of fifty.

Educational institutions, which are most effective in professionalization, were also first opened during the period of Abdulhamid. While even literacy was not a criterion to become a police officer previously, a school was opened during the 1880s in order not only to teach reading and writing but also to inform the policemen about

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[70] For example, a Syrian deputy stated the disadvantageous position of his people of Havran valley in comparison with the Druzes who lived in mountains. He argued that, although the state levied 600,000 piasters, Druzes could get away with only paying 40,000. On the other hand, the people of Havran were subject to every kind of duties. More interestingly, he stated that the state did not receive even this small amount of tax from the Druzes: "Landlords take it. They take 40,000 piasters and appoint their own police

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judicial and administrative issues. Other police schools opened later were established with the influence of foreigners as the Ottoman state asked for their help in reforming its police force. In this connection, the first police school was opened in Salonica in 1907, where a Belgian, Leon Brozo, was appointed as the director. It should also be mentioned that "the first regular organization of police stations were introduced in 1903 in Rumelia. Schools were opened to educate the commanders of these stations" (Alyot 1947: 376).

Nonetheless, the level of professionalization in this period should not be exaggerated. In accordance with the style of Abdulhamidian rule, the patronage relationship was at its peak. A vice-police commissioner in Trabzon in 1904 writes in his memoirs that the police commissioner of the city was appointed there thanks to patronage from the Porte. He also states that none of the police officers were literate and they were hostile to himself because of his professional background. In the end, they achieved his banishment to a small town. He concludes: "Then I understood why the people were shunning the officer, as if they escaped from cholera" (Belen: 1953).

Patronage ties also caused governors to use their police authority in an arbitrary fashion. With the creation of the Ministry of Police, the governors, as the highest authority on security in their regions, became responsible to three different authorities: the Ministry of the Interior, the Ministry of Police and, most importantly, the Sultan himself. However, in a period when bureaucratic hierarchy was not institutionalized, a governor's power was almost limitless, especially over the poor. Everything, from agriculture to trade and public works, was his responsibility; and public security was the

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forces (zaptiye)" (1877 MMZC: 223).

most important amongst them. It was very difficult to control the governors from Istanbul. Due to their patronage relationship with the Sultan, they felt no restrictions on their acts and ruled their provinces with a highly arbitrary power. The governor of Trabzon, for example, tied a criminal to the back of a horse and dragged him through the streets (Kadri 1991: 44). His son, a governor himself, wrote in his memoirs: "I approved my father's policy of bypassing the limits of law in every case and I believed that that was the only way of administration in this country." In his view, the *Tanzimat 's* policy of modeling after the codes and regulations of "civilized countries" were useless for the Ottoman Empire. Therefore, when he governed, he acted according to his own conscience without waiting for any court decision for most cases (Ibid. 77-8). Similarly, the deputies of the Chamber in 1908 told stories about the Governor Said Pasha that revealed his arbitrary use of power during his earlier tenure in Aydin. They stated that the governor was more atrocious than the bandits against whom he struggled. He even pulled out the fingernails of the suspected people (MMZC 1/1 1: 197).

It can be concluded that despite its differences from the Tanzimat period, the Abdulhamidian era witnessed significant attempts at modernization. Abdulhamid "developed a structure of personal control that, with the centralized system of administration created by the *Tanzimat*, made possible a far more extensive and complete autocracy then anything ever achieved previously by the greatest of the sultans..., thus making himself the last man of the *Tanzimat*." However, he did these at a price stifling the slow evolution of political reforms intended to provide representative institutions

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(Shaw&Shaw 1977: 212). It was clear that these developments were contradictory to his personalistic and despotic rule. In this sense, every modernizing attempt by Abdulhamid simultaneously carried the seeds of the coming revolution that would overthrow him.

The personalistic rule of Abdulhamid and the Public Debt Administration (PDA) played very important roles in the shaping of the ideological framework of the following – the 1908 and Kemalist – revolutions. Keyder writes: "As [the PDA's] organization grew to rival that of the Ottoman administration itself, it also came to personify the nefarious impact of the European connection on the traditional functions of the state. Through this concrete representation, the bureaucracy was, by contrast, absolved of its responsibility in the process of incorporation" (Keyder 1987: 40-1).

The increasing gap of wealth between Muslim and non-Muslim merchants in favor of the latter was going to determine the whole future of the struggle. [71] As Kiray argues, "the foreign domination in the economy initially emerged via European merchant and financial capital and, after the foundation of the PDA, via direct foreign investment. This gradually gave rise to a new coalition against the foreign capital" (Kiray 1993: 144). Abdulhamid's policy of "pan-Islam" was a cover for the state's inability to hinder the development of non-Muslim capital. The CUP came to power in 1908 thanks to the alliance against the foreign incursions.

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[71] Before the eighteenth century, Muslims were dominating both trade and handicrafts. In later centuries, on the other hand, "the Greeks, Armenians and Jews, in that order, dominated the urban sector and controlled a considerable part of the rural. The predominance of non-Muslims in finance is shown by the fact that 40 private bankers listed in Istanbul in 1912 not one bore a Muslim name." A similar situation prevailed in industry (Issawi 1982: 262-3; see also Kasaba 1994: 216). It should also be pointed out that the real beneficiaries of the integration were the Greeks and the Armenians. The relative position of the Jews also deteriorated (Ibid. 213).

Despite Abdulhamid's personalistic rule and the abuse of policing power by the authorities, as far as the police are concerned, this period was significant for the future development of a professionalized police force in Turkey. From the mid-nineteenth century onwards, the Ottoman state seems to have attempted to establish such a force as distinct from the army. The first police organization of 1845 and the second experience of the "investigation officers" (*teftis memurlari*) of 1867 give evidence of the sincerity of the state in this attempt. Nonetheless, the fact that these experiences were all short-lived, and that they were all followed by the return to the military administration of the police, illustrate the power of the resistance of the army against these developments. Although the state seems to have been well aware of the drawbacks that existed when the army dealt with internal security, it is quite clear that the high-ranking officers of the army resisted any change mostly because policing was profitable for them.

It was only after a personalistic ruler, who wanted to hold sway over his administrative and military apparatus, came to power that a differentiation between internal and external security became plausible. The police were put under the authority of the administrative bureaucracy after 1879. Therefore, the period could be taken as a prelude to future developments in the professionalization of the police as a distinct force.[72] The changes in the war-making were essential in this outcome. The separation of the police from the military became possible only when the latter started to reorganize itself on a modern basis. This happened, I argue, after the defeat in the Ottoman-Russian

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[72] The fact that security forces were put under the authority of governors during this period is also significant in terms of the long struggle between the army commanders and the governors in Ottoman history.

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War of 1877-8. After many previously futile attempts the army, finally, realized the necessity to become organized according to the requirements of the modern warfare, which meant to specialize in external warfare rather than internal control. For the first time in Ottoman history, an independent police organization was established in 1879 under the auspices the Ministry of Police *(Zaptiye Nezareti)*.

The issue of internal control was perceived as limited to "elite surveillance" in this period. As Timur rightly states, "the Ottoman central power was the result of various alliances among particular power centers that continuously shifted. In order to be informed in advance about the activities of their rivals, all of these sources used as many informants as possible" (Timur 1984: 415-6).[73] The result was the emergence of a police force which was highly specialized in repressive policing rather than in service-related rule enforcement. In fact, the specialization of the Abulhamidian police on elite surveillance can also explain why that highly developed organization failed to thwart the CUP activities in Anatolia against the regime. It was unprepared for such a task. Despite the despotic character and imperfect specialization of the civilian police, however, the Abdulhamidian regime witnessed major attempts for the professionalization of the police. The first police regulation, which the CUP later relied on extensively, was enacted in 1907 by Abdulhamid.

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[73] The situation is very similar to that of the ancien regime in France. The police dealt mainly with private disorders lest they should spread and give rise to scandal. It was an elite surveillance. "Under an absolute monarchy, moreover, all affairs were private - even questions of religion, book-selling and clandestine publishing were private affairs" (Levy 1966: 488). For a similar kind of police practice in the Tsarist Russia, see Johnson (1972).

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This chapter has examined the early attempts at the establishment of a centralized police force in the nineteenth century Ottoman Empire in order to compare them with earlier forms of policing and organization of the police. The aim was also to account for the historical background of the 'new police' as formed by the CUP regime during the early twentieth century.

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PART III

THE 'NEW POLICE' IN THE CUP PERIOD (1908-1918)

The revolution of the CUP started in 1908 when a group of soldiers in Macedonia led by Niyazi Bey took to the hills against the personalistic rule of Abdulhamid. Of course, that was just an incident that became symbolic later, in the same way as the freeing of a few prisoners from Bastille signifies the French Revolution. In a short while, Abdulhamid has compelled to announce the re-introduction of the Constitution that he himself had abolished in 1878. A brief causal explanation on the rise of the CUP movement to power is helpful to understanding the context of this change.

The first decade of the twentieth century was tumultuous for the Ottoman Empire. The first Russian revolution in 1905 and the establishment of a constitutional regime in Iran in 1906 boosted Turkish revolutionaries. Not surprisingly, a massive wave of collective action in the form of strikes and small-scale rebellions spread to many parts of Anatolia between 1906 and 1908.[74] Most of the protests were organized by the CUP organizations. A great majority of the demonstrators were merchants and artisans. These two classes essentially constituted the social base of the CUP in Anatolia.

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[74] Georgeon counts only the uprisings as follows: 4 in 1906, 13 in 1907, and 28 in the first half of 1908 (Georgeon 1995: 215).

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However, it was the Macedonian conflict that triggered off the revolution in July 1908. Britain and Russia had come together to settle some of the unresolved problems, out of their common fear of Germany. One of the problems was Macedonia. In their meeting in Reval in the Baltics, they decided to delegate the control of Macedonia to a foreign commission, which would leave the Sultan only a formal suzerainty. When the news reached Salonica, the CUP decided to act. The military officers there, all of whom had received a western style military education and had been sent to Salonica as a kind of exile because they were seen as posing a threat to the Abdulhamidian regime, took to the hills. Some of the officers sent from Istanbul to repress the uprising were shot to death. When the rest refused to fight for the Sultan, Abdulhamid had no choice but to declare the constitution that he had annulled thirty-two years earlier. However, Abdulhamid was clever enough to call a group of soldiers' bluff if it had not been accompanied by social unrest in Anatolia, the heartland of the Empire. Therefore, it seems necessary to examine the character of social movements, which were the second, and seemingly more important, factor in the declaration of the constitutional regime in 1908.

The report of the Russian Consul Skryalin is suggestive of the class character of the unrest. By the end of 1907, an uprising in Erzurum was repressed and the Governor resorted to mass arrests. According to the Consul's report, by mid-October in 1907, eighty of those ninety-two under arrest were merchants and other wealthy members of the population (Petrosyan 1974: 239). The demands of the demonstrators were not limited to economic matters; They called for the re-establishment of the constitution and the inauguration of the National Assembly as well. In their proclamation they spoke of the

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"despotic regime of the Sultan," "high bureaucrats not caring about the nation but just their own interest" and "the increasing influence of foreigners in the country" (Ibid. 38).

The class character of the organization in Erzurum can not be ignored. Even the nationalist/conservative historian Turkdogan, who never uses class analysis in his studies, writes about the demonstrators as follows:

> The development of a native commercial bourgeoisie both in Anatolia and Salonica at the beginning of the twentieth century and the capture of the regional trade centers by Turks caused accumulation of profit from the trade with England, France and Germany, in their hands. This new commercial bourgeoisie felt the oppression by the central authority, and at the same time, became the initiator of the social movements in the Ottoman social structure (1986a: 457).

These types of struggles were to merge with nationalism and would be the major ideology of the Turkish revolution in 1920. In fact, although this appears to be a problem of ethnicity, it overlaps with class interests. This "communal identification and division," in Rueschemeyer, Stephens and Stephens' terms, increased the discontent of the native merchants and thus "reinforce[d] class boundaries" in the Ottoman case (1992: 56). Ethnic identification, as Goldstone argues, is Janus faced. Depending on conditions, it may strengthen or erode the state power. In Turkey, due to the clear separation between Muslim and non-Muslim elements and the advantages of the latter, "[the] regime gain[ed] strength in the form of elite or ethnic sentiment from such identification" (Goldstone 1991b: 41).

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At this point, a comparison between the Habsburg Empire and the Ottoman Empire can lead to interesting results. In the Habsburg Empire, the German-Austrian bourgeoisie's dependence on the state "was reinforced by their (probably correct) view that the end of the Empire was inimical to their interests" (Rueschemeyer et al. 1991: 116). This explains the anti-democratic character of the Austrian bourgeoisie. They relied on the state for their survival. For this reason, they supported the empire.

In the Ottoman Empire, the trend was just the opposite of the Austrian case, largely because of the fact that the Ottoman Empire was in the "periphery" and reflected the typical peculiarities of peirpheral states that had been integrated into world economy.[75] The trade was in the hands of the non-Muslim groups at the end of the nineteenth century. Many of them gave up their allegiance to the Ottoman state. "Neither the Greeks nor the Armenians regarded the Ottoman State as the representative of their interests" (Ahmad 1980: 331).[76] After the integration, they thought that playing the ethnic card to foreign states was more beneficial than challenging the state's traditional economic mentality from inside. That was the crucial reason why the non-Muslim sector of the population could become dominant after the eighteenth century.[77]

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[75] For the difference between the Ottoman and Habsburg Empires, regarding their positions within the systems of states and the different outcomes of these positions see Breuilly (1994: 143-4).

[76] The position of Jews was different. Ahmad writes that they "remained an intimate part of the traditional, non-capitalist, socio-economic structure. They derived no benefit from the domination of the Ottoman economy by Europe, and suffered the consequences of the Empire being converted into a semi-colony" (Ahmad 1980: 331).

[77] Issawi counts five factors that help to understand the economic power of the non-Muslims: "Participation in expanding sectors, foreign protectors, a favorable situation following various reforms in the Ottoman Empire..., superior education and help from coreligionists outside the region" (1982: 270).

This development, as an imposition of the world economy, was against the will of the state. The state, on the other hand, did its best to comply for its own benefit and it managed to do this to some extent. However, this gave rise to the total alienation of the local elite from the state. In their eyes, the state was the machine in the service of the non-Muslims. They supported the CUP revolution in 1908 for this reason. Furthermore, during ten years of the CUP power, they had privileges thanks to its "national economy" policies.

The CUP was well aware of the ethnic composition of the internal "bourgeoisie" and its intentions. As Keyder writes:

> the bourgeoisie of the Ottoman Empire, like the bourgeoisie of Poland, was not national and therefore could not be trusted. For this reason a new class of entrepreneurs had to develop from among the Moslem population who had so far been confined to posts in the military-civilian bureaucracy and to tilling the land. Only after the development of such a bourgeoisie could a national state be constituted (1987: 62).

The CUP tried to 'create' that bourgeoisie. As noted earlier, the most distinguishing feature of the Ottoman state formation was its relatively aloof character from the domestic social structure. The revolutionaries of the 1908 deeply felt this aspect of their history. The 1908 Revolution was thus a bourgeois revolution without any bourgeoisie. As we have just seen, the leading sector of the Ottoman bourgeoisie was non-Muslim with no allegiance to the state. "Quite the contrary," writes Ahmad:

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the aspirations of the comprador bourgeoisie were better served the more the authority of the Ottoman State was weakened. Thus if we consider a positive relationship between bourgeoisie and state to be a necessary component in defining such a class, we must conclude that a Turkish bourgeoisie did not exist until the Unionists set about creating one (1980: 330).

The cooperation in society became possible thanks to the existence of the CUP as a disciplined party. McDaniel wrote for Iran and Russia: "In neither country was there, or ever had there been, a network of status-based organizations to link the state and society, elites and masses" (1991: 100). That was also the case for the Ottoman Empire. Both of the major modernization attempts, of the *Tanzimat* and the Abdulhamidian periods, lacked an organization which would establish link with the society.[78] The CUP changed this stance, especially after 1913 when it established its one-party regime and prevented various groups from lobbying on their narrow interests. "In many cases we find that ... members of small town gentry *(esraf)*, as well as the artisans *(esnaf)* and small merchants *(tuccar)* joined the party. In the countryside, the CUP attracted the landlords and the landowning peasantry. But where such elements were lacking the CUP tended to make entrepreneurs out of bureaucrats and professionals" (Ahmad 1980: 338).

The party used the First World War as an opportunity for capital accumulation. It was crucial to break with the integration into the world economy. After 1914, internal dynamics became more important. First, thanks to the war the CUP was able to abolish all the political and economic privileges, which had been granted after the 1840s to the

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[78] For the importance of the existence of a political party for a successful bureaucratization see Silberman (1993: 111).

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now-enemies in the First World War. Second, and more importantly, the conditions of scarcity resulting from the war were used to distribute handsome profits to particular segments of the population. Boratav gives a striking example on the emergence of a national market:

> The transportation of grain from the Central Anatolia to Istanbul was 75% more expensive than to import it from New York. That is why Istanbul used to supply its grain consumption from European and American flour. The First World War had closed the trade routes from Europe to Turkey.... By using the transportation network to its limit, Anatolian peasants started to produce for the consumers of the metropolis (which means for a big national market) (1988a: 18-19).

The establishment of 'national companies' was another policy of the CUP.[79] Ahmad shows that, "in most cases, the local branch of the CUP was responsible for setting up these enterprises" (1980: 343). As Keyder writes, "according to one estimate, the share of Turkish capital in corporations had increased to 38% in 1918 from only 3% in 1908" (1980: 326).

The political dynamics of the Second Constitutional Period (1908-1918) were shaped in the context of turmoils, uprisings, immigration, and wars. There took place two regional and one general war during these ten years. The first was the War of Tripoli with Italy in 1911, which caused the loss of "Ottoman Africa." Immediately after that started

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[79] Ahmad cites from *Revue de Turquie* of 1918 that "since the beginning of the war, ... some eighty joint-stock companies had been found in the Ottoman Empire. Many of them had large capital outlays and nearly all were Ottoman, i.e. Turkish and Muslim" (Ahmad 1980: 341-2).

the Balkan Wars, which lasted until 1913. This time, "Ottoman Europe" was lost. Finally, there was the First World War, which ended the Empire itself (Tunaya 1989: 435).

The first half of the period (1908-1913) saw a multi-party system. For the first time ever, Turkey witnessed political parties. After the CUP came to power opposition groups were organized also in other political parties. Starting with the local branches of the CUP, many other associations spread into Anatolia.

During these five years, the Committee preferred controlling the governments rather than governing itself. In 1913, the CUP took the government in its own hands through a coup. Until the end of the First World War, the country was ruled by a highly autocratic single-party regime. After the defeat in the war, they handed over the revolutionary flag to a different cadre of revolutionaries, i.e. the Kemalists. However, Unionists continued to play important roles in the National Struggle and even during the early years of the Republic, until 1926. In that year the Kemalist leadership managed to liquidate, by purges and tribunals, the Unionist factor, which was regarded as the most serious threat to the new regime.

The Unionists were centralizers and modernizers par excellence. Capitalist considerations in economy were accompanied by a considerable increase in the circulation of money. The structures of cities started to change. Effort was made to eliminate the traditional buffer institutions such as guilds and intermediary social forces in order to impose the will of the state.

In this part, I will try to explain the administrative organization and reorganization of the police during this period, in which the size and disposition of the police changed

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dramatically. Security forces were the main tools of the new regime for consolidating its power. A contemporary observer writes in her memoirs that the people who lived in Constantinople "saw an immediate change" in security forces after the CUP (Patrick 1929: 266-7).

This part is divided into four chapters: transition to a double-edged policing; police impingement to the political process; separation of the police from the military and its consequent professionalization; and finally, public order policing.

In Chapter 6, I will examine the struggle between the state and society over the social control mechanisms. As a natural result of state centralization, the interaction between the people and the center increased. The centralization of the state went hand in hand with the centralization of responsibility. The double-edge character of policing revealed itself in this period. The elimination of the buffer zones made the state responsive to the citizens' demands, which caused important changes in police-state-society relationships.

Following this introduction to the general context of state-society relations in policing issues, Chapter 7 will present the organizational structure of the "new police." As the reader will notice, the themes analyzed in the previous part will also be dealt with in this one. In this part, however, the problem of police impingement upon the political process will be introduced as a new theme that had not been significant for the police in earlier periods. The CUP rule was the first "political" regime in Ottoman history. Political parties, associations, and mass mobilizations were witnessed for the first time. Surprisingly, however, although the CUP period is the most studied period in Ottoman

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history, no scholar has mentioned, let alone analyzed, the highly important relationship between the first political regime in the Empire and its police force.[80]

As we expect to see in any parliamentary regime, policing practices were subject to fierce debates in the parliament. The new regime could not remain indifferent to the standards and achievements of its police force. This was the main dynamic behind the professionalization of the police. However, that effort gave rise to a paradoxical - but understandable - outcome. The police as an institution distinguished itself more from the military in comparison to the Abdulhamidian period, at the expense of being a more militarized force, as examined in Chapter 8. As in the Abdulhamidian period, the police chiefs were recruited from the civilian administrative bureaucracy. In the early period of the CUP, on the other hand, the police were reorganized under the auspices of police chiefs who were high-ranking soldiers with a successful career in the army. For the new regime, military values and practices were the only chance to bypass the vested interests of the old-regime police. Moreover, the military career made the police officers more obedient to their superiors.

In Chapter 9, I will attempt to follow the practices of the police force in the context of public order policing. It is argued that, because of the character of the new regime, the opposition was stripped of any political intent and interpreted as criminal. The strategy of "criminalization" of dissent can easily be observed in public order issues. Moreover, a focus on public order would reveal the fact that the real losers of the state

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[80] That is the reason why I have mostly relied on contemporary memoirs and parliamentary debates for understanding the police in the CUP period.

centralization were the underclass and workers, not the corporate bodies. The issues of vagrancy, prostitution, and the work force during the CUP period in comparison with the previous regime of Abdulhamid in order to correlate the changes in these spheres with other changes in state structure will receive special focus.

The reader should keep in mind that none of these processes was complete. Most of them indicate intentions of the rulers rather than the reality. Since society, as a rule, always gives reactions to state plans in every sphere, these attempts are still important for understanding the state-society interaction. More importantly, this was the first time in Turkish history that political parties emerged as the leading actors of political life. The political culture of Turkey today and its police structure have largely been derived from the developments in this period.[81]

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[81] Following Lynn Hunt (1984), I take political culture as "the values, expectations, and implicit rules that expressed and shaped collective intentions and actions" (Ibid. 10).

CHAPTER 6

THE DOUBLE-EDGE: COMPETITION BETWEEN THE STATE

AND THE SOCIETY FOR SOCIAL CONTROL

The focus on elite surveillance during the Abdulhamidian regime left many issues

and spaces unpoliced. Penetration was not the main concern of the period. That was the

task that the two successive revolutionary regimes in Turkey addressed themselves. The

police textbook dated 1910 stated that "[the] aim [was] to increase the penetration of the

government into the masses and gain their consent" (I. Feridun 1910: 23). These two

characteristics, i.e. penetration and consent, were in fact the two sides of the same coin.

A deputy described in the 1908 Assembly the local power relations of the

constitutional regime as follows:

> There used to be one strongman and one person from the notables in
> every district. When some major incidents occurred, these strongmen
> were promised to be placed in high positions. They were conferred
> high positions in return for which they would control those under their
> authority that would listen to their words, and refrain from aggression
> and wrongdoing.... We should make the people know that the period of
> such appeasement policies is now over. The government should
> manifest itself with all its might, the courage and the endurance
> (MMZC 1/1 1: 446).

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Due to these goals, there were serious attempts to rationalize the bureaucracy in the field of public administration. As Findley argues, "for the [Ministry of the Interior], the Young Turk period was probably the most productive of all the reforming era" (Findley 1994: 262). The transition from indirect to direct rule started, but not completed, with the CUP regime. The main goal was then to eliminate the intermediary societal forces.

The following speech of the *Sadrazam* (prime minister) at the assembly in 1910 exemplifies the difficulties of the state formation process in a culturally heterogeneous country and the determination of the CUP to achieve this: "A constitutional government can not allow those practices which an authoritarian government does. A constitutional government can not accept it if one law is valid in one part of the country and another one in the other part, or if soldiers are recruited from one part of the population but not from another, or if one part of the people pay taxes that are not paid by others" (MMZC 1/3 1: 275).

However, the *Sadrazam* recognized the fact that one barrier had to be surmounted in order to get hold of the mechanisms of social control: People had arms. The revolutionaries were deeply concerned with the issue of seizure of arms. For the first time in Ottoman history, the state seriously considered collecting arms from the people. According to the *Sadrazam*, this was most important problem the center faced. "There should be no power in society against the government" (Ibid.).

The disorder in the Balkans after the 1908 Revolution that prepared the ground for foreign intervention had mainly been caused by religious cleavages, specificaly the

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separation of the Bulgarian church from the Greek Patriarchate. This resulted in outbreaks of violence at the local level by bandits. It was then that the seizure of arms came to be considered as an option to resolve the problem. Consequently, the assembly debated the issue.

The seizure of arms was certainly not an exclusively domestic problem. As most of the other internal issues, it was also connected with the international state system. External powers, such as Austria-Hungary, were formulating plans taking into consideration the possible reaction to the Ottoman state when collection of arms began. Habip Bey, a deputy of Bolu, stated: "If one thinks about the plans of our neighboring states, collecting arms from our Christian citizens, who are not accustomed to living together with Muslims, will cause bloodshed and this will invite the intervention of European governments" (MMZC 1/1 1: 426).

Part of these bandits supported the CUP. That is why the government did not collect arms from those groups especially during the early years of the revolution as their support was needed. Habip Bey argued that they could come to Istanbul as reinforcements if any need would arise. In the face of this fact, he criticized the collection of arms from the Christian citizens (MMZC 1/1 1: 425).

Especially in a multi-ethnic state like the Ottoman Empire, stakes were high in security issues. Non-muslim deputies in the Chamber supported the decentralization and delegation of most of the authority to the provinces with the argument that these regions lacked public security (Zohrap Efendi, MMZC 1/1 1: 545). Hristo Dalcef Efendi reported that theft and banditry had increased in the Balkans since the government took responsibility

in many issues. Proposing the arming of the people as a solution, he added that the people in Salonica had urged the government to give them guns but had been refused. (MMZC 1/2 2: 232).

The government, on the other hand, was busy to collecting arms. A governor of the period described in his memoirs the method of arm seizure in Bulgaria: "Suleyman Aga, from the village of Barcova, introduced to me Gorgi, a member of the Bulgarian Committee. This man gave me information on who had guns, how many and their type. I started to collect arms from this village. We seized 170 pistols and many bullets only from this village. In two months, we seized 2,000 guns, 10,000 bullets, and 59 bombs from some major villages in Bulgaria" (Uzer 1987: 128).

Not surprisingly, non-Muslim deputies especially harshly criticized the methods of collecting arms. Todori Pavlov Efendi from Skopje reported that they included beating and torture. The legal method was to give some time before starting to search for arms in an area. However, in Skope alone, 4609 people had been beaten and tortured in three months. 900 people in Salonica, 2,000 who ran away to Bulgaria and 2,000 to the mountains should be added to this number (MMZC 1/3 1: 299). Yorgo Boso Efendi described how the rifles were collected: "The commission goes and declares an arbitrary amount of guns to be collected. For example, it asks that 150 rifles be collected. If villagers do not have this number of guns, they buy them. The villagers have come to accept this as a kind of tax. An army with sixteen battalions has been organized just for the purpose of collecting arms" (MMZC 1/3 1: 346).

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Arms seizure was also one of the primary tasks of the police. Stating that more than half of the criminals had guns in 1911, the police complained that it was still legal to carry guns. The only solution that the government could find to this problem after the 1908 revolution was to make all gun owners obtain a license by paying a small amount of money. However, who could not carry guns remained undetermined (Polis 1911: no. 9). Later, the government prohibited carrying guns longer than 15 cm. – a figure that included the chamber of the gun - in order to limit the use of revolvers. However, as it was not explicitly stated in the Criminal Law that the length included the chamber, the prohibition was rendered ineffective (Polis 1911: no. 9). The designation of the length of the guns to 15 cm. is indicative of the understanding of the concept of public order by the state in that, the concern in this designation was not that guns smaller than this would not threaten the public security in communities; it was rather the fact that they could not be used effectively against the government in uprisings. The prime minister stated that if a gun could be used not only for a regular crime but also against the government, then it was accepted as an illegal arm. Undermining the importance of maintaining the public order in the conventional sense, he stated that those guns that were used only for regular crimes were not important because "they could only give rise to some simple murders, not political murders" (MMZC 1/3 1: 276). Furthermore, this limited prohibition was in effect in the cities but not in rural areas. The police magazine admitted the immense difficulty for the state in collecting arms from the people. It writes that carrying arms was

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a tradition in the country, that traditions were like laws, and that this was the reason why the police were reluctant to interfere with those who carried guns (Polis 1912: no.23).[82]

The police reached their goal with a regulation promulgated in 1913 which restricted the use of weapons such as daggers, wedges, or big knifes, which had previously been allowed. The reason for their restriction was stated as that these were mostly used in crimes that violated personal security. They were licensed by police stations (PM, 1913: no.6).

Arms seizure was a prerequisite for the CUP in their effort to curb the power of the societal forces; it went hand in hand with the centralization attempts in the administration system of the Empire. As will be remembered, Abdulhamid controlled the Ottoman society via the administrative councils in provinces. These councils were occupied by local strongmen who could impose their interests on local governors. One of the first legislation of the CUP government conceived these councils. Their program for the administrative structure was called the "extension of responsibility and separation of duties" (tevsi-i mezuniyet ve tefrik-i vezaif). Ironically, the program of the opposition was also named the same. The preamble of the law stated: "Separation of duties can be done in such a way that it would not be the genuine separation of duties but rather decentralization of politics." It was stated that those political responsibilities of the state, i.e. on external affairs, war, maritime, justice, economics and policing, were inseparable. On the other hand, the responsibilities for construction, agriculture, art, primary

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[82] The collecting of arms could never be successful. As we will see later, the problem would not have been solved even during the initial period of the Republican regime in Turkey. The important point in this issue is the fact that people's carrying guns was first seen as a problem during the CUP period.

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education, and commerce "belong[ed] to local administration" (Levayih... 1910-1911: 57). The responsibilities in the first group "should certainly be centralized. It [was] not possible to think about separation of duties for them." The concept of the separation of duties would only apply to those in the second group. The Parliamentary Commission stated that it took Prussia, not Austria, as example while preparing this law. They argued that as the authority for law making in Austria was given to Diets instead of the central government, its system was decentralized and therefore, could not be accepted (Ibid. 59).

The most important change brought about by this law was the radical change in the structure of the Administrative Councils. As stated in its preamble, the main goal of the Provincial Law of 1864 was to curb the extensive power of governors. It thus resulted in the restriction of authority, and not of its extension. The new law required that, since the national assembly was gathered in Istanbul, 'elected members' would not take part in these provincial councils because "the administrative council would perform the necessary tasks about the responsibilities of the Sultan. The right to supervise these responsibilities, on the other hand, would exclusively belong to the national assembly" (Levayih 1910-1911: 65). These explanations clearly indicated that the state was determined to centralize authority.[83]

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[83] Centralization continued with the new Provincial Administration Law in 1913. The new system, while securing the rights of the central government, also provided decentralization to a certain extent. According to the new law, governors and sub-governors had the authority to appoint people to the lower ranks with whom they would work, and also to recommend those to be appointed in other places. This measure was taken largely to appease the Arab notables in their regions, whose backing the government needed during the war in 1914 (Cleveland 1994: 133). Nevertheless, governors had to submit the full list of the appointments to the Ministry of the Interior or any other related ministry. Arbitrariness in appointments decreased with the 1913 Law because it defined not only various systems of appointment but also the types of official posts for which these systems would be effective. It then became necessary to depend on a statement of reasons in order to dismiss an employee. Moreover, governors had to submit to the Ministry of

The CUP started to impose its own strategy on the countryside by changing the structure of the Administrative Councils and inserting its own state agents in the place of "elected members." In cities, the target was the guilds. The strategy was to replace them with professional organizations. However, in order to do that, allegiance of this class had to be diverted from the guilds to the central state. This was a struggle over what Migdal (1988) calls "strategies of survival." Unless the power of societal forces was curtailed, the central government would be impotent to push for its own strategy. This was achieved in 1910 with the 'Regulation on the Associations of Artisans', which abolished the guilds, and was accelerated in the war period by turning artisans into professional organizations.

A contemporary observer described the problems it created in terms of social control as follows:

> The difficulty of carrying out civil improvements was increased by the fact that labor had gradually been organized, from the beginning of Turkish history. Even under the early sultans, each class of laborers had a definite though rude form of organization. These primitive guilds for social protection functioned very quietly, and with a spirit of unquestioned obedience to unwritten laws, demonstrating the power of custom in society. Changes to modern methods of living upset the habits and destroyed the income of hundreds of law-abiding people (Patrick 1929: 239).

Guilds (more correctly, artisans) were the most important group for the CUP. It tried to establish its social basis among this group. Moreover, it was the artisans that the

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the Interior detailed yearly budgets of their provinces for approval (Findley 1994: 264).

CUP used in creating a nation. The dominant ideology of the period, "solidarism" (tesanutculuk), emerged as a synthesis of French "solidarism" and the Ottoman traditional guild structure (Toprak 1995a: 51-53). According to the main ideologue of the period, Ziya Gokalp, neither a liberal nor a "gendarme" state was enough to achieve a "social state." The state had to participate in social life and direct it. "Professionalism" (meslekcilik) and "professional ethic"[84] were the main concepts for the Unionists around which to organize social life.

The loss of Selonica in 1913, and the moving of the Central Committee of the CUP to Istanbul increased the power of the Turkish-Muslim artisans in the higher ranks of the party. Merchants in Istanbul, on the other hand, remained too "cosmopolitan" to carry the program of "national economy" (Toprak 1995a: 69). The government immediately began to establish professional organizations out of the guilds. In a short period, by the beginning of the First World War, the number of associations reached fifty-one. These professional organizations were strictly controlled by the state through regulations (Toprak 1995b: 99). They were united in 1915 under a single organization, the Society of Artisans which was under the official patronage of the Governor of Istanbul and supported by prominent Unionists (Ahmad 1980: 339). This Society moved to resolve the biggest problem faced by Istanbul during the wartime, namely food supplies.

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[84] An influential intellectual of the period explained the difference between the economic order in Germany and disorder in the Empire during the war with reference to the lack of "professional ethic" in the latter, which was the result of undeveloped character of the guild structure in the Ottoman Empire (Toprak 1995a: 74).

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What is crucial in the relationship between the guilds and the Unionists was the consent on the part of the guilds. The change from guilds to artisan associations can not be explained only with reference to the coercion of the central state. At the time of their abolition, the guilds had already been rendered ineffective by economic modernization. Thanks to the war situation, the CUP was able to exert its will upon the already decayed guild system which was unable to resist the incorporation attempts of the state and remained the basic unit of social support of the CUP until the last days of the Empire.

The central government extensively used the artisans in policing issues. As examined in previous chapters, the guilds had been autonomous organizations during the classical period of the empire. The central state was unable to interfer in their internal affairs. However, a 1910 regulation brought additional responsibility to artisan associations in policing: According to this regulation:

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

The statements at the beginning of the regulation repeated, in fact, the traditional duties of the guilds. Nevertheless, it is apparent in the last sentence that the artisans had become one of the aids of the state in maintaining social control according to the strategy that

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the state determined itself. In other words, guilds participated in policing not as a *substitute* to the police force as was the case in the old regime; but rather as a *complement* to it.

According to a similar regulation concerning porters, their leadership (*kethudalik*) was abolished and their rights and responsibilities given to the municipality and the police. Also the ˝shares˝ of the *kethudalik* were thus abolished, leaving no privilege to that post. From then on, anybody could be a porter. The new regulations necessitated that porters would take their criminal records from the police station and that they would attach the identity cards prepared by the police to their collars (Polis, 1911: no. 13).

The reorganization of the guilds under one central organization had another aim. The Minister of the Interior, Talat Pasha, was from the civilian wing of the CUP and tried to curtail the increasing prestige of soldiers during the war. He wanted to increase the participation of the people by establishing a complementary organization so that he would be able to balance the power of the officers within the party. Guilds played an important role in this endeavor (Cavdar 1995: 303). As will be seen in the next chapter, Talat Pasha used the police force in the same way.

These centralization attempts, all of which were put into effect in the first year of the revolution, quickly provoked reaction. As one leading Unionist, Huseyin Cahit Yalcin stated in his memoirs:

> Abdulhamid was content with a pseudo reign, instead of having an effective control on places such as Albania, Havran, Dersim or Yemen. The constitutional regime demanded submission to the government and to its laws from every part of the country. It asked for taxes from everywhere; and thus naturally caused such reactions as dissent, rebellion, and revolt. Albanians gathered in Firzovik and made

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demonstrations in order not to pay taxes. A census was attempted to be made in Havran, but the religious sheiks of the Druze decided not to give information (1955/1976: 151).

There were revolts as well in Dersim and Yemen. All these reactions took place within a year after the declaration of the Constitution.

The CUP had to achieve two things: to centralize and transform its police force from reactive to a proactive style, and to fill the vacuum created by the abolition of intermediary organizations, such as guilds, which would, in turn, increase the service-related tasks of the police.

In the face of the general dissent, it was unavoidable for the CUP to apply proactive surveillance. In 1908, deputies complained about the absence of proactive policing. The deputy of Samsun stated: "In fact, it is the government that is responsible for finding out those who has committed crimes, arresting and surrendering them to justice. However, more important is its responsibility for preventing crimes. Once the crime has occurred, what is the use of government?" (1908 MMZC 1/1 1: 380). Following year another deputy stated as follows after the Armenian affairs in Adana[85]: "It has become necessary to get informed about affairs beforehand. If this could be done, affairs in Adana would not have gone out of control. This necessitates an increase in [the wages of the police] to 400 piasters" (MMZC 1/1 6: 139).[86]

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[85] This communal fighting occurred in March/April 1909. According to one estimation 30,000 Armenians were killed (Minassian 1995: 217).

[86] Despite these criticisms, we have some evidence that there already began a flow of detailed information from provincial governors to the center. In a document, dated 1910, for instance, the governor of Yemen, presented his activities and proposals for controlling the intermediary forces in the region. He wrote in

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The CUP government knew that proactive policing was not enough for effective centralization. The c entralization of police forces also meant the centralization of responsibilities. After centralization, any failure would alienate those groups who were to be the loyal supporters of the party of order. There is a close relationship between public security and the right to govern. The local elite can only be convinced of state centralization if the right of self-defense is guaranteed by the state. As Enloe (1980: 104) writes, "people are politicized and mobilized when they are denied what they think are minimal conditions to maintain their well-being, not just when they are blocked in their strivings for upward mobility."

The discussions in the assembly amply demonstrate that the right to rule went hand in hand with the maintenance of security. Moreover, they show us the delicate bargaining between the state and local populations in maintaining security and welfare. Having stated that the state had cooperated with the bandits during the absolutist period - read as Abdulhamid -, and that this had led to the alienation of the people from the state, a deputy continued: "The declaration of the Constitution increased the morality of people. Their hatred against the government has been turned into affection. Now a governor is needed who is sufficiently capable to use this mood of the people and maintain the security of the people" (MMZC 1/1 1: 195).

1909 that the then Governor paid a local strongmen and his brother 8,800 piasters (2,100 piasters of this amount were paid for the "salaries of gendarmes"). Another strongman was assigned to be "commune director" in 1894, four years later he "betrayed." In 1899, he was again assigned to be "director" with a salary of 1,500 piasters. "Although he betrayed again in 1905," wrote the Governor, "we are still bargaining with him. But he is unreliable." The Governor hopelessly mentioned three other candidates of collaborators, but all of them were unreliable (DH 104-2/10). This document also shows how the state was helpless in distant regions even to find a local strongman to collaborate in social control, let alone, to eliminate them.

Deputies gave examples of negotiations between local areas and the government on the maintenance of social control. Their statements clarify how the centralization of the police and the elimination of intermediaries led to the centralization of responsibility by the state to maintain local security and welfare. The deputy of Ipek in Balkans, H. Ibrahim Efendi, having mentioned how the people of Kosova collaborated in order to overthrow absolutism, stated:

> It would not be an exaggeration to say that there does not exist any other province like Kosova in which public order is secure. However, because the maintenance of order is the work of administrators and the government, our people have delegated this important task to the appointed officials and ask from the government justice, direction, education and performance. That is why, as long as the Minister of the Interior continues to effectively perform his work, we will trust him (MMZC 1/1 1: 437).

The speech testifies that as the local welfare organizations, such as guilds, were abolished, the public's demands on the police increased. After all, the guilds, functioning also as a social security system, had been the most important organization.[87] Every member of a guild had had to give a certain amount of money for the mutual assistance fund (teavun sandigi). In case of retirement, sickness, injury or death the person and/or his family used the money from this fund (Makal 1997: 214). Once the state (i.e., the CUP) incorporated the guilds under its own system, it acquired a new responsibility for the welfare of its citizens.

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[87] Makal (1997) cites the other ones as family and religious benevolence. However, he writes, they were less effective in comparison to guilds.

It is in this context that the welfare aspect of police work should be analyzed.[88] The centralization of authority gives rise to the centralization of responsibility. This is what I, following Giddens, call the "double-edged" character of policing. The police gain an essential role in welfare functions during this transition.

The difference between the Abdulhamidian and the CUP regimes can be seen in this respect by examining their respective police regulations. The 1907 Regulation defined the police as follows: "The police are responsible for maintaining public security, and providing the continuity and stability of public order." The definition was broadened in the 1913 Regulation during the CUP period: "The police are responsible for providing the continuity and stability of public security and order, and protecting people's life, goods, and honor; and improving public peace" (Yagar 1987: 258 and 298).

Alyot writes about the 1907 Police Regulation, enacted during the Abdulhamidian era:

> The basic responsibility of the police is not protecting people's life, goods and honor and their personal rights but rather to maintain public order in order to protect the security and stability of the regime and the government... What is asked of the police is not enforcing laws and regulations but executing the orders of the government. What is consequently dominant in this regulation is not the concept of law or citizen rights, but rather the rights of the Sultanate and those of the government. In order to perform such a duty, the police were given the rights to scrutinize the people and learn their possible actions by all possible means. The regulation thus presents the preference of the regime to rule by espionage and police oppression (1947: 190).

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[88] For example in Italy, while welfare had been provided by religious orders previously, Napoleon changed this by "[closing down] most of the orders.... The central government now took responsibility for all social assistance, depriving the nobility of an important source of influence and patronage, and supposedly making the entire system more equitable and efficient" (Hughes 1994: 20-1).

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It is important to note that the concepts of "*erbabi fesat*" (men of conspiracy) and "*muzir eshas*" (dangerous people) used in the regulation did not signify those who destroyed public order but those who were deemed threatening by the regime.

During the CUP period, the political police were used possibly more "effectively" than they had been during the previous period; and yet a new type of police force with a double-edged character also began to emerge. There were two consequences of this development. It overlapped with the emergence of citizenship rights on the one hand, and with an enormous increase in service-related enforcement on the other.

The state's gaining the monopoly of security forces entailed the recognition of the people's right to have a say. As noted above, the CUP felt the significance of and the necessity for transition from reactive to proactive policing. The most important condition of the success of a national police was the support of the people. Minister of the Interior, Huseyin Hilmi Pasha, said in 1908: "In our country, as in all others, the police forces need the help of the people in order to perform their duties effectively. When there is a murder in a village, all the information that the security forces can initially receive will be from the village head man, watchman, and the general public of the village" (MMZC 1/1 1: 376). The Minister said that, although the government knew from the beginning which bandits were collecting money from the people, they still could not take them to court because nobody wanted to take the witness stand. For him, the new police should gain the consent of the people in order to perform their duty (Ibid. 417).

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The centralization of police forces influenced the police culture. It developed a sense of duty, which impelled police officers to win the consent of the people. For the first time, policing started to be conceived as a service to the taxpayers. A police textbook wrote in a tone which would have been completely unexpected to see in the old regime: "The real patron of the police, after the God, are not those who appointed them to their positions but ordinary people who pay taxes so that the wages of the police could be paid. Having paid their taxes on time, members of the nation demand a right from the government and want it to serve them by providing them security and peace and protecting them from being abused by any government employee" (I. Feridun 1910: 51). The new police culture was significantly different from that of the old regime at this point: The police were asked to take this demand into consideration so that the people would "realize in practice the great difference between the existing constitutional government and the old absolutist one." (Ibid.) In their journal, they emphasized the importance of gaining the consent of the people. The police of the old regime, according to the Journal, had failed because they could not get the necessary support from the people (Polis 1912: no.20).

An important factor that affected the culture of the police was the ideology of the 1908 Revolution. The main pillar of its ideology was enlightenment and the French revolution. We know that the decision of the police to enforce certain rules is inevitably selective; and the selection is related to what the police accept as the rights of people (Brewer et al. 1996: 147). During the CUP period, the police accepted the "individual liberties" as the "mother of all liberties." That is why "personal inviolability" was

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accepted as crucial (Polis 1911: no. 11). Similarly, in the police magazine, the difference between the police of the old and the new regime was emphasized in terms of dwelling immunity, and it was stated that dwelling immunity was "sacred" (Polis 1911, no. 2).[89]

It is again in the same period that debates in the police magazine took place about the basic reasons of crimes. In a response to an article that had cited illiteracy as the basic reason, it was stated that moral degradation resulting from unemployment was the real cause of crime. The same article gave the police the mission to be the "role model of ethics" for the people (Polis 1912: no. 24).

Transition to a "double-edged" policing can be exemplified on several grounds. We can start with one of the most important gains of the people after the Revolution, that is, the right to hold public gatherings and forming associations. Before the institutionalization of the security forces with all their responsibilities and duties, the people had not been allowed to gather on streets, or in places such as bazaars. The formation of companies or associations other than those for trade had also been forbidden. The prohibitions in these two fields were lifted one year after the Revolution. Strikingly, the recognition of these civil rights only became possible with the formation of a modern police organization.

If citizenship rights emerge with the acceptance on the part of the state to register and enforce them as "rights," then it is understandable that the state will "sit" at the bargain table only after it has established its security forces. For instance, when the

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[89] It is no doubt that 'individual liberties' were taken as those of the propertied class. As we will see later in public order-related reorganizations, the people with no place to live and no place to work were excluded from the rights of "individual liberty." Furthermore, it was legitimate to curtail their rights just for the

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proposal of the Law on Public Gatherings were discussed in the Assembly in 1909, communes (*nahiye*), as the smallest administrative units, were included in the list of places where public gatherings could be held. Most of the deputies opposed the proposal on the grounds of lack of police organization in communes. A deputy said: "Unless we form a preventive police, that is, a security force that would prevent harmful incidences from happening, such a right cannot be granted" (MMZC 1/1 3: 472). In the end, communes were excluded from the list of places for public gatherings. As will be seen later in detail, similar regulations were introduced for associations. In 1909 for the first time in the Ottoman Empire, the freedom of associations was recognized. Most of the articles of the law were on the relationship between the police and organizers.

Another major difference from the old regime can be observed in enormous increase in the service-related enforcement. A review of the extensive responsibilities given to the police by various laws and regulations accepted during the CUP period illuminates the role the police played in welfare. The police were to check the personnel records of those to be admitted to the poorhouse; they were to prevent any harm to the insane from their families, trading of bonds outside the Istanbul stock exchange, and unnecessary blockage of streets by logs, etc.; they were to provide the protection of trade-marks; they were to help abandoned children, injured and beaten people, and maintain regular operation of religious ceremonies and sacred places; they were to deal with burials; they were to hold organizations of lottery and charities; they would control taverns, money-changers, sewers, prostitution, whether weights and measures were

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common good.

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properly taken by traders, the quality of bakeries and their bread, whether vendors complied with health regulations, hotels and entertainment places, buildings and streets that could be harmful to life and property of people, whether doctors and pharmacists adequately performed their works, and the transport by boats and ships; they were to give license to porters, commissioners and advertisers and those who would work at hotels and entertainment places; they were to be responsible for abandoned property and animals; they were to register jewelers and their customers; they were to protect monuments and parks; they were to perform duties given during times of earthquakes and fire, contagious diseases and epidemics, contagious animal diseases, traffic, customs, woods and mines; and they were to enforce health regulations that grocers, butchers, barbers and other tradesmen should follow (Yagar 1988: 214-307). While most of these responsibilities would normally have been given to the municipal police in other countries, they were taken by the central police in the Ottoman Empire (See also Topuzlu 1951/1982: 96-100).

There is no reason to suggest that the people in general would not benefit from all this service-related enforcement. For instance, a document in the GDS archives indicates that the police were ordered to find a man who had abondoned his home and obliged him to take care of his wife and two children. In another incident, a man who had gone to Adana to work was required either to come back or to take his children and wife with him (DH. EUM. THR, no. 1269 and 2268).

Moreover, one can talk about an increasing demand from the popular classes for more state intervention in private domains.[90] Those approaches that view the police

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[90] An example, which shows the double-edged character of policing, comes from the nineteenth century

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exclusively as the representative of the dominant class miss this point. Working people themselves put some degree of pressure on the police with their specific demands. As every other institution, the police have more than one dimension, performing a service-related function as well as a repressive one.

As a result of economic modernization from the second half of nineteenth century onwards, not only the guilds but also the large family structure started to decline. In the classical period of the Empire, the neighborhood (*mahalle*) had been a closed community. Families, whether rich or poor, lived in private homes which functioned as a protective barrier from the outside world. This changed with the nineteenth century. Upper class families were no more dependent on private houses. Summer houses appeared. They started to move in two different time and place zones. New kinds of entertainment appeared such as nightlife, hotels (a new invention in itself), garden parties in embassies and night entertainment organized by groups of families, changed the introverted character of the family as an institution. Villas and mansions started to dominate the life-style during the nineteenth century (Isin 1985).

As Isin argues, "the process of modernization loosened the authoritarian traditions of family life." The effect of this can be observed in daily lives of women. The introduction of 'fashion' into daily lives was important in the liberation of women from community pressures. The veil turned into an accessory rather than a religious obligation. Women' faces also began to be liberated from the veil of religion. This change was seen

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Italy. The Minister of Police writes in his report: "The people do not know any authority other than that of government's representative, therefore, all of the problems and troubles are blamed on the prefect, and the first complaints are always directed against him" (Hughes 1994: 27).

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not only among the upper classes. With the increase in population in the cities, especially Muslim and Jewish poor families found it difficult to live in their districts. They had to move to unhealthy row houses of apartments in new areas (Isin 1985: 554-6).

All these enormous social changes altered the relations of authority within the city, community, and family. Therefore, it can be argued that a supply and demand kind of interaction existed between the state and these corporate bodies. As Silver argues, "the arena of expectation widens as smaller formations - regions, states, local communities - find it harder to control or influence the moral climate in which they live" (Silver 1967: 22). For this reason the CUP curtailed the powers of guilds on the one hand, but still managed to gain their allegiance to the extent that they became the social basis for the CUP to legitimate itself in society on the other.

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

When the contemporary writings of police officers are examined, it becomes apparent that they began to define their role in such a way that the discretionary power was almost absolute. *Polis* stated as follows: "To delimit the responsibility of the police

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means to delimit human reason. It is impossible to predict all the evil in people's mind, to collect them in a book and say to the police officer that he is responsible for preventing what is written in it. [That is why] the police officer must always refer to his own reason and opinion" (Polis 1911: no. 4).

According to a regulation dated 1912 (Yagar 1987: 116-120), those who did not obey the orders or warnings of the police and his summons, would be punished, without trial, to pay "half to three liras," or they would be put into prison for "twenty four hours to one week." The same regulation also allowed the police to control identification cards "whenever and wherever" they wished. Earlier the Police Regulation of 1907 had stated that the police could use arms according to Article 189 of the Criminal Law, and that the police would not be responsible for the deaths that thus occurred. However, as clearly stated in Article 49 of the Regulation, the police were authorized to use arms only in case of an attack against them (Yagar 1987: 269).

This authority generated debates in the parliament. The practices of the police were frequently questioned. Aristidi Pasha, a deputy of Izmir, stated: "The police officer have the authority to use arms in maintaining order. Unfortunately, in this case, they did use arms with no legitimate reason because five people died and four were wounded, all of them being unarmed. None of the policemen, on the other hand, were even injured" (MMZC 1/1 1: 423). In order to prevent this kind of criticisms, the CUP issued a special regulation in 1911, which was exclusively related to the conditions under which the police could use guns. The police were given the authority to use arms even if they were not attacked. If s suspect attempted to escape, that was a sufficient reason to shoot (Yagar 1987: 401).

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It will be seen in more detail below how the police managed to increase their discretionary power in the context of public order policing. These are the general conditions that affected the politicization, and the increase in discretionary power, of the police. However, there are also some specific cases that influence police partisanship differently than in the predicted ways. Societal (such as class, religious-secular, and ethnic) cleavages are the most important elements in that. "The more that societal cleavages are reflected within the civilian authority over the police, the less likelihood of partisan intervention by the police in social conflicts" (Gamson and Yuchtman 1977: 199).

In the Ottoman Empire, most important social cleavages were ethnic and religious. Combined with the competition between military and civilian officials, these cleavages constrained the emergence of a full-blown police discretion. From the mid-nineteenth century onwards, an ethnic cleavage arose between the administrative class and the army. In Ortayli's words, "whereas the bureaucracy was really Ottoman and ethnically colorful, the army, accepted as the fundamental unit of the empire, came to depend on the Turkish element." With the Tanzimat, a division of labor between the administrative and military bureaucracies has been introduced. The governors, for example, began to be chosen from among the administrative instead of the military bureaucracy. "Especially about issues concerning security, governors and military commanders frequently contested for authority. Mithat Pasha, for example, is known to have been in conflict with the army commander during his tenure as governor in Syria because the commander did not support him on security issues" (Ortayli 1983: 108).

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The conflict between the governors and the army commanders of provinces continued in the Second Constitutional period. For example, Lutfi Fikri Bey stated the following in the 1909 assembly: "There has always been a rivalry between the Commander of the 4th Army and the governor of Harput. If the Kurds began to come to terms with the governor, the Commander of the 4th Army would be suspicious about this" (MMZC 1/1 2: 351).

It is significant that the choice of governors among civilians was only effective in the regions where the government was more powerful. In the periphery of the empire, they were still chosen from among army officers. Especially in regions where nationalist movements had been strong during the Abdulhamidian era, military governors were appointed to take the disorder under control. The basic reason behind the conflict between the governor and the army commander was that the former, who was the primary authority to maintain internal security, was in need of the help of the army to be successful.

It is not a coincidence that the discretionary power of the police increased during the second half of the CUP period, i.e. when the ethnic pluralism within the state administration was replaced with the "Turkification" policy of the new regime, especially after the loss of Albania in 1913.[91]

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[91] The fact that the police were pursuing a pro-Turkish policy is evident in the memoirs of Yalcin, who was a Unionist himself. In the first year of the Revolution, in 1908, a Turkish woman who was married a Greek was brought into the police station. The people took the Greek man from the police and lynched him while the police stood by. Yalcin writes: "Claiming the unity of the Muslims and Christians under the Ottoman flag on the one hand, and the general behavior of the police on the other, would inevitably arouse a deep reaction" (Yalcin 1935: 214). Similar policies of the police can also be observed in the struggle of the police with the "capitulation," which gave economic privileges to foreigners. Some of the non-Muslim Ottomans began to receive passports (berat) from various Consulates at that time. According to the rules of

In conclusion, it can be said that with the elimination of the buffer zones and the centralization of the coercive apparatus, policing in Turkey passed from "elite surveillance" to what Mann calls, albeit in a different context, the "caging" process. The interaction between citizens and the state increased. This gave the state new leverage against society on the one hand, and the responsibility for maintaining the order and security on the other.

Especially in times of crisis, as in the case of wars in the CUP period, the state tried to gain the allegiance of the base population. Once this allegiance was gained, it tries to protect the status quo with all its might, simply because the maintenance of order not only determines the legitimacy of the government, but also is a criterion for determining its very existence (Bayley 1985: 5). That was the main reason of the endurance of the police structure from the CUP period to the Republican regime. Neither the legal context nor the discretionary power of the police radically changed with the foundation of the Turkish Republic.[92]

Having examined above the general context of the state-society relationship in the CUP period with reference to policing issues, next an investigation will be made into the organizational structure of the police force itself.

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the capitulation, the house of a person with a passport could not be searched by the police without the guidance of a representative from the Consulate. That person could not be arrested either. The police found a way to bypass these limitations. The police journal advised the police officers the following: If faced with a situation in which a person presented a foreign passport, they should tell that person that they were not authorized to check passports. In this way, they could do what they had to do (Polis 1911: no. 7).

[92] The 1913 Police Regulation was preserved until 1932, when a new Regulation, which only provided modifications, was enacted. That famous Law on the Trials of Civil Servants, dated 1913, is still effective and it is one of the most important obstacles in front of the struggle against corruption in Turkey today.

CHAPTER 7

POLITICS AND THE REORGANIZATION OF THE POLICE

This chapter analyzes the constant fashioning and refashioning of the organizational structure of the police during the CUP period. It aims to elucidate the contentious character and the importance of the police in the formation of a new regime through an examination of the experiments and modeling after European police organizations.

The police were one of the most important instruments for the CUP regime in its centralization attempts. The CUP inherited a relatively developed apparatus from the Abdulhamidian regime. Although, the ideology of the two respective regimes were radically different, we know that once a state takes the upper hand in its armed forces, it rarely loosens at control voluntarily.

The development of police forces in the empire proves this fact. In 1880, the Ministry of Police had 684 officers and a budget of 3,284,332 piasters. By 1908, just before the revolution, the number of the officers had increased to 3,066 and the amount of its budget to 14,508,122 piasters (Okcabol 1940: 75). In the second year of the CUP government, the police budget jumped to a level of 40,363,010 piasters (D II, vol.1). At the end of the CUP period, in 1918, the number of police personnel reached 6,868

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(Tongur 1946: 252).[93] In the same period, the police budget reached 70,871,150 piasters (D II, vol.10: 185). One should remember that the figures of the CUP period were for a country that had become much smaller than the one in the Abdulhamidian period due to the territorial losses in war. However, more important than the bare figures were the changes in the organizational structure of the police force and its level of professionalization.

When the Constitution was re-enacted (the "Declaration of freedom") in July 24, 1908, people poured into streets in the big cities, especially in Istanbul and Salonica. As will be seen later in the discussion on the public order policing in CUP era, this was exactly a "moment of madness." Different ethnic groups came together in the streets, chanting the *Marseillaise*, the official anthem of the Turkish Jacobins, and dancing together.

In the midst of all this chaos the 'omnipresent' police of Abdulhamid were nowhere to be seen. They had been incapacitated. One of the leading figures of the period wrote in his memoirs: "Maintaining security and order in Istanbul was left to people outside the government. Doctor Riza Tevfik and Selim Sirri were riding their horses on the streets as the saviors of order and security in Istanbul" (Yalcin 1955/1976: 25).

Regime changes that occur after revolutions are important in the sense that police officers that had carried out the surveillance of a particular political class suddenly find the members of this political class as their superiors or employers. The CUP leaders,

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[93] Even during the first year of its government, the CUP increased the number of police by 500 to 3,552. Undersecretary of the Minister of Interior stated that their aim was to provide 1 police for every 500 people but they could not have reached this aim because of financial reasons (MMZC 1/1 6: 139).

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unlike the New Ottomans of the 1860s, did not come from the high class or the top echelons of the bureaucracy. Therefore, after the revolution they felt incapable of governing an empire and were satisfied instead with controlling the new government's actions throgh branches, numbering in the hundreds throughout Anatolia.

However, a more important reason for their not taking part in the government directly was their distaste for the 'political.' For them, politics was divisive for the nation, and the CUP was alleged to be representative of the general will:

> The Committee of Union and Progress of June 1908 appeared as the representative of the public will, not as a political party of limited social and economic interests. This was the inheritance of having been a secret committee that had fought against absolutism, and remained one of the elements of the Committee's psychological structure even after the revolution (Ahmad 1986: 258).

As will be seen below, this had important implications for Turkish political life in the sense that no 'theory of opposition' developed in these lands.[94]

Despite this fact, one of the first things the CUP did was to change the Minister of Police. The CUP leaders had suffered a lot at the hands of the old regime's police. They referred the Police Ministry in their documents as "an institution of inquisition" (Tunaya

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[94] Similarity with the Jacobins in the French revolution is striking. As Hunt argues, "the Jacobin clubs did not take over revolutionary state; they were more or less absorbed by the state and reduced to serving as a sounding board for government policy." Jacobin clubs started to organize as a political party, ten years after the revolution, in 1799, after a wave of repression started against them (Hunt 1984: 47). The CUP, however, gained a character of political party five years after the revolution in 1913. Although both French and Turkish jacobins reacted to the emerging opposition to their rules; the important difference between them was that the CUP was in power when it decided to form a political party.

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1988: 60). More importantly, it was imperative that the CUP had to capture the control of the police in order to increase its leverage in the bargaining with the old political elite. A contemporary account writes that, by using the police repression, "the Central Committee of the CUP seem[ed] to openly bargain with the influential people of the old regime. They arrest[ed] people one day and released them the next day; they even publish[ed] the names of those men when they [gave] donations to the Committee" (Amca 1958/1989: 60-61).

Ultimately, what moved the CUP to replace the Minister of Police was the personality of the Minister himself. Controlling the police had been important for Abdulhamid as well as for the CUP since he needed to keep the revolutionary upheaval in check. He thus had assigned the post to one of his loyal police chiefs. Unionists organized mass demonstrations against the new chief of police. They considered the assignment "an icy cold shower on the backs of the lovers of the Constitutional system" (Tokgoz 1930/1991: 130). Finally, by organizing mass demonstrations, the CUP managed to force the Sultan to change the new chief of police. The *Sadrazam* who had brought this man to the post also resigned a few days later (Topuzlu 1951/1982: 67).

Before resigning, the Minister of Police announced that the amnesty, which had originally been intended only for political prisoners, would also cover ordinary prisoners. According to the account given by the Minister of Justice in the Chamber, more than 15,000 ordinary prisoners were released (MMZC 1/1 6: 530). This was considered by the Unionists as a strategic move by Abdulhamid against the Revolution.

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Although the real causes of the amnesty for ordinary prisoners is not known, contemporary accounts argued that this was a plot planned by the Minister of Police, and Abdulhamid, in order to provoke public disorder.[95] The author of a contemporary police textbook stated that the amnesty became the prime cause of disorder at that time. Following the amnesty, many former prisoners from the provincial prisons came to Istanbul with ease as the passing permits had not been efficiently organized. The old regime elite was said to be in collaboration with them to cause disorder. Thefts in the streets, and the number of burglars increased; houses were set to fire; and guns fired at night (I. Feridun 1910: 292-293). These coincided with a wave of strikes, which will be examined below. This was the general atmosphere at the time of the first elections in the empire.[96]

Although the CUP was the most powerful force in the country, the old elite and religious scholars lost no time organizing an opposition movement.

> The overthrown of the old regime had hurt those who had earned a living or enjoyed status as members of the Hamidian apparatus, including the thousands of government spies active in Istanbul... The rationalizing policies of the new government aimed at ending the overstaffing of the government departments which had been the result of the favoritism of the old regime... In a city like Istanbul where government was the main source of income, this had far-reaching consequences (Zurcher 1993: 102).

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[95] In his memoirs, Tokgoz states that it was the Minister of Police, appointed by Abdulhamid on the first day of the revolution, who set ordinary prisoners free (1930/1991: 139).

[96] It is for sure that these incidents prepared the ground for the radical re-organization of the police and the making of public order-related laws such as the Vagrancy Law in 1909, which will be examined in detail below.

The biggest challenge to the new regime occurred in April 1909 when five to six thousands of people revolted in Istanbul. Organized under the leadership of a religious sheikh and joined with the troops[97], the rebels demanded the overthrow of the CUP government and the restoration of Islamic law (*Sheriat*). The government consequently fell and the Unionists went underground or left the city.

For eleven days, there was no authority in the city. The police disappeared. Yalcin asks in his memoirs: "After this incidence, could anyone argue that there ever exists a government and security forces? Could anyone believe that these ferocious and mad people could easily walk on the streets after they left the Fatih Mosque without facing even one police officer?" (Yalcin 1955/1976: 37) Another contemporary account gives us hints as to what the police thought about the uprising. Haslip writes: "The whole of the CUP had gone underground and their nominee, Hilmi Pasha, handed in his resignation. By evening, the excitement had mounted to frenzy. Policemen discarded their modern helmets (one of the recent innovations) and replaced them with fez" (Haslip 1958: 272).

The uprising was suppressed by the army from Macedonia. "The 'Action Army' (*Hareket Ordusu*) put together for this campaign consisted of regular units led by the commander of the Third Army, Mahmud Sevket Pasha, reinforced by volunteer units, mostly Albanians, led by Niyazi Bey, one of the heroes of the revolution of 1908"

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[97] It should be pointed out that because of the Abdulhamidian project of modernization, there had emerged a bifurcation within the military. Soldiers with Western education were sent to Macedonia and the ones who were still loyal to Abdulhamid were kept in Istanbul. Soldiers who participated in the uprising were the latter.

(Zurcher 1993: 102). On the 24th of April, the city was under the control of the Action Army.

This was crucial in that military dominance in internal politics emerged after the April uprising. As Yalcin rightly observed, "there existed a new situation, another complication, as a result of the attempt and the success of the Action Army. The civilian wing of the CUP lost their power against the military... There now emerged the effect of the Action Army, the dominant figure in which was Mahmut Sevket Pasha. The committee had lost its power" (Yalcin 1955/1976: 127).

The martial law was declared and, except for a few months in 1912, was in effect until 1918. As in every other state, the lack of efficient police forced the governments to rule in this fashion.[98] According to the Constitution, martial law could only be declared in the case of a rebellion. The Minister of the Interior in 1910 interpreted this to mean that, "the rebellion might be political or non-political" (MMZC 1/2: 580). With this interpretation, even ordinary banditry was enough for the declaration of the martial law.

The importance of the reactionary uprising that followed the 'moment of madness' lies in the fact that radical transformations in police organization were realized. Today's police organization, the General Directorate of Security (GDS) (*Emniyet Umum Mudurlugu*) was established just after the Action Army had suppressed the uprising in 1909. This was not a coincidence. We know that in most other countries, national police forces were established after a wave of collective action, rather than out of a concern for

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[98] The Minister of Interior stated in 1911 that, "as the security forces [were] not at the proper level, martial law continue[d] to exist in the country" (MMZC 1/3 7: 350).

crime (Palmer 1988: 20). However, collective action, in itself, is not sufficient to explain the emergence of the new police. As Bayley argues, "if violence is not perceived in political terms, it is unlikely to lead to an expanded police role" (1975: 362). The 1909 reactionary uprisings compelled the state elite to form the new police. In that sense, it was "the national elite's response to the perceived threats of new groups making bids for power from outside the political system" (Tilly, cited in Palmer 1988: 11).

Apart from the professionalization drive of the police, the roots of its politicization, which is an essential problem in contemporary Turkey, can be found in 1909. As Bayley argues, "criminal insecurity does not impel police into politics; only political insecurity does" (1985: 205). During such periods, states try to tighten control over the population. Once they capture it, they are reluctant to relinquish this power. This fact partly explains the endurance of police structures irrespective of the character of regimes. In order to understand the politicization of the police, the internal dynamics of state formation such as the existence (or absence) of a tradition of administrative law, contending parties having different claims on government, ideology of the new state, and the heritage of the old regime's political character, are essential.[99]

From its inception in 1909 to 1911, there occurred changes each year in the organizational relationship of the GDS with the Istanbul Police Directorate and the governor. As the following debates will prove, frequent institutional changes and innovations in any institution imply a contested terrain. The police were such an

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[99] Bayley sums up the political role that a police force could play in six points: "by determining the players, regulating competitive process, defending or not defending regimes from violent attack, covertly monitoring and manipulating political groups, advocating policy inside and outside government and providing material

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institution. Stakes were high and centralizers had fierce debates with "de-centralizers" in the assembly. That is why the discussions in the assembly from 1909 to 1911 on the status of the police are suggestive of the stakes involved in policing.

When the GDS was established on July 22, 1909, the first General Director was a commander of the Action Army, Colonel Galip Bey.[100] During the discussions on the budget of the GDS on June 8, 1910, Galip Bey stated that he was a soldier in origin and would return to his profession as soon as the reorganization had been completed. He added that the next commander would not be a soldier (MMZC 1/2 6: 457). The law, dated 1909, which abolished the Ministry of Police, was called "The Law on the Organization of the General Directorate of Security and Establishment of Istanbul Province." According to the law, the General Directorate of Security was established as directly under the Ministry of the Interior. All police forces were then placed under this Directorate. From then on, the police force has remained as a General Directorate instead of a ministry.

The establishment of the GDS was justified by the acceptance that "the direct responsibility of the Ministry of the Interior for the general order and security of the Empire was necessary according to the rules and procedures of the *Mesrutiyet*" (Constitutional order) (Levayih... 1908-1909: 225). The important point here is the fact

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[100] Galip Bey played one of the most important roles in the 'declaration of freedom.' In Firzovik (Albania), 20,000 people held mass demonstrations to protest the rumors that the Austrian Army would occupy Kosova. In their origin, these demonstrations had nothing to do with an opposition to Abdulhamid. However, Colonel Galip Bey managed to turn these into demonstrations for the support of the Constitutionalists, i.e. the CUP. The upheaval of Albanians, who were Abdulhamid's most trusted subjects, was a major shock to him. The 1908 revolution was triggered that day in Firzovik (Alkan 1992: 68).

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that Talat Bey[101] was appointed as the Minister of the Interior in April 23, 1909, just before the law on the reorganization of police was enacted in July 22, 1909, indicating the increasing power of the CUP in the government.

The organization of the police under a general directorate established a system that has continued to exist until today. Nevertheless, the then-supported idea of giving Istanbul a special status caused debates in the parliament even at that time. The debates on the 1910 budget of the GDS reflect the confusion generated by this situation. The basic three points that were questioned were: i) whether the GDS was under the Ministry of the Interior or independent; ii) whether the jurisdiction of the Istanbul Police Directorate was limited to Istanbul or included all of the Ottoman lands; and iii) whether the authority to dismiss the Director of Istanbul Police, who was under the authority of Governor , belonged to the Governor himself or to the GDS. After much debate the deputies concluded that as there did not exist any law on their organization, the police had no legal basis at that time (MMZC 1/2 6: 458).

After the reorganization in 1909, the Istanbul Police Directorate had been attached to the Governor instead of the GDS; but the authority of the GDS was reestablished in 1910. In a document, GDS argued that it did not have to inform the governors about the correspondence between itself and the police commissioners in provinces (DH. EUM. THR., no. 1230).

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[101] Talat was one of the three leaders of the CUP. The others were Enver Pasha and Cemal Pasha. He was the only civilian leader and, from the beginning to the end, there was a rivalry between the civilian and military wings of the CUP.

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Opponents in the 1910 assembly, especially those from the provinces in the periphery of the Empire, reacted negatively to the centralization of the police organization. One of the most significant opposition figures, Lutfi Fikri Bey, criticized that the GDS had become almost like a ministry, and stated that the real authority should be the governors. He concluded that this would cause the ever-present rivalry between the governors and the security forces to continue (MMZC 1/2 6: 460-461).[102]

The police became a nearly autonomous organization during this period. The deputies complained that their authority was almost greater than that of the assembly. One deputy stated: "Any attempt concerning the police is confronted by Azmi Bey's[103] oppression and his threats.... He once wanted to treat us in such a way that, it would be a shame for all of us to tolerate it. Had the influence of the executive made its way into the legislative we would have committed suicide. Azmi Bey is such a dare-devil" (MMZC 1/2 6: 625).

The opponents were united in their desire for the GDS to be responsible only for Istanbul, not for the whole Empire. One of the deputies, Kozmidi Efendi, proposed that the problems of order in Beirut should be the responsibility of the Governor there, rather than that of the General Director of Security (MMZC 1/2 6: 462).

A major problem the deputies from the provinces stated was the special attention given to Istanbul as evident in the fact that the number of police officers in other

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[102] Lutfi Fikri Bey gave a good example for the increased power of the police: He claimed that Istanbul Governor Seref Pasha had resigned because of his disagreement with the head of the GDS, Galip Bey, on the issue of police control (MMZC 1/2 6: 460-461).

[103] He was the head of the Istanbul Police Directorate at the time.

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provinces in their totality was much less than the one in Istanbul alone.[104] Furthermore, the assignment of Istanbul police officers, who were graduated from police schools, to the provinces was stopped in 1910 to keep them in the capital city (DH. EUM. THR., no. 1967). In order to support the government decision, one deputy adopted a French motto for Paris to the Turkish case: "Whoever controls Istanbul, controls the whole Empire" (MMZC 1/2 6: 468). The Prime Minister, Ibrahim Hakki Pasha, ended the discussion: The governors should naturally have the authority in cities but the training and organization of the police would be under the authority of the GDS (Ibid. 473).

The GDS attempted to absorb the police forces in the entire country. Serious criticisms against the police had intensified until that year. An important opposition member, Riza Nur, stated in May 17, 1911:

[The police] want to have the municipality incorporated within themselves. They want Istanbul Province to be under the auspices of the GDS. When they realized that they could not do this, they attempted to transform the GDS into an independent ministry. What does that mean? That means absolutism. The Directors of General Security have become autonomous individuals. This has happened in history, in France. Whenever there has existed absolutism, this has happened. Similarly, our old Ministry of Police was the type of an absolutist administration (MMZC 1/3: 337)

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[104] The number of the police force was given as follows by the Halep deputy Mehmet Bahaettin Bey: Syria: 135, Beirut: 138, Sivas: 149, Manastir: 189, Salonica: 348, Edirne: 210, Aydin: 355. In Halep, there were only 116 police officers. Even in one county of Istanbul, Uskudar, there were 400 police officers. The number of police in Istanbul overshadowed the rest of the empire: 2350, which is one police officer for every 500 people (MMZC 1/2 6: 476).

Although the responsibility of the police was to provide the security of life and property, "in the case of the GDS, the goal [was] nothing but to promote the supporters and eliminate the opponents" (ibid.).

It is apparent in the criticisms that the ghost of the Abdulhamidian police was still haunting the deputies' imaginations. It was especially the non-Muslim deputies that reacted against the centralization of the police under the GDS and demanded authority for governors outside of Istanbul. One of them, Yorgo Boso Efendi, stated that the GDS was used as a translation of "Surete Generale" but that this system was not appropriate to the Ottoman Empire (MMZC 1/3 7: 339).

In the face of this opposition, the CUP put a reorganization into effect. The Istanbul Police Directorate was made independent and put under the authority of the Ministry of the Interior by undoing its link with the Governor and the GDS.[105] This reorganization caused the GDS to be an ordinary branch of the Ministry that would only deal with the personnel records of the police. The new law provided for only 4,000 piasters salary for the head of the GDS, and 7,000 piasters salary for the Istanbul Police Director, while the salaries of the directors in all other ministries amounted 5,000 piasters at most at that time (MMZC 1/3 7: 351). The importance given to the Istanbul Police Directorate was also evident in the quality of those appointed to its head. One of the directors was appointed governor of Kosova in 1911. Another was appointed governor of Adana in 1913. His place was then taken by the Public Prosecutor of Istanbul (Polis

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[105] This organization of the Istanbul Police Directorate had continued to be in effect until the Turkish Republic was founded in 1923.

1911: no.15). These reorganizations aimed at lessening the criticism directed towards the GDS. Meanwhile, the attempts for the centralization of the police were kept fully intact.

The Unionists argued that decentralization in the security issues of the capital city would be harmful. Interior Minister Halil Bey stated that if the public administrators were given the responsibility for policing, the two provincial governors (*mutasarrif*) and several sub-governors (*kaymakamlar*) in Istanbul would have separate authorities. However, the security of such an important place like Istanbul could not bear any division: "The problems of security in provinces are, to a great extent, local; but the security problem of Istanbul is also that of all the country" (MMZC 1/3 3: 449-450).

A comparison of the budget of the Istanbul Police Directorate at the time of its establishment with that of the GDS - the budget of the former was almost ten times of that of the later- clarifies the importance given to Istanbul. (Levayih, 1908-1909: 225). This ratio remained constant in the following years. The number of police officers is also significant in these terms: In 1911, there were 2745 officers in Istanbul, the population of which was 1,200,000, meaning one police officer per 400 residents. On the other hand, 4,435 officers were employed in the cities of the rest of all provinces where the total population was 4,500,000, meaning one police officer per 1,000.[106] In addition, half of the total payments to police officers belonged to those in Istanbul, whereas the other half was distributed to all others in the empire (MMZC 1/3 7: 353).

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[106] The numbers for France at almost the same time were similar: "In 1910 [Prefecture de Police in Paris] numbered 8,835 men, compared with 1,700 constables and 700 commissaires appointed by Surete General for all other towns with more than 5,000 inhabitants" (Berliere 1991: 37).

Two aspects of centralization and direct control of the police by the government especially in Istanbul should be discussed: Why in Istanbul? And why in 1911? The basic answer to first question is that it was relatively easier to centralize in Istanbul in comparison to the peripheral regions. Considering the limited "infrastructural power" of the old regime, the CUP government decided to launch its centralization policies first in Istanbul. In a sense these policies were the indicators of the coming era.[107]

Paris was the example most referred to during the discussions in the Assembly. The Minister himself openly declared his aim as providing the Parisian way of organizing the police.[108] Referring to the multi-centered structure of administration in Istanbul, he demanded that the policing issues should be under the control of the central government (Ibid. 375). In fact, it was natural that the Turkish revolutionaries adopted the organizational structure of their French comrades. Both groups faced revolutions and counter-revolutions and understood the importance of holding the capital city in their hands.[109]

Why did the centralization of the police take a new step in 1911? Most importantly, it was then when the CUP witnessed political opposition for the first time.

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[107] As we will see in Chapter 12, it was the republican regime which extended the authority of the central police to the provinces.

[108] In this period, French police was idealized in police journal. In one of the articles the attitude of the French police to the people was characterized as the "the caring of a mother and the authority of a father" (Polis 1912: no. 17).

[109] Berliere explains the privileges of Paris Prefecture as follows: "All this can be explained for obvious demographic, economic and political reasons -so obvious that no government (not even a socialist one) seriously considered depriving itself of such a resource. It was in Paris that revolutions and changes of regime took place, as the governments of the Third Republic knew only too well. They therefore gave almost all their attention to the Paris police, and its chief was in reality of far greater importance than was the Director of the Surete Generale" (Berliere 1991: 38).

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The atmosphere was totally different from that of 1909 when the reactionary movement had been suppressed and silenced by martial law. In 1909, the new political elite was united and the CUP was still the 'sacred organization' ('cemiyet-i mukkadese').

The movement of the 'New Ottomans' and the 'Young Turks' had liberal aims and supported the constitutional system. The main goal was to make a constitution that favored freedom of thought and conscience, to restrict the power of the Sultan, and to establish an assembly of deputies as an institution of consultation (mesveret, an old Islamic institution). Accordingly, the basic aim of the amendments to the constitution in 1909 was to empower the legislation and curtail the power of the Sultan (Tunaya 1975: 330). Hence, it was no coincidence that England was the first country the General Director of Security of the CUP period visited in order to examine its police system (Alyot 1947: 490).[110]

On the other hand, political conditions in 1911 were different from those of the March 31, 1909. There occurred a division within the CUP in 1910: the New Party (Hizb-i Cedit). In addition, an opposition party, the People's Party, was established in the assembly. However, the significant change in internal politics occurred about a month later when the Italians invaded Tripoli. The Freedom and Accord Party (Hurriyet ve Itilaf Firkasi) was established on November 21, 1911 as representative of an increasing opposition. The platform of the opposition was administrative decentralization. In fact, the problem of cultural heterogeneity frames all of the debates between the FAP and the

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[110] A booklet on the structure of English police organization was translated into Turkish by the GDS at this time (DH. EUM. THR. no. 842).

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CUP. One of the most important articles (29th) of the program of the former stated: "Rules and laws will be enacted by considering the different and specific characteristic of every region so that the equality of the various groups of people will be maintained." Moreover, according to its 37th article, the judicial and administrative police forces were to be under the authority of mayors (Tunaya 1988: 291-2). These were just the opposite of the CUP program.

The FAP won the by-election with a small margin in December 11, 1911 in Istanbul about one month after its establishment. This event, like 'the nose of Cleopatra,' became a turning point in the Ottoman political life. When the CUP realized that it had begun to lose the majority, it searched for ways of repression in the assembly" (Tunaya 1989: 382).

In order to better understand the politicization of the police during the CUP era, we should briefly examine the interactions between the opposition, the CUP government, and more importantly, the political culture in this early period of Turkish political life. After the 1908 Revolution, political mobilization increased dramatically. Associations and clubs were booming everywhere. Every kind of political view, from Islamist to Turkist, from Ottomanist to socialist and anarchist, had its journals and representatives. Tunaya (1989) calls the period between 1908 and 1913 that of "anarchist plurality" in Turkish political life. The CUP, whic was responsible for all these developments, was praised as the "sacred organization."

The situation in the Ottoman Empire was similar to that of the French Revolution in which "the transition from the constricted polity of the Old Regime to the seemingly

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limitless participation in the new one was sharp and disjointed" (Hunt 1984: 43). There were local branches of the CUP in many parts of Anatolia. 'Conference givers' in these branches were agitating people against the despotic rule of the old regime. Ahmad states that the CUP made use of the urban masses very effectively: "By organizing street meetings, it used them for their interests when necessary.... Even the idea of mobilizing the masses was revolutionary for the contemporary political life in the empire" (Ahmad 1986: 265). The high level of political mobilization frightened the old elite. One of them wrote in his memoirs that "the idea of 'national sovereignty' (*hakimiye-i milliye*), which was propagated by the constitutional system of the Unionists, turned into that of tyranny of the ordinary people (*tahakkum-u avam*) in time" (Huseyin Kazim Kadri 1991: 194).[111]

The result of this political process was similar to that of France: There was, as Levy calls, the absence of "theory of opposition" (1966: 490). According to Levy, "this is the reason why different groups ended by killing one another: no one would admit that opposition was legitimate. Every difference of opinion was necessarily the fruit of corruption and of treason.... To all who desired pacification, the idea of party was abhorrent" (Ibid. 493-494).

Hatred towards organized politics was widespread among the CUP cadres: "[F]rom its inception the Young Turk movement lacked affiliation with any political doctrine and despised 'pure politics.' Politics played a miniscule role in the Young Turks' grandiose agenda, while 'science,' a term Young Turks usually employed when referring

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[111] As a son of a famous Ottoman governor, H.K. Kadri had joined the CUP before the revolution but took part in the opposition after a while. Finally in 1913, he left the Committee and moved to Beirut where he stayed until the end of the CUP regime in 1918.

to 'materialism,' informed their particular definition of life" (Hanioglu 1995: 208). The force of this hatred can be seen in the writings of one of the most influential CUP thinkers and journalist, Huseyin Cahit Yalcin. He wrote, "were there any ability to organize and govern, any sincerity and love of the country, they could only be seen in the CUP. All other forces were composed of those negative, traitorous and harmful people who attempted to break down the Turkish country only for their personal and national interests, or those who did not have the ability to think and thus understand the reality" (Quoted in Birinci 1990: 33).

Such ideas were shared not only by the Unionists. In order to understand how politics was interpreted at that time, the memoirs of one of the important opponents are helpful: "There exist three constituents of the contemporary scene: The Unionists, the reactionaries and those who want to do something but can not succeed. It is for sure that what will be useful can only be provided by the Unionists among those three. But it is first necessary to reconstruct the building and to use them only as bricks" (Lutfi Fikri Bey 1991: 43). He then added: "Though they may be tramps, *jacobins* or whatever else, unfortunately they are the only basis of the Constitutional system in this country for now" (Ibid. 83).

This was the political arena into which the Freedom and Accord Party was born. The CUP, accepting all opposition as divisive of the people's will, increased oppression. This then, caused a new cycle to begin. Once the oppression increased, the opposition went underground and both sides started to pursue a policy of conspiracy. Lutfi Fikri wrote in his memoirs that the period was that of "great *conspiration.*" In this period, only

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the "*conspirateurs*" could talk and this situation left no room for those who were solely politicians, like he considered himself to be, to make their way on political stage (Lutfi Fikri 1991: 97).

The extent of the impingement of the police on the political process is related everywhere to the political system. If the competitive system is not sufficiently developed, many political movements in their experimental stage seek security in anonymity. This makes the aggressive intelligence among the political underworld a necessity (Liang 1992: 52).

The CUP made an amendment to the Constitution at that time. However, in contrast to the change in 1909, the new amendment increased the authority of the Sultan to dissolve the Chamber of Deputies. As could be expected, the Chamber was dissolved after the amendment. The Unionists were determined to form a new parliament exclusively composed of their followers after the 1912 elections.

It is clear that the role of the police increases during times of elections.[112] The Ottoman Empire was no exception. The police and public administrators played significant role in elections. A Unionist wrote: "The goal of the elections was nothing other than forming a majority the CUP could trust. What was necessary to reach this goal? Using the power of the government. All the governors, sub-governors, the gendarme, and the police of the CUP worked to ensure this majority. They opened the ballot boxes if necessary, and examined the votes" (Yalcin 1955/1976: 130). The

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[112] The increase is related to the simple reason stated in an issue ordered to the provinces by the Minister of Justice in France during the by-election of 1850: "It is above all during times of elections - when all opinions, all interests, all passions are in the struggle - that the cooperation of different kinds of officials is indispensable

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governors were given membership in the Senate in return of their "hard work" during the elections (Ibid. 213). As a result of all these attempts, only five of the one hundred deputies who were in opposition in the previous assembly, could be chosen again in the 1912 elections known in history as 'the election with sticks' (sopali secimler) (Alkan 1992: 123). It was this emerging political opposition and the dominant ideology that determined the attempts of 1911 towards centralization and politicization in the police organization in Istanbul.

For the same reason, a secret police organization, 'Heyet-i Istihbariye,' was established in February 1912 in place of the undercover agents (hafiye) of Abdulhamid that had been abolished at the beginning of the revolution. Accordingly, 255 vacant positions in the Istanbul police force would be used for this new organization (Yagar 1988: 132-3). When the original document[113] that abolished the hafiyelik is examined, it appears that the main aim was not the abolition of the secret police but the prevention of those other than the police to get involved in policing. The constitutional text about the change deemed this organization necessary for the empire as in every 'civilized' country.

One month after the establishment of the secret police, the Ministry of the Interior ordered the police directorate not to allow any political conference to be organized in any place other than the clubs. As even academic conferences "could turn into political ones," they were also to be held only in those places (Polis 1912: no.27).

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to the maintenance of order" (Forstenzer 1981: 210).

[113] The date of this imperial rescript (irade-i seniye) was January 28, 1327. Yagar (1988) translated it as 1911; however, I accept the tables of Dagli-Ucer (1997) as the guide and thus prefer 1912 as the date.

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The political opposition to the CUP also spread into the army. When the Albanians revolted against the empire in 1912, most of the army officers there supported the uprising. As in 1908, they took the mountains, this time against the CUP government.[114] The CUP, especially its civilian wing, attempted to use these upheavals for consolidating its power and increasing its share within the government. It forced the Minister of War, Mahmud Sevket Pasha, to resign.[115] However, it could not find a volunteer to fill the position for months. Just on the eve of the Balkan Wars this situation boosted the opposition and a group of soldier who called themselves the Savior Officers *(Halaskar Zabitan)* wrote a memorandum and demanded the overthrow of the CUP government. Finally, the prime minister resigned and the opposition, the Freedom and Accord Party, established a new government. The CUP fell from power for the first time since 1908. In a very short period, the Chamber was dissolved for a new election.

The Committee made three strategic mistakes in its crisis policy: i) they were too confident about their absolute hegemony in the Chamber, ii) they thought the Senate *(Ayan)* would not vote for anything against the Chamber and iii) they thought that the dissent in the army against themselves was widespread which it was not true (Esatli 1975: 121-2). From the accounts given by Esatli, we understand that there were important discussions within the Committee on almost the same issue that divided the Russian Revolutionaries and Mensheviks during the October Revolution: whether the power

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[114] Albania was crucial for the empire's presence in Europe. It was a kind of Ottoman base in the region. The Albanian revolt thus became the main cause for the tragic result of the Balkan Wars for the Empire.

[115] Mahmut Sevket Pasha was the chief commander of the Action Army in 1909. Although he sympathized with the Unionists, he never joined the Committee and tried to separate army officers from politics. The CUP had a love-and-hate relationship with Mahmut Sevket Pasha, but never dared to question him until 1912.

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should be handed over to the opposition (Ibid. 101-104). Young and radical members of the CUP regarded the transfer of power as a great mistake. They were determined to reclaim it.

In the meantime, the Balkan War started when the CUP was in opposition. The war was a complete failure for the Ottoman army. All of Thrace and the former capital of the Empire, Edirne, were lost in 1912.[116] The CUP once again attempted to capitalize on this defeat, which aroused a great reaction within the people. The war situation was used for domestic political interests. The CUP's opposition platform was to provoke a new war with the Balkan countries. They organized mass demonstrations in big cities for reclamation of Edirne.

Finally, after having spent six months in opposition, the CUP enacted a coup *(Babiali Baskini)* in 1913 and came to power, by overthrowing the FAP. The reaction of the police to this coup was very important. As Brewer et al. (1996) argue, the relationship of the police with the state can lead to one of the following situations: a) The police can obey every order by the state; b)it can actively be involved in the repression of the opposition; or c)it can be autonomous and work for a particular group of political elite. In general, it is thought that the police can only operate according to the first condition, cited by Brewer et al. However, *Babiali Baskini* shows otherwise.

The coup of 1913 clarified that, thanks to the previous CUP policies, the police had reached to a level of autonomy and could resist the demands of a non-CUP

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[116] The government could not dare to declare a complete mobilization for the war. It was afraid of that people would resist serving in the army and revolt. Therefore, mobilization was declared only in Rumelia (Ucarol 1989).

government. The radical changes that the CUP had made in the police and state bureaucracy during the previous five years are crucial in understanding why the coup was achieved so easily. Governments of the period when the CUP was in opposition were not able to control the police. Although the higher ranks of the police had been changed, the lower ranks still supported the CUP (Esatli 1975: 329).

The influence of the CUP on the police was to such a great extent that when the FAP government came to power in 1912 it had not been able to put into effect the list it had prepared of those who were to be arrested (Kandemir 1952: 1304). For example, one police officer who was ordered to take a person to Egypt learned on the way that this man was a friend of Talat Pasha (Interior Minister of the CUP). As the other police officers warned him that he should do his best to make the Pasha excuse him, as soon as he returned to Istanbul, he begged the Pasha's pardon, even though the Pasha was no longer in power (Oge 1957: 175). In another incident, one of the opponents of the CUP recalls in his memoirs that before the *Babiali* coup, he had been questioned at the Beyoglu Police Directorate about the possible preparations of the Unionists for a coup. He stated that he could not understand why the police had questioned him, although they could have used various other sources of intelligence to get informed about the preparations for the coup. Moreover, he adds that the *Babiali* coup was planned not in the residence that the police director had suspected about but in another house (Kuran 1945: 318).

All these cases show that it is wrong to assume a one-to-one correspondence between a regime change and a change in patterns of policing. The position of the state bureaucracy is much more important for the police than a mere regime change. Before

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the *Babiali* Coup, "police chiefs had been arranged" (Esatli 1975: 295). The Minister of War was killed during the coup and the prime minister *(Sadrazam)* forced to resign. Signifying the importance of the police, Enver Pasha appointed Azmi Bey the chief of police even before leaving the government building where the coup had been made (Ibid. 301).[117] During the period just after the coup the police played a very significant role. It was the chief of police who played the essential role in preventing a counter-revolution. During the first week, the political opponents were arrested. Nevertheless, because of the possibility that a repressive government would negatively affect the support of the CUP in case of a probable failure in taking Edirne back, political repression was stopped after a week. Among the few arrested was the Chief of Political Police, Muhip Bey, who had been appointed by the earlier government, and some other police officers (Yalcin 1955/1976: 182).

The 1913 *Babiali* Coup marks the end of the pluralist period of the CUP revolution and the beginning of an autocratic one party period. With the establishment of a Military Governor in Istanbul after the coup, there existed two institutions to deal with security issues. From then on, the Director of General Security, Azmi Bey, and the newly appointed Istanbul Military Governor Cemal Pasha, took control of Istanbul in their hands in the name of the party (Cavdar 1984: 264).

Edirne was taken back in 1913, thanks to the internal conflicts among the Balkan states. Enver Pasha became the Minister of War. The struggle among Enver, Cemal, and

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[117] The importance of the police is evident in this incident because the new police director was appointed although it was still not known who would occupy the important positions in the state bureaucracy after the coup.

Talat surfaced at this time. Talat started attempts to get hold of the CUP. The police had a significant function for the civilian wing of the CUP under his leadership, as they would help to control the military wing. For example, we know that Talat Pasha made the Istanbul police chief prepare false reports in order to break the links between Enver Pasha and his closest friend (Erturk 1969: 146-150).

The CUP put into effect a new Police Regulation in 1913, the year it established its one party regime. Six months after the promulgation of the Regulation, which will be examined in more detail below, an important reorganization took place in December 1913 according to which the General Directorate of Security became a department under the Ministry of the Interior. Chiefs of police in provinces, who had been under the GDS until then, were put under the authority of governors who were responsible for not only the administrative but also the security issues of their regions. As a result of power struggles in these areas, governors took the police under their control by claiming that their work would be harder otherwise. However, the Province of Istanbul was given a special status, and the Istanbul Police Directorate, which was under the direct control of the Ministry, was made responsible for policing that region (Yagar 1988: 122).[118]

After the CUP assumed power in 1913, the police force became more centralized. Reorganization of the watchmen (bekciler), i.e., the most important assistants to the police in city districts, exemplifies this development. According to the Law on Watchmen, dated June 4, 1914, they had all the authority of the police when on duty. As

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[118] The basic structure of the police in Turkey was formed at that time. The first regulation after this was issued in 1937 and took the one in 1913 as its basis.

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in the past, they would still be elected by the public. However, with the new law, the state would collect money from the people and it would approve those who were selected. Watchmen to work in Istanbul would be appointed by the Istanbul Police Director, those in the provinces by their administrative superiors. A deputy, Artin Bosgezenyan, described the previous condition as follows: "A strongman wants to make one of his loyal men watchman. He ill-treats people in order to gain money.... In order to improve the conditions of public order the state should definitely intervene in choosing these men and give them an official status (MMZC 3/1 1: 330-331). Another deputy, Ismail Mahir Efendi, also stated that watchmen had been under the control of strongmen before (Ibid. 340).

During the debates in the Senate about the law on watchmen, the deputies, who had always been more conservative in comparison to those in the Chamber of Referring to tradition and customs, they defended the earlier system of collective responsibility in the watchmen's work. Moreover, they also opposed the control of those elected watchmen by the state. One of the members, Aristidi Pasha, argued that "no one [could] render void the choice of people. If the people [paid] for them, ... they [would] choose those who they trust[ed]" (MAZC 3/1 1:21).

The police organization regularly developed and spread as an institution until 1914. Nonetheless, with the beginning of the First World War, it began to loose its qualified officers. As explained by one deputy, Ahmet Riza Bey, with the beginning of the war, 1,600 of the 2,500 police in Istanbul were literate soldiers taken from the army after they were wounded in war. Those educated police officers, on the other hand, were

employed in the army. That is why the quality of the police organization declined (MAZC 3/4 2: 207).

The outbreak of the War in 1914 signified the end of the liberal period of the CUP. The alliance policy of Turkey is a very interesting story and deserves independent study. Here only a very brief account will be given. The CUP leaders knew well that unless they joined an alliance it would be impossible to preserve the integrity of the Empire in a widespread war. In the beginning, most of the CUP leaders were for an alliance with Britain and France. One of the Unionists explained the reasons of this sympathy towards England as follows: "During the early years of the constitutional system, both the CUP and its opponents were favorable towards England; all accepted England as friend, although the latter did not give any sign of friendship in return" (Amca 1958/1989: 53). That was largely because of the fact that Germany had supported the Abdulhamidian regime from 1878 onwards.

The CUP leaders got it right that the developments in international system would cause a major war. In 1911, Minister of Finance, and leader of the liberal wing of the CUP, Cavit Bey wrote a letter to Churchill and offered an alliance. The major reason behind this initiative was the aggressive policies of the Triple Alliance towards the Ottoman Empire, such as the occupation of Tripoli by Italy, and the Balkan policies of Austria-Hungary. However, Cavit Bey's offer was rejected by Churchill. In 1914, this time Cemal Pasha, one of the "triumvirate" of the CUP, offered an alliance to France and told to French bureaucrats in the Foreign Ministry that the assassination in Bosnia would cause the outbreak of war and in order to encircle the Triple Alliance, the Entente would

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need the Ottoman Empire. France's response was that unless their ally Russia would accept this proposal they could not let the Ottoman Empire into the Entente (Sander 1993: 269).

After all these efforts of the Ottoman Empire came to a halt, Germany appeared as the only alternative. Enver Pasha had supported the idea of Germany from the beginning. However, he had not been able to convince his friends. In the end, the Ottoman Empire entered the war as the member of the Triple Alliance. However, this was a *fait accompli* on the part of Enver Pasha. In 1914 two German warships bombed Russian harbors and then took refuge in Istanbul harbor. Enver Pasha declared that they were Turkish ships and changed their names into Turkish: The Empire was in the war.

What is interesting about this development is that each time the Ottoman Empire reproached with Germany, authoritarianism increased in internal politics. As will be remembered, that was the case for the First Constitutional Period in 1877. As Abdulhamid made an alliance with Germany (or, as Britain changed its policy towards the Empire) the Assembly was abolished and Abdulhamidian authoritarianism started. A similar pattern can be observed in 1914. With the war, "the Prussian wing" of the CUP gained ground.

Once the war began to worsen in 1915, the CUP started to rely on the police in every issue. As in any other country, the war appeared to have been useful for the police in the empire. Although the police had lost a significant part of its qualified members to the army, the fact that its discretionary power, as well as its budget, increased, indicates that the police as an institution benefited from the war organizationally.

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Apart from the laws already enacted to increase the discretionary power of the police, the most important law during the war period was the Law on Passport in 1916. This was an amendment to an earlier code dated 1884. According to the articles of the amendment, some people would not be able to enter Ottoman lands even if they had Ottoman passports. They were "vagrants," "emigrants with no government permission," and most importantly "those people who were suspected to be involve in conspiracies against state security." The surveillance and detection of these people were left to the police. When the amendment was reviewed in the Senate, Ahmet Riza Bey argued that he could only vote for it if it was to be temporary, that is until the end of the war.[119] He said: "Even the Ethiopian government[120] would not accept such a draconian law. This law is against the liberty of travelling, and individual liberty."

The police benefited from the war financially. In the first year of the war, the police budget increased drastically from 46,600,000 piasters in 1912 to 59,595,645 piasters in 1914 (D II, vol. 4: 175 and D II, vol.6: 1081). In 1917, it reached 65,950,825 piasters, an amount that exceeded those of important ministries such as those for Foreign Affairs, Public Works, and Health (D II, vol.9: 317).

The main reason for this development was the necessity for a country in war to maintain internal order and to provide recruitment for the army. One of the members, Ahmet Riza Bey, stated in the Senate in 1916 that "all the police were busy with collecting people for the army and checking their identification cards" (MAZC 3/3 1:

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[119] Unlike what he thought, this temporary law was fixed in 1918, without making major changes.

[120] The most popular "politically incorrect" slang of those days.

403). It was during this period that a special allowance was added to the police budget of 1,000,000 piasters, in order to "help" the citizens of the belligerent countries move from the Black Sea region into the inner parts of the country (MAZC 3/3 1: 211).[121]

The CUP could not tolerate any opposition in the country during the war. That is why it especially increased police repression against the intra-party opposition. Undercover police agents closely followed those leaders in opposition (Esatli 1975: 447). Documents to travel were to be taken from the police during the wartime. "It became a custom to check those documents of the travelers by the police at the ports of departure and arrival and within the ships" (Ibid. 550-1). In order to control whether the CUP successfully maintained a one-party regime, the GDS wanted in 1915 from each province the list of the regulations of all associations. Almost all of the answers stated that those associations had been closed (Tunaya 1988: 373). Although telegraphs from the provinces did not mention police repression, it seems reasonable that this was the reason for the closure of most of these associations.

The effects of those reorganizations of the police force by the CUP were witnessed after the war. With the beginning of the Greek invasion in western Anatolia, mass protests started to take place in Istanbul. These meetings were held with the consent of the police; their organizers were taken under police supervision but then left free

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[121] The memoirs of a police officer in Istanbul show an overlooked aspect of the history of the Armenian problem. His statements prove the fact that this application was not unique for the Black Sea region and was especially applied to the Armenians. He wrote: "It was ordered to the General Directorate of the Police by the Ministry of Interior that those single Armenians from other provinces and those who had no relations in Istanbul would be moved to inner Anatolia.... Accordingly, all the single Armenians began to be arrested and sent to the General Directorate of Security. Those Armenians thus gathered were moved to inner Anatolia everyday from Haydarpasa Station [by train]" (Oge 1957: 233).

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(Erturk 1969: 328). Many nationalist writers and opponents were exiled after Istanbul had been occupied by Britain in 1920. One of them, Ahmed Emin Yalman, recalled in his memoirs how he was warmly welcomed in the police centers of places where he was sent to exile, and how the power of the Interior Ministry in Istanbul was weak in those places. When he came to Eskisehir he wrote into his memoirs:

> I learned that the postwar government placed new men in top positions but not yet in lower ranks.... The Governor turned me over to the local director of police, from whom I learned that he and all officials below the governor were in the patriotic camp.... A similar welcome awaited my arrival in Kutahya with the police escort. The director of police there asked me to feel entirely free, even to leave if I wished (1956: 85-6).

What was the effect of all this chaos on the professionalization of the police? We can safely argue that professionalization of police forces is intimately linked with the gaining of the police a political character. In the next chapter, the professionalization process of the police force and its relationship with the military will be analyzed. Discussing the basic reasons why the state managers opted for a police force distinct from the military, the ways in which the separation from the military gave rise to a professional but also a more militarized police will be traced.

CHAPTER 8

THE PROFESSIONALIZATION OF THE POLICE:

NOT MILITARY BUT MILITARIZED

The CUP realized the importance of the police after having seen their incapacity
to prevent the reactionary uprising of 1909. It decided to make radical organizational
changes to be able to establish a reliable and civilian police force.

As examined in Chapter 3, one of the reasons for the separation of the police from
the military was internal. The military was used in policing because of necessity rather
than choice; because of the lack of penetration, the military was the only option in
policing. However, policing was largely in the hands of local strongmen. Collective
responsibility was the rule. The state was unable to maintain the monopoly of violence.
The people still had arms.

In fact, collecting arms from the people was the biggest problem the governments
faced from the end of nineteenth century until well into the Republican period. For
example, in the 1908 assembly, one of the important figures of the CUP, Minister of
Interior Huseyin Hilmi Pasha talked about the activities of bandits as follows: "After the
declaration of the constitutional regime (Mesrutiyet), bandits really took refuge by going

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to the government centers one by one; however they did not hand over their arms to the state. Moreover, they also kept their groups intact" (MMZC 1 1/1: 368). The state was still unable to collect the arms from the bandits. When asked about this in the following meetings, the Minister stated: "Some of the arms were taken, they handed them over, but most of them came without arms, and it also became necessary not to collect arms from some others who were armed.... It was then not possible for the state to find out and capture either the present or the hidden arms. No long lasting solution could be found to this problem" (1908 MMZC 1/1 1: 388).

As mentioned in the previous chapters, the military was extensively used for internal policing. This is related to the fact that war making had not changed drastically until the period of the CUP. The policy of Abdulhamid to modernize the military began to change this situation, especially after the defeat in the Ottoman-Russian War of 1877. Military personnel, who were increasingly educated in a Western-style, would eventually be the gravediggers of Abdulhamid himself.

The period of the CUP witnessed important changes in the organization of the army. Initially, 7,500 soldiers were liquidated and/or their ranks were degraded by a special law, enacted on August 7, 1909 (Eralp 1989: 124). Almost all of the soldiers who were dismissed were those who had not received formal educations (*alayli*). With the CUP, the period in which a private could become a general came to an end. "This change is important in terms of the way of training soldiers that started to be applied in the Ottoman army and is in effect even today" (Alkan 1992: 50).

The type of training that these soldiers received was not suitable for policing,

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precisely because the indiscriminate use of violence by the army could not be employed among the civilian population. That is the reason why the upper ranks of the army had always reacted to the use of soldiers for internal security purposes. Police forces, on the other hand, "even when militarized, require fewer men. Police, therefore, are not dependent upon universal conscription to supply the needed manpower, and thus can be more selective even at the lowest ranks" (Enloe 1980: 136).

One of the important reasons why the Young Turks were supported by the army in Macedonia during the 1908 Revolution was the reaction of the army to its use as a unit of internal security. A contemporary observer wrote that "soldiers had few reasons to support Abdul-Hamid: their wages were always in arrears; they were constantly called upon to enforce cruel measures; and they were tired of the system of espionage to which they were obliged to submit" (Patrick 1929: 204). The employment of the army in internal control and fighting with bandits for a long period of time, was the prime reason of the politicization of the army. Enver Pasha wrote in his memoirs that, in two years, he had battled fifty-four times with the bandits in Monastir (1991: 52). The symbolic figure of the 1908 Revolution, Niyazi Bey, recalled in his memoirs: "High rank officers and the administrative bureaucracy thought of only one thing: a favor from Inspector Pasha! The spoils from the extraordinary allowance for secret agents for intelligence.... All criminals and murderers were arrested by the military officers in towns. It seemed as if the administrative bureaucracy did not have the responsibility for these issues" (Bayur 1963: 409).

Not only the soldiers but also the political elite had the same opinion on the use of the army in policing. Against the proposal to send permanent military forces to

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maintain the public order in Rumeli, a deputy argued: "This could be appropriate and successful for a certain period of time, for one or two months and necessary if there is any need. However, the army's goal is different. It is not right to send a battalion of soldiers to perform a task that could be fulfilled by a few security officers, and thus to expose them to the bullets of a bunch of bandits" (MMZC I 1/1: 446).

Yorgo Bosho Efendi, the deputy of Serfice, similarly commented:

> Proposing to send soldiers to Macedonia is like treating every illness with sulfate like old doctors.... We need gendarmes, policemen; it is necessary to give authority to the gendarmes and the police ... and to strengthen them so that the people can come out of their houses into the streets.... This is not possible with the army, we need the gendarme and the police (MMZC I 1/1: 543).

The most urgent demand of the deputies was to put the regulations of police and gendarme forces into effect.

Besides these internal factors, there also existed external ones that were effective in the differentiation of the police from the military. For example, a deputy stated: "I may say that we can continue as a sovereign unit in the European community today just because of the provinces of Rumeli. That is why we should cling to it, not with the tips of our fingers but with our two hands" (MMZC I 1/1: 373). Another deputy, Riza Tevfik, similarly stated: "It is possible to maintain the public security here and to get hold over the right to govern. If we can do this, Europe can not intervene at all" (MMZC I 1/1: 398). The deputy of Skopje, Sait Efendi, criticized the European powers as pursuing "the

aim to make foreign intervention in Balkans a *fait accompli* on the pretext of the lack of public security in the region" (MMZC I/1 1: 441).

The CUP was the first 'political' regime in Turkish history. For this reason, the political elite of the period began to perceive itself as European. A genuine political life started for the first time in Turkey thanks to the CUP. One of the leading figures of the opposition wrote the following words in his diary: "Starting with the Constitutional period, our history has resembled the political histories of European countries like French and England.... On the other hand, we cannot find any example in European history comparable to our own from its first foundation onwards until the Constitutional period" (Lutfi Fikri 1991: 77-78).[122] In the Chamber of Deputies, parliaments saw a link between "being European" and having a civilian police force. Hence, the Kastamonu deputy Yusuf Kemal Bey stated: "For a long period of time, we regarded our country as one of the European countries where the police and the gendarme are already improved and the related laws enacted" (MMZC 1: 1/1 546).[123]

It was no coincidence that the police became an important issue in this period. The centralization of responsibility on the one hand, and the fierce debates in the Chamber of Deputies on the other required a level of professionalization to tackle with the criticisms in the parliament.

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[122] This diary was published for the first time in 1991. It is composed of two parts. The first part was written in 1904 and the second part in 1913.

[123] The attempt of the state to improve its relations with European states on policing issues is proved by a document which stated that the GDS decided in 1910 to give medals of honor to police officers from each of the following countries: Austria, Germany, Belgium, France, England, Italy and Switzerland (DH. EUM. VRK., no. 99).

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All of the changes in the structure of the police organization were part of the general process of the bureaucratization of the state administration. At the end of this process, in 1918, a long way had been taken towards a Weberian - rational and rule-bounded - bureaucracy. This development was crucial in the rapid consolidation of the republican regime in Turkey after 1920. Therefore, it is necessary to dwell upon the general process of bureaucratization before going on with its implications for the police.

One of the first laws that passed in the Chamber was the Law on Personnel Reduction *(Tensikat)*. In the Abdulhamidian period, there were not sufficient authorized positions for civil servants. That is why venality and patronage were the rule. As Birinci argues:

> The bureaucratic tradition [in the empire] necessitated that a person would become a civil servant as an apprentice and work for years without any payment. Only then could he be appointed to a position that had been vacated by the death of another civil servant, and he would receive a salary of merely twenty piasters. In the face of such a tradition, the developments witnessed during the CUP period in bureaucratic terms could only be defined as revolution. The sudden emergence of the possibility and hope of having a job with a regular salary, caused politicization to reach the point of explosion (1990: 29).

According to the new law, special commissions of five members would be formed in which one member from the Senate and one from the Chamber would attend together with three members from each department of the related ministry. These commissions would control employment enrollment and the performance of each employee, and define how many employees were necessary in each department.

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Commissions would also attempt to make their departments operate properly according to the relevant laws and regulations; and prepare the necessary proposals for laws and regulations (Findley 1994: 251-253). Besides the Law on Personnel Reduction, reorganizations were also made involving the operation of ministries, departments, and the Council of Ministers. For example, in order to find out quickly the necessary documents that would be sent to the government from the ministries, special procedures were put into effect in terms of the numbering and registration of documents (Ibid. 260). Moreover, there took place radical changes in registration of personnel, laws and regulations about recruitment of personnel, and their working conditions. As a result, information began to be stored about performance and reasons for resignations. Competitive exams began to be made for employing workers. A common structure of ranking was put into effect in the central and provincial sections of the bureaucratic system of each ministry; and regular appointments started to be made from one to the other (Ibid. 275-278).

The emergence of a rational bureaucracy naturally had implications for the police department. One of the few institutions in which the Law on Personnel Reduction was fiercely applied was the police. 825 police officers were expelled from the organization on May 1, 1909, just after the suppression of the reactionary uprising of April 1909 by the Action Army (MMZC 1/2 5).[124] The reaction to this reorganization among the rank

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[124] Two years after this reorganization, the Assistant Director of the GDS stated in the assembly that this law had been mostly applied in the GDS. That was the main reason why more inexperienced people had been taken in the GDS (MMZC 1/3 7: 345).

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and file police officers can be understood from a memoir written by a contemporary chief of police:

> The newly passed law that restricted the age to work caused those who could still serve the police department to leave the job.... The possibility to be promoted to higher positions was restricted as a result of the difference between those police officers already on the job and those graduated from the police colleges that were opened and closed before policing was made a distinct profession.... When those who had worked for thirty years retired, and the positions of those in lower ranks were not suitable, it became hard to find officers to be appointed as police chiefs. Because of the impossibility of appointing police chiefs who had not taken higher education as Directors of Security in the provinces, these positions were left vacant in many provinces (Bener 1953).

However, the regime urgently needed a loyal and obedient police force. As noted earlier, the main complaint of the army during the Abdulhamidian era was its use in internal repression. After the Revolution, the army supported the idea of developing a police organization which would keep them aloof from internal use. However, in order to achieve this, the police had to be significantly strengthened. That was done along military lines. For a state under continuous threat of war, the necessity to maintain internal security became a life and death issue. In these conditions, public order acquired the meaning of stable recruitment patterns. Since the majority of the CUP leaders were from the army, it was natural that the police were recruited from the army. Therefore, the paradoxical outcome of a professional and institutionally distinct police force was its militarization. This was the only solution to bypass the vested interests of the old regime

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police in order to use the police for the interests of the center. The outcome was a police force that was distinct from the military but a militarized one.

That notorious secret agency *(hafiye)* of Abdulhamid was abolished immediately after 1908. The green and dark blue uniforms of the old police were changed into red, black and gray ones.[125] The uniforms always symbolize a command hierarchy, unified and bipartisan police (Giddens 1987; Monkkonen 1982). However, in this case, they also had the function of representing the new police as radically different from the old ones which people had come to hate[126] (Alyot 1947: 487). During the initial days of the revolution, the authority of the police dropped to 'below zero.' "Everyone who saw the green and dark blue uniform was turning his/her head in the other direction. The police was not able even to submit a legal notification to anyone" (I. Feridun 1910: 289).

Many reforms were made in the police during the period when Galip Bey was the General Director between 4/8/1909 and 13/6/1911. The new police institution that was organized by the commander of a successful army evoked the image of the Action Army as a model of meritocracy; and their expectations about improvement of their working conditions increased. Hence, professionalization and militarization went hand in hand.

Initially, the salaries of police officers were increased from 300 to 400 piasters. As deputies stated, there had not been uniformity in payments before. Police officers in

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[125] It seems that the changing of uniforms was not successful: As late as 1913, it was complained that uniformity had not been achieved (Polis Mecmuasi 1013: no.2).

[126] The new uniforms were used until 1937 as another indication of the fact that the Unionists and Kemalists accepted themselves as belonging to the same family. While the Unionists had immediately changed the uniforms of the old regime, the Kemalists felt no such need.

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the same province received wages ranging from 100 to 250 piasters. Deputies, emphasizing the relationship between corruption and low wages, stated that "a police officer who [earned] only 300 piasters should naturally get money from people he arrest[ed]" (MMZC 1/1 6: 139). As it was not possible to find men for the job for just 300 piasters , the wages were increased to 400 piasters. 50,000 liras out of the 434,000 liras of the total budget of 1910 was used for the GDS[127] (MMZC 1/2 6: 456).

Moreover, Galip Bey went to London to examine the police in Europe. Important reorganizations were made in the GDS on his return. "Judicial" and "administrative" sections were established. The Committee of Intelligence was formed on February 2, 1912. The Police Inspectorate was formed on April 26, 1913, and a directorate of the political branch, with a salary of 3,000 piasters, was formed in September of the same year as a first-class police directorate (Alyot 1947: 490).

Military organization was taken as the model in the new organization and a system of squads (boluk) was formed. "Accordingly, a chief of police commissioner (serkomiser) became responsible for each police squad, together with a second or third police commissioner if necessary, with an assistant police commissioner and police officers under him" (Yagar 1988: 87). In addition, a captain in every police directorate, a lieutenant in every center, and a major, as the head of all, were appointed as discipline officers (I. Feridun 1910: 298).

Another example of the militarization in the police during this period was the

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[127] The Unionists paid special attention to the issue of the police. They were very ambitious in that. In fact, the Director of the GDS, Galip Bey, asked for a budget of 270,000 liras, stating that 180,000 liras were necessary

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"Regulation on the Manners of the Armed Forces Responsible for Maintaining Order and Security," dated 1911 (Yagar 1987: 401-406). It explained the principles of the use of arms and force by the security officers on duty. There occurred a significant increase in the discretionary power of the police with this regulation. According to which, in rather vague wording, the police officer could use arms when prevented from performing his duties in police stations or on beats and when he had no alternative. Arms could also be used if there was no other way to protect someone or something that was entrusted under the authority of the police or if an arrested person attempted to flee. A police officer who used arms in such situations was accepted as having used his legal authority unless proved otherwise. More importantly, the regulation was, in fact, about military force. However, it still required coordination with the police. The regulation was part of the curriculum of the police schools until the early years of the Republican period.

It should be noted that, while being militarized, the police were also cut off from its institutional connections to the army. The clearest example is the criteria sought for in the recruitment of police officers: According to Article 25 of 1907 Regulation, in addition to police chiefs, public prosecutors, and the commanders of gendarme would take part in the commissions to choose the police as well (Yagar 1987: 263). The police opposed this article from the very beginning. The GDS insisted in 1910 that commissions should be exclusively formed by police commissioners. The proposal was rejected at that time by the Council of State (DH 86-2/15). With the 1913 Regulation, on the other hand, the police reached their aim and non-police members were left out of the commission,

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only for Istanbul. However, the Commission could only provide 70,000 liras (MMZC 1/2 6: 456).

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which was then totally composed of chiefs of the political, judicial and administrative sections of the police (Yagar 1987:299). However, the recruitment of the police was still not centralized. There still existed various "commissions for selection" in Istanbul and in provinces. The Ministry of the Interior, for example, refused to assign a police candidate to Mosoul and stated that the assignment should be made in the province itself (DH 96-2/7).

The 1913 Regulation provided a major step towards professionalization. Previously, only proper manners and physical characteristics, not theoretical or practical professional knowledge, were necessary to become a police officer. However, the regulation set some restrictions as well as specifying the moral and physical characteristics required. The direct responsibility in the choice of the candidates was assigned to the police schools. Candidates were initially to get the education provided in the schools. From then on, those who had not been educated in police schools could not be employed as police officers (Yagar 1987: 301). Candidates, once accepted to the schools, could not resign before having worked for at least one year (Ibid. 302).

A document dated 1909 clarifies that professionalization of the recruitment patterns had started before the 1913 Regulation. Here, the GDS declared that for the vacant positions for police commissioners, law school graduates would be employed (DH. EUM. THR. no. 65).[128]

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[128] It seems that, this reform, as all the others, was difficult to enforce. Two years later in 1911, the GDS was still warning the provincial police authorities to obey this rule and not to appoint anybody outside the police force as directors (Polis 1912, no. 16).

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The documents concerning the personnel reduction are more suggestive to indicate the attempts at professionalization. As noted earlier, the police force was subjected to a drastic personnel reduction after the 1908 Revolution. However, in 1910, the Commission for Personnel Reduction decided to employ the dismissed personnel if any need would arise. The GDS was adamantly against the decision. In a notice sent to the Ministry of the Interior, it argued that, in order to be a police officer, one should not only be literate and be an appropriate age and physical shape but should also have passed the necessary exams. Those who had been made redundant, on the other hand, were both illiterate and over aged. Therefore, the GDS argued, if those people were to be employed again, they should definitely not be police officers. The Ministry of the Interior accepted the arguments in its reply (DH 118/14).

Police schools gained importance during the CUP period. There had existed only one police school in Salonica before. In 1911, however, schools were opened in Istanbul and Beirut and seven hundred police officers began to be educated. (MMZC 1/3 7: 345) Schools were also opened in Erzurum, Bagdat, Trabzon, Sivas, and Konya during the period (Tongur 1946: 267).[129] With reference to the GDS budget of the previous year, police schools got the highest increase in 1914; i.e. from 847,899 to 1,666,699 piasters (MAZC 3/1 1: 353).

Education became highly important in police recruitment. In one case, a candidate for police commissioner (komiser) was refused because his graduation grades from the High School of Public Administration was "moderate." Therefore, the GDS

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[129] Alyot states that the schools outside Istanbul were closed with the outbreak of the First World War (1947: 814). This information is not provided in Tongur (1946).

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argued, he could only be a regular police officer, not a commissioner (DH. EUM. VRK., no. 13). Although there was a shortage of manpower the GDS was very selective in recruiting new police officers. Many applicants were refused for reasons related to professional standards (see DH. EUM. VRK., no. 693, 703, 733, 749).

A curriculum that mostly deals with knowledge on arms would imply a military style of policing. The contents of the curriculum in police schools provide hints about how public order policing was interpreted at the time. An examination of their textbook would indicate that there was an entirely military type of training and education in these schools. The orders by the superiors to their inferiors were similar to those in the army. Besides using orders such as "Attention!" and "at ease," a superior, who dispatched and controlled a group of twelve students, for example, would also order to "merge in line in a battle order" (I. Feridun 1910: 128). Similarly, military walking techniques such as "45 degree turns" were also taught. "The squad order of walking" was applied for groups more than twenty police officers (Ibid. 148).

The acceptable age to be a police officer was also lowered and the criteria were determined as being between 23 to 30 years of age, literate and no shorter than 1,64m. "Police candidates were registered at the police schools to receive the initial education. If they proved to have the proper morality, physical condition and ability for being a policeman during their first year on the job, they were employed" (Tongur 1946: 258).

In parallel to the policy of the CUP government to rationalize the bureaucracy, promotion in policing was also rationalized by the 1913 Regulation. Eight articles of the Regulation were delimited to the subject of promotion. Promotion was related to factors

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such as working in a rank for a certain amount of time, having a clean personnel record and passing the necessary exams. Accordingly, it was necessary to work in a rank for at least two years before being promoted (Yagar 1987: 301-304).

It could be concluded that it was the 1913 Regulation that provided the ground for professionalization of the police and its separation from the military. This regulation, in Tongur's words, was the product of the changes that the police had undergone until then. That is why it was different from other legal texts that were copied from France. More importantly, the regulation "organized the police institution in an order different from the one of the military detachments and introduced the police officer (*polis memuru*) instead of the "police soldier" (*polis neferi*) of the *Zaptiye* period" (Tongur 1946: 207).

After the CUP, police gained a distinct sense of identity as a profession. The process led to the autonomy of the police not only from societal forces but also from other state agents. This can best be observed in the evolution of the legal context of police accountability. As necessitated by the system of absolute monarchy, it had not been possible to bring an action against civil servants until the Tanzimat, after which the Council of State was established and specific trial procedures were put into effect for civil servants. "Later on, when the 1876 Constitution authorized the regular courts to perform the duties of the Council, these courts became responsible for judging civil servants. However, the Law on the Trial of Civil Servants, enacted on February 4, 1329 (1913), brought into effect once again specific procedures for the trial of civil servants" (Gunday 1996: 557).[130] According to the

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[130] This law is still in effect. It regulates the specific procedures stated in the 24th article of the Law on civil servants (Gunday 1996: 557).

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13th article of the law, - which is still in effect - a civil servant cannot be brought into court unless it has administratively been decided by the appropriate agency of the department in which the civil servant works, that commencement of a criminal action is justified by the circumstances and the facts (Ozel 1974: 489). This article prevented (and still prevents) the public prosecutors from bringing police officers into court. The effect of local politics should be taken into consideration in terms of the protection of civil servants. "Although Town and City Administrative Councils were mainly responsible for deciding about the trials, the ultimate decision was that of the sub-governors because of the fact that other members of the Council were working under his authority" (Ozel 1974: 490-1).

According to a law, dated 1912, on the responsibilities and authorities of the police, which was the basic text of the "Law on the Jurisdiction and the Duty of the Police" until recently, the police could only be called as witnesses at trials with an explicit statement of reasons (Article 6, in Yagar 1987: 118).[131] With the 1913 Police Regulation, the procedures for the trial of any police officer became highly complex, which made the task of public prosecutors extremely difficult. According to the Regulation, a preliminary inquiry should be made about the accused police officer. The record of the investigation that was prepared after the necessary defense of the accused would then be given to the chief police commissioner where the officer worked. If the commissioner decided that the officer was guilty, the paperwork would be sent to the Council of Police. These Councils performed the final litigation for the police. These were

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[131] From the very beginning of the period, the police were against to be called into courts as witnesses. This,

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composed of two police commissioners and the head of the judicial police as the chair. Their decision was final and could not be appealed. If the police officer was guilty according to the criminal law as well, he was sent to court. The General Directorate of Security supervised the procedure for those higher-rank officers (Articles 58-73, in Yagar 1987: 312-316).

Nevertheless, there was another side of the coin. Although the police became a more autonomous and militarized force, the attempts to differentiate the police from the military made it subservient to the army. The police textbook defined the police and the army as "younger and older brothers" respectively (I. Feridun 1910: 122). Similarly, criticizing the low wages of police officers in 1912, a newspaper compared them with those that lieutenants received. The answer in the police journal was that there did not exist any problem between the police and the army, and emphasized, in an extremely deferential manner, the respect the police felt for the army (Polis, 1912: no.26). It is apparent that the CUP managed to create a police organization that was relatively professionalized and distinct from the military apparatus, but at the same time loyal and subservient to the military.

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they argued, prevented them, from doing their jobs (DH. EUM. THR. no. 408).

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CHAPTER 9

PUBLIC ORDER POLICING AND THE DEFINITION OF DEVIANCE

Reiner (1985: 172) argues that "the historical and sociological evidence should have made clear that crime fighting has never been, is not and could not be the prime activity of the police. To see it as such is a part of the mythology of media images and cop culture.... The core mandate of policing, historically and in terms of concrete demands placed upon the police, is the more diffuse one of order maintenance."

One of the best indicators of the fact that Reiner's description fits the Turkish case is the position of detectives. For a crime-oriented police force, detectives are expected to be essential. As Palmer (1988: 9) argues, if crime had been the main reason for establishing the new police forces, there should have been crime detection sections very early on. However, this section was absent in the Ottoman Empire, and when it was established it was not given much importance. Although there had existed the "Judicial Police," a special police force was not reserved for this section which was organized in terms of a system according to which every police officer could perform judicial duties when necessary. The investigative (istidlaat) branch that worked as a unit of crime solving, for example, was established in 1913; but it was put under the authority of the Ministry of the Interior even less than two

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months after its establishment. This branch was later put under the GDS in 1914 and finally abolished in 1916 (Alyot 1947: 491). The basic function of the section organized as the "judicial police" was more to take disciplinary precautions against public order-related crimes than to investigate committed crimes. The police accepted itself as so unrelated to crime investigation that an article in the contemporary police magazine stated the basic function of the police as administrative (i.e. preventive) policing. It was accepted that, once the crime was committed, the responsibility was no more that of the police but of the judiciary (Polis 1911: no. 4).

Plain-clothes detectives *(taharri memurlari)*, on the other hand, were initially established according to the 1913 Statute. Nevertheless, they were not given much importance and this section was not staffed properly. Although the Statute stated that a special directive would be prepared to determine the regulations about the appointment and discharge of officers as plain-cloth detectives, such a directive was never prepared. According to the existing regulations, it was "possible" that these detectives could take their places as uniformed officers when necessary. Alyot (1947: 507) criticizes this as an improper statement. He states that the presentation of the possibility of transfer of these officers to the uniformed police force as a privilege meant to ignore the fact that they should normally be in higher positions than the police officers in terms of both their wages and their status. We learn from the debates in the Senate that the number of plain-cloth detectives was only forty-two in 1917 (MAZC 3/3 2: 211). Moreover, they had been in fact established as political police. Although they also investigated ordinary crime, their basic function was political (Polis 1911: no. 16).

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The discussion so far shows that the essential function of the police was maintaining public order rather than fighting crime. However, the choices they made in enforcing public order-related tasks deeply affected the state-society relationship. Moreover, unlike serious crimes, public order crimes should first be defined as such in order to be accepted as crimes themselves. The definition can be made in two different ways or in their combination: i.e., by the politicization and/or criminalization of public order issues (Brewer et al. 1996).

Crime is politicized when crime solving is centralized, because centralization will inevitably have political implications. In times of relative democratization, the fact that people are informed about crimes will also cause the politicization of the subject. In 1908, these two conditions co-existed in the Ottoman Empire. On the one hand, crime solving became centralized. On the other hand, as a result of the opening of a general assembly and the interactions between the deputies, the existence of crimes, previously unknown to the public, began to be realized. The deputy from Gumulcine, Ismail Bey, thus stated: "During the old regime, public order was not generally violated. Or more correctly, violations were overlooked. I, personally, did not know the situation in Harput, Dersim, etc. As I did not know, I thought that there did not exist any problems there. Now, on the other hand, we are all aware of what is happening in the country. This awareness worries us" (1908 MMZC 1/1 1: 543).

Periods of democratization are, according to Zolberg (1972), 'moments of madness.' State managers can use this moment for their own benefit by criminalizing the political actions of the people. This can be done in two ways: i) they neglect the political aspect of the actions and treat them as simple breaches of criminal law. Moreover, in these instances, state

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managers design new laws to cover these actions and increase the discretionary power of police; ii) they may impose a political intention to an act, which is lawful according to the normal criminal code. This situation creates an opportunity for the police to act within a legal framework that is much narrower than the one allowed by the criminal law (Brewer et al. 1996: xviii).

The following speech by a deputy shows how problems of order in the capital city were directly interpreted in a politicized way. The deputy of Istanbul, Hallacyan Efendi, stated: "Isn't it known that the police force in Istanbul have not been perfectly organized? Everybody, every publication shouts about this.... They say that there does not exist public order in Istanbul. How can we deny this?" (1908 MMZC 1/1 1: 547).

The answer of the government to the politicization of crime (or at least its perception as a political issue) was the 'criminalization' of political dissent. The police were organized into administrative, judicial, and political branches in 1907. However, they were reorganized in 1913 into two branches as administrative and judicial, with the political police were put under the branch of the judicial police. This reorganization, as a product of the dictatorial period of the CUP, could be evaluated as a result of the government's strategy to 'criminalize' political dissent.[132]

A contemporary observer writing about Istanbul just after the First World War commented: "The problem of crime has become more complex since the great war in

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[132] In 1914, when the CUP consolidated its power and no opposition was left in the assembly, the political branch was reorganized. However, even in this assembly, some deputies defended that the police, as necessitated by its definition, should investigate all crimes, and that a separate political branch was not thus necessary (MMZC 3/1 1: 443).

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Istanbul as in most of the other cities.... The basic and the most important reason is the great waves of refugees composed of various nations who have come here from various places.... Related to this, an increase is seen in cases of theft and immorality, and probably also of other crimes" (Riggs 1922/1995: 281). The concentration of such different people in a city that had infrastructural problems inevitably led to political and ethnic rivalries. Revealing the criminalization strategy of the police in this context, the same observer stated that most of the cases of violence that were accepted as regular crimes were in fact political in origin. He added that this would remain to be in such extraordinary dimensions until the future of the city would be determined (Ibid. 281).

In fact, criminalization of dissent was inevitable for the Ottoman state managers. In an ethnically divided empire, nationalism was the biggest threat. For that reason, the rulers tried to cover any ethnic or religious dissent as criminal and denied their real content.

An illuminating example is the incident that occurred in 1901 in Izmir between the Greeks and the Jews. This was one of the many cases in which a Jew was accused of kidnapping a Greek child and eating him! It was a theme widespread in areas populated by the Jews in Eastern Europe and used several times as a pretext of anti-Semitic policies (Benbassa 1986).

A Greek child being kidnapped, the rumor spread that the Jews were responsible for it. A few thousand Greeks gathered in the streets of Izmir and broke out a fight between the Greek and the Jewish communities. Arrests were made and the trial started on July 31, 1901. The best lawyers of both ethnic groups were chosen to present their cases. The interesting

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part, for the purpose of this paper, is the testimony of police officials.

> These testaments by authorities, the chief of police, the police commissioners, and the security forces all stress violation of public order by incidents such as insults against the police commissioner, quarrels with the army officers, threats to the army officers with fists, sticks, stones and knives, or attacks on officials.... The official indictment itself emphasized the resultant disorder by disguising the real causes of the incidents (Benbassa 1986).

As happens after most revolutions, a general amnesty was declared after the 1908 Revolution. However, this comprised only political criminals.[133] The government excluded those political criminals whom it did not want to release by claiming that their crimes were in fact ordinary. The strategy of criminalization was at work. For example, three Kurdish leaders of the biggest Kurdish family, the *Bedirhan*, had been jailed as political prisoners in the Abdulhamidian period. When the Minister of Justice requested amnesty for them, Prime Minister *(Sadrazam)* Huseyin Hilmi stated that they were also murderers and thus could not be included by this amnesty (MMZC 1/1 4: 609-610). Now, the situation was reversed. Overtly political incidents were interpreted as regular crimes.

The distaste of the CUP towards the "political" and its obsession with "transparency" fed this strategy. They put their difference from the Old Regime in the context of crimes as follows: "In the Old Regime," says Kozmidi Efendi, "although, some of the incidents were just regular crimes they were imputed with political content" (MMZC 1/1 5: 163).

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[133] I should remind the reader that the outgoing Minister of Interior of the old regime used this amnesty as an opportunity for freeing as much ordinary prisoners as possible to make things difficult for the CUP.

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These examples indicate that public order issues were criminalized in the Ottoman Empire. However, in order to understand the general context within which this strategy was applied and before presenting the evidence on public order policing in the Ottoman Empire, it is necessary to clarify the concept of "public order," since it was a problematic one in itself. It may cover a whole range of activities from drunkenness to uprisings. One can argue that it may be easier to define it in the context of Anglo-Saxon tradition. Here, it is simply the opposite of public disorder. It is defined in relation to the feeling of security in a local community. Kelling (1995: 163) writes: "Disorder, then, is a condition resulting from behavior that, depending on location, time, and local traditions, is offensive in its violation of local expectations for normalcy and peace in a community"[134]

The Ottoman Empire, on the other hand, was a loyal follower of the French system in its administrative structure, and the police in both countries had the same understanding of public order. "In France," write Ridley and Blondel,

> the concept of public order has traditionally been given a wider meaning than in Britain and the word police is used in a different way. The maintenance of public order does not just mean taking action to prevent an immediate outbreak of disorder or the repression of disorder; it means the ... the general good order of society... [I]t covers the regulation of an extremely wide range of matters in the social and economic fields as well (1965: 160).

For the Ottoman Empire, enforcing the public order rules is even more significant,

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[134] This does not mean that public order policing is a neutral concept in this part of the world. After all, the issue of order-maintenance is clearly a political enterprise, raising questions on police discretionary power, accountability, and definition (see Reiner 1992: 146).

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for the reason that state used these regulations in order to regulate the social life according to the rules established in the center. In Midgal's (1988: 30) words, "in reality, the conflict was over who had the right and ability to make rules [and enforce them] in that society."

In order to see how the concept of public order was perceived and interpreted in the Empire and how the police task was defined, the following words of the spokesman of the Committee of the Ministry of the Interior is indicative. This speech was given in the assembly during the discussions on the most important public order law of the CUP period, namely the "Law on Vagabonds and Suspected Persons." The spokesman justified the role of the police as follows: The police were essential for differentiating between the respectable employed classes and the causal poor divorced from labor discipline (1909 MMZC 1/1 2: 426-7). According to the proposal of the law, vagabonds were divided into three kinds. The first kind mainly referred to those who were unemployed. These were only consumers who did not contribute in any way to production and were thus harmful to the economic development of the country. The second kind, on the other hand, consisted of those who were unemployed for the time being. As their status as vagabonds was temporary, they needed the protection of the government (Ibid.). The most important was the third kind of vagabonds. They were accepted as being against work in principal. They were vagabonds 'by nature' (*fitraten*).[135] "To control this last type, precautions should be taken to ameliorate them by force," stated the spokesman. To take this kind of preventive measures, it was not necessary that they committed crimes or harassed anybody. As the spokesman asserted, these measures

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[135] The fact that the Chief of the Commission attributed criminality to "human nature" evidences of how far the Ottoman thought was from the Enlightenment ideas, which accept that people are innocent when they are born but become inclined to guilt as a result of external factors.

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must be taken against them anyhow, because these vagabonds "disturb public order and security even by their presence in a neighborhood" (Ibid. 427).

That was the general mindset in which the public order-related "crimes" were perceived by the CUP. Following is an examination of the process of defining public order "crimes" in four exemplary fields of analysis. The first is the control of women by regulating the prostitution; the second is the control of the underclass by a particular definition of "vagabonds"; not unrelated to it, the third is about the disciplining of the labor force by using both the regulations on vagabonds and laws on industrial relations; and the fourth is about regulations on freedom of public gatherings and associations.

I. Prostitution

The public sphere in the Ottoman Empire belonged to men. Women were excluded from public life by the strict limitation of their public appearances. During the reign of Osman III (1754-1757), they were forbidden to go out in Istanbul for three particular days of the week. As late as 1876, there were police regulations, which prohibited women from going out at nights (Guzel 1985: 858-859). Therefore, whereas the control of the poor could be achieved with the laws on vagabonds – who were mostly men - this was not the case for women whose main domain was private. I treat the regulations on prostitution for women as counterparts of the laws on vagabonds for men. These regulations were the means to maintain the restrictions imposed on the public life of women. Furthermore, in the social project of the CUP, women had vital roles and the state surveillance over their actions

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became crucial. As Davis (1988: 229) argues for the prostitution regulations in Italy in the nineteenth century, "if women of the 'respectable' classes had little to fear, the dangers for working-class women were much greater, especially since cohabitation amongst the poorer classes ... was widespread." It is in this context that I will examine prostitution as an issue legitimizing the police behavior towards women.

Laws on the control of women's daily lives had already existed in earlier times. For example, according to the documents from sixteenth century, when a woman claimed that she had been harassed, if she could not prove it and if the concerned man swore to the contrary, she would be beaten or compelled to pay money as punishment (Alyot 1947: 26).

Moreover, women were stigmatized in the classical period of the empire. Their behavior, even their style of walking, were under control. There was also a concern for differentiating Christian women from the Muslims. For example, Christian women were not allowed to wear dustcoats (feraceler) in any color other than black, and they could only wear yellow shoes. Muslim women, on the other hand, were forbidden to wear yellow, pink, and the other light colored dustcoats. The kadis were ordered to struggle against new fashions and their "harmful" effects on women (Alyot 1947: 63-4).

A report prepared by the Kadi of Istanbul in 1777 clarifies the fact that prostitution was widespread in Istanbul at the time and that religious leaders of the neighborhoods (imams) and police officers ignored this as they took bribes. Moreover, customary raids on the residents of districts were performed as a result of the collective responsibility imposed on them by police forces (Berksun 1946: 157). "The first brothels had been allowed in the country after the Tanzimat, especially after the 1854 Crimean War as

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a result of the persistent demands of foreigners" (Ibid. 157). Berksun accuses foreigners, in nationalist overtones, as follows: "Relying on *capitulation* (economic privileges, granted by the state), foreigners resisted regulations by the government to control health of the women who worked there by stating that this would cause limitations on their personal freedom (Ibid. 158).

The women's movement in the Empire accelerated with the 1908 Revolution. Women started to raise their voices as part of the social movements in general. Many women magazines and more than twenty women's associations were established (Guzel 1985: 861). The CUP itself was supportive of the women's movement. As Tunaya stated, the problem of women was accepted as a national economic and cultural problem (Quoted in Guzel 1985: 859). Nevertheless, the CUP's approach to this problem was not basically directed towards the development of an independent women initiative. It treated the women movement as part of its modernization project. In that sense, it was a middle class project. Therefore, the CUP paid special attention that the women's movement not surpass the borders set by the state. This was especially the case for lower class women. This controlled environment was to be maintained by the continuous police surveillance. Regulations for prostitution, which gave enormous discretionary power to the police, were designed to stigmatize them. Police officers were taught to pay special attention to controlling "women whose outfits and manners were against our national morality and religious rules" (I. Feridun 1910: 59). We understand from a document, dated 1909, that the police treated women with "un-Islamic outfit" badly (DH. EUM. THR. no. 455).

The declaration of war in 1914 increased the surveillance on women. Generally,

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times of war present an opportunity for stricter policing of morals (Spencer 1985: 151), and the police in the Ottoman Empire also tried to exploit this opportunity. However, it was not easy to impose strict regulations on the women who belonged to the higher echelons of society. A contemporary observer states:

> During the war a forceful edict was issued, with the purpose of bringing to an end all feminine insurrection: 'The adoption of new forms of apparel has become a public scandal in Constantinople. All Mohammedan women are given two days in which to lengthen their skirts and to substitute thick veils for thin ones.' At sight of this notice, the wives of Turkish aristocrats, of ministers, and of high government officials united in general indignation. All the women's organizations threatened to stop work unless the order was rescinded. The following day this very humble notice appeared: 'we regret that, because of the meddling of certain old women, a subordinate of the police department attempted to regulate the length of women's dresses. The police department regrets the blunder and cancels the previous order (Patrick 1929: 303-4).

The bias of the police against the women from the lower classes is evident in a document dated 1909. Here the GDS stated that the police should not interfere with those women who were not veiled. They should initially make inquiries into their families (DH. EUM. THR. no. 336). However, no societal force existed to control the actions of the police against unprotected "public women." Istanbul of the war period sheltered those 'nouveau riches,' who profited from speculations, together with the gradually impoverished masses. "While a large part of the population was becoming destitute, the addiction to entertainment, alcoholic drinks, gambling, women trade, even cocaine became widespread day by day. From then on, Istanbul was a city where wealth and poverty united.... Money spent by the

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invading forces [after the First World War] nourished an excessive life style" (Toprak 1987: 159). There were 2171 recorded prostitutes in 1920, while the real number is known have been from 4,000 to 5,000 (Riggs 1922/1995: 312).

It is thus not surprising that the initial attempts to regulate prostitution took place during the war, in 1915. According to the 7th article of the 'Health Regulations concerning the Prevention of the Diffusion of Syphilis' that was enacted in that year, prostitutes were to be strictly controlled and registered by the police. They would also have record cards of their own and they were to be examined once or, if possible, twice a week by itinerant or official doctors or by the municipality (Berksun 1946: 158-9).

The basic approach of the period was to regulate prostitution rather than forbid it. This was supported not only by the government but also by popular writers. For example, Selahaddin Asim, who was interested in the issue of women in the Ottoman Empire, thought necessary to regulate prostitution for the redemption of the family. He further thought that separate brothels should be opened by the state for the Muslim and Turkish prostitutes (Toprak 1987).

According to the definition in the 1915 Regulation, prostitutes were those "women who commit[ed] themselves to others' sexual pleasure in return of a profit or because of habit, and who thus [had] relations with various men" (Alyot 1947: 570). The fact that the concept included not only those who made material profit but also those who had the "habit" of being with different men is a good evidence of how broadly the concept of public order was defined. It is also evidence of the existence of an attempt to control women's sexuality. Moreover, another article of the regulation stated that this definition excluded those women

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who were mistresses. Such a woman would only be accepted as a prostitute if it could be proved that she had a relation with a man other than her patron.

The regulations also covered houses where prostitutes would live. The definition of a brothel was equally broad. Any house where two or more women lived or temporarily came together for the purpose of prostitution was accepted as a brothel (Alyot 1947: 570). Because brothels were public places, they would be under the control of the police. Prostitutes were not allowed to live in places other than brothels. Every prostitute, as registered at a brothel, was required to obtain a 'prostitution certificate,' which was given in 24 hours after the approval of the police when personal information, together with a photograph and an identification document of a new prostitute was presented to the police following the woman's acceptance to a brothel (Ibid. 573). Each prostitute should be registered at only one brothel and she could not work in any other. Although the regulation allowed women to quit the job, it strictly prohibited them from changing their places without prior investigation by the police of their records. Brothel owners were forbidden to let the woman go (Ibid. 576). We can assume that the police would not allow any woman to quit the job without seeing proof that she could support herself.

Such a broad definition of prostitution as seen in the above mentioned regulation inevitably functions to legitimize police intervention into the civilian life of people. That is the reason why a simple administrative decision was sufficient to arrest many women, to record them in the police archive, and to examine their bodies shamelessly. They still would not have the right to apply to court (Berksun 1946: 164).

As the extent of regulations related to police surveillance is broad and their

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intervention in daily life thus increases, corruption is more likely to occur. In the Ottoman

Empire, undercover police officers were ordered to control brothels and find out secret

houses where prostitution took place. These officers were to prevent illegal prostitution

(Toprak 1987: 163). However, as the government could not control its police officers

themselves, it could not thus either prevent their private relations with brothel owners or the

prostitutes. These relations, and the benefits these officers received while applying the

regulations, caused arbitrary application and also presented the threat of moral decay.

(Berksun 1946: 164). Not surprisingly, most of the police officers discharged from their

duties were those who had such relations (PM 1913, no. 8 and 15). In an article in the

contemporary police magazine, relations with prostitutes were thus criticized as "the most

chronic problem of the police" (PM 1913, no.13).

The aim of the 1915 Regulation was to follow contagious sexual diseases and to cure

those women infected before they passed them to others. However, as the primary attempt

was to regulate rather than prohibit, the regulation proved insufficient, and could not have

provided the intended results.[136]

In conclusion, it can be argued that, although the regulation on prostitution was

designed to prevent venereal diseases, in practice, it was virtually a writ condemning the

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[136] It was only after the foundation of the Republic that the governments presented different approaches to
this problem. In accordance with the policies of the committee established in the League of Nations, the
republican regime tried to control and prohibit the prostitution with the threat of legal punishments. As will
be seen in the next chapter the etatism adopted after 1929 by the republican regime showed its effects in
social life. The economic crisis brought the issue of social morality into the agenda. In 1930, the
government prohibited the opening of new brothels. The period witnessed enormous abuses of police power
in enforcing this regulation. Toprak (1987: 168) argues that because of these abuses the government stepped
back and returned to the earlier policy by issuing a new regulation in 1933, according to which the prime
goal was to fight with the venereal diseases rather than prohibiting the prostitution.

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women to a prison house, trapping them in an occupation from which there could be no escape. On the regulation of prostitution, there might have been two solutions for the state. One is to criminalize the activity, the other to establish charitable institutions. However, as will be seen in the case of vagabonds, the financial difficulties of the state automatically left out the second option. The first option, on the other hand, became possible largely because of the fact that prostitution was seen as socially dangerous. Prostitutes were accepted as pursuing their occupation "habitually," which was against public morality.[137] The result was that prostitutes became the objects of public order measures, largely left to the discretion of the police.

II. Vagabonds

Issues that are not covered in criminal laws can be included in police regulations. Public order and vagrancy laws are perfect tools for the police to increase their discretionary power. For a long period of time, the police organization in the Ottoman Empire increased its legal powers through regulations on public order. The concept of "preventive policing" was widely used by the Ottoman police in the issues of vagrancy. In their journal, police officers argued that the essential task of the police was to prevent any behavior that might end up in crime before any material loss occurred (Polis 1911: no. 4). Therefore, vagabonds should be under permanent scrutiny. Chambliss writes:

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[137] In the police journal, prostitution was defined as "microbe." It was written that, "if it could not be controlled, it could spread into decent neighborhoods" (PM 1914, no. 15).

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Everywhere, the police must respond to dual demands. On the one hand, they must obey the law. They have no general authority to arrest. They may only arrest for breach of a law. On the other hand, they must prevent crime before it happens.... The police, therefore, must simultaneously scrupulously refrain from arresting persons until they have breached the law, and arrest persons likely to commit a crime before they have breached the law. Police escapes these dilemma by seizing upon vague laws.... In short, vagrancy statutes became an important weapon in police hands to enforce a kind of order based on police officers' suspicions, rather than due process of law (1993: 49).

The definition of vagrancy with a particular content was an attempt to legitimatize policing practices. The poor and the working class "not only came to be protected from criminal victimization but were prevented from sinking into crime themselves through the promotion of that 'moral improvement' of the laboring classes by the exercise of supervision and restraint" (Reiner 1985: 16). Laws about vagrancy were prepared in essence to control the poor and the marginal sector of population, who were regarded as potential criminals. The idle and undeserved poor were thought of as the source of anarchy. They were outside of the system and therefore, failed to share its benefits. As Tombs (1980: 215) argues, "this failure was considered to be fundamentally a personal and moral one, having at its root the idleness, improvidence and vice of the indigent, in contrast with the diligence, sobriety and thrift of the idealized 'honest worker' who has thereby able to provide for his family and his old age." The following passage from the police magazine is instructive in this sense: "it may seem strange to punish vagrants if they do not harm anybody. However, when their general condition is

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taken into consideration, it becomes apparent that they may harm not only themselves but also society in general. As long as they stay as vagrants, they will threaten others' security and rights. That is why a vagrant's freedom can be restricted as he spoils the general good." In fact, the argument that controlling the vagabonds is helpful to them as well as to people in general points to the underlying aim of the law about vagabonds to discipline the work force. Hence it was stated in the magazine that vagabonds, in the rotten places where they lived, "prove[d] themselves to be lower than animals by smoking hashish, drinking *raki*, and gambling if they [had] money. They thus [became] liable to all kinds of crime (Polis 1911, no. 3).

Pay attention to the peculiarities of the definition. The restrictions that were mentioned are not general; they could be applied to anyone who did not have a specific place to live or to work. There was no overall prohibition for drinking *raki* or "decent" gambling but, depending on *where* these reproductive activities occurred they could be prohibited. This is representative of what Emsley (1984: 137) points out: it is another way of saying that there should be one law for the rich and another for the poor.

Developments related to vagabonds should be analyzed in relation to first, the economic modernization the Empire was going through, and second, the class character of the police. Although the CUP was the authentic representative of the Turkish-Muslim bourgeoisie, economic modernization had started before they came to power, that is, from the mid-nineteenth century onwards. New economic activities changed the traditional

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structure of the Ottoman city, especially in that of Istanbul.[138] During the second half of the nineteenth century, manufacture, as dependent on handcrafts, lost its power to rival foreign goods, and caused the decline of the most effective feature of the Ottoman city, the bazaar (*carsi*). In its stead, a separate and modern sector -"bonmarches"- appeared in the modern parts of the city (Isin 1985: 552).

Tekeli (1993: 26) writes: "New commercial networks, in which the Empire was enmeshed required new financial institutions, banks, insurance companies. The new links of the international trade cut off the link of the merchant with the products. Now he became the coordinator. He started to choose his office not next to the depots but in large commercial buildings next to the banks." Tekeli further argues that "the [city] center was undergoing a transformation with the result of a dual structure." These developments required the openning of new lands for residences on the one hand, and the accommodation of the new ethnic composition and social differentiation on the other. Housing areas were no longer differentiated exclusively on an ethnic basis. They became sensitive to status differentiation (Ibid. 26).

Spatial segregation of classes within the city was important in understanding the emergence of the new police. The regulation on vagabonds in 1909 and the increase in the discretionary power of the police should be thought of in this context. The vagabond became a threat to the increasing circulation of commercial goods in and around the city. The police defined its "most important task" as "the protection of commercial community." "If commerce is an absolute right, prevention of any attack on capital and products is an

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[138] For the traditional structure, see chapter 4.

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essential police duty" (Polis 1911, no. 10).

One of the indications of the increasing anxiety about crime is that crime stories started to be published extensively in this period.[139] The stories of Nat Pinkerton, Arsen Lupen, and Sherlock Holmes were translated and read by a wide audience during the Second Constitutional Period (Toprak 1985: 1274). Soon, the Turkish counterparts of these characters appeared. In 1913, stories of the first Turkish Sherlock Holmes, *Aman Vermez Avni*, started to be published in series. The underground world of Istanbul, stories of murders and robberies were the common themes of the books. In addition, the lives of the newly rich were described in the novels (Ibid. 1275). These products of popular culture reflected a concern on the part of the elite about the "dangerous classes" that had started to emerge within the city. Of course, the problem here is not whether there was a real issue of crime in the city or not. The point is that there emerged a new kind of sensitivity amongst the elite about crime problems. The perception of the crime is as much important as the actual level of crime. However, one pattern, which was also seen in the European experience is clear: urbanization, independent of industrialization, altered the patterns of crime and led to the redefinition of acceptable behavior because of an abundance of unequally distributed material wealth in cites (Blackwelder 1984: 335).

The most crucial development in the field of defining public order, which has previously been mentioned, was the "Regulation on Vagabonds and Suspected

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[139] Uyepazarci (1997: 66) who wrote a book on crime novels in the Ottoman Empire between 1881 and 1928 states that until 1908, 54 crime novels was translated into Turkish. From 1908 onwards there is a "translation bombardment." Not only all the books of founding fathers of the genre, like Doyle, Collins, Leblanc, Leroux, but also the "dime novels" of the USA were translated in this period. More importantly, many original Turkish novels appeared.

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Criminals" *(Serseriler ve Mazzannai Sui Eshas)*, issued in 1890. Soon after the 1908 Revolution, the police attempted to increase its authority through this regulation. The following is an overview of the changes in the police under two different regimes in relation to this regulation in its initial and subsequent forms.

According to the initial form of the regulation during the Abdulhamidian period, those who had no specific jobs and residences were defined as vagabonds. In addition, a person, if jailed for any crime, would be considered a "suspect" for the rest of his life. The police had broad initiatives to follow and control these people. For instance, they had to prove that they found a job while they were under police surveillance. According to the fourth article of the regulation, those who did not inform the police about their present condition and who left the city without notice would be taken to court (Yagar 1987: 248-9). According to a related regulation issued in 1895, they were not allowed to stay in hotels or inns (Tongur 1946: 199).

In 1909, the CUP, government enacted a law as a new version of the old regulation (see Yagar 1987: 47-53). The new articles of the bill, which was issued by the Ministry of Police, brought about an increase in the power of the police, even though they were not included in the Criminal Law. As the spokesman of the Committee of Interior Ministry stated, the fact that the police added articles to the bill that were opposed to the law, was criticized as an evidence of the exaggeration by the police of their own needs (MMZC 1/1 2: 425).

When compared to the previous regulation, an important change that the new law brought about was stated in its fourth article. According to the old version, the responsibility of the police concerning those who were accepted as vagabonds was to find jobs for them

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and to warn them to inform the police when they had found jobs themselves. The vagabonds could only be taken into court when it was understood that they had not obeyed the warning. However, the new organization canceled the requirement of 'warning,' requiring that the vagabond immediately be given a job in the municipality or the Ministry of Public Works, or if this proved impossible, in any other place. If job could not be found for him, he would be sent to his hometown. What is significant in this article for the purposes of this study is that it gave the police authority that the criminal code did not provide. Punishments like making people work by force or sending them back to their hometowns did not exist in the criminal code.

The authority given to the police by this new law was much greater than that in the previous one issued in 1890. For instance, Article 15 required that a person imprisoned for any crime would be counted as a suspect from then on. Accordingly, the police had then the authority to place him under supervision for a period of six months to three years if he could not be found in certain places that had previously been determined by the police. As stated by a deputy, he would become a "slave" of the Ministry of Police (1909 MMZC 1/1 3: 153). Moreover, the new law canceled the necessity to show a place as residency. From then on, the fact that a person had a certain place to live was not accepted as evidence in the decision whether he was a vagabond or not.

More importantly, the law issued in 1909 authorized the police to punish. According to its twelfth article, if anything was found on a vagrant that could be used to commit a crime[140], the police would punish him before the trial at the court by giving five to twenty lashes with a whip. If the person arrested was a 'suspect,' the number of blows was to be

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from fifteen to thirty (Polis 1911, no. 9). When we compare the new law and the regulation in 1890 by referring to their articles on the same issues, it becomes clear that the police increased their power significantly. The wording of the twelfth article of the new law, for instance, was similar to that of the tenth article of the earlier regulation. The only difference was that the punishment defined in the earlier regulation had been imprisonment for a period of six months to two years that would be judged by the courts. It did not include any authority given to the police for punishment.

The fact that the nineteenth article of the law required that torture be done under the supervision of a doctor and only to those parts of the body that he would determine, meant to make the doctor shared in the crime of torture rather than to present limitations to the practice of the police in these terms. Accordingly, many deputies in the assembly criticized this article by stating that it would give the police the authority to beat anybody by designating him a vagrant. These articles authorized the police not only to execute commands but also to judge and punish.

The police force may also play the most important role in creating a new law just because of its organizational needs like to "expand its domain vastly and to legitimize its need for greater resources by controlling the information available to the lawmakers" (Chambliss 1975: 29). The police can do that with its unquestioned "expertise" on crime. Especially during periods of professionalization, the police benefit from focusing on the poor as the least objectionable target and hence, it prevents criticism in this crucial period.

This is evident in the 1909 Law on Vagabonds, mentioned above. Articles that would

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[140] Objects defined as usable to commit a crime were very simple things. Tools like hooks that would help open

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increase the authority of the police were added to the law as a result of vigorous efforts by the Ministry of the Police. While the proposal for the law was being discussed in the assembly, police chiefs were invited as "experts"; and the head of the Police Council Omer Muhtar Bey, together with the public prosecutor Sadrettin Bey, were invited to the committee in charge and played a significant role in the formulation of the proposal (MMZC 1/1 2: 444).

It is interesting to see how the police authorities convinced the deputies to expand their discretionary powers. As Reiner (1985: 41) argues in a different context, with the new discretionary powers the new police increased its incursion on working class leisure activities through the enforcement of public order offences. Similarly in the Ottoman Empire, the police loosely defined vagrancy in order to cover a whole range of leisure activities of the poor. Their main argument was the fact it was impossible to know whether a person was looking for a job or not. The only way was to know the places that this kind of people frequented such as ports, train stations, mosques, church gates, and market places. Such places could only be inspected by the police. It was assumed that if a person did not look like he "belonged" to those places he was presumed to be suspect. The only reason he could be there was to steal something (Polis 1911, no. 6). As understood from another article in the Police Journal, the poorer section of the society resented being subjected to these surveillance practices. The article stated that the resentment towards the police was much higher "among the ordinary people." Although the author attributed it to the legacy of the Abdulhamidian regime, the reaction even three years after the revolution cannot be explained away by that legacy (Polis 1911, no. 1).

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doors or locks, or any other thing that could be used to enter a house or store, were included in this definition.

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We can even argue that the control of leisure activities of the poor was tightened during the CUP period in comparison to the Abdulhamidian period. According to the 1907 Police Regulation, the police were given the responsibility to control especially taverns and gambling dens. Alyot (1947: 216) states that there had not existed any regulation until this Regulation about the control of taverns, gambling dens, or brothels.

The first article of the law defined the "vagabond" as those who had no source of livelihood and no employment for at least two months and who were not still looking for a job. During the debates on the proposal of the law in the Assembly, most of the deputies criticized that the period of two months as being too long. They thought a vagrant could flee to another city in this period or could continue with vagrancy and start to look for a job only in the last week.

Particularly striking is the fact that such a draconian law included such flexible clauses. The most reasonable explanation is that the longer the period, the longer the police surveillance of the poor. In order to "understand" whether that person was really looking for a job, the police gained the authority to put many different places under its continuous surveillance for two months. The goal was to control the recreational activities of the people rather than to control "vagabonds." Otherwise, the following objection raised by the deputy from Edirne, Agop Babikyan, could not be answered. He said: "In two months a vagabond may do much harms. Therefore, it is not necessary to wait for two months. If it is understood in three days that his manners and behavior would be harmful to society, then that person should be punished" (MMZC 1/1 2: 444).

In comparison to the vagabonds, the "suspected person" was in double jeopardy.

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These people were defined in the Article 10 as those who had been convicted twice for crimes such as murder, theft, robbery, pickpocketing, or fraud. These people were put under police surveillance for between six months to three years, even after they had completed their sentences. Although travel permits had been abolished after the revolution, these people were required to inform the police of their travels (Polis 1911, no. 7).

It was apparently as a result of the police influence that some other additions to the previous regulation were also made in the proposal. One significant addition increasing the discretionary power of the police was that the decisions of the police could not be appealed to another institution. Another was that the police were authorized to continuously control those places where vagabonds and suspects frequented. In the lecture notes of the police schools of the period, it was stated that police officers should take note of suspects and write down in their notebooks when they passed by, in which direction they went, if there was anybody with them, and also note their outfit and appearance. It was requested that the officer "should not fail to observe even the most insignificant behavior [of those suspects]" (I. Feridun 1910: 60).

The reason underlying the fact that the regulations about the vagabonds were vague must be sought in the attempt to widen the scope of the discretionary power of the police to be able to use if for political purposes. Accordingly, Velahof Efendi, in a speech to the assembly that made reference to two newspapers published in French and Bulgarian in Salonica, stated that "the law on vagabonds [was] not interpreted according to its letter and the spirit accepted in the Assembly" (MMZC 1/1 4: 474). The CUP regime continued to use this condition for its own ends for a long period of time. After the 1913 coup, the CUP in

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Istanbul undertook mass arrests and exiles. The reasons were stated as more related to security than to politics. "The Office of Istanbul Commander reported that 203 people were all 'vagabonds and unemployed' and that they, together with those who threatened the security of the capital, had been sent out of the borders of the military supervision" (Yalcin 1955/1976: 195).

Nevertheless, it is also misleading to accept that the police acquired all the authority that they required. The police remained in rivalry with other institutions in terms of the definitions of what would be accepted as the necessary requirements of social control. The army and the bureaucracy may have different understandings of social control. As apparent in the fact that it was the police that had been given the authority by most of the laws, the police occupied a place at the very center of different institutional interests. In an article in the police magazine, it was stated that the police organization was related to many ministries and other state institutions, and that it thus was "the general employee of the state, its means of power for general administration." As a result, continued the author, "the responsibilities of the police [were] not clearly restricted in police regulations of any country" (Polis 1911: no. 3). This kind of a position, in which the police could accept or refuse to serve different interests, provides the police with various advantages such as the power to bargain for its own institutional limits and to rival with other institutions.[141] The areas of rivalry become apparent especially during times of crisis. The different organizational interests of the bureaucracy may put a major obstacle in front of the police in their attempt to be omnipotent.

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[141] For example, in 1911, the police campaigned for getting the Population Directorate under its own authority. They argued that population movements were crucial for security matters; therefore migrants should be followed by the police. Since the police were in constant touch with the people they can follow the

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The judiciary, for obvious reasons, is the major contender.

It was for these reasons that the police institution was unable to include all that it had requested in the 1909 law on vagabonds and suspects. The Ministry of the Police added articles in the proposal of the Law by stating that there existed in the criminal law the authority to punish those who treated the police badly, but the law provided no punishment of those who disobeyed the police. Besides, the Ministry also added some provisions into its proposal on those who used arms in residential districts. More importantly, the Ministry of the Police decided on these issues by bypassing the Ministry of Justice. Nevertheless, the Council of State rejected all these additional articles. When the bill was reviewed in the assembly, the committee in charge made changes in favor of the decisions of the Council of State and against the proposals of the Ministry of the Police.

It is possible to detect the disagreement between the Ministries of Justice and the Police in a speech by the chief of the Commission of Ministry of the Interior, Fuat Hulusi Bey. Having said that the added articles had nothing to do with the essence of the law, he continued: "According to the Criminal Law, most of the articles of the current proposal should have been written in consultation with the Ministry of Justice. However, since the Ministry of Police pushed the Assembly to review the proposal in haste, it was decided that those articles would be reviewed together with the Ministry of Justice at a later date" (1909 MMZC 1/1 2: 425).

The police lost some of their privileges because of this kind of institutional conflict. For example, according to the sixth article of the previous 1890 Regulation, 'vagabonds'

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changes more easily (Polis 1911: 16).

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could be prohibited by the police to settle down in Istanbul and its environs for two years at most, if less than ten years passed since they had served their sentences - even if the sentence had been imprisonment for just one month -, and if they had not found a job yet (Yagar 1987: 249-50).

The contradiction between the judiciary and the police on this issue made its presence felt in a circular issued in 1909. As noted earlier, the main reason of the vagueness of the regulation was the fact that the police wanted to have wide discretionary power over the lower classes by putting them under continuous surveillance rather than to taking them to court. From this circular, we understand that the judicial bureaucracy had another opinion. The circular stated:

> Police stations released and settled down in certain places some of the criminals of theft and pickpocketting as their crimes had been accepted just as misdemeanors. However, these criminals were generally vagabonds and most of them had been convicted before. Therefore, their release is threatening the public order ... [I]f they were delivered to the courts, even though the evidence against them were very weak, they would be arrested by taking their present conditions into consideration. That is why this kind of people and those who have committed crimes of injury that more or less affected [the maintenance of] public order, should be delivered, from now on, in person together with their documents to the court (Yagar 1988: 214).

There are two significant points in this circular: First, the Ministry of Justice openly states that the police practice was 'selective.' Second, the courts of the period declares that they would arrest people without sufficient evidence against them.

It seems that the Ministry of the Police, created by the old regime, continued to

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frighten the political elite during the 1908 regime. The debates about the changes in the Law on Vagabonds shows that the Ministries of Interior and Justice worked together and restrict the authorities of the Ministry of Police. The spokesman of the Ministry of Interior accordingly stated: "Judges are the people who are going to implement the law. Therefore, there should be people from the Ministry of Justice in the Commission while preparing the law on vagabonds. However, the Ministry of the Police did not request anyone from the Ministry of Justice or ask for its opinion on the matter" (MMZC 1/1 2: 426).

All these debates on vagabonds and suspects depend, in fact, on the public/private differentiation. As stated in the police magazine in 1911, although the immunity of dwellings should be regarded as sacred, those places open to the public could not be taken as dwellings. The police requested that it be made clear which places were to be accepted as dwellings (Polis 1911, no.2).

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

There are two significant concerns in relation to these requirements. First, anybody who did not pursue a family life was accepted as a potential criminal and thus

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would be under police control. Second, the places where these people resided - even though they rented them - were not accepted as 'private residences' and the police were thus not restricted while controlling them. Evidently, the single man, if also unemployed, was treated as 'vagabond.'

III. The Work Force

Labor discipline was crucial for the CUP in establishing its "national economy." During the discussions on vagabonds, the spokesman of the government argued that forceful preventive measures were not enough by themselves to discipline vagabonds. He criticized the French laws on which the old regulation had been based. Instead, he mentioned that there existed in Germany and Belgium special places where vagabonds could stay and work, and stated that similar places should be provided in the Empire.

The interesting point here is the absence of special institutions in the Empire similar to those in Europe where abled bodies were employed. Instead, municipalities in the Empire performed a similar function. According to the third article of the law on municipalities, and to the fourth article of the proposal for the regulation, vagabonds should be employed in the municipalities.

The need for such institutions, or alternative solutions, had initially been recognized in the 1845 Police Regulation. One of the responsibilities attributed to the police in its seventh article was that they should develop a competent method, and forcefully attempt to set it in motion, to deal with persons who, though abled, did not

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work and begged instead, and thus bothered others. While there existed special laws about beggars and vagabonds in Europe, the Ottomans did not have any such regulations during this period. That is why the responsibility of the police in these terms was undermined by the inclusion of an obscure statement which asserted that a "reasonable way" should be adopted (Gulmez 1983: 9).

The most significant aspect of the 1909 Regulation was itsw aim to punish poverty. The vagrant was defined as a criminal. However, because institutions such as workhouses were absent at the time, the penalty did not take the form of indoor basis. Although the Commission's clear intent was to establish this kind of institution, the infrastructural power of the state was lacking. There was only one poor house in the entire Empire (*Darulaceze*) and it was in Istanbul. The GDS stated that since *Darulaceze* belongs to the people of Istanbul, no beggars would be accepted from outside (DH. EUM. THR. no. 1965).[142]

One of the indications of the underdeveloped condition of municipal works in Ottoman cities was that charities were almost absent.

> During the classical period, social service had been provided by pious foundations. As they deteriorated, it proved to be impossible to find a way to fulfill this service according to the newly emerging conditions of the modernizing society. The central government, and foreign missionaries in commercial centers, took on some responsibilities in these terms .... While the law on municipalities was being discussed in the assembly in 1877, the only solution to this problem proposed by the deputies was nothing but the traditional system of giving alms. Some deputies, on the other hand, proposed regularly paying beggars (Ortayli 1974: 223).

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[142] In this context, Directorate ordered the Aydin police commissioner not to send anyone from his region to the poor house (DH. EUM. THR. no. 1965).

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Hence, the work was reconstituted as penal sanction not based on indoor activities but by coerced labor in public works in municipalities such as road, bridge, and channel construction or mining. [143] Vagabonds were assigned to these jobs "in order to make them got used to working in a legitimate business." The reason why municipalities took upon the work was that "public institutions" would not accept these people. Regulations about vagabonds also concerned capitalists. When private institutions accepted to employ vagabonds, they would be received half of the regular salaries (Polis 1911, no.4). The 'vagabond' was responsible for serving in whatever job he was assigned. If he abandoned his work, his punishment would be increased and was thus put under police control for a period from three months to one year (Ibid. no. 5).

However, whatever the regulations were, they did not cover indoor activities. If we argue that the main tenet of pauperism is stigmatization, we can say that, although there was a considerable development in the stigmatization of the poor in the Ottoman Empire they did/could not turn into paupers mainly due to the lack of the economic power of the state.[144]

As Chambliss (1975) argues, making a person who repeats the crime of vagrancy a felon signifies a change from the concern of the movement of laborers to a concern of protecting the propertied classes and commerce, which considerably increased the traffic of valuable bearings.

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[143] Ozbek (1999) stated that the general practice was to send the vagabonds to the port in Izmit by ship, and from there to the inner Anatolia, for working in mines.

[144] To compare with pauperism in England, see Smith (1985: 28-29).

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As noted earlier, the period of the CUP was significant in terms of the transition from financial concerns to economic ones. During this time, a "national economy," largely influenced by the theory of the German economist Friedrich List, was created and the ethnic configuration of the economy was drastically changed in favor of Muslim-Turk merchants and industrialists. Surveillance of the work force was crucial to imposing the "national economy." During the debates on the police budget, a deputy stated that, "if the aim [was] to attract European capital to the country, the maintenance of order [was] necessary. In the present conditions, economic development [was] impossible" (MMZC 1/2 6: 468).

It is certain that the CUP government supported the bourgeoisie against workers. During the five months that followed the revolution in July 24, 1908, an unprecedented wave of strikes - 111 in total - occurred. Following the liberalization movement in politics by the revolution, workers started to ask for increases in their wages (Karakisla 1998: 47). The stated reason for most of these strikes was the 20-30% inflation rate of the first two months after the Revolution. Nevertheless, also significantly effective in such mobilization were the increased reactions that could not have been expressed during the Abdulhamidian period. The CUP regime presented an "opportunity structure." It is in these terms that a newspaper, supportive of the CUP regime, asked for temperance from the workers as follows: "We accept that the workers had many complaints about which they could have done nothing during the old regime when the social problems were overlooked. However, isn't it a little bit hasty to bring today all these complaints into the scene at once to be discussed and to ask for a general solution to them?" (Quoted in Gulmez 1983: 12)

As a result of these strikes, the government passed the Law on Strikes on August 9,

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1909. As stated by Velahof Efendi in the assembly in 1910, this was the only law prepared for the problems of workers, and was supportive of capital accumulation (MMZC 1/3 1: 364). According to its eight article, the establishment of unions in institutions that provided public services was outlawed. The prohibition of unionization is the clearest evidence that the law took side with the capital owners. The spokesman of the Ministry of Trade and Public Works defended the law in the assembly as follows: "Establishing unions is harmful to the capital. If we give the right to workers to unionize in such a period when we urgently need foreign capital in the country, capital owners will be under the threat of the workers. Capital owners will not thus dare to come here" (Quoted in Gulmez 1983: 112). 'Provocateurs' who attempted to organize strikes in institutions that were obscurely defined as 'public enterprises,' would be punished with imprisonment for a period of one week to six months, or they would be fined from one to twenty-five *liras*. According to the sixth article of the law, in other types of companies, if the mediation of the state would also prove to be unsuccessful, the workers could go on strike. However, the right of those who wanted to work could not be restrained. Demonstrations were also strictly prohibited (Yagar 1987: 59-63). This last sentence was also crucial in that it presented a pretext for police intervention in strikes. In most of the cases, the police intervened not to break the strikes but "to preserve the rights of those workers who wanted to continue to work." That was the reason why the strikers were treated as criminals who breached the public order.

The attitude of the police towards the workers' problems was not an opposition but rather a denial of the existence of the problem in the Ottoman Empire. The police textbook

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of 1910 contains an independent chapter on "socialists and anarchists."[145] The tone of the

analysis sympathizes with the socialists, if not the anarchists. The argument goes like this:

Until recent times, people were working ten hours a day in Europe and getting a minimum

wage in return. As education spread in Europe, workers began to think that they had their

own rights and became enemies of the life-style of the rich. Later, they joined some

"humanists and people with conscience" and together they formed socialism. They organized

and used strikes as their biggest weapon to make capital owners accept their demands.

However, in the course of time, some provocateurs emerged and began to provoke workers

to strike. Sometimes they beat their friends who refused to leave their work places. And this

was where the role of police began. The police should maintain the personal security of those

workers who wanted to work. The interesting part of the argument is about the working

conditions in the Ottoman Empire. The author writes that, according to Islamic rules, people

had to help the needy. Therefore, Ottoman workers did not need an instrument such as strike

(I. Feridun 1910: 225-234). If, unlike Europe, there was no material basis for a strike in the

Ottoman Empire, then the workers who insisted on going strike were just provocateurs and

should be dealt with by police methods. That was the main reason why the workers'

problems were conceived as policing issues.

This denial, rather than an overt opposition, was the common approach of state

managers. In the Chamber of Deputies, when a member proposed a law for improving the

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[145] It seems that "anarchists" were the biggest problem for the states at the time. There was an agreement between the Germany and the Ottoman Empire on the surveillance of anarchists in 1913 (DH.EUM. EMN., no. 483). In addition, there are numerous documents that show the Belgian Police Directorate's demands from the GDS to check whether some of its own citizens –presumably anarchists- were in Ottoman lands

conditions of workers in terms such as the limitation of working hours and the prohibition of child labor, the Prime Minister's response was the following: "I really do not believe in the urgency of a special law on the relationship between workers and capital owners.... If we believed in such urgency, we would have included it in our program.... As a matter of fact, any argument for the necessity of such a law is part of a socialist program" (Quoted in Gulmez 1983: 233-4) However, as stated by Velahof Efendi, at the time when the prime minister made that speech, there existed 40,000 workers in Istanbul who worked in large-scale production. If we included in this number 4,000 to 5,000 workers at various trading places and ports, 4,000 to 5,000 workers at the $Regie^{146}$, and workers here and there, he said, the number reached 100,000. Velahof Efendi stated that these people worked in very bad conditions. For instance, tailors in Istanbul worked fourteen hours a day and received twenty-four piasters. He concluded, saying the law on vagabonds was enacted in order to deal with masses of people who had become unemployed because of the collapse of the Ottoman production after the western capital had entered the empire. As a result, the unemployed individual was defined as vagabond and faced grave sanctions (MMZC 1/3 1: 364).

Both police intervention and non-intervention were related to the interests of the new regime and the national bourgeoisie, which increasingly overlapped after the 1908 Revolution. The heart of the matter for the intervention and/or non-intervention of the police were the definition/construction of the "private" and "public." The distinction is crucial to understanding the policing practice and its consequences, because "certain activities are the object of police concern not because they occur, but because of where they occur" (Clark

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(DH.EUM.EMN., no: 774, 794, 805, 820-822, 833, 834, 857, 882).

and Sykes 1974: 482). As Giddens (1987: 211) argues, the "depoliticizing of economic relations is basic to class domination." In this sense, the Factory Act of 1833 in England (Palmer 1988: 25), and the civil code of 1865 in Italy (Davis 1988: 276) -both of which left the economic terrain out of consideration- reflect the capitalist orientation of the state.

Turkish historians have generally discussed the issue of freedom of labor in the context of capitalist development in the Ottoman Empire. However, the problem of freedom of capital is as important. In that sense, the insulation of the economy from the political is crucial to understanding the emergence of capitalism in Turkey. In what follows, I argue that this process, albeit in embryonic form - and hence full of contradictions -, started with the CUP government in 1908. Most of the time the central government treated economic relations as contractual and hence, outside the political domain. Discussions about the police and state intervention on economic relations give an opportunity to grasp the fact better.

Although free movement of labor within the Empire was still dependent on the permission of the police, the employer-employee relationship at the workplace became autonomous from police regulation after the CUP came to power. Before then, according to a regulation issued in 1889 (Yagar 1987: 245-6), workers could not be employed without the permission and prior investigation of the police. The investigation was not only into the identity of the worker but it also aimed to find out whether there existed a real need to employ a worker in a particular workplace. The sixth article of the regulation required that those who did not follow this rule, would be imprisoned for three months. This issue was given such importance that the seventh article necessitated the application of the same

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[146] Ottoman Tobacco Regie was established after 1881 by the Ottoman Public Debt Administration.

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punishment to police officers who were not careful and attentive enough in the required enforcement.[147]

However, it is apparent that these rules were not (or could not be) applied efficiently. For instance, the common concern of the deputies during the debates on the Law on the Encouragement of Industry (*Tesvik-i Sanayi*) in 1911 was that workers frequently changed their workplaces. One of the deputies even offered that the factories be made responsible for informing the police when one of the workers quitted to work there (MMZC 1/3 4: 287).

Besides the ambivalence concerning the free movement of labor, it is clear that there existed attempts towards the autonomization of the relationship between the employer and the employed. In this connection, it is illuminating to examine the above mentioned Law on Strikes (*Tatil-i Esgal*) (1909), which was the most significant law on issues related to workers during the period. The first sentence of its second article clearly states that the employees and workers could not demand to intervene in the conduct of their institutions, or ask for change in their general administration and system of work (Yagar 1987: 60). This article left out many possible fields of struggle from the start. A memorandum on this article handed out by workers of the Eastern Railways thus criticized: "Let us consider that a company increased its working hours from ten to twelve. Won't this also be accepted as related to the company's internal administrative system?" (Quoted in Gulmez 1983: 40). The preamble of the second article prescribed that, in contractual relations, no third party (workers in this case) could basically have any right: "Because the state and the company

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[147] It was only in 1936 that the Turkish Republic annulled the requirement for workers to get permission from the police to change their places of working. The approval of the police then became an optional practice (Alyot 1947: 930).

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owner have already decided on the system of the institution after discussions and according to mutual requirements, the intervention of another party in such an agreement between the two sides is illegal" (Ibid. 52).

The position of the CUP on this issue was clearly stated in its "Political Program" published in 1908 in the section titled "Employers and Workers." According to the analysis presented in the program, there were two different approaches developed by the Liberals and the Socialists. The first group was said to have supported the intervention of the state in the relationship between employers and workers only for matters that concerned the general interest. The second group, on the other hand, by widening the state intervention day by day, was laying the grounds for the foundations of "popular participation" (*istiraki umumi*) [148]. The program, which viewed the practices of the "welfare state" in Europe as socialism, continues as follows:

> For this reason, recent codification in most of the European countries does not have any goal other than harming the bosses. These laws regulated not only the wages per hour but went even further to regulate the minimum wages in some sectors of industry.... They thus intervened in the material and monetary aspects of the enterprises of bosses. However, as these aspects, together with their consequent profits or losses, are exclusively the concerns of the bosses, such intervention would cause the freedom of an enterprise to be lost and only responsibility to remain. This can be accepted neither morally nor economically (Quoted in Gulmez 1983: 23).

The isolation of economic relations from the "political" is also related to the

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[148] This is a term for socialism in Ottoman Turkish.

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separation between the public and private spheres. The non-intervention policy of the CUP was relevant only for private enterprises. As noted earlier, the state was a party in itself for the public enterprises and protected the capital accumulation. There was a corporatist structure in these enterprises. Three members from both employer and employees were chosen to form a "consensus commission" under the supervision of one member of the Ministry of Trade and Public Works. If no agreement could be reached the workers could go strike, still without hindering those who wanted to work (Yagar 1987: 59-63).

Private enterprises were handled differently. The self-proclaimed socialist deputy of the assembly, Vartkes Efendi, questioned why the corporatist structure in the public enterprises was absent in private factories, and asked "why the state [did] not intervene on behalf of workers in private enterprises to protect them from the pains inflicted by the capitalists when they went on strike." The answer was given by the Minister of Trade and Public Works, who said: "Private enterprises are established only for the economic benefit of the capitalists. It is not proper to intervene in them. Because, everything is completely determined by supply and demand in private enterprises" (Quoted in Gulmez 1983: 128-130).

Another example that can be given in the context of public and private distinction is Article 179 of the Criminal Law. The debates on this article in the Assembly in 1914 are illuminating. According to the original version of the Law, if someone had been beaten, a criminal action had commenced and carried out in the name of the public, whether there was complaint or not. With the current amendment, the automatic public prosecution ended and it was tied to the complaint by the victim.

At first glance, we can expect that the CUP government, in accordance with its

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centralization policies, should have treated as many areas as possible as "public." This amendment, on the contrary, designated some type of relations as "private." Therefore, we should examine in more detail what kinds of relations they were. As seen, one of them was the relation between the worker and the capitalist. The CUP regime supported the idea that the relations in this area should be determined by the logic of capital accumulation. Its indications can also be seen in the discussions of the above-mentioned article. The deputies who defended the amendment gave the example of the relationship between the master and the servant. One of them, Mehmet Fuat Hulusi Bey, said: "Let's say a master slapped his servant. If we say that we should bring him to court, whether or not the servant files a formal charge, then we may cause the servant to lose his job despite his will just for the sake of public prosecution" (MMZC 3/1 1: 255).

The second area of relationships that was considered private was the family. In the original version of the 179th article, beatings within the family were the only case where a complainant was obliged to file a suit. Defenders of the current amendment based their arguments on the immunity of family relationships: "If we give authority to public prosecutors to file a charge about beatings among relatives or within the family then we will spoil the harmony and unity of the families" (MMZC 3/2 1: 111). Similarly, during the discussions in the Senate, Aristidi Pasha argued that the state should not intervene in the fights among the relatives (MAZC 3/2 1: 385).

As can be expected, there was complete consensus on this issue between the CUP and its conservative opponents. The supreme religious authority (seyhulislam) of the period, Musa Kazim Efendi, argued that "the intervention of the state into family affairs was against

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our traditional and essential laws." According to his opinion, in this kind of relations, everyone should deal with his/her own problems without any interference (MAZC 3/2 2: 52).

However, the consensus was just an appearance. The CUP government used similar arguments with the conservatives, but for different goals. As noted earlier, corporate bodies had benefits from state centralization during the CUP regime, and the family was one of them. In fact, the CUP legitimized its economic polices by constructing a discourse on family. The corporatist structure of economic relations was defined as "family" and the new amendment covered a wider field of social relations as family. The Minister of Justice defended the change in the above-mentioned article by saying: "We should think the relations among the small peasants as a large family" (MAZC 3/2 2: 49). The regime could have concealed its support of capitalism thanks to this analogy and did not even want to intervene in the conflicts between the master and the servant. One study has called this the "legalization of private repression" (Brennan 1991: 587).[149]

Here, we should note a slight difference between economic and "domestic" relations. In the former, as noted earlier, the state used a contractual argument. Since industrial relations were based on a contract between the state and the capitalist, the third party (or strangers), that is, the workers, had no say in the contract. In domestic relations, on the other hand, the state denied legal obligations all together, since this was not a contractual relation. However, in both cases there emerged an oppressive relationship in which the

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[149] The acceptance of the family as the basic unit by a capitalist state proves Mann's point on the absence of the transformative power of capitalism on, what he defines as "distributive power organizations," such as ethnicity, patriarchy etc. He (1993: 219) writes: "The capitalist mode of production requires only private property ownership and market competition. It has little extensive organization beyond law courts and the market and tends not to revolutionize but to accommodate to other distributive power organizations."

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powerful dominated the weak.[150]

In conclusion, I quote Chevigny:

> the body of crimes, the 'common crimes,' that the police are mostly
> asked to enforce are those most identified with the lower classes; to a
> striking extent, crimes committed by professional people, like tax-evasion
> and regulatory offenses, are investigated by administrative agencies and
> other bodies that are separate from ordinary people... Almost by
> definition, the lives of ordinary people, from the lower middle class up,
> are not a matter of the police (1995: 5).

In this context, the laws on vagabonds and on the working class in the Ottoman

Empire were perfect tools for the police to increase their surveillance on the poor and the

working class. We can conclude that the reason for the transition from "vagrants" to

"criminals" should be understood with reference to the changing structure of the economy

from the end of the nineteenth century onwards, rather than to a mere regime change.[151] As

noted earlier, the Ottomans had regulations on vagrants from very early on. However, these

were ordinary vagrancy laws and were designed to coerce people not to leave their lands.

They also aimed to prevent over-population in the big cities. This was especially important

for the "fiscalist" and "provisionalist" system of the Empire. Near the end of the nineteenth

century, Abdulhamid issued the first Regulation on Vagabonds, according to which vagrants

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[150] According to one group of scholars of legal studies "abstention from legal regulation of social and domestic arrangements serves the function of buttressing the position of those who hold power already" (Collins 1987: 99). See also his discussion of two concepts of privacy: "intimacy" and "estrangement."

[151] The reader should remember that the CUP applied the Police Statute of 1907, enacted during the Abdulhamidian regime, during the first five years of its rule.

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were turned into vagabonds, rogues, and criminals. During the period of the CUP, further modification occurred. This time, punishment was integrated into a general discourse of "reform," which, in fact, increased the police discretion on the poor. Vagrancy was criminalized in response to economic developments and the leisure activities of the working class were controlled within the framework of "criminal activities."

IV. The Rights of Associations and Gatherings

Until the revolution of 1908, there was no right of public gathering in the empire. The first law on this issue was enacted in 1909 with the Law on Public Gatherings. The importance of this development lies in the fact that the freedom of public gatherings and associations came with the institutionalization of the police. As Tongur (1946: 187-8) argues, "before the duties and the authority of the security forces were established in detail, it had been a crime to come together for any reason in street or bazaars."

As noted earlier, the July 1908 Revolution was welcomed in an atmosphere of festival in most parts of the country. The condition was exactly like what Zolberg (1972: 196) stated for the aftermath of the waves of collective action in France: "Falsehood, ugliness, and evil give way to beauty, goodness, and truth. Factions and parties appear unreal while personal networks appear strong as steel." The masses, having got rid off an oppressive regime, were demonstrating on the streets almost everyday. The Muslims and non-Muslims were hand in hand. With the "coming of freedom," they - especially the non-Muslims - thought that their problems were over for good. The prohibition on public gatherings was de

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facto annulled. That was a "moment of madness." Students held demonstrations for

canceling exams from the education system. Since "the freedom had come" exams would

have no place in a free country (Alkan 1992: 72). Student demonstrations spread even into

the middle schools. They protested against the school administration. A newspaper's

headline was: "Now it is the kids' turn to demonstrate" (Emiroglu 1999: 37). For others,

freedom meant to walk on the streets without lanterns. The simple person of yesterday turned

into a philosopher and began to give conferences everywhere from streets to coffeehouses

(Amca 1958/1989: 34-5). A contemporary account reflects the general mood as follows:

> Debtors thought that liberty meant remission of debts; labourers thought
> that it meant a doubling of wages. Disgusted with the rotten and
> dangerous steamers across the Bosphorous (the property of the Palace),
> the public boarded them one evening and refused to pay fares. A Young
> Turk officer energetically intervened and just prevented a riot. Next day a
> notice was posted at a pier. 'The honorable public is requested to be so
> good as to pay the fares; three new steamers have been ordered. -
> [Signed] The Committee.' And the honorable public paid, and waited
> patiently for the new steamers (Buxton 1909: 102).

Furthermore, an unprecedented wave of strikes was added to this turmoil within the first

three months of the revolution.

When the news from Istanbul reached the provinces, the collective action spread into

Anatolia. In Bursa, people demonstrated until midnight. Thousands of people marched to the

prison and evacuated the prisoners. People forced the Governor to swear in the revolution.

Many public administrators of the ancien regime were punished by the people (Emiroglu

1999: 140). In Adana, people shouted the slogans of "liberty, equality, fraternity, justice" for

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ten days. An ordinary religious person of a neighborhood became the most popular person in a few days. He was agitating people with his speeches, traveling between villages on his horse (Ibid. 190). In every corner of Anatolia there were similar incidents. Surprisingly, however, people did not cause any disorder. Enver Pasha (1991: 129) wrote in his memoirs that "the public order in the city and the rest of the Empire was perfect. There did not occur even a small robbery."

During the initial days of the revolution, the Unionists benefited from the mass mobilization. In Salonica, even for their legal cases of divorce or allowance, people were coming to the CUP, rather than to the government (Emiroglu 1999: 43). Although they did not accept to form a government, thanks to its popularity among the masses, they showed that they were capable enough to control and check the governments.

However, as noted again by Zolberg (1972: 205), "the moments of political enthusiasm are followed by bourgeois repression or by charismatic authoritarianism, sometimes by horror but always by the restoration of boredom." The peoples' destiny was not different in the Ottoman Empire. As the demonstrations continued, the Unionists worried that the movement could go beyond the limits set by themselves. The CUP issued the following declaration on August 7, 1908: "We warn the people that now it is time for them to go back to their businesses. Since the necessary actions against the elite of the old regime will be taken by legal institutions, the public has no right to demand punishments for this or that person" (Amca 1958/1989: 28).

Despite this warning, it was not possible to stop the demonstrations. In August 1908, mass strikes began. In September, there were uprisings in the Kurdish regions of southeast

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Anatolia. A cycle of protest triggered many other groups to bid for power. A major crowd walked to the Palace, protesting the incidents in Bosnia-Herzegovina and Bulgaria. In the meantime, it was turned into a demonstration against the Constitution. The crowd demanded the prohibition of alcohol and pictures (a sin according to conservative Muslims). Furthermore, towards the end of 1908, 15-20 thousand Greeks held demonstrations and demanded a larger quota for their deputies in the Assembly. Greece supported the demonstrations (Bayur 1964: 125-132).

The final response of the CUP to mass demonstrations was the Law on Public Gatherings. It was enacted during a revolutionary period when the masses were on the streets almost everyday, and it was highly liberal. According to the Law, the people had the right to organize demonstrations, but they should previously submit a written statement to the police. There was no need to get a prior permission. When the written statement was submitted to the police, the latter should give an answer within 24 hours. Demonstrations in open areas were permitted until dusk. Even though there were limitations in many countries for meetings inside buildings, there were no time limits in the Empire for such meetings. The underpinnings of the Law was so liberal that, in the proposal of the Law, the lawmakers refused to define possible crimes that might be committed during a meeting as "political" since "this would not comply with the essence of the freedom of gatherings." Therefore, all possible crimes were declared from the outset to be "ordinary"[152] (Levayih...,1908-1909: 101-2).

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[152] The Commission of the Ministry of the Interior, however, added the concept of "political crime" into the final version of the Law.

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In 1912, on the other hand, all of these liberal elements were eliminated from the Law and the government decided to increase the cost of collective action. Until this time, there had emerged a serious opposition to the CUP and Freedom and Accord Party had won a by-election in Istanbul at the end of 1911. A new election was put in order. The CUP was determined to have a clear majority in the new Assembly. With the famous 1912 sopali secimler (election with sticks) they achieved their goal. The new Assembly was inaugurated on May 15, 1912 (Aksin 1987: 195). It is interesting that on the very third day the Assembly started to deliberate on the amendment of the Law on Public Gatherings. For securing its control on an unruly society the regime decided to curtail civil rights. One of the first areas in which this was done was the right of public gatherings. For the first time since 1908, the Assembly had a second deliberation on a law (MMZC 2/1 1: 247).

Whereas the regulations on the meetings inside buildings were not changed, for open areas, people now had to obtain permission from the police to hold a demonstration. The Unionist deputies in the Assembly had arguments about the conflicting rights by saying that demonstrations in open areas were obstructing the commercial activities of other people. "This means," said Emrullah Efendi, "the freedom of public gathering is obstructing another freedom of the public, i.e. the freedom of making profit and earning a livelihood. These two rights are in conflict. One is against the other. Therefore, in order to protect the freedom of trade and of walking on the streets, the law limited the freedom of public gatherings and did not accept it as an absolute right" (MMZC 2/1 1: 153).[153]

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[153] "With any gathering the interests of other people, both as individuals and as the 'public' are adversely affected. Competing rights and public interest both provide subtly different justifications for the dispersal of a crowd or the arrest of participants, as opposed to the more formal criteria required for arrest for an individual theft or assault."

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In the first version of the Law, the places of gatherings were divided into three: closed spaces, streets, and squares. In the amendment, the government put the rights of walking on the streets as against the right of gatherings. Moreover, it also put limitations on gatherings in the squares on the pretext that there were streets around the squares!

Furthermore, the government proposal stated that "the government could forbid gatherings for the peace and order of the country." Although it was not stated explicitly, the term "government" in this sentence meant police chiefs, governors, and sub-governors. In fact, the proposal of Ali Galip Bey, which gave the right to prohibit only to City Councils, was rejected on this ground (MMZC 2/1 1: 251).

The non-Muslim deputies in the Chamber thought that the basic reason for the amendment was ethnic and nationalist considerations. Therefore, one of them said "I beg on behalf of my Ottoman-Bulgarian friends in the Assembly: Please do not vote for this amendment" (Pancederof Efendi, MMZC 2/1 1: 162).

In addition to the amendment on the Law on Public Gatherings (Ictimaat Kanunu), a new Law on Assembling (Tecemmuat Kanunu) was prepared in 1912, which was another indication of the increasing repression. The government explained the difference between the two as follows: "If people come together temporarily in a certain place for a certain goal this is called a public gathering. If they come together with noises and shouting and walk on the streets in this manner, this is called assembling" (Levayih... 1328: 190). In short, "assembling" was any spontaneous public gathering.

According to the government's definition, an assembling was a meeting that was

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On this occasions the judgements of the police authorities generally leans toward the rights of public tranquility

organized to oppose or was against a government policy. And "every kind of assembling is not only an obstacle to walking on the streets, but also causes anxiety and fear among the public and threatens the public order. Therefore, it is necessary to regulate it with a special law" (Levayih... 1328: 189).

According to the articles of the law, if weapon was found on any of the participants in a demonstration, that would be considered an "armed demonstration" (musellah) and sanctioned more heavily in comparison to other demonstrations. "Armed demonstrations" would immediately be dispersed by the police. For unarmed demonstrations, if they disturbed the public order, they would be dispersed after the second warning. If anyone, even secretly, carried a gun during a demonstration, every participant was considered guilty. In a society where almost everyone had a gun, the goal of the regulation is clear. According to the second article of the law, if anyone carried a gun, it would become unimportant whether the demonstration "disturbed the public order" or not. The government proposal for the third article was to disperse the crowd with water. However, the Commission changed this to "opening fire" (MMZC 2/1 1: 388). According to the fourth article, in an "armed demonstration," anyone could be arrested if thought necessary (Ibid. 415).

Opponents, on the other hand, argued that the freedom of public gatherings constituted the major difference between a constitutional regime and absolutism. Whereas for the former this freedom was a right, for the latter it was a favor granted by the Sultan. Therefore, they argued, the freedom of gatherings could not be restricted in a constitutional regime. They also demanded not to prohibit automatically the gatherings in which armed

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rather than political and industrial rights (Uglow 1988: 80).

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people participated. The government, on the other hand, was insistent on the disarmament of the population. Before the Law on Public Gatherings, small revolvers - i.e. less than 15 cm. - had not been forbidden. Now they were. Opponents made a proposal and argued that there should be at least ten people with guns in order to consider that meeting an "armed gathering." This proposal was rejected (MMZC 2/1 1: 386).

In 1916, the government enacted a new law, called the Law on Gatherings in General (Ictimaat-i Umumiye), which replaced the previous laws. The preamble of the Law was highly detailed and it was obvious that the Law had been prepared by examining those of the European countries. As written in the preamble, the Law in 1909 had been influenced from the Law on Public Gatherings in France. The new law, on the other hand, took German, Austrian and Russian laws as its models.[154]

The first change was to differentiate between private and public meetings. In order for a meeting to be "private," three conditions should be met: no one should be accepted from outside to participate in the meeting; all of the identity cards of the participants should be submitted to the police; and nobody should be able to observe the meeting place from outside. The second change, which originated from Germany, was on foreigners. Foreigners could not hold meetings by themselves; they could not be on the organizing committee; and they could not give speeches. The third change was that speeches delivered in a meeting had to be in Turkish. The fourth change was on the type of streets where the meetings could be

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[154] Starting with the 1848 Revolutions up to the end of the First World War there was a general trend throughout Europe to restrict the freedom of gatherings and associations. However, these three states were still exceptional in their draconian laws and rules on the issue. Goldstein (1983: 49) writes: "In Germany, Austria, and Russia, numerous additional restrictions were imposed and were often administered in severe manner."

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held. According to the 1909 version, there were only restrictions for public roads *(turuk-u umumiye)*. In the new version, the restrictions covered also private - municipal - roads *(turuk-u hususiye)*.

In the period starting with the 1908 Revolution, the empire not only met with street demonstrations but also with various associations. They were blooming in many parts of the country.[155]

The liberal stance of the government during the initial days was also evident in the Law of Associations. As for public gatherings, there was no need to obtain permission to establish an association. It was enough to submit a written statement (MMZC 1/1 5: 206). Initially, the minimum age to be a member of an association was twenty. Two months later, this was decreased to eighteen (Alyot 1947: 545). The police, however, gained enormous powers with the Law on Associations, according to Article 20 of which, "the police [had] the authority to inspect associations and clubs. Their meeting places and headquarters [would] always be open to police surveillance" (MMZC 1/1 5: 206). The Law required that the courts were authorized to close down those associations which did not submit a written statement. Undersecretary of the Ministry of the Interior, Adil Bey, demanded to give this authority directly to the police for the sake of speeding up the process. For the deputies of the CUP, it

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[155] I will list only a few of those which Ali Birinci (1990: 25-27) has identified: a) Social Associations: Society of Matchmakers; Society for the Enemies of Alcohol; Society for Philanthropists; Society for Lovers of Education. b) Associations of Ethnic Minorities: Jewish Youth Club; Armenian Society of Constitutional Ottomans; Greek Political Club; Serbian Ottoman Club; Albanian Club. c) Student Associations: Club of Civil Service School; Sivas Student Society; Society for the Ottoman Imperial University Students; Ottoman Medical Society. d) Professional Associations: Society for Booksellers of Istanbul; Society for Pavers; Society for Artisans of Boatmen; Society for Istanbul Lawyers. e) Women's Associations: Society for Women's Elevation; Society for the Improvement of Girls; Society of Ottoman Ladies for the Improvement of the Country.

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was legitimate for the government to use its authority of "preventive policing" and to close down the associations. Opponents, on the other hand, argued that they "trust[ed] the judiciary more than the administrative bureaucracy" and objected to giving the police such wide discretionary power (MMZC 1/1 5: 502). In the end, the suggestion of Adil Bey to widen the police power was approved.

Even though the Law was passed during the liberal period of the CUP, it had important restrictions on associations. The article that was designed to prevent the establishment of socialist associations was framed as follows: "The associations whose headquarters are outside the country can be closed down if their actions threaten the internal and external security of the state." The socialist deputy from Salonica, Velahof Efendi, pointed out that the headquarter of the Socialist International was in Brussels. He criticized the law, by saying: "If an Ottoman socialist party criticizes the repression in another country then this might be interpreted as threatening the external security of the state" (MMZC 1/1 4: 474-5).

Police repression was especially felt on workers' associations. For instance, one of them, the *Federation Societe Ouvriere*, which had been founded in 1910 in Salonica, submitted its written statement to the police. Four months later it was closed down on the pretext of not having received the official permission. However, according to the law, it was not necessary to have official permission. Similarly, workers in an umbrella factory in Istanbul submitted a written statement to the Governor for the founding of an association. Despite the fact that the permission was granted, the Director of the Police of Beyoglu did not allow the establishment of the association. His reason was that the unions in factories, which performed a public service *(hidemati umumiye)*, could not form associations. In

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another instance, 2,000 port workers went on strike (their numbers included 1,000 Kurds; 5,00 Turks; 150 Greeks, Arabs and Armenians).[156] Then, they decided to form an association and 290 of them signed their names onto the official document. Police seized the document and jailed the organizers (Velahof Efendi, MMZC 1/3 1: 364-5).

The answer of the Prime Minister to Velahof Efendi, who criticized these arrests, reflects the attitude of the government against the workers. According to the Prime Minister, dealing with the problems of workers meant socialism. He said: "Workers, by forming unions, prevented other workers from continuing with their work. In this context, the government was against the formations of unions and socialism" (MMZC 1/3 1: 471).

It was not only socialist but also ethnic and religious associations that were forbidden. These three elements were considered destabilizing elements by the CUP in the "plural" Ottoman society. Undersecretary of the Ministry of the Interior said: "We have many different ethnic and religious communities in our country and they have conflicts with each other. Therefore these kinds of associations cannot be allowed" (MMZC 1/1 5: 437). During the debates, deputies discussed at length whether forming associations was a "natural right." The Undersecretary argued that the French Revolution had not considered the right of forming association as a "natural right" and had not included it in the Declaration of Human Rights (Ibid.).

The sensitivity of the Committee of Union and Progress towards ethnic and religious cleavages is understandable. As its name implies, the Committee had been established to

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[156] These are the figure given by the deputy. The classification of the particpants according to their ethnic identities do not add up to 2,000. Unfortunately, I could not reach another document to check the information given by him.

"save the country" in "unity." Therefore, they always denied that there was a real problem of religious cleavage in the Empire. When a non-Muslim deputy used the word "non-Muslims," the reaction was a huge outcry in the Assembly. Deputies were shouting that "[we do] not have religious problems in the empire!" However, the non-Turkish deputies understood the real intent of the CUP. They argued that behind this Law lied the "Turkification" policy of the CUP. In the end, the article, which prohibited religious or ethnic associations, was accepted with ninety votes. The opposition was striking: sixty-nine deputies voted against the article (MMZC 1/1 5: 464).

It could be concluded that the issue of policing became highly contentious with the emergence of party politics in the empire. In order to gain some legitimacy in the midst of political turmoil and to fend off criticisms made in the parliament, the police chose to focus on the poor. This is a common feature witnessed in many countries, simply because of the fact that, as Davis (1991: 2) argues, these people "already fit popular stereotypes of the potential criminals." Moreover, the process of labeling the poor gradually enhanced the professionalism of the police by giving them an identifiable enemy to observe, catalogue and, when appropriate, to arrest for the good of society (Emsley 1987: 193).

Apart from the poor, the regulations on public gatherings and associations are also indicative of the character of the CUP regime. The police were used and given wide discretionary powers by the regime in the process of forming a proto-national state. This state would be Turkish, Muslim, and bourgeois. Although the project proved to be a failure for the Ottoman Empire, it functioned as a transmitting belt to the Kemalists of the Turkish Republic. For the latter, the project was ready, and this time they succeeded largely thanks to

the conjectural conditions, such as the defeat of the empire in the Great War, and the rivalries among the imperialists.

Despite continuities, it should be pointed out that this by no means signifies a smooth relationship between the two revolutionary groups, i.e. the Unionists and the Kemalists. Just the opposite: The political struggle between them marked the early republican history. By way of conclusion, it is therefore crucial to point out the process of the people's alienation from the CUP regime which determined the outcome of the struggle between the Unionists and the Kemalists during the transition to the republican regime, as will be examined in the following chapter.

The process can be conceived along the lines of Goldstone's analysis on the place of moderates and radicals in revolutions. After the 'declaration of liberty' in 1908, the situation was similar to Goldstone's analysis: "By identifying the revolutionary leadership as the new carrier of authentic national aspirations and identity, revolutionaries can hope to maintain the loyalty of a broad, cross-class coalition" (1991b: 427). After the reenactment of the constitution and the inauguration of the assembly in 1908, the mood of the Ottoman people (including Armenians, Jews, and Greeks) was very optimistic. All of the problems of the Empire would then be resolved. However, within five years, the hopes were crumbled.

The coup of 1913 by the CUP indicates the second phase of the revolution, in which "more extreme leadership, turning first to redistribute measures and then to an aggressive, intolerant nationalism"[157] emerged (Goldstone 1991b: 428). This coup d'etat caused some

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[157] This aggressive nationalism of the CUP, which still wished to rebuild the empire, was another difference from the defensive nationalism of the Kemalists.

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moderate elements within the party to start an opposition, and some of them left the political arena. Since the political opposition had been prevented by every kind of authoritarian means, this gave rise to factions within the party (Alkan 1992: 180).

The struggle in the Ottoman Empire since 1878 revolved around the issue of constitution and parliament. People were obsessed with this idea (Tunaya calls it the "romanticism of constitution"). However, as I have argued in the previous chapters in the context of policing and civil rights, the policies of the CUP regime became authoritarian and repressive after 1913 when it established a one-party dictatorship by a *coup d'etat* following five years of political pluralism. The reasons for the people's alienation from the CUP should be sought in these developments.

After the 1913 coup and the following fraudulent elections, people lost their belief in the parliament and this effected their attitude towards the CUP. They began to perceive that the main object that they struggled for was meaningless.[158]

How can the developments during the CUP period be linked to the National Struggle after 1918? The conventional view interprets the National Struggle as an act of 'civilian-military bureaucrats.' When we look at the social base of the local 'Congresses,' which provided the basis for the organization of the struggle in different parts of the country, we realize the fallacy of this view. For example, in the Second Balikesir Congress, there were forty-eight participants, only three of whom were civilian-military bureaucrats, while five

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[158] It seems that there was a similar situation in Weimar Germany: "There was a significant discrepancy in the Weimar government system between the formal power enjoyed by parliament and its practical impotence.... The failure itself encouraged popular skepticism, at best indifference, with regard to the state's legitimacy and authority" (Tilly et al. 1975: 200).

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were religious men and the rest (forty) were local notables (Tekeli and Ilkin 1989: 171).[159]

This configuration was not atypical for the rest of the 'Congresses' either. Most of these local middle class people had reached their status thanks to the 'national economy' policies of the CUP. Although the CUP lost the power after the defeat in the war in 1918, the organization survived throughout Anatolia.

Historians differently interpret the question of the political identity of these people who led the struggle. Whereas some of them argue that the National Struggle had nothing to do with the Unionists, others claim that they provided the grassroots of the Kemalist movement. Although I accept the second view, I also believe that the emergence of a different kind of leadership in the Turkish revolution should be acknowledged. One of the best indicators of this change was the National Pact, which was signed in 1920 in the last Ottoman Assembly. "Unlike the pan-Turkist dreams of Young Turks and Ziya Gokalp's nationalism which bounds Turkishness and Islam without any concept of territory, Mustafa Kemal's nationalism was territorial. He envisaged the country within specific borders" (Kazancigil 1986: 184). The difference between the two nationalisms was obvious. The Unionist nationalism was still after the consolidation of the empire. In that sense, it was aggressive. The Kemalist nationalism, on the other hand, was defensive.

Zurcher (1987: 168), who has written the best account of the role played by the Unionists in the national struggle, explains it with reference to four areas: Open political

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[159] As the term 'notable' is used very widely in most of the cases, we cannot differentiate the 'notables.' However, a few cases provide us with more detail about them. For example, the organization in Mugla was founded by five municipal officials (including the Mayor), three doctors, once lawyer, one engineer, two merchants, one law school student, two military officers, two farmers and two religious men (Tekeli and

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activities (establishment of a new party in 1918 and several social and cultural associations, already widespread in Anatolia), illegal activities during the armistice (fleeing personnel and armaments from Istanbul to Anatolia), their existing branches in various cities (organizing banditry against the enemy forces), and the army. It could thus be concluded that, despite the apparent change in the formulation of political identity, it is an undeniable fact that the CUP played a vital role in carrying the national struggle to Anatolia. Participation of two revolutionary groups in the national struggle carried the seeds of the coming power struggle between them once the enemy had been defeated.

Ilkin 1989: 144).

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PART IV

THE POLICE OF THE EARLY REPUBLICAN PERIOD IN TURKEY

The CUP period that started with the first Turkish revolution in 1908 ended in 1918 after the First World War. This also signified the end of the Ottoman Empire, which was replaced by the Turkish Republic in 1923 following a war of national struggle in the remaining territory of the empire. In what follows, I will explain the police development and its role in Turkish political life during the early republican period. In accordance with the initial emphasis on the organizational change/development of the police, this part will cover the period until about 1937, when the new regime enacted its own law concerning the structure of the police.[160]

As noted earlier, the Turkish Republic inherited the organizational structure of the police established by the CUP and did not make any modifications to that structure. The republican regime rather consolidated the police organization and established its links with the prefectoral system. Nonetheless, the new regime was established after a major war and a revolutionary change that brought in new problems for the post-revolutionary period. In the revolutionary context, the police, inevitably, took on

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[160] This law was in effect until 1971.

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responsibilities for transforming the whole society. As far as the police were concerned, the major issue for the new regime was to increase the discretionary power of its police and to professionalize them in order to have a reliable force.

This was one of the major arenas of political struggle between the opposition and the Kemalists. The opposition framed their arguments in terms of "civil liberties"; Kemalists faced this with the argument of "governability." For both of the parties the police were at the center of the struggle. In short, major changes occurred in terms of the further development of professionalization and increase in the discretionary power of the police. These issues will be examined in the context of a revolutionary regime.

It is a puzzling fact that a revolutionary regime did not move to change the structure of the police organization that it had inherited from the "old regime." In order to understand the continuity from the Unionists to Kemalists understanding what the CUP legacy entailed is essential.

As Kansu argues, until very recently the modernization paradigm was dominant in Turkish studies (1995: 16).[161] According to this model, Turkey achieved the transition from traditionalism to modernity without a radical rupture in society. The modernization process, for these writers, was evolutionary rather than revolutionary. Whereas the foreign scholars focused on modernization theories, their Turkish colleagues added to this the cult of personality, which revolved around Ataturk.[162] For this second group, the agency of the

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[161] Some of those studies are by Frey (1965), Hale (1981), Weber (1981), Shaw & Shaw (1977) and Lewis (1961).

[162] Some of these studies are by Eroglu (1990), Kili (1982), Karal (1957), Aybars (1994) and Mumcu

change (i.e. modernization) was Ataturk himself. It will not be exaggeration to say that the history of the Turkish people started with 1923 for these people.

Against these two interpretations of Turkish history, two arguments should be made: i) there is a revolutionary break in Turkish history in 1908 and ii) the republican period and Ataturk takes their roots from this earlier revolution. Only in this condition, I argue that the dynamics of change and continuity can be established. In what follows, a brief account of how the Kemalist seize the power will be given. In doing this, I will emphasize the civil initiatives (i.e. local congresses) and social base (Unionists) of the National Struggle. These two factors are crucial to understand the particularities of the formation of the new state, such as the importance given to legitimacy and representative institutions.

Huntington once made a distinction between "Western" and "Eastern" types of revolutions, which Hobsbawm (1986: 21), and many others, did not find "fundamental." However, I believe that there was an insight in the typology that can be used to understand the Turkish revolution. Huntington argued that what he called the Eastern revolutions "are directed against at least partially modernized regimes," not traditional absolute monarchies. Quick victory over such regimes is not easy, usualy requiring prolonged struggle. (1986: 44) The key word here is "prolonged."[163]

The Kemalist revolutionaries in 1920s were the last link in a long chain of "prolonged struggle" that had begun in the second half of nineteenth century with Young

(1994).

[163] There is no need to accept his law-like generalizations on any issue, including the connection between political institutions and modernization. After all, not every "prolonged" struggle against "partially modernized regimes" resulted in revolutionary outcomes.

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Ottomans. In fact; Ataturk referred to one of the Young Ottomans, Namik Kemal, as his predecessor. These early reformers managed to establish the constitutional monarchy by declaring a constitution in 1876, which lasted only one year. The following struggle was to re-instate that very *same* constitution. The Young Turks (CUP) managed to do that in 1908. The struggle of the Kemalists was no different from that of the Unionists at the beginning of their revolution. They sought to restore the constitution and the Assembly.[164] Most importantly, the construction of the whole revolutionary strategy on the issue of re-opening the Assembly and restoring the constitution gave Kemalists great legitimacy. In short, The CUP was the transmitting belts to Kemalists. Therefore, it is crucial to understand their legacy.

The CUP legacy to the Republican period can be categorized under four headings: Ideology, law, social structure, and public administration. The nineteenth century had witnessed the struggle of three ideologies to save the empire: Islamism, Ottomanism, and Turkism. With the Balkan Wars it became clear that different nations could no longer be held together under the banner of Ottomanism. As dissent, in the form of uprisings, emerged in Albania, Iraq, and Syria against the centralizing policies of the CUP, it also became clear that religion was not a unifying force. The only remaining ideology was nationalism. Kemalists treated most of the nationalist ideologues of the CUP, such as Ziya Gokalp, as their intellectual mentors. Gokalp had supported the separation of the spheres of state and religion.

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[164] Their loyalty to the constitution of 1876 was to such an extent that when they enacted a constitutional-like law, they did not dare call it a constitution, but rather named it "The Main Organization" (*Teskilati Esasiye*), for the simple reason that the constitution was still that of 1876. They could write a new one only in 1924 after the abolition of the Ottoman caliphate and sultanate.

Abdullah Cevdet argued in his newspaper that civilization meant European civilization (Kazancigil 1986: 183). More importantly, the two major ideologies of the Republican period, solidarism, and positivism, were developed first by the CUP ideologues.

Apart from the ideology, the laws enacted during the CUP were also transmitted to the Kemalist period. Especially the laws on public order that we discussed in the previous part, such as "the Law on Public Gatherings," "the Law on Strike," "the Law on Vagabonds" all of which continued to be enforced during the early Republican period. Similarly, the special law on the trial of civil servants, which made them –especially the police- less accountable, was enacted in 1913 by the CUP and it is still in effect today. Moreover, the secularization of the religious laws started in the CUP period. One of the biggest achievements of the Kemalist revolution was on the women's rights, which were granted thanks to the Civil Code of 1926. The origin of that law was in the CUP period, with the Family Law of 1917. Another secularization attempt was made by the CUP on the judiciary. All varieties of court (religious, and commercial) were united under the Ministry of Justice.

Changes in the social structure were the third legacy of the CUP period. The regime managed to create a native bourgeois class. "As late as August 1917 Yusuf Akcura [a leading ideologue of the Unionists] had issued the warning that 'if the Turks fail to produce among themselves a bourgeois class by profiting from European capitalism, the chances of survival of a Turkish society composed only of peasants and officials will be very slim.' But by the end of that year both Turkish and foreign observers began to note the emergence of a national economy –in which the Turkish element was dominant- and a new class, the Turkish bourgeoisie" (Ahmad 1980: 345). It was this class which constituted the social basis of the

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National Struggle and the new state.

The final legacy can be observed in changes in the field of public administration. Especially with the Law on Personnel Reduction, most of the governors and sub-governors of the old regime were changed. The Law on Provincial Administration was enacted in the same period. Tanor (1995: 179) states that the Kemalists benefited from the relative rationalization of the public administration achieved during the CUP era. But most important of all, for our purposes, was the continuity in the organization of the police. The structure that was laid down by the CUP is in still effect in today's Turkey. The new regime did not find it necessary to change even the police regulation of 1913 until 1937.

The fact that the Kemalists were the last link in the chain of a "prolonged struggle" and inherited a revolutionary tradition from the CUP complicated the revolutionary situation. In this period there were struggles both between the Sultan and various resistance movements on the one hand, and amongst the movements themselves on the other. In order to understand the new regime a closer look to the revolutionary situation is needed.

The Ottoman Empire was defeated in the First World War. The Mudros Armistice was signed with the Allied Forces in September 30, 1918. This was not simply a military defeat because it also caused the CUP government to be destroyed with it. Talat Pasha, who had become Prime Minister in 1917, resigned two weeks before the armistice and, along with Enver and Cemal Pashas, slipped out of Istanbul on a German ship (Davison 1968: 118). These three were the most influential personalities - they were called, the "triumvirate" - of the CUP regime between 1908-1918. Although the World War ended, a nationalist war was

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about to begin in Turkey. France and the Great Britain started to occupy the southern Anatolia at the beginning of October. Spontaneous local resistance immediately began in those regions.

However, the plan of the Sultan and his Government in Istanbul was different. They decided to collaborate with England. That was in line with the Palace policies that had been in effect since the 1840s. The Palace decided to use this "opportunity" to get rid off the "virus" of nationalism in the country. The government thought that, after a 25-30 years of British mandate, the state would again be independent. It was thought, the Caliphate would be beneficial to Britain since the latter had a significant Muslim population in its colonies. Sultan Vahdettin was playing this card against Britain (Criss 1993: 72-73).

His Prime Minister, Damat Ferit Pasha, was representative of the policy. He was adamantly against the nationalist resistance because this would ruin the Ottoman Government's plan, and therefore, tried to solve the problem with diplomatic means at the Paris Peace Conference (1919) and in other diplomatic arenas. However, there were many contending parties that claim power for the post-war period. First, there took place a large number of local congresses in different parts of Anatolia, all of which were determined to fight against the invasions. It should be noted that these congresses were not simple meetings held during the War of Independence. They are hierarchical and bureaucratic organizations. They rather aimed to liberate one region or the entire country and contributed to the national struggle program. In that sense, administrative meetings of the associations and those held for discussion and protests, even if they called themselves congress, are excluded from this study

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-otherwise there were almost one hundred "congresses." Second, in addition to civillian initiatives, there were Unionists. After the defeat in 1918 they went underground and tried to preserve their organizations in Anatolia. Finally, there was the group organized at the Sivas Congress that was trying to unite those local congresses under the organization founded in Sivas. Mustafa Kemal was the head of the Representative Committee elected in this congress.

In sum, there were mainly four different theses for national liberation. The first one was the collaborative policy of the Palace. The second one was the thesis of democratic civil initiatives organized in local congresses, which sought regional liberation. The third group was the Unionists, who wanted to re-claim the power and restore the Empire. The fourth thesis belonged to the Kemalist leadership, which advocated the unification of the struggle and the foundation of a new state step by step. Local congresses, on the other hand, were resisting the incorporation attempts of the Kemalist leadership. Though all these theses were attempting to save the country, the first two could not dare a massive war against the imperialists. Only the Unionists and the Kemalists could face such a possibility because, having analyzed the internal contradictions of imperialism, they were aware of the fact that the imperialists would not be able to wage a new war partly because of their internal contradictions but largely because of the political problems in their own countries. The difference between them was the fact that whereas the Unionists were trying to revitalize the Empire the Kemalists opted for a new nation-state,. The struggle among these different theses ended with the success of the Kemalist strategy, though, until this success, it was not clear that this would be the outcome (Tekeli and Ilkin 1989: 342).

We should note the affinity between the last three strategies. After the local

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congresses had been incorporated into the central leadership of the Kemalists, they constituted that group's popular base. The founders and participants of the congresses were largely the local Muslim elite, mostly merchants and professionals, who had reached their status thanks to the policy of "national economy" of the earlier CUP regime. The local congresses conveyed by them were quite democratic: even the military commanders were subordinate to civilian authority; great importance was given to legal norms inside the organizations; and the elections resulted in a participatory model, which boosted both the organizational and functional differentiation within these organizations. These local initiatives were so powerful that they could even be regarded as having been a center of power or an "alternative power" (Tanor 1992).[165] The struggle with the Unionists, on the other hand, continued some time after the declaration of the republic in 1923 and ended in 1926 with the purges by the revolutionary tribunals. As will be seen later, the political struggle between the new government and the Unionists had deep imprints for the Turkish political life and the impingement of the police upon the political process.

After a prolonged struggle with the Istanbul Government and competition with the local resistance movements, the Kemalists achieved the gathering of the Turkish Grand National Assembly (GNA) in Ankara on April 23, 1920. A discussion of the process leading to the opening of the GNA is crucial to reaching an analytical understanding of the Turkish Revolution and how the Kemalists managed to capture the leadership of the Revolution from their rivals.

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[165] In one of the biggest congresses, held at Alasehir, even the gendarme forces of the state were put under the command of the Central Committee, elected at the Congress. As Tekeli and Ilkin argue, the Congress acted like a state. (1989: 259)

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Mustafa Kemal knew that the Assembly was the highest step of the legitimization process. After the occupation of Istanbul, nationalists in Ankara were divided into two. They were discussing how and from where to begin fighting. As Parushev states, "some of Ataturk's friends wanted to strengthen the war by using those guerrilla groups against the imperialist invasion. Mustafa Kemal was not against this idea; however, before anything else he was insisting on the inauguration of the Assembly. This would give him the opportunity to go into wider activities" (Parushev 1981: 159).

The first major victory of the Kemalist leadership was the resignation of Prime Minister Damat Ferit in 1919. He was replaced by Ali Riza Pasha, who was more sympathetic to the national struggle. To show this, he sent one of his ministers to Amasya to talk with Mustafa Kemal. The most important aspect of this meeting was that it increased the appeal of the Representative Committee (RC), founded in Sivas Congress with Mustafa Kemal as its leader. After this date, the RC bagan to act like a second government, and hitherto hesitant people left their suspicions behind. After this moment, Turkey experienced a "dual power." Anatolia was something like a second government.

Of course, beside this positive effect of the success of nationlists, there were also some negative sides to it. After Ali Riza Pasha's Government, people began to think that the RC had completed its mission and that a national assembly could be convened in Istanbul. As he had from the very beginning, Mustafa Kemal argued that the Assembly should meet in somewhere in Anatolia. He defended this thesis in the meetings both with the RC and with the commanders lasting from November 16 to 29, saying that Istanbul was not secure and could be occupied anytime. However, he could not get his thesis accepted, even by his close

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circle. Apart from this, he had two other demands: to become the president of the Assembly and to form a group within the Assembly with the name of the Defense of Rights. These were also rejected. The rejection of these demands caused a split within the leadership cadre. Mustafa Kemal also thought that his efforts for incorporation of local congresses under one central organization would also be in danger. After the inauguration of the last Ottoman Assembly in Istanbul (January 1920), we see reluctance in some of the local congresses to join the Kemalist leadership, founded in Sivas Congress (Tekeli and Ilkin 1989: 238).

In spite of all these, the RC had gained enough power over the local congresses at that time. One by one they began to take the name of the organization founded in Sivas: the Group for the Defense of the Rights of Anatolia and Rumelia (GDRA-R). After the election decision, this organization began to work very hard for the national elections. Previous local organizations of the CUP were very useful in this grass root campaign throughout Anatolia. At the end of the election, the deputies who supported the National Struggle gained the majority. Furthermore, the cornerstone of the National Struggle, the National Pact, was enacted in this last Ottoman Assembly

Just at the moment when Mustafa Kemal was hopeless, the Allied Forces "made, willy-nilly, their second favor to the National Struggle other than the occupation of Izmir; they occupied Istanbul, dissolved the Assembly and arrested the deputies (March 16, 1920)" (Avcioglu: 1229). The deputies were exiled to Malta. The occupation increased the political popularity of Mustafa Kemal enormously: All his views had been proven correct.

However, what was more important than Mustafa Kemal's acquisition of wide approval was the total erosion of the Sultan's legitimacy in the eyes of people. Sultan

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Vahdettin tried to prevent people from protesting against the occupation. In general, however, Vahdettin was not doing any different move from his predecessors. His policies within the framework of *raison d'Etat*. As noted earlier, the main enemy for him was nationalism. Criss points out that Vahdettin's "treachery" was the perception of the nationalist revolutionaries rather than reality. For the Sultan, the important thing was to maintain his authority over his Muslim subjects in the whole Empire.

Just after the dissolution of the Assembly on the March 18, Mustafa Kemal, on behalf of the RC, made a declaration in order to gather a new Assembly in Ankara with "extraordinary authority." Deputies were to be collected in two groups. The first was to be composed of the existing deputies who were able to escape from Istanbul; the second of deputies chosen by a new election. The inclusion of the deputies of the last Ottoman parliament was an additional factor in the solidification of the legitimacy of the new Grand National Assembly. As will be seen later, legitimacy was the prime concern of the revolutionaries at that time. This care for legitimization can be understood by referring to the war condition. The Turkish revolution, like most of other revolutions, was deeply marked by war-making on the one hand and a situation of multiple sovereignty on the other. More than one party demanded allegiance from the population: the Sultanate, the Unionists, and the local congresses. Furthermore, the local congresses in particular had a wide representative force in society. In this context, the Kemalists were obliged to pursue their goals in a legitimate fashion.

The first Turkish National Assembly, with 337 members, was opened on the April 23, 1920. With this step, the 4th article of the Erzurum Congress became realized and the

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GDRA-R turned into a state. The Assembly had a dual function. On the one hand, the future political regime of Turkey was fiercely debated - sometimes on highly theoretical grounds -, and it organized and administered the War of National Liberation against Britain, France, Italy and Greece[166].

As stated above, Turkey experienced a situation of dual sovereignty following the resignation of Damat Ferit. From that time on, there were two *de-facto* governments in Turkey. The inauguration of the GNA turned the situation into *de-jure*. An analogy can be made with the "dual sovereignty" in the Russian revolution in 1917. Hobsbawm cites Sukhanov: "The 'dual power' of Soviets and Provisional Government would produce some kind of Napoleon or Cromwell" (1990: 50). Mustafa Kemal was going to fill that role in Turkey.

In general, dual sovereignty can only be *assumed* by the historian at some specific moments in the history of revolutions. However in Turkish case, the historian has the chance to *show* it with the documents. If one of the indications of dual sovereignty is the blurring and then changing of "distinctions among rulers, members and challengers" (Tilly 1993: 9), probably this can not be seen more clearly than in the Turkish case. Seeking peace, the Allied forces invited the Istanbul Government to Lausanne to make an agreement (October 27, 1922). The Prime Minister of Istanbul government made a proposal to the Grand National Assembly (GNA) in Ankara to participate together. That was the official recognition of dual sovereignty and, at the same time, its end. Mustafa Kemal's answer was very short: "In the

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[166] Although all of these states occupied some parts of the country, the war against France and Italy was won in the diplomatic arena, relatively early, in 1921. The major war was with Greece, which was supported by Britain until the last moment.

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peace conference Turkey can only be represented by the GNA." Four days later, on November 1, 1922, the Sultanate was abolished (Berkes: 596). The Grand National Assembly became the only sovereign power in Turkey.

What did Turkey look like after the National Struggle in 1922? Before introducing the issues related to the police, this question should be answered. Since the most important effect of the war (both the World War and the National Struggle) was demographic, it had influences on police forces of cities. As Zurcher (1993) writes, "after ten years of almost continous warfare [Turkey] was depopulated, impoverished and in ruins to a degree almost unparallelled in modern history" (170). Aside from 2.5 million Anatolian Muslims, between 600,000 and 800,000 Armenians and up to 300,000 Greeks lost their lives. The population in Anatolia declined 20%, a percantage 20 times higher than that of France, which had been the hardest-hit country in Europe at the time. Next to mortality, migration was the major factor in demographic changes. According to the provisions of the Laussane Treaty, 900,000 Greek Orthodox people in Anatolia (excluding those in Istanbul) were exchanged with 400,000 Muslims in Greece (excluding the community in the western Thrace) (ibid. 171). The population was thus homogenized to a great extent. Apart from the Kurds, only half a dozen of small communities were left in the country.

The most important effect of the demographic changes was on urbanization. Turkey was a state of peasants after the war. The Christian subjects of the Empire who had earlier been the most modernized and the most capitalist, were massacred, expelled or killed. The rate of urbanization fell to 18 % from the pre-war level of 25% (Zurcher

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1993: 172). The relatively weak position of the police during the early republican period in comparison to the CUP era can partly be attributed to the fact of de-urbanization.

This part is composed of four chapters. It begins with the chapter that examines the police during the period of the national struggle between 1918 and 1923 that prepared the ground for the foundation of the republic. The attempt in this chapter will be to analyze the formation process of the republican police as overlapped with a war of liberation. First, the analysis will focus on the evaluation of the status of the police when founded during the war period under the shadow of a successful army. Furthermore, the negative effects of the war on the secular development of the police will also be analyzed in terms of the return to pre-CUP policing practices during the period, such as "collective responsibility," and the military functioning as a police force. In that sense, examining the police of the period of national struggle will provide insights into the understanding of the reversible process of state formation in non-Western contexts.

In the second and third chapters, the post-national struggle, i.e. the early republican, period will be examined. The aim will be to understand the "new police" of the republic as a professional force. With reference to the fact that the structure of the police as formed during the CUP period remained intact, the aim will be to analyze what changed for the police and policing after the foundation of the Turkish Republic, and to understand why and how these changes led to an increase in the discretionary power of the police and to the development of professionalization in the political context of the republic.

The development of the police as presented in these chapters is striking,

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especially if one thinks the initial situation described in Chapter 10. The period of National Struggle showed that the state formation process was reversible. Nevertheless, in the end, unlike some of the other non-Western cases mentioned by Anderson (1986), it was *not* reversed in Turkey. With the Lausanne Treaty of 1923, Turkey became an acknowledged member of the international community. The hegemony of the army over the police during the war period did not result in a situation like that in Israel where the army was deployed in an internal security role (Brewer et al. 1996: 155). Furthermore, when the police force was consolidated it did not become an oppressive force towards the people.

After a very shaky start at the beginning of the period, these were really puzzling outcomes. Chapter 13 aims to resolve the puzzle. How did Turkey achieve separating the police from the military with clear boundaries, and not allow them to become an oppressive force? The outcomes are intimately connected to the inauguration and consolidation periods of the new regime. Since the literature on the police has largely ignored the connection between the period of consolidation of regimes and their police forces, it can provide little help in solving the puzzle. Therefore, in trying to establish this link, I use the literature on democratization, which, unfortunately, developed without any dialogue with studies on the police for a long time.

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CHAPTER 10

THE WAR AND THE POLICE: REVERSAL OF THE PROCESS

The period of national struggle is crucial for two reasons: First, it was in this period that the republican police force was established in Ankara. The formation process of the new police overlapped with the national struggle. Maintaining internal security is a life and death issue for any nation waging a liberation war. The relationship between the military and the security forces in this period had lasting imprints on the future of the Turkish police. Brewer et al. (1996) make a point for the case of Israel: In a state where the police were founded under the shadow of a successful army that was defending the country in a hostile environment against the enemies, the police had a lower status in comparison to the army on issues related to internal social control. In what follows, this proposition will be tested for the Turkish case.

The war period is also crucial for a second, and more theoretical, reason: The process of the secular development of the police and public administration set by the CUP was reversed during this period. This is an issue related to an earlier argument made about a peculiarity of the state formation in the third world. In Anderson's words, the partial independence of a peripheral state from its social structure gives rise to a situation

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which is not usual in the history of Western state formation: The process of state formation is reversible for this kind of state. She argues that "the dismantling of a bureaucratic apparatus, the weakening of bureaucratic supervision, the erosion of continuous local administration all mark the reversal of state formation" (Anderon 1986: 24). We will see how each of these occurred in Turkey within a few years and how pre-CUP policing practices surfaced again.

The National Struggle was the first war waged in central Anatolia in many centuries. In that sense, it provides a significant test case to measure the strength of the state structure after almost a hundred years of attempts at centralization. It is in these terms that the problem of arms seizure, a crucial issue for policing, will be analyzed, as it is one of the most important areas of analysis for assessing the success of state formation, in which the CUP had scored a relative success.

The period between 1919 and 1922 witnessed war and a dual power system. At the time, the new regime in Ankara was faced with two problems: It had to gain the consent of the population in the areas it ruled in order to end the situation of dual power, and it had to maintain its internal security in order to wage successful warfare against the invading armies. The Revolutionaries were aware of the fact that both of these tasks were related to matters of policing. In what follows, the difficulties that the new regime faced in achieving these tasks, and the awareness of the importance of policing for the success of this process, are discussed.

The revolutionaries took justice and security as the primary criteria in distinguishing

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their regime from its predecessor.[167] For the republican revolutionaries, as for their predecessor the CUP, there was a direct correlation between the "right to rule" and maintaining internal security. Therefore, issues of internal security were raised not only by the founding fathers like Inonu in praise of the new regime, but also by its opponents, who frequently and heavily raised criticism on the grounds that it failed to maintain public order. The following excerpt from a speech by Mustafa Durak Bey of Erzurum reflects the Hobbesian political theory of the founders of the Republic. He stated:

Gentlemen, at the time of the emergence of societies, there was nothing around. People could not protect their lives, properties, and honor. So, they thought and decided to appoint the clever men amongst them as administrators. They told them: 'we are attacking each others' lives and properties. Now, we have made you the chief to protect us from our own attacks.' At that time, these people made an implicit contract with the administrators. This is not a real letter. But in all governments this contract exists and every government acts accordingly.... The people say: 'we make you our governors; we will pay you. We will give you salaries. But on one condition: you have to protect our lives, property, religion, and everything' (1921 TBMM-GCZ: 210).[168]

He then started to question the legitimacy of the government in Ankara in terms of its policies regarding the War of Independence by referring to his Hobbesian framework. He stated:

Today we are taking away the property, the lives, and even the honor of this poor nation. Please tell me, in which part of the country is there security?

[167] The deputy of Corum, Abdurrahman Dursun Bey, stated: "Each of us knows that the absolutist ear [i.e. the Abdulhamidian period], which we recall with condemnation, had two distinct qualities: One of them was its system of justice and the other was its system of security" (TBMM-GCZ: 663).

[168] It is especially interesting to know that this deputy would be the first Police Chief of the new regime.

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What can we provide to the people? Since the people have no trust in their government, they cannot go out and cannot go to their fields. Gentlemen, our government is pillaging and killing people like a bunch of bandits. Nobody is asking the account of these. Within one and a half-years, we have done so many bad things to people. Please tell me, has any official been found responsible for any wrongdoing? Have you hung any official? Have you punished any official? (TBMM – GCZ I.64: 210)

In order to understand the link between the maintenance of security and the legitimacy of the regime, we should specify the character of the regime in these initial years of the revolution. The administrative system that was established by the GNA was not a classical parliamentary system. Especially until 1924[169], the system was administered by an "Assembly Government." Both executive and legislative powers were united under the GNA. Members of the government were directly responsible to the Assembly, which had elected them (Tanor 1995: 214-5).

The system was different from that of the CUP for several reasons. First, a new state was defined as the "Turkish State." Second, it was explicitly stated in the 1921 Constitution that sources of sovereignty belonged to the "nation" rather than to the Sultan. Third, the GNA was the only representative of this sovereignty (Tanor 1995: 212). Issues of internal security had more important political implications in such a system than they had had in the CUP period. Public disorder would destroy the legitimacy of the state managers. The link between the "right to rule" and maintaining security is very clear in the following words of Huseyin Avni Bey, one of the leaders of the opposition in the Assembly: "We are proving the case that we are not an eligible

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[169] The first constitution of the new regime was enacted in 1921. The second constitution was enacted in 1924, and remained in effect until 1961. The Constitution of 1924 was highly affected by the old one. In that sense, it still relied on the traditions of "supremacy of the Assembly" and the "Assembly Government" (Kocak 1990: 96).

nation to form a government, because we can't deal with a bunch of bandits" (TBMM-GCZ I. 147: 639). In a later speech, he argued that the key issue was the fact that the corruption, excessive force, and repression of the state security agencies had a different significance in a polity which claimed to form a nation-state. In such a case, "the Grand National Assembly [would] exclusively be hold responsible" for all these mistreatments (TBMM-GCZ I. 158: 737).

If the first reason of the new regime in centralizing police forces was to gain the consent of the population by maintaining security, the second reason was to wage an effective war. One deputy said that there was a direct link between collecting taxes and conscription to the army on the one hand, and maintaining internal security on the other. Without delivering the latter, the state could have no claim on the former (TBMMZC 1/3 20: 176-7). Many deputies, such as Dursun Bey and Refet Pasha, argued that the matters of security and public order were, in fact, matters of a war front. People would not go to war, the deputies argued, if they thought that the families they left behind were not secure (TBMM- GCZ I.87: 664-5).

However, waging an effective war was in contradiction with a centralized police force for reasons that will be presented below. Therefore, during the National Struggle, the result was a return to "collective responsibility" and policing by the military. As the war disrupted the police organization, the pre-CUP policing practices resurfaced.

One of the greatest problems the new regime faced was financial. Most of the budget was reserved for the war effort, as clearly indicated in the national budget of 1921. The share of the Ministry of Defense in the budget was sixty-two percent. The rest was parcelled out between the remaining ministeries.

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The Ottoman Government had to deal with problems such as production loss, income loss from the areas under occupation and other issues during the Armistice. The occupation of Izmir by the Greeks caused the Treasury the loss of the most productive provinces. The inflation rate increased twenty times during the war.... In 1920, the budget deficit of the Ottoman Government reached 100 million *liras* (Criss 1993: 60).[170]

Despite this fact, maintaining order behind the front was essential for the government. As the army devoted its resources for the war, the maintenance of security was left mostly to the local population. One of the influential statesman of the period, Refet Pasha, later described the situation as follows:

As we fought with the enemy on the fronts we had to reserve a small force at the back in order to deal with these people [rebels and criminals]. There are some simple rules in the art of war-making.... How could we transfer the forces from the front to deal with some minor issues here? Therefore, we did not oppose these men [bandits that allied with the new regime].... First we had to defeat the enemy and then deal with them (TBMM- GCZ I.86: 263).

Financial difficulties on the one hand, and the necessity to suppress internal uprisings in different parts of the country on the other, forced the government to rely on some bandits and the military to maintain public order. Thus the years of the National Struggle were fertile ground for bandits. The reader should keep in mind that the country had been at war since the

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[170] The number of police officers dropped during the National Struggle to such an extent that it became insufficient to form the Police Councils that were the main organs for the investigation and punishment of police officers according to the Police Regulation. Consequently, the Cabinet decided in 1922 to authorize

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Balkan Wars in 1912. In the First World War, the war had been fought on many fronts, from

Galicia in Poland (then in Austria-Hungry) to Caucasia; from Bulgaria to the Arabian deserts.

Ahmad writes: "The Kemalists inherited a sullen and bitter population which saw the war of

liberation as the continuation of the earlier conflict and having fled from one they were

equally anxious to flee from the other" (Ahmad 1993: 76). That there were two governments

in this period, one in Istanbul and one in Ankara, claiming the same territory, should also be

remembered. In this context, bandits

> rose to seek wealth and power for themselves in alliance with one or
> another of the governments, sometimes at the instigation of the Greeks,
> the British, or even the Communists, sometimes representing the large
> landowners and old *derebeys* who were seeking to regain their power."
> They were "manned by a motley assortment of dispossessed peasants,
> Tatars from the Crimea and Central Asia, and Turkish and Kurdish
> nomads, always ready for a good fight against whoever was in power
> (Shaw&Shaw 1977: 352).

Vanderwood writes: "Indeed, bandits are well represented most everywhere in this

century's decolonization wars. These kinds of involvements have led scholars to designate

such men as 'patriot bandits,' 'guerilla bandits,' and 'political bandits.' The ambiguity in

labeling indicates that they can, and often do, play dual roles and can switch from one to the

other with relative ease" (1992: xxviii). This was the case in Turkey at this time. Important

bandit leaders shifted their alliances very easily. Some of them rendered great services to the

cause of the National Struggle during 1919 and 1920, fighting against the enemies. (In fact,

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governors and sub-governors to undertake this tasks. (PM no.162)

before the establishment of regular forces, they were the *only* reliable powers.) However, one year later they either accepted payments from Britain to desist, or took refuge with the Greeks.[171]

Keeping in mind the weakness of the military after the First World War, it is easy to understand how that the Kemalist leadership relied on these guerilla groups in the initial period of the National Struggle. These guerilla groups gained power day by day. For those people who lacked basic military knowledge, the only way to survive was terror. As some defeats of the regular army were added to this situation, they came to consider themselves the only agents of the liberation. Forcing the artisans to pay "protection money," and in case of opposition, seizing the money violently or the execution of those people were common occurences.

The National Forces (*Kuvay-i Milliye*) then were guerilla forces. As far as the Turkish case is concerned, two points should be made. If we think of the "central negative feature" (the avoidance of decisive pitched battles) of guerilla movements, we can anticipate a decline in these movements as the war's scale grows (Wickham-Crowley 1992: 3). As the war shifts from a war of defense to a war of attack, the guerilla movement will lose its comparative advantage . Second point is about the context of the National Struggle in Turkey. Generally, the main task of the contemporary guerillas today is to overcome their own states with an internal war. In that sense, Turkish guerrillas fit the classical case, i.e. struggle against a foreign power. They relied on "local knowledge" and "local support" to

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[171] As their predecessors, these bandit leaders acted as powerbrokers. Even those who fought against the enemies side by side with the Turkish army, at some point, made bargains with England or with the Sultan in return for grants (Avcioglu 1974: 24 and 575-584).

compensate for inferior numbers and weaponry (Ibid. 4). This fact may illuminate the problem of "popular support." Nationalistic feelings, in the classical model, have a mobilizing effect. Since guerillas fight for a "noble aim" (to fend off invaders), they can find natural allies from among peasantry. Moreoever, if this support is insufficient, they may use force in the name of the very same "noble aim." All non-supporters will be considered traitors and deserving of punishment.

Guerilla warfare also had its advantages. It played a crucial role both against the Greeks and in repressing the internal uprisings provoked by Istanbul. However when the Great Greek Attack started, this movement came under pressure from the Kemalist leadership. Armies were sent to all the guerilla leaders and their units were liquidated.

This decision was not made only for military reasons. It also had social, political and even ideological reasons. The central leadership, based on local notables, could not allow the existence of such organizations. Ideologically, those guerilla leaders evoked excitement in leftist circles. The Kemalist leadership had abandoned its tempered view about the left and ordered that leftist organizations also be liquidated.

The most important aspect of the banditry for the present purposes, was the fact that the state collaboration with them and the consequent public disorder brought the issue of arms seizure once more onto the agenda. The seizure of arms from the people has been one of the most important dimensions of state formation both in the West and in third world countries. However, the process was not irreversible in the latter, where arms seizure and policing as the aspects of state formation might be in contradiction with each other. The necessity/aim of arms seizure by the state might cause the policing capacity to decline. In

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such a situation, an increase in public disorder might compel the rulers to give arms back to the people. That was the main dynamic during the National Struggle.

Many deputies argued for re-arming the population during this period. After citing several bandit leaders who were waiting in the mountains, Ali Sukru Bey argued that a general amnesty should be declared for them. He said: "The only solution that comes to my mind for security problems is not to seize arms from the population but to distribute more arms to them" (TBMM-GCZ I.87: 669). A deputy said in another session: "The banditry can be suppressed with only one method and that is by the people's force, by arming them. We should also give financial reward to those who catch bandits" (TBMM- GZC: 671). Another deputy added: "Gentlemen; before this Assembly was established the people used to have arms. Pay attention to the fact that whenever we collected arms from the people bandits appeared in that region." He further suggested going back to the old regime's method: "Banditry can only be suppressed by banditry" (Ibid.: 673).

Collective responsibility, the pre-CUP method of policing, was thus brought back during the struggle. Mentioning a bandit leader, a deputy said: "This man used to work for us in fighting the Greeks in his region. However, the commander of the gendarme harassed him on the pretext that he was a renegade. Therefore, he fled to the mountains." The deputy suggested delegating the security of the region to this man and his retinue fo 150 (TBMM - GZC, I.87: 675). While the armed population was enrolled in the gendarme, they were also allowed to organize their own militia forces. Moreover, these forces were legitimated by giving them names in military jargon, such as "Support Squads" (*Muzaheret Bolukleri*). Ali Sukru Bey told the story of a man in Kastamonu who fled to

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mountains after he had killed his wife because of a "matter of honor." He was later excused and appointed as the head of a Support Squad with his retinue in order to maintain the security in his region. However, said Ali Sukru, as soon as the attempts started to form a regular army and to incorporate the "squads," this man fled to mountains once again and the public order of the region was destroyed (TBMMZC 1/3 20: 194).

In a period when complaints about the gendarme were at their peak, another deputy referred to them as "legal bandits" and suggested a return to collective responsibility. He said: "Our main problem is the gendarme. We have to give wide authority to the people in pursuing the bandits and we should declare that they would not be held responsible for their actions" (TBMM - GCZ I. 147: 636). Deputy Necip Bey argued that there had been peace in those regions when security had been maintained by strongmen in old times. Whenever the police usurped this authority, disorder emerged. He said: "Whenever we established an organization and took the responsibility of peoples' daily lives [we faced problems]. The best option for maintaining security in villages is that security forces should not even stop by a village" (TBMMZC 1/3 20: 189).

However, these debates by no means indicate that arms seizure was over in Turkey. That was still a major concern, at least for the revolutionaries. A deputy from Karahisarisarki argued that, while there were one million guns in Anatolia, the numbers of guns that he thought possible to collect was a mere 3,000 (TBMM - GCZ I. 64: 201).

In fact, the argument can be made that the most important reason for the corruption in the police and the gendarme was the fact that armed people had been incorporated into the

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organization as a result of the method of arms seizure. The structure of these irregular militias was not amenable to a regular army. Therefore, they had been recruited as police forces. For instance, a deputy said that most of the people in Izmit had enrolled in the police force just because they had not wanted to be soldiers (TBMMZC 1/3 20: 189).

The situation was no different for the gendarme. A deputy said the following in 1921: "People detest the gendarme because it is nothing but a house of corruption.... Many of them have thousands of *liras*." From the deputy's words, it is clear that the Ankara Government had still not been able to establish its authority over many regions. There were no administrative links between the center and the provinces. The deputy continued: "No one volunteers to become a gendarme officer. Therefore, we should explain what a gendarme should be like. The Minister of the Interior should find such a method that he should be aware of everything even a commune director does" (TBMM - GCZ I.64: 203).[172] It was also argued in the Assembly that, "although announcements had been posted on walls, no one had applied to become a gendarme officer except some criminals and vagabonds. How do you expect national service from them?" (TBMM – GCZ I. 64: 202).

Another deputy, Emin Bey from Erzurum, argued that gendarme officers were themselves providing the needs of bandits and then asking them to leave their area of jurisdiction. "The next day," he said, "they send a message to the commander in the city and say that, although the public order is perfect in their region, they have been informed of a group of bandits going in a particular direction" (TBMM - GCZ I.87: 674).

Nevertheless, the Turkish state scored a real success in "pacifying" the society in this

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transitory period. The corruption of the security forces was the price to be paid to disarm the population. It seems that the government used the bandits for two opposing reasons. On the one hand, it used one group to eliminate the other. However, it also used them as a pretext for collecting arms from the people. A deputy gave some hints on the general practice of the period: "When the government learns that a bandit group is active in a village it says to the villagers that they have illegal guns and that the villagers have illegally attributed themselves an official status and are intervening into the government's business." He stated that many people were arrested and arms were collected in this way (TBMMZC 2/1 2: 467).

It seems that the government acted in a highly arbitrary manner at this period. It sometimes promoted bandits to fight with others; at other times, it punished people for forming bandit groups. The explanation lies in the fact that the government had the dual purpose of maintaining security on the one hand, and seizing arms on the other. Mustafa Kemal said in August 1921:

> There is no delay or tolerance in collecting guns from the people. If possible, guns will be collected and the people will go to the front.... However, we should admit that this can only be done if there is an opportunity. For example, guns were taken in Biga, they were taken in Duzce and its vicinity, and they were taken in Bolu and its vicinity. However, in order to take them, we should have stroke first (quoted in Borak 1997: 164).

Ataturk achieved the collection of guns in two ways: First, if one considers the fact that all the places he cited were the ones in which major uprisings had occurred

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[172] See also TBMM-GCZ I.87: 657 for how the gendarme had claims on the people's property and money.

against the new regime, it becomes clear that he used these uprisings as an opportunity for arms seizure. The second way, as noted earlier, was to organize the militia forces, situate them somewhere around the emerging regular army, and then incorporate them into the army when the time was ripe.

The state tried hard to achieve the two seemingly contradictory goals of collecting arms and maintaining public order for a long time. This was a very difficult task to achieve because the number of the gendarme and the police was insufficient and, furthermore, the social structure was not amenable for collecting arms. Turkish society still included many tribes, even in the 1920s. These groups were elements of both instability and support to the state in pacifying the society. They were elements of instability because the state had the power neither to collect their guns nor to settle them.[173] On the other hand, the Ankara Government relied specifically on these groups to suppress the banditry. However, in order to do that, it established links with the strongmen of the regions. A deputy from Isparta mentioned this kind of a relationship between the state and the local strongmen in 1922. He said: "There are more than 10,000 tents around Antalya. They come to this region every summer. Each has at least three or five guns... However, to take these guns is extremely difficult. It is easier to take their families than their guns." The deputy's solution to the problem was the following: "There is a man in Egridir, called Huseyin Cavus, who was dismissed from the gendarme. One or two thousands of tents are under his authority. We should find him. Additionally, the

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[173]For the importance of the "peasantization" of the tribes in state formation, see Anderson 1986: 24-27.

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notables of Karaagac also have authority over the tribes in this region. We should benefit from their authority. But we cannot use the gendarme" (TBMM - GCZ I. 85: 254).

Aside from the local population or bandits, the army became the main unit for maintaining public order during the war period. Internal security was heavily militarized and the gendarme were left as the only security force during the National Struggle. The twenty-five uprisings in different parts of the country, provoked by the imperialists in collaboration with the Ottoman Government, had an important role in this militarization.[174] Most of these uprisings were outside the occupied zones and lasted for months. The gendarme and the army were the only units to deal with them.

Although the provocation by the occupying forces and the Istanbul Government were effective in these uprisings, the recruitment of soldiers by the new regime for the war was also crucial in social unrest. Most of the people in Anatolia refused to enroll in the army and thus revolted. In short, the army had to deal both with internal uprisings and the enemy.

As a counterfactual argument, it can be argued that, if the army had been demobilized as the occupying powers had wanted after the defeat in the First World War in 1918, the security forces could have been professionalized as a civilian force.[175] That did not happen in Turkey. The Ottoman state declined to de-mobilize at least the Eastern portion of its army, which incidentally became the most crucial portion as the other parts of the country

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[174] A specialist on Turkey at the British Embassy, Ryan, wrote in his report that "the Greeks are too demanding. Instead of satisfying their demands, we should depend on the internal uprisings" (Avcioglu 1974: 151).

[175] That was the case in the Weimar Republic in Germany. Before the World War the police had had the luxury not to professionalize and remained subordinate to the military. The defeat in the war changed all this. As Bessel argues, the police now faced new and fundamental problems: the collapse and dissolution of the old army had removed the back-up upon which they previously had relied" (Bessel 1991: 189).

were occupied.[176] Zurcher writes the following for the general condition of the army: "Despite the demobilization, the army was still preserving its structure: the chain of command was not destroyed; the communication system and codes of ciphers were still in use and the general discipline was intact. (No uprising occurred). Moreover, although the government of the war period had lost its popularity the army preserved its dignity even after the Armistice" (Zurcher 1987: 171-2).

On January 31, 1918, the Mudros armistice was signed. "The most dangerous clause from the Ottoman point of view was article seven, which stipulated that the Entente had the right to occupy any place in the Ottoman Empire if it considered its security to be under threat" (Zurcher 1993: 138). The Ankara Government managed to keep a considerable portion of its army and used it in internal security not to give any pretext to the imperialist powers to occupy a region. Therefore, maintaining internal security became an important task for the army.

The war situation and financial difficulties reduced the role of the civilian police force next to nothing. This was to such an extent that some of the deputies even drafted bills for the abolition of the police and its incorporation to the gendarme (TBMM - GZC vol.2: 83). On one occasion, when Adana was liberated from the enemy in 1921, the government asked for a 30,000 piasters increase in the GDS budget. The Minister of the Interior declared that the administration in Adana would be an example for their future administrations in occupied regions. Therefore, he argued, they had to give special

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[176] In Eastern front, there were still 30,000 soldiers and 20,000 militia and gendarme (Zurcher 1987: 170).

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importance to the police force (TBMMZC 1/2 15: 143). The deputies' reaction, however, was disappointing for him. One deputy from Sivas argued that the government could transfer all of the one hundred police officers from his city to Adana and "even in this case," he said, "nothing would change in Sivas" (Ibid. 144). Another deputy criticized the government and said that, when the GNA had been established, many cities had been free. Now they were occupied. Therefore, the government should rather use the resources reserved for those cities, instead of asking for additional money (Ibid. 145).

Many deputies praised the CUP period in policing and criticized the new regime for not reaching the standards established during that period.[177] Huseyin Avni Bey, one of the leaders of the opposition, argued:

> We gave importance to this issue in the initial years of the Constitutional Period [the period of the CUP]. We managed to establish a genuine sense of security in the country. However, the war destroyed all this. The national government has not been able to give the necessary attention to this matter... As the police officers do not know their duties and responsibilities, they behave like the personal servants of the sub-governors. They act like the secret agents of these administrative bureaucrats (TBMMZC 1/3 20: 174-175).

In March 1924, even the government itself played with the idea of delegating the police to municipalities, except in "important" or border cities . In that year, 4,780 police officers were reduced by five hundred from Istanbul and three hundred from the provinces.

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[177] On the other hand, many conservative deputies attributed the failure of the police to the "Western mentality" of the CUP and to its distancing itself from being Eastern (TBMMZC 1/3 20).

The Minister of the Interior argued: "Essentially, the police force is a municipal organization and therefore they should be attached to the municipalities" (TBMMZC 2/1 7: 428). He presented this as the "civilized way" of doing things. He said: "Those regions which are willing to pay the price can establish their own police organizations as they want. The state cannot reserve a large amount of money from its budget for the police." As can be expected, his main reference was not France but England (Ibid. 432). However, this idea was never realized.[178] Many deputies thought that, if this would happen, the republican police would be much less powerful than the police of the Constitutional Period.

From the end of the First World War in October 30, 1918 until June 24, 1920, i.e. until the police organization was established by the Ankara Government, the Ottoman police had been at work throughout the whole country. From this date onwards until February 24, 1923, when the Istanbul Police Directorate was incorporated into the General Directorate of Security, there were two police organizations in Turkey, one in Ankara and one in Istanbul (Eraslan and Metin 1984: 148). However, the newly emerging police organization in Ankara remained in the shadow of a victorious army, which had very high prestige.

During the war period, the main function of the Kemalist police was gathering information to suppress internal unrest rather than crime control.[179] Intelligence was taken

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[178] 1924 was a crucial date. In October, the Progressive Republican Party was established as the first genuine opposition party. They were defending de-centralization in administration –like all the opposition parties during the CUP period. Articles 14 to 16 of their program were about empowering the municipalities (Zurcher 1992: 171). It seems possible that the government entertained the idea in March just as a strategic move to prevent the formation of the new party.

[179] The Minister of the Interior confessed in 1924 that most of the perpetrators of crimes could not be caught during the war, "because administrative mechanism had been destroyed" (TBMMZC 2/1 7: 190).

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over by the military. The Military Police Agency (*Askeri Polis Teskilati* or, as it was called, the A-P) was founded in July 1920 (Pehlivanli 1992: 13). The agency was under the authority of the General Chief of Staff and the heads of local branches were military officers. However, the police commissioners and officers were recruited from the Ministry of the Interior. Pehlivanli cites many cases in which the GDS and the Minister of the Interior resisted demands by the military to give their police officers to this agency (Ibid. 78-84).

The Military Police Agency had originally been established as an organization for espionage against enemy forces. From the discussion in the parliament, however, we understand that the intelligence efforts of the police were directed rather to internal opposition. A depuiy argued that the police were gathered at the center rather than infiltrating enemy fronts. He stated the main function of the police force was to suppress internal opposition (TBMMZC 1/3 20: 176). Another deputy argued that people were so afraid of these police organizations that they had started to think whether they had said anything against the GNA in coffeehouses or anywhere else (Ibid. 175).

It seems that even the deputies did not have much information about these organizations. The Minister of the Interior informed them about a police organization that was for the inspection of identity cards (*teftis-i huviyet* and hence called the "T-H").[180] This organization was, seemingly, not accountable to the GNA (TBMMZC 1/3 20: 205).

It could be concluded that both the police and the gendarme had very low priorities

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[180] In fact, the Minister was mistaken about the name of the organization. The initials stand for Tedkik Heyeti (the Commission of Investigation). It was founded in April 1921 as a direct continuation of the previous A-P organization. Like the previous one, this was also under the authority of the General Chief of

during the foundation period of the Turkish Republic, which was a war period at the same time. Furthermore, the army completed this period with victory by uniting the civil resistance groups under its leadership. As will be noted later, this low-standing status of the police in its foundation period had deep effects in the self-perception of the police in later years. This may well be the reason why the police have never dared to challenge the army in any issue concerning social control. It is suffice to argue here as a general rule that, if the police have a lower prestige in comparison to that of the army in its formative years, a possible conflict between the two institutions in handling social conflicts will not arise. The army will always have the last word.

Staff (Pehlivanli 1993).

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CHAPTER 11

THE POLICE IN REVOLUTIONARY POLITICS

As the war ended, the Kemalists began to organize the police force of the new Republic. As noted earlier, there was no change in the authority structure of the organization. Even the high ranking personnel were the same as those in the CUP period. When the Kemalists seized the Istanbul Police Directorate in 1923, they replaced the police directors of the Armistice period (1918-1922) within few years with those who had been in service during the CUP era.[181] What the early Republican regime changed in the police was rather in areas of professionalization. This went hand in hand with a further increase in the discretionary power of the police. In what follows, a causal account of these developments is given, situating them in the political context of the period.

When the war period ended in 1922 and the Republic was declared in 1923, a major power struggle began between the Kemalists and the opposition. The latter was not homogeneous. It was comprised of Unionists, Sultanists, and liberals. Mustafa Kemal

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[181] For example, Cem, Ata, and Mehmet Beys were appointed as the heads of the newly established branches within the organization. We understand from their biographies that they were either dismissed or their ranks were reduced after 1918 (PM, no. 187).

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had acquired extensive rights during the wartime. Especially with the Law on the Commander-in-Chief in 1921, he had gained the right to use every authority of the Assembly solely by himself. As the term was used so easily in the period, he became a "dictator." Automatically, the opposition platform was founded on the issue of civil rights. The police and policing was at the core of the struggle. Whereas the opposition tried to curtail the policing powers of the new regime, the Kemalists tried to extend them.

It is not surprising to observe this struggle on civil rights right after the war. We know that there is an intimate link between war making and the openings in citizenship rights. As Rueschemeyer et al. argue, "modern mass-mobilization warfare involves the willing participation of the many, both in the field and at home. It has therefore typically led states to make major concessions to the subordinate classes" (Rueschemeyer et al. 1992: 70).[182]

The bill on "immunity of persons" drafted by Abdulkadir Kemali Bey in 1923, touched at the heart of the matter. The preamble of the draft stated: "Having thrown the enemy into the sea, we, as the government and the nation, now certainly have to think about the ways to recognize and acknowledge the mutual duties and rights in peace and calm in order not to be forced to start struggles and to shed blood again inside the country in the name of freedom and right to live" (Cavdar 1988: 233).

However, as Tilly warns, the formula is not "war, hence democracy" - the outcome depends on "favorable class configurations" (1997: 212). The CUP heritage in Turkey becomes important at this point. As noted earlier, the CUP regime had promoted a native bourgeois class between 1908 and 1918 and established a "rational" bureaucracy.

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Furthermore, the National Struggle between 1919 and 1922 had been waged relying on this new class; and especially in the first two years, the civilian initiatives, organized under the local "congresses," had had the upper hand in the organization of the war. The Kemalist elite established their regime on the basis of such a heritage of the National Struggle "from below." Sociologically, if not politically, they had to satisfy the people's demands (Tanor 1996: 174). The debates in the Turkish Grand National Assembly will show how an opposition platform against the government emerged on the issues of police and civil rights, a process, which I term in this study the "Tocquevillian effect" of policing.

Internal security matters were one of the most important issues discussed in the first Assembly of the republic. Many deputies suggested that civil rights should be protected in return for the sacrifices people made during the National Struggle. For example, Ali Sukru Bey stated: " [In various places], houses have been burnt down, people have been beaten. The children of the people whom we call the nation are still in military service; but they cannot benefit from the blessings of public peace and order" (Cavdar 1988: 238).

The main goal of the above-mentioned bill of Abdulkadir Kemali Bey was to restrict the discretionary power of the policing agents (police, gendarme, and the administrative bureaucracy). According to the bill, those civil servants who caused anyone to be jailed or exiled unjustly or those who did not comply with the rule of dwelling immunity, would be sentenced to jail from one to three years and also be dismissed from office. More importantly, they would be prosecuted by the public prosecutors directly, i.e. without referring to the Law on the Trial of Civil Servants, which required initial permission from the

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[182] For the link between warfare and citizenship, see also Giddens (1987: 234) and Tilly (1992: 11).

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superior of the civil servant in question. Ali Sukru Bey defended the draft and argued that, in Turkey, judicial, administrative and military bureaucracy was all subjected to different regulations and this should be corrected. He pronounced the concept of *"habeyas korpus"* during the debates (TBMMZC 1/3 27).

The behavior of the police provided one of the basic supports to the draft of Abdulkadir Bey. Defending his bill on "individual liberties," he stated: "A police chief acts as if he has the power of the national assembly... A document, called the residence document, was invented and the police receive one *lira* of fine from those who do not present it. Is this necessary? If the monarch cannot levy a tax, how can a police chief do it?" (TBMMZC 1/3 27: 269). The Minister of Justice, unlike the Minister of the Interior, supported the proposal by giving examples of how the police managed to by-pass the laws and regulations in order to arrest a person. He stated that the police, legally, could put someone under custody for twenty-four hours. They could take him to another prison at the end of the period by saying that he did not belong to their district. The Minister witnessed in Istanbul that, although the laws existed and were applied, a person could still stay under arrest for a couple of months without trial (Ibid. 271).

The basic legal doctrine of the Republican regime, on the other hand, was to leave the executive free to continue with its transforming policies without any obstruction. While the law on "individual liberties" was discussed in the Assembly in 1923, the Ministry of the Interior stated the basic reason why the government was against the law as follows: "If you accept this law, the order presently existing in the government will be destroyed. Non-governability will begin... Your friend who wants to grant individual liberties should have

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desired the quick establishment of an ordered and excellent government. Without that, such a thing will be impossible to accomplish" (TBMMZC 1/3 27: 266).

With these considerations in mind, the government prepared another bill which would take most of the individual rights back. Ali Sukru Bey quotes this preamble in his newspaper and criticized it. The preamble stated that if a suspected person was brought into court by a police officer and if he was found guilty the police officer would be considered to have done his job. However, it was argued that if that person was found non-guilty than he would have the right to bring a suit against the police officer. The preamble posed this problem as a serious threat to the functioning of government. Furthermore, it argued that if the bill on "individual liberties" was to be accepted then the people who were suspected of being bandits could not be arrested without a summons by the court, and this would be to the benefit of the bandits. Ali Sukru Bey criticized the government in his article in 1923 saying that asking for the right to restrict an individual's freedom without requiring any legal proof means going backward to the Middle Ages (in Demirel 1996: 82-87). At the end of all these discussions, the liberal wing of the Assembly gained a victory and the Law on Individual Liberty was accepted on February 12, 1923.

However, the government retaliated in March 1925 with the Restoration-of-Order Law (*Takrir-i Sukun Kanunu*). This draconian law was enacted to suppress the Kurdish rebellion in the East, but, at the same time, it signified the end of open opposition to the regime. [183] It had only three articles. According to Article 1, it became the direct responsibility of the government to forbid "organizations, provocation, incitements, attempts,

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and publishing," which led people to reactionism (*irtica*) and revolt. Recep Bey, the future Minister of the Interior, who was the Minister of Defense at the time, cited the law of 1923 on "individual liberties" while defending the new law; and he stated that this law was responsible from the current situation: "One of the causes that has brought about this new proposal is a law that is known as the 'the immunity of the individual,' which leaves the government paralyzed and idle and does not even let the police touch a murderer" (TBMMZC 2/2 15: 139). The Minister of Justice Mahmut Esat also stated that all the government wanted was the "extension of police duties" (Ibid. 142).

The reaction of the police to the law on "immunity of the individual" was similar to that of the government, and in fact preceded it. The GDS sent an order to police chiefs in the provinces in January 1925, three months before the Restoration of Order Law. There, it said that police officers had become ambivalent and timid in enforcing the rules because of the above-mentioned law. The document reminded police officers that their actions were under the guarantee of the law on civil servants and no one could hold them accountable unless authorization was taken from their superiors. They had to trust that the state was behind them and they should act with courage and determination (PM, no. 183-186).

An order by the GDS shows that the police prepared themselves for taking an active role in enforcing the Restoration-of-Order Law. Although this law was seemingly enacted to take action against the Kurdish rebellion and the banditry, an order from the Minister of the Interior to police chiefs in March 6, 1925 indicates that it covered whole range of human behaviors. The Minister's order sums up the police tasks in three headings: "i) they will

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[183] This law was annulled in 1929.

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resolutely oppose those who threaten public order; ii) they will resolutely intervene to those who talk about politics in coffee houses, and to drunks and brawlers in the streets; iii) those police officers who will not take the necessary preventive measures against any incident of opposition to the government will be punished severely, no matter what the significance of the incident" (PM, no. 183-186). Documents in the *Basbakanlik Arsivi* (Prime Minister's Archives) in Ankara show that the police used this law for their own purposes. Many cases treated under the rubric of this law were in fact cases of "insult to the police officer" and they were tried in the Independence Tribunals rather than in the ordinary courts (BKK, no. 2029, 2039, 2236, 2239, 2314). There were also cases about the critique of the regime in public places (no. 2304) or the resistance to the police's attempt to remove someone's *turban* (religious head covering) (no. 2579).

There are some indications that the police were successful in crime fighting during this period. When we look at the crime statistics for Istanbul published in the police journals from 1922 to 1930, we see a steady decrease in arrests. The crimes included in the statistics were theft, robbery, murder, beatings and injuries, rape, abortion, insult to the police officer, threat, bribery, exposing gun, fraud, pickpocketing, suicide, breach of trust, and "others." There were only 300 arrests on average in each month in 1914. The average jumped to 1000 per month in 1922. This figure continued, more or less, until 1925. After the introduction of the Restoration-of-Order Law, it dropped to 700 in 1926. From this time onwards, there was a steady decrease, first to 600 then to 500 in 1927 and 1928 respectively.

Police officers increased their discretionary power to such an extent that the Minister of the Interior felt obliged himself to write a new order in March 31 and warned the police

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not to intervene in the affairs of the Independence Tribunals (PM, no. 183-186). From another document, we understand that the police treated many ordinary public order "crimes" under the rubric of the Restoration-of-Order Law and thus lengthened custody periods. The Minister of the Justice asked the police not to treat cases such as drunkenness, beatings, injuries, and insults to the police officers in the context of the above-mentioned law (PM, no. 183-186).

As expected from a revolutionary regime which had claims on transforming the society and forming a nation-state, the Kemalist regime tried to give wide discretionary powers to the police. In fact, that was one of the major arenas of struggle with the opposition who had claims on the new regime for the extension of civil liberties.

In this period, the police began to perceive criminal acts differently from the old regime. For the republican police, the issue was not whether an act was against the Sultan but rather whether it was against the social norms. The director of the police journal wrote in a very Durkhemian fashion: "Whether an act is considered a crime depends on whether it hurts collective feelings. There is no such thing as crime in itself." The example he provided is illuminating for the character of the new regime. He wrote: "For example in Russia today, humiliating the Tsar is not a crime because of the fact that collective feelings have changed there." Needless to say, he argued that laws gave the police the duty to determine which acts were against "collective feelings" (PM, no.148, 1922).[184]

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[184] For Durkheim as well, crimes are not given or natural categories. They rather change from society to society and are products of social conventions (see Garland 1990: 29). Durkheim was the intellectual mentor of Ziya Gokalp, the ideologue of the CUP. His The Division of Labor in Society was translated into

One of the clearest indications of the role police would play in making the nation for the new regime can be observed in the recruitment policy. As noted earlier, the turkification of higher echelons of the police had been started quietly during the CUP era. In the republican period, on the other hand, we see open declarations by the deputies to turkify, not only the higher posts but also the rank and file police officers. They complained several times about the ethnic heterogeneity of the police. The judicial committee of the Ministry of the Justice argued in 1924 that, in order to reform the organization, they had "to give up [their] tolerance on the nationality of the officers" (TBMMZC 2/1 7: 3). Another deputy attributed the repressive police practices to the fact that "most of the police officers were non-Turk." He said: "We have elected only four hundred officers in twenty provinces. These police officers appreciate the Turkish culture. However, the rest are from the races who stammer even when they greet" (TBMMZC 2/1 7-1). In 1926, in a cabinet meeting, non-Muslim civil servants were accused of being the agents of local notables in public administration. It was decided that the Ministry of the Interior would replace all its non-Muslim civil servants with "Turkish elements" (BKK, no. 3607).

As seen above, Gamson and Yuchtman (1977) argue for a connection between the absence of societal cleavages within the police and their partisan intervention in social conflict. One can predict that the ethnic homogenization of a police force given the task of transforming society would increase its "partisan intervention" into the people's daily lives. As a matter of fact, as early as 1923, when the Republic had recently been

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Turkish during the National Struggle by the GNA (Ergun 1983: 2161).

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established, Abdulkadir Bey said in the Assembly that the police curtailed even the right of travel that had been gained during the Constitutional period (Cavdar 1988: 242). In this chapter, evidence and a causal account of how the police increased its discretionary power are given.

The main reason why the discretionary power of the police was increased to that extent was that, as in every other authoritarian regime, they were the *only* source of information. In regimes which curtail free speech and political competition, there remain no open avenues for public opinion, and the police become the only instrument the government can use to measure the success or failure of its policies. We can observe the importance given to the intelligence function of the police in the Turkey from the state budget: Intelligence was the second biggest section of the police budget after salaries. The budget of this section was only 55,000 *liras* in 1924. One year later it jumped to 276,000 *liras* and in 1928 to 366,000 *liras* (Okcabol 1940: 158).

The major jump in the intelligence section of the budget took place in 1925, corresponding to a significant date for the new regime: The Progressive Republican Party *(Terakkiperver Cumhuriyet Firkasi)* was founded in that year. The founders of the party were former comrades of Mustafa Kemal and famous Unionist pashas of the National Struggle. The formation of the party signified a major break within the leading cadre of the revolution. Apparently, the Kemalists were not ready yet to permit a second political party. Seven months later it was closed down by the Independence Tribunal.[185] 1925 was also the year of

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[185] These are the typical revolutionary tribunals that are established by most revolutionary regimes before they become stable and when the legal system is still in flux (See Zatz and McDonald 1993: 135). The tribunals in Turkey were established in 1920 to punish war deserters and were used several times later. The

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a major Kurdish uprising in the East.[186] The court decision imputed a link between the PRP and the uprising. The next year, 1926, the Unionists and all other opposition were eliminated.

In 1926, after the liquidation of the opposition, and before the new regime began to enforce its social reforms, it enacted a detailed Penal Code. The statements by the Minister of the Justice on this code show how the nationalism of the new regime carried a highly collectivist tone. He stated: "Our penal code is very harsh because the revolution is very jealous.... The people who should be afraid of it are those who have bad intentions towards the interests, the law and the revolution of the Turkish nation" (TBMMZC 2/3: 4-5). The law was indeed very detailed and devoid of the religious requirements of the former penal codes. It was the product of a modernizing one-party government. The government representatives had liberal claims on punishment. They said that, whereas in the old penal codes the main goal had been to inflict pain, in the new law it was to "reform" the individual.[187] Committing a crime was an illness. Therefore, it was necessary to leave the criminal alone and give him a chance to listen to his conscience (TBMMZC 2/3 23: 5-8). For civil liberties, on the other hand, representatives of the government proved that they had no concern for the extension of rights. They said: "Nobody has the right to threaten the great benefits and rights of the

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final one was in 1926, to eliminate the remnants of the Unionist opposition. The members of the tribunals were the deputies in the GNA. The tribunals were abolished by an amendment in 1949.

[186] Initially the uprising was in the Eastern regions. However, it spilled over to cities in the Black Sea region and inner Anatolia. The interesting point is that those cities were the ones where soldiers had been conscripted to suppress the uprising in the East (Inonu 1946: 142).

[187] Three years before the law, the police journal published an article on the "Elmira" project and praised the new approach, which involved not punishment but rehabilitation (PM, no. 155).

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Turkish community for the sake of individual liberties" (Ibid. 13). The republican elite

perceived the Turkish "nation" as a unified body centered around common interests and they

thought that they had the right to modernize the nation from above without granting civil

liberties.

1926 was crucial not only for the introduction of the new penal code but also for the

elimination of political opposition. By exploiting an assassination attempt towards him,

Mustafa Kemal managed to eliminate all the surviving prominent Unionists from the

political arena. This was the end of an era. The famous "Speech" of Mustafa Kemal, given in

1927, is very instructive in this context. The "Speech" is accepted as an objective account of

the history of the National Struggle and the period between 1919 and 1927. However, as

Zurcher argues, it practically ends with the emergence of the Progressive Republican Party as

opposition in November 1924. The "Speech" "is a vindication of the purges of 1925-6"

(Zurcher 19993: 183).

Once the opposition was eliminated and a Penal Code which would protect the

"general interests" was enacted, the ground was cleared for reforms within a one-party rule.

Most were directly related to the daily lives of people such as the adoption of the western

clock, calendar, numerals, weights and measures, the replacement of the *fez* with the hat[188],

the closing down of religious orders, the restriction of wearing religious garb, the shifting of

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[188] Turkish intellectuals generally undermine these revolutions, especially the ones on dress codes (for a typical example, see Belge 1991: 111). Migdal (1988), on the other hand, explains the capital punishment of 70 people because of wearing the "wrong hat" in Turkey in the context of social control. This is not as simple an issue as it may seem. "In reality, the conflict was over who had the right and ability to make rules in that society." (30) Another anecdote on the importance of symbols is from France: French women marched on the streets in 1789 just for the reason that soldiers in Versailles had trampled the tricolor cockade and worn black or white ones. Three years later, "all men were required to wear the tricolor

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the weekly day of rest from Friday to Sunday, the prohibition of the public use of Arabic script and the adoption of the Latin alphabet, and the secularization of the family law by the abolition of religious marriage and polygamy. The motto of the Kemalists during this period was "Let's smash the Idols."

Bayley (1975: 363) argues that "traditional insistence in the country upon the importance of right-belief" increases the police intrusion in political life. The "right-belief," which causes the police impingement, can both be secular or religious, i.e. "religious conflict [can] challenge formation of a nation" or "religious tradition [can] sanction surveillance for the purpose of achieving right-belief" (Ibid. 363). Obviously, it is the first condition that prevails in the Turkish case. Moreover, there was one more element which increased the police intervention to daily lives of the people: As Gamson and Yuchtman argue for the police in one-party rules, the continuity of political power is effective in the sense that, "when the same government is 'here to stay,' the police are likely to be less sensitive to potential criticism and protest from competing political groups" (Gamson and Yuchtman 1977: 199). This fact deeply affected the police culture in Turkey. A police commissioner from Izmir wrote the following in 1935: "Of course, the Republican police thinks in the same way as their government. They know perfectly well that they are the police of the people's government" (PM, no. 301). The general policy of statism of the regime found its best expression in the following statement in the police journal: "Although we are populists, we consider the sacred interests of our state above everything and we are proud of this. The greatest happiness and wealth of the people is the patronage by the state. There is no force

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cockade" (Hunt 1984: 58-9).

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other than the state, which can ... protect us (PM, no. 303).[189]

Authoritarian modernization (or, as the Kemalists say, "westernization") of the Kemalists required the police to intervene even to small details of daily lives in the name of "civilized behavior." For example, in 1926, the Ministry of the Interior wrote an order to the police and asked them to prevent people from wandering around if they did not wear "contemporary outfits" (PM, no. 198). The intensified police intervention in daily lives inevitably increased the discretionary power of the police. A teacher in the police school wrote: "The Police are not passive observers who wait for crimes to happen. On the contrary, their main missions are administrative and moral." The essence of these missions, he wrote, was "the responsibility to organize human relationships and rights" (Okcabol 1939: 66-7).[190]

As can be expected, the policing of morals became very important during the revolutionary period. In 1927, the police complained about the leniency of the laws. They argued that "social morals" had been weakened since the end of the First World War, and the courts had been freeing criminals in return for small amounts of bail, although the police had spent a lot of time to arrest them. They demanded that the system of bail should be abolished for crimes of murders and morals; as should the adjournment of punishments for repeated

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[189] To note the difference with the police culture during the pluralistic and contentious period of the CUP see Chapter 6.

[190] The new regime's efforts to create a "civilized city life" increased police authority in municipal affairs. Okcabol's "human relationships and rights" included the followings: According to the Municipal Regulation of Ankara in 1937, it was forbidden to put anything on a balcony, etc. which would destroy the "honor and view" of the streets and avenues. One of the members of the City Council even argued for a specific area outside the city just for beating out carpet dust. Similarly in Izmir, people were harshly punished just for spitting on the streets. One hundred people were punished for this "crime" each day. According to a Law, dated July 13, 1938, the police would control whether the price stickers were put in proper places in markets and whether bargaining between buyers and sellers was taking place. Since the municipal police forces were not sufficient for these kinds of tasks, they were merged with the state police (Tekeli 1978: 84-86).

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crimes; and the press should be more sensitive and careful (PM, no. 205). The Minister of the Interior wrote the following in a directive to police centers in 1927: "We have heard that some indecency occurs in ballrooms which have started to be opened under the name of "school of dance" in different parts of Istanbul. They are harmful for neighborhoods and especially for the young." The Minister asked the police to prevent the usage of the term "school" for these places and to put them under surveillance. A regulation was prepared which stated that these places would henceforth be called "dance halls" and girls and boys would dance separately. Girls over 18 would register their names with the police (PM, no. 210-212).

As in the CUP period, the police mainly used the law on vagabonds as a means to increase their discretionary power. Regarding dwelling immunity, for example, indoor places could not be searched at night or without legal permission. However, places like gambling houses, brothels, and other places in which vagabonds stayed were outside the restriction. The police could search these places day and night and they did not need any other person, like *imam* or prosecutor, to start the search (Alyot 1947: 429).[191] Thanks to the law on vagabonds and suspect persons, the police liberated themselves from the restriction of the penal code in searches and arrests. Since, by definition, vagabonds did not have any definite place to live, they and their places could easily be searched by the police if the latter "suspected" a particular situation. Similarly, if the person was a vagabond or a "suspected person," the police had the authority to arrest him/her even during the investigation period

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[191] According to the police regulations, elderly of the neighborhood or imam should have been present during the search.

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(Ibid. 798).

In February 1928, the Director of the Istanbul Police sent the following directive to police stations: "From now on, criminals who were brought to Istanbul will not be allowed to work in public service but will be sent to distant provinces." The Director also asked police officers to strictly enforce the laws on vagabonds, beggars, and suspected persons and to collect the necessary evidence so that they could easily be arrested by the courts (PM, no. 219-221). Four days later, he issued another directive asking the police to register each person who checked in hotels, inns etc. in order to prevent the vagabonds from coming to the city. The police officers that did not obey these directives would be punished severely (PM, Ibid.). In 1928, 21,469 people were arrested by the "administrative police," that means, for crimes related to public order. 15,189 of them were arrested as vagabonds, and 2,788 as beggars (PM, no. 277).

This increase in discretionary power was accompanied by immunities in accountability given to the police and other civil servants. The Law on the Trial of Civil Servants had been a major issue from the time of the CUP onwards. The centralizing attempts of the state had given rise to a "liberal" opposition. Most of the discussions were framed within this issue. As early as 1921, some deputies of the new republic tried to change this law. The government's argument at the time was that the judiciary was not mature enough to prosecute the administrative bureaucracy and that public administration required special knowledge (TBMMZC 1/1 9: 409). [192]

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[192] A new law was enacted in 1930 for the accountability of civil servants. Some of the economic crimes were left out from the immunities. However, as Gunday argues, civil servants had still a wide range of

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Throughout the entire republican period the judicial and administrative tasks of the police have not been distinguished but left blurred. This caused the police in the early republic to use their discretionary power more freely on the one hand, and made them less accountable on the other. There was no clarity on specific laws or regulations according to which a police officer could be tried if he committed a crime while on duty. There were also no determined limits on the extent of preventive and judicial policing that a public administrator could exploit. It was not clear which acts of the police were administrative and which were judicial when pursuing a criminal (Alyot 1947: 423).

The lack of strict separation between judicial and administrative (or preventive) policing caused conflict between the Ministers of the Interior and the Justice on the accountability of the police. In 1924, The Minister of the Justice argued that the judicial police should be accountable to public prosecutors if they committed crimes while on duty (TBMMZC 2/1 6: 394). The Minister of the Interior responded that, according to the Law on the Trials of Civil Servants, the preliminary investigation on police officers should be done by their superior public administrators, and the case could go to the prosecutor only if then thought necessary. In addition, he cited Article 71 of the Police Regulation, according to which, in order for a police officer to be tried, the Police Council (Polis Divani) first had to give permission (TBMMZC 2/2 8-1: 546). On the other hand, according to Article 385 of the Penal Code, the police were under the authority of public prosecutors when their function was judicial. Therefore, argued the Judicial Committee, they could be prosecuted by

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guarantees. In order for a public prosecutor to try a civil servant, the permission of the governor or the Minister was necessary. This made the trial of civil servants extremely difficult (Gunday 1996: 560).

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prosecutors for the crimes they committed when they functioned as the judicial police. However, the Assembly voted for the view of the Ministry of the Interior at the end (Ibid. 549).

As the police took an active role in enforcing the revolutionary changes in the daily lives of the people and gained legal immunities, the government faced the problem of how to control its own police force. The director of the Istanbul Police sent a notification to his police officers and warned them about public complaints of police mistreatment (PM, no. 201). Proving that it was very difficult to control the police, the Minister of the Interior sent three directives (in July, August, and April 1926) to the provincial police on the same issue. The Minister stated that people's complaints about the delays of their requests from the police or about the police mistreatment had started to reach even to the central government. He wrote that those police officers who did not give quick responses to people's demands would be punished (PM, no. 202).

In the meantime, reaction soon emerged to the Kemalist revolution. There were armed uprisings in 1925 in different parts of the country such as Erzurum, Rize, and Maras to protest the "hat reform." Reactionary Islamists revolted in Menemen in 1930. There were demonstrations in several cities in 1933, protesting the change of the language of prayer in the mosques from Arabic to Turkish. (*On Besinci Yil Kitabi* 1938: 58)

The world economic crisis of 1929 on the one hand, and reactions to the secular revolutions on the other, increased the grievances in society. The government had two options. It could either go in a more moderate way and open the political space or it could tighten the regime (Timur 1993: 159). The establishment of the Free Republican Party (FRP)

in 1930 as the new opposition party indicates that the first option was taken.[193] FRP was a loyal opposition party with liberal views on economy. However, it soon became clear that its popular support exceeded the expectations of the Kemalists. Many discontented groups - liberals and religious fundamentalists alike- began to support the new party. A demonstration of the FRP in Izmir in 1930 became a turning point. 50,000 people were gathered to listen to the leader of the party, Fethi Okyar. The Governor of Izmir tried to prevent the demonstration. Despite the efforts, there were clashes between the police and the people, and a child was killed by a police bullet (Okyar 1997: 74-5). One month later, the FRP won thirty-one regions in municipal elections, out of 502. This victory was despite the various obstructions by the government during the elections. Okyar wrote in his memoirs that "governors, sub-governors, commune directors, the police, the gendarme and especially the Minister of the Interior Sukru Kaya Bey did everything they could make the FRP lose the election" (Ibid. 77).

This second experiment with a multi-party system was also short-lived, lasting only three months. The FRP was closed down in November 1930, with the will of its founder, Fethi Okyar. As the regime became aware of the potential power of the opposition, it chose the second track and decided to tighten the regime.

1932 was a turning point for the republic and the new regulations on the police reflect this transformation. At the base of the change of track lay the world economic crisis of 1929. This year had an additional significance for the Turkish economy. Two

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[193] Also in 1929, as part of the general liberalization, left-wing journals such as *Resimli Ay*, "which included the unrepentant communist poet Nazim Hikmet on its editorial board, were allowed to appear" (Ahmad 1993: 59).

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clauses of the Lausanne Treaty, signed in 1924 with the European states, prevented the new regime to pursue an independent economic policy for the coming years. One of them was about the repayment of the Ottoman debts. The debts were shared among different states established on the ex-Ottoman territories; nonetheless, the new Turkish state got the lion's share, having been required to pay the 2/3 of the total, which amounted to 85 million golden liras The repayment was scheduled to start in 1929. Furthermore, the Treaty prevented Turkey from adjusting its custom rates for five years - i.e. until 1929, when most of the limitations on import and export were abandoned (Boratav 1988: 32).[194] As the prices of raw materials fell more than those of industrial goods as a result of the world economic crisis, it became clear that free international trade would hurt the balance of trade in Turkey, which was essentially an exporter of primary goods.

In short, three developments overlapped in 1929: World economic crisis, the end of the limitations on Turkish economy, and the beginning of the repayments of the Ottoman debts. The government was not decisive but searched for alternative policies between 1930 and 1932 (Kocak 1990: 109). The initial response to the crisis was a familiar one: The government raised import tariffs and pursued a protectionist policy. However, unlike other third world countries - especially those in Latin America - it modified the policy of protecting private capital in three years and moved to a "statist" economy in 1932 (Boratav 1988: 48-50).

The statist emphasis on economy also found its counterpart at the political level,

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[194] According to an economic estimation the current custom rate provided only a protection rate of 12.9% to the Turkish economy (Boratav 1988: 33). Turkish economy was an open economy between 1923 and 1929.

for statism was not only an economic policy but also a project of the center to control social forces. If the world economic crisis was one reason for starting to pursue a statist economy the other was the economic failure of the new regime. Until 1930 the economy had not been improved and the support to the opposition party (FRP) was witnessed as an indication of the popular discontent. The mid-1930s was the "thermidor" period of the Turkish revolution. We can clearly observe the change in the police budgets, structure, and regulations.

The changes in the budget of the central bureaucracy of the police from 1921 to 1933 indicate both the gradual improvement in police organization and a jump around 1932.[195] (Table 1)

As the figures show, salaries increased by 53% from 1930 to 1933. Expenditures also increased by 31% during the same period. In comparison to the figures in 1921, salaries almost tripled and expenditures doubled until 1933. The reason of the jump in 1932 was the fact that the new regime enacted its first law on the organization of the police in that year.

The new regime centralized and penetrated its police forces into society by masterfully organizing its foreign relations and by consolidating its power inside. It became obligatory in 1932 that even the smallest cities would have at least ten police officer (Alyot 1947: 632). Changes in the salaries of the central and provincial police

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[195] In evaluating these numbers, one should remember two facts: One is that the republic inherited a huge amount of foreign debt from the bankrupt Ottoman Empire. Ahmad writes: "As late as 1932, the biggest portion of the state budget (146,210,355 Turkish liras) was devoted to the repayment of the public debt while only 86,007,852 liras" was expended on other sections (Ahmad 1993: 95). The second is that throughout the 1930s the share of the GDS in total budget was around 2%.

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organizations indicate the importance given to the provinces. (Table 2)

Table 1. Salaries and Expenditures of the Police (Turkish Lira)

Year	Salaries	Expenditures	Percentage Changes	
			Salaries	Expenditures
1921	24300	3200		
1925	29880	3850	23.0	20.3
1926	33030	4450	10.5	15.6
1927	44208	2645	33.8	-40.6
1929	50964	5200	15.3	96.6
1930	58956	4700	15.7	-9.6
1933	90276	6200	53.1	31.9

Source: Okcabol (1940: 129).

Between 1925 and 1933, the ratio of the increase in salaries paid to provinces (155%) was far greater when compared to the increase in salaries paid to the center (7%). Significance of the these numbers can be understood more clearly if one also considers the changes in the actual numbers of police officers and their ranks. (Table 3)

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Table 2. Salaries for Istanbul and the Provinces

Year	Salaries for Istanbul	Salaries for The Provinces
1925	2,808,176	278,700
1933	3,294,104	710,920

Source: Okcabol (1940: 135).

Table 3. Distribution of the Police Officers Based on Ranks

Year	Commissioners and higher ranks	Constables	Total
1918[196]	826	4873	5699
1929[197]	1098	4210	5308
1932	1306	4204	5510

Source: Tongur (1946: 251-2); Alyot (1947: 613, 630).

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[196] Tongur 1946: 251-2. Actual figures were 1015 and 5853 respectively with the total of 6868. I excluded those regions that remained outside of Turkish borders after the war.

[197] The data of 1929 and 1932 are from Alyot 1947: 613 and 630. Especially after 1932 –i.e. after the law on the organization of the police- civilian bureaucrats were also employed as high rank police commisioner, especially if they are graduated from law schools or from school of public administration.

Two observations can be made about the last two figures: The impressive extension of police forces during the CUP period, and the increase in the quality of the police personnel during the republican period. Despite serious budgetary limitations, the republican regime attempted to penetrate into society by increasing the number of its high ranking police bureaucrats more than that of the constables. That was the reason of the radical incrase in the salaries for the provinces. Relying on commissioned officers, the regime attempted to eliminate the societal influences on its police forces, and with the strict rules of promotions, it could more easily establish authority on the police commissioners.

This can also be considered as an indication of the increase in the infrastructural power of the state. The republican regime continued from where the Unionists had left. As seen in Chapter 7, the Unionists had achieved to establish a centralized police system in Istanbul. The republican government extended this force into provinces. Inonu's[198] words in his memoirs are indicative in this sense: "The problem of public order in the form of banditry lived for a long time in Anatolia. The essential difference between governing the country from Istanbul and from Ankara, i.e. in the midst of the problems of Anatolia, lies here." For Inonu, the internal security problem, which until then had been dependent on a governor's personal ability, became an existential problem for those attempting to establish a nation-state in the heartland of Anatolia. "The Ottoman way of dealing with the issue," which he defines as using one bandit group to suppress another, was not suitable for a nation state which aimed to eliminate all intermediary groups (Inonu 1987: 272).

Increase in the "infrastructural power" went hand in hand with the "despotic power."

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The tightening of the regime also shows itself in the police surveillance of the press. In order to see the radical change in this sphere, an earlier discussion in the Assembly is illuminating. In 1924, there was a debate in the Assembly on a newspaper article written by Abdullah Cevdet, who had declared that "believing in an entity who rule[d] the universe as he wishe[d] [was] stupidity." The conservative deputies argued that Abdullah Cevdet had attacked values the Turkish people held sacred. They asked the Minister of the Interior to call for police intervention to punish the newspaper administration (TBMMZC 2/1 5: 459). The Minister replied: "Gentlemen! The issue of press and the issue of policing are two different issues. They have no connection with each other. These are strange questions" (Ibid. 462).

Seven years later, however, the mood was radically different. The government enacted a draconian Press Law in 1931. Up to that point, the 1913 Press Law had been in effect. The law of the CUP period prohibited only those newspapers which published articles that were against "the internal or external security of the state." The new law went one step further and stated that newspapers "which made publications against the general policies of the state" would be closed by a simple government decision. In the CUP period, editors and/or owners of closed newspapers were able to found new ones. With the new law this right was taken back (Tanor 1995: 264).

The "thermidor" was most visible, however, in police regulations. In 1932, the Assembly started to deliberate on "the Law on the Responsibility and the Authority of the Police." Article 18 of that law gave the police wide discretionary powersfor arrests. The article stated: "In extraordinary situations and in cases which threaten the state's security and

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[198] The second president of the republic after Ataturk, between 1938-1950.

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viability or in cases which can threaten and break public order, the police can hold those people whom they suspect as responsible for the situation and put them into custody until that particular situation no longer exists" (cited in Timur 1993: 150). With this article, in fact, it was the governors and sub-governors who were given enormous powers because, according to the last sentence of the article, "it [was] the administrative superior of the region that [would] judge the seriousness of the situation" (Ibid. 150).[199]

In this period, under the clause of "temporary arrest," the police had the right to arrest people without any official statement if they deemed it necessary. Additionally, in house searches, if the police thought that getting permission from the public prosecutor or the judge would cause the suspect to flee, they could undertake the search without permission (Tongur 1946: 418-9).

The "Law on the Responsibilities and Authority of the Police" which was enacted in 1934, gave all that the police needed for self-protection. Until then there were various legal texts, which caused conflicts between the judiciary and the police, and the latter felt themselves restricted because of the judicial restraints. The government defended the law with the basic argument that the previous laws did not protect the police and that they had been subjected to many investigations when they were on duty. The head of the judicial committee in the Assembly argued: "After many experiences we understood that the police lost their motivation to work for this reason, and hence, their efforts to maintaining public order and peace deteriorated" (Alyot 1947: 773).[200]

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[199] After the transition to multi-party system in 1946, this law was changed and this article was removed (Ibid. 150)

[200] The distinction between the judicial and administrative units of the police force was achieved with the main legal text of the police, i.e. the Law on the Organization of Security in 1937. The judicial section of the

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CHAPTER 12

THE PREFECTORAL SYSTEM AND

THE PROFESSIONALIZATION OF THE POLICE

We saw that increase in the discretionary power of the police gave rise to some legal immunity to the police in doing their work. Both of these processes relied on a perception that the police were the experts in helping to transform the people socially and politically. Professionalization was the key for the police to deserve this status of expertise. As Cotterrell argues, "professional status provides a justification for self-regulation rather than external control, and for the claim of the police to be heard in political debate, including especially debate on changes in the law they enforce" (Cotterrell 1992: 278).

The basic characteristic of the above-mentioned 1934 Law[201] was that it clarified the

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police force was put under the authority of the public prosecutor. This section was under the authority of their own superiors in other matters – i.e. in "preventive" or "administrative" policing. In this way, public prosecutors were left with no authority to control the police as far as the latter performed an "administrative" task. (Alyot 1947: 665).

[201] In this chapter, I will mention the following three laws concerning the police: "The Law on the Organization of the Police" in June 30, 1932 was the first detailed law on the organizational aspects of the police force. It specified the ranks and degrees in the police, the accountability, promotion, education, and disciplinary measures. The Law on the Responsibilities and Authority of the Police, enacted on July 4, 1934, was about the policing tasks of the organization. Finally, the "Law on the Organization of the Security" was enacted on June 4, 1937. It replaced all the previous regulations and laws on the organization of the police (the Police Regulation of 1913 could finally be annulled totally). This law is still in effect, with major modifications made to it in 1971, 1974, 1981, and 1993.

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relationship between the police and the prefectoral system on which the regime depended. After this law, the police became directly related to the regime. The law clearly stated that Article 40 of the Law on Civil Servants was invalid for the police. According to this article, a civil servant had the right to inform a higher authority if he suspected the legality of the order given by his superior. Police officers did not have such a right. They had to obey the orders given by the governors without questioning them. The relationship between the police and the governors was very important and related to the problem of the politicization of the police. That is why the prefectoral system during the republican period requires closer examination. It is the semi-political character of public administrators that determined the character of the police as autonomous but still loyal to the state ideology.

In Turkey, the police-regime relationship is established via the governors and other administrative bureaucrats. The Turkish prefectoral system provides a hierarchical and inclusive structure to enforce the orders of the central authority in cities (Tosun 1970).[202] In this system, as in France, the governor's powers can be divided into four categories: He is the representative of the state; of the whole government (not merely of the Ministry of the Interior); of the Ministry of the Interior; and he is the chief executive of local government at the level of the city (Ridley and Blondel 1964: 93).

Public administration in Turkey has been mediated through politics rather than exclusively through career. The situation is similar to one described in Silberman's (1993) model of bureaucracy. There was a high uncertainty, which had continued from the *Tanzimat* onwards. That was to such an extent that both the CUP and the Republican regimes

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worried about the possibility that the governors who stayed in a city for a long time might have establish relations with local powers. This had always been a problem for the center. That is why, as initially seen during the CUP period, the elected members were discharged from the City Administrative Councils and only those who had been appointed kept their positions. Deputy Halil Bey, a former public administrator, stated at the Assembly in 1923 that he had had to struggle with those powerful persons in the councils during the Constitutional period, and that it was for of this reason that he had been continuously forced to change his place of work (TBMMZC 2/1 4: 378). For similar reasons, the Minister of the Interior argued that only civil servants should have been included in the City Councils (Ibid. 379).

The City Councils were also crucial in the trials of civil servants for any misdemeanors or crimes. In order for a civil servant to be prosecuted, the city council should have already given the necessary permission. In that sense, the elimination of the elected members from the Councils would make the governor or sub-governor as the only authority in the councils. That would also make the trial of police officers very difficult. The links among the central government, governor, and the police were established in this way.

Although the Turkish case fits Silberman's model of "high uncertainty," there was one important feature which was different from the Napoleonic France, i.e. "a well-defined structure of leadership organization, such as a party." If the "high uncertainty" combines with a disciplined ruling party, the latter will determine the administrative eligibility. In this case, Silberman argues, "by utilizing the single party dominance over administration, party leaders create a closed system of accountability and administrative career in which party and

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[202] Historical roots of the system had been explained in Chapter 3.

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administrative leadership are synonymous." In such a system, in order to remove the challenges to power, the party determines administrative eligibility and thus insures accountability (Silberman 1993: 80). The outcome is not unprofessionalized prefectoral corps, but is rather a bureaucracy which is oriented towards organizational goals. Governors are chosen not according to their pre-professional training or social status but solely on the basis of their loyalty to the party or to a particular type of social leaderhip.

French and Turkish governors have similar characteristics in this regard. In both countries the appointement of governors are at the discretion of the government. Perfectoral corps send many members to work in ministries and sit within the government. However, in both countries, ranks of perfectoral corps are certainly closed to private sector.[203] The difference between France and Turkey, on the other hand, lies in the fact that the republican Turkish prefectoral system of has been established under the tutelage of a political party from the very beginning. Therefore, in Turkey, the central government can impose its will upon governors with political means. Legally, it is extremely easy to recall a governor to the center. Furthermore, in each change of government, even in the change of the Minister of the Interior, many governors are replaced or retired and new ones appointed. This system is perceived as the only way for the center to control the governors despite the cost of career principle. The first decade of the Republic was crucial in that it was then when the system was laid down with all its legal structure.

As noted in previous chapters, there were fierce struggles throughout Ottoman history

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[203] For French case see Birnbaum 1982: 80-83.

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between governors and military commanders for becoming the highest authority in a region. During the National Struggle, the hierarchy between governors and military commanders *de facto* changed. In a discussion on the budget of the Ministry of the Interior in 1922, one deputy said that each province was administered in a different way. Various institutions intervened to public administration and the army was the most important of those (TBMMZC 1/3 18: 190). During the war, the military increased its role in public administration. Ali Sukru Bey, a leading figure of the opposition, argued: "Currently, there are two different governments in the country: One is the military government and the other is the administrative government" (Ibid. 194). Although the Provincial Law gave the governors and sub-governors the authority to use the army if any need arose, Mazhar Mufit Bey argued that no one could use that authority simply because of the fact that army commanders did not comply with the orders given by public administrators (TBMMZC 2/1 2: 445). In this period, there were army commanders who refused to give arms to the gendarme or who were powerful enough to cause the dismissal of governors (TBMMZC 1/3 18: 457).[204]

The problems facing the police during the National Struggle mainly resulted from the turmoil in administrative bureaucracy, witnessed during the transition from the old regime to the new model. As a deputy stated in 1922, about 30-50 civil servants had been discharged each month at the time (TBMMZC 1/2 16: 69). Another one said that, after Kars had been liberated, sub-governors had been changed every three months. According to his opinion, the main reason of this was that the Minister of the Interior could not enforce his decisions in

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[204] In Ankara, for example, the governor, a general himself, dismissed a member of the City Council and nobody could prevent it. A deputy asked for the resignation of the Minister of the Interior. He said: "Nobody wants to take the responsibility for the case because there is an obstacle. That obstacle, as we all know, is the army... If this

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many regions (TBMMZC 1/3 18: 190). The problem of human capital in public administration puzzled the new regime for a long time. In the beginning, the GNA decided to dismiss all civil servants that had ever accepted a position in occupied regions. However, because of the shortage of qualified personnel, they decided in 1923 to employ those whose betrayal could not be proven with material evidence (TBMMZC 1/3 27: 9). At that time, the director of a commune could be appointed as a sub-governor. The sub-governor of Maras, for example, was a doctor (TBMMZC 1/3 18: 456). Similarly, the sub-governor of Yozgat was an accountant (TBMMMZC 1/1 2: 187). The Minister of the Interior, Adnan Bey, admitted that the new regime faced difficulties in finding people who accepted its ideology and that was the reason why positions were given to some outside the ministry (TBMMZC 1/1 8: 370).

As soon as the war period was over, the new regime attempted to create its own administrative mechanism. Laws about civil servants were enacted one after another. The Law on Civil Servants in 1926; the Law on Salaries in 1927; the Law on Advancement in 1929 and in 1939 (Tutum 1972: 79). The goal was to create a Prefectoral Corps on which the regime could rely.

The political character of the republican governors reveals itself in the fact that, during the early years of the Republic, they and the police were widely used in electoral manipulation and corruption, even for very insignificant local elections. In 1924, the governor of Gumushane sat in the election room of a remote town of the city and "supervised" the counting of votes. He stayed there for six days during the elections (TBMMZC 2/2 11: 209). In another case, the governor of Urfa dismissed the mayor of the city just before the municipal elections, and twenty-two chiefs of guild organizations were

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is the case then we should attach the Ministry of the Interior to the army" (TBMMZC 18: 455).

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arrested because of the fact that they had announced an alternative candidate (2/2 12: 358-361). Various techniques were used in electoral manipulation in Elazig, Kayseri, Konya, Alasehir, and Keskin in 1925. Elections continued for five or six days because of the directions by the Governors of these cities. They sent the gendarme to the ballot box and the latter voted several times each day. Governors opened the boxes in their offices. They prevented the sealing of the boxes. According to the law, illiterates were supposed to vote with the help of someone they trusted. However, in this case, their votes were written down by officials (TBMMZC 2/2 13-1: 415-417).

During the period of the one-party regime,

a parliamentary system was attempted to be established by the 1924 constitution, and the foundations of the differentiation between politics and administration were laid down. Nevertheless, the structure could not be fully implemented and the organic unity of politics and administration was kept intact. In other words, during that period when the Republican People's Party (RPP) was accepted as the political institution of the bureaucracy or when the bureaucracy was accepted as the administrative institution of the RPP, the bureaucracy continued to work in accordance with the Ottoman political regime that had not differentiated politics from public administration (Cevikbas 1990: 174).

Until the end of the one-party rule in 1946, the RPP performed a supervisory governing role. In 1936, Mustafa Kemal took an important step in

having state officials take over the posts and duties of their Party equivalents. The secretary-general of the Party was dismissed and his office taken on by the Minister of the Interior. In the regions, the provincial Governors took over the posts and duties of the provincial

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Party chairmen. Sub-provincial Governors, too, became heads of their territory's Party unit, taking on the post of chairman of their county's executive committee of the RPP (Brooker 1995: 49).[205]

As Tosun states, "the fact that the prefectoral system survived through the transformation from an absolutist government to the multi-party system without major deterioration, could well be the result of the excessive commitment to governments" (Tosun 1970: 29).

The prefectoral system in Turkey is related to the police to such an extent that, as stated in the 1932 Law of the Police, heads of police departments, police inspectors, and chiefs of police were equivalent to sub-governors. That is why the police officers in these positions could be appointed as sub-governors and sub-governors could be transferred to these police posts (Tongur 1946: 316).

The intimate connection between the prefectoral system and the police has a special implication for the "judicial police." Ozel writes that, "as the judicial police are under the authority of administrative bureaucrats, they are open to political influences. They are connected to the Ministry of the Interior for appointment, transfer, and promotion. Therefore, it becomes impossible for the police to enforce the rules neutrally for each case and to deliver them to public prosecutors without hesitation" (Ozel 1974: 482). In practice, there did not exist any system of control for police work in judicial matters. All investigations were left to the initiative of police chiefs and officers. They could thus make their works seem to have

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[205] Brooker notes that, although the party was united with the state, in reality it was now more subordinated to the state. He writes: "It is not surprising that after Kemal's death [in 1938] the Party quickly moved to restore the pre-1936 status quo. But Kemal's innovative move has remained to this day the most clear-cut subordination of party to state to be found in any one-party state" (Brooker 1995: 49).

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been done appropriately just by preparing themselves an official warrant of arrest or of subpoena (Ibid. 484).

As noted in earlier chapters, modernization and centralization attempts in the Ottoman Empire had been framed in secular ideology. Initially, this was a necessity rather than a choice. From the *Tanzimat* period onwards, in order to maintain the autonomy of the state both from the intermediary social forces and the Sultan, the central bureaucracy acted within a secular worldview. This has become the major antagonism between the "center" and "periphery" in Turkey. In countries where there are essential cleavages in value systems, the public administration is organized according to the principles of an inclusive prefectoral system (Tosun 1970: 22). This kind of a relationship between the state and the society has implications for the professionalization of the police.

As Spencer argues, "authorities deeply suspicious of the subordinate population have reason to welcome a substantial degree of tension between rank-and-file policemen and the general populace to maintain the social isolation of the police and to lessen the chance of their collusion with those to be policed" (Spencer 1985: 159). In Turkey, according to the 1907 Regulation, the staff of police organization had to spend their off-work time in police stations and even had to sleep there except for emergencies and leaves of absence that were given for one day a week (Yagar 1988: 99).[206]

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[206] Needles to say, a law-enforcement agency separated from society and put into barracks is very similar to military institutions. That is one of the important differences between continental and Anglo-Saxon police systems. Whereas law enforcement officials were isolated from local populations in Turkey until 1963, it was just the opposite in the U.S. The New York legislation of 1844 and 1853 required that policemen should have been residents for at least five years in the wards to which they were appointed; they were also required to maintain that residence (Emsley 1984: 110).

Putting the police into barracks was not the only way to impose a distinct culture to the police force. Another way chosen to prevent societal influences on police culture was related to the qualifications that were sought when accepting students to the educational institutions of the police. It has been mentioned that education had a significant role in the development of policing as a profession. The children of police officers were preferred at these educational institutions. If one considers the fact that police officers are generally from the lower classes, it becomes apparent that such people could hardly send their children to other colleges whereas they could easily send them to police colleges. This has provided a continuity of profession in police families from one generation to the other.

In the republican period, major changes about the professionalization of the police occurred in the area of professional education. Other than the already existing one in Istanbul, the first police school was opened in Konya in the same year as declaration of the republic, in 1923; three years later another was opened in Trabzon.[207]

Around this time, the regime started to bureaucratize the process of police recruitment. The Ministry of the Interior sent a directive to provincial administrators in June 1926 noting that record keeping for police officers had been interrupted because of the National Struggle and that now they should prepare new records which would include information on the following matters:

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[207] 106 police officers were graduated from the Istanbul police school in June 1926, of whom twenty-four were police chief commissioners, four second commissioners, ten assistant commissioners, and the rest patrol officers. In August 152 officers were accepted for the new period (PM, no. 200). However, as the world economic crisis hit the country, police schools in Konya and Trabzon were closed in 1931 and the school in Istanbul carried the whole burden. In 1933, it was decided that a police school should be founded as a modern institution, taking the Lausanne Police Institute and the Vienna police as examples. The school was finally opened in 1937, after a construction period of three years, to provide higher education to the police for the first time. The number of the second generation of graduates from the school was 429 in 1939, 41 of whom were police officers, 184 police commissioners, and 49 directors of security (Okcabol 1940: 174-184).

The promotions and fines each officer received; their previous occupations and reasons why they had left their previous jobs; whether they had been tried at court any time in their lives; and whether they had taken any exam or not (PM, no. 199). In 1927 the GDS wrote a directive to police directors every city in provinces and asked that a total of one hundred twenty officers who knew perfect English, i.e. one police officer from every city, be sent to Istanbul in order to make translations and research (PM, no. 216-218).

It seems that the police tried hard to increase their prestige (and resources) during this period by using crime statistics. As Emsley points out, government-induced statistics have an interesting side effect. They enhance the professionalism of the police "by giving them an identifiable enemy to observe, catalogue and, when appropriate, to arrest for the good of society" (Emsley 1987: 193). From a document, which also shows how the police statistics can be manipulated, we learn that the Director of General Security sent a directive to the provincial police departments in December 1927 in which he stated that the clearance rates of some of the provinces were low and as the year would end in three days, these provinces should do their best to increase them not leave it for the next year! (PM, no.216-218)[208]

The initial emphasis on professionalization in a legal document was seen in the Law on the Organization of the Police, dated 1932. The most important characteristics of this law was that "it clearly stated for the first time that policing was a separate profession, that education and practice of the profession of policing should be done at schools and that it was necessary to open police schools to provide this" (Alyot 1947: 615).

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[208] On January 9, 1928, the GDS stated that 2,396 criminals could not have been arrested in 1927, and this amount was transferred to the present year. The Director asked the police to arrest them immediately (PM, no. 216-218).

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Accordingly, the Police Institute was opened in 1937 and the Police College, equivalent to a civilian high school, was opened in 1938 in Ankara. In addition to these, six months of "police courses" were opened in 1939 in cities such as Ankara, Bursa, Diyarbekir, Edirne, Elazig, Gaziantep, Hatay, Istanbul, Izmir, Seyhan, Trabzon, and Zonguldak (Tongur 1947: 346-349).

The republican regime gathered all matters related to public order under a central authority. According to Law no. 3201 dated 1937, this central authority became the Ministry of the Interior. From that point on, every civil servant responsible for security matters - whether he be police, gendarme or any other kind of police responsible for specific areas like forests, ports, customs etc. - was put under the authority of the Ministry.

As a result of the greater emphasis on professionalization, rapid development was witnessed in police educational institutions. From then on, there remained no chance for those unsuccessful students in police schools to be promoted in their careers. Police officers above the third rank at the center and chiefs of police in cities were required to be graduated from the Civil Service School or from the law faculty (Okcabol 1940: 121). Police officers with less than a high school education were to have completed the primary and middle parts of the Police Institute. In order to become a director of security, police officers were to have been graduated from the higher part of the Institute.

The recruitment methods of the police were also changed with the 1937 Law. As noted earlier, the recruitment committees could be centralized during the CUP period. There were still different committees, one for Istanbul, and one for each of the provinces. Alyot states that, "as the method of appointment from the center was accepted as more effective, it was decided that the recruitment files would be inspected by the General Directorate of Security and that the

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procedure for appointments necessitated the approval of the Ministry." In addition, this law continued the attempt started by the CUP to rejuvenate the police force, and thus required that those over thirty years of age could not become police officers (Alyot 1947: 659).

The new regime also used its relationships with the allied states in order to increase the professionalization of its police force. The foreign countries chosen as examples in organizing the police force and its schools are illuminating to understand the character of that particular regime. For instance, it has been mentioned above that the head of the Director of General Security of the CUP period had gone to London and analyzed the British police. Okcabol writes that the judicial and administrative departments within the police organization were founded after that visit (1940: 98).[209] Examining the affiliations of the Republican regime in this context helps reveal the "external" dimension of the attempts towards the professionalization of the police.

After the First World War, the countries with which Turkey had close relations were initially Germany and later the USSR. That was natural because all three countries were set apart from the international system after the war and both Turkey and Germany rejected the armistice agreements. Their efforts were directed at undermining the Sevres and Versailles agreements respectively.

In the post-National Struggle period, maintaining internal security had the primary

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[209] Whatever the case might be, the CUP ended up in taking the French model, rather than the Bobbies as example. We understand from Emsley's remarks that this was not unique to Turkey. He wrote: "Many European liberals and reformers looked to England for their new constitutional models, and their new police; though often, if they achieved power, they felt too unsafe to employ their understanding of the English police model on its own" (Emsley 1991: 240). Despite the outcome, I take the Unionists' intention to imitate the English police as indicative of their earlier political ideas.

importance in convincing other states to abolish the Sevres Agreement and to sign a new peace agreement. In 1922, a deputy said: "We are about to achieve peace. The most important thing that the country demands from you is security. If the government cannot satisfy the people in this demand, what will be our destiny in the peace talks?" (TBMMZC 1/3 20: 171)

The pre-war alliances continued to an extent afterwards. During the initial years of the republic, two experts were invited from Austria – Frederik Ramah ad Edmound Haydenfeld (sic) – for the improvement of the police forces in Turkey (Okcabol 1940: 103).[210] There appeared articles on the Police Journal which described the "German Ministry of the Interior," the "Administrative Organization of Prussia," and the "Zurich Police Organization" (PM, no. 206).

Relations with Germany were especially intense in the field of education. In a letter dated May 7, 1931, the Turkish government asked the German Ministry of the Interior to recommend an expert "who ha[d] a general knowledge and experience in order to radically reform the Turkish police in accordance with the requirements of the century." This expert would also raise the police school to a contemporary level and apply the scientific developments in policing to Turkey. Therefore, he should be proficient in scientific and professional matters and also be well known in Europe (Kocak 1991: 42). [211] Turkey also sent police officers to Germany in order to develop their experience and education.[212]

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[210] Okcabol (1940), Tongur (1946), and Alyot (1947) all think that these two persons came together. In fact, Ramah passed away one month after he came to Turkey. Haydenfeld replaced him in November 1928 (BKK, no. 3820).

[211] The Turkish government would pay this expert 700 Turkish liras per month besides his travel expenses, and a translator would accompany him in Turkey (Kocak 1991: 42).

[212] There were also police officers as students in Vienna in 1936 (BKK, no. 4293).

The cordial relations between the two countries were impaired after the Nazis came to power in 1933. As a result of Germany's attempts to change its borders, its close relations with Italy, of whom Turkey remained cautious, and its efforts to control -economically as well as politically- the countries in southeastern Europe and especially in the Balkans, Turkey started to have problems with Germany (Kocak 1991: 98). According to Kocak, the Munich Agreement was a turning point in Turkish-German relations. Turkey had previously approved the foreign policies of Germany by evaluating them with reference to the fact that it was reacting to the Versailles Agreement. After the occupation of Czechoslovakia by Germany, Turkey felt itself threatened and started to enter into agreements with England and France (Ibid. 248).[213]

In the next chapter, the significance of the international relations of the new regime will be discussed to aid in understanding how and why the police did not become an omnipotent and repressive force towards their citizens, which in itself, had implications for the development of civil rights in Turkey.

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[213] International relations can assert itself seemingly in the most unexpected areas of policing. During the first decade of the Republic, one of the most important policing issues was the smuggling in the SouthEastern region. The then prime minister -also the second President of Turkey- Ismet Inonu, pointed out the above-mentioned rapprochement of Turkey to England and France in explaining the end of the smuggling in the region. He writes in his memoirs: "The French colonial government in Syria tolerated public disorder and smuggling in the region in order to block the development of close relations between Syria and Turkey." On the other hand, he stated that "England, after having done everything to capture Mosoul and Iraq, paid special attention to prevent any disagreements between Turkey and Iraq about the borders." The disorder around the Syrian border was settled down directly in the international arena, as independent from police forces. Inonu stated: "This condition [of disorder] continued until Europe accepted the fact that the destinies of Turkey, France, and England were related to each other. Only after the political developments of our countries started to be evaluated as moving in parallel directions did it become a concern also for France to maintain good relations between Turkey and Syria and to prevent the disorder" (Inonu, 1987: 271). A document in the Prime Ministry's Archives approves Inonu. The police chief of the French colonial government in Syria proposed collaboration with the Turkish police in 1936 (BKK, no. 3955).

CHAPTER 13

THE CONSOLIDATION OF THE KEMALIST REGIME

As seen earlier, the state apparatus in Turkey crumbled during the National Struggle. For the police the situation was even worse; the old practices of the pre-CUP period were reinstated. The people policed themselves, arms seizures stopped to a large extent, and the army was again involved in policing. The police force came to a near extinction. I called this process, following Lisa Anderson, the reversal of state formation.

However, in a very short period of time, state authority was reestablished. When the state finally consolidated its police in the first decade of the republic, it had a police force that had penetrated into society, was highly bureaucratic and professional, subservient to the regime and distinct from, but still loyal, to the army. A teacher in the police schools could write that "the police [were] the organ of the state that had the most contact with the people. That is why the police [were] the only representative of the state among the people at large." He added that "they [were] the organ of the state that intervene[d] the most in daily lives of the people" (Okcabol 1939: 102). However, the same author also wrote the following: "The army, in comparison to its two brothers [the police and the gendarme], is qualitatively and quantitatively the elder. Then, [the police and the gendarme] will accept it as an older

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brother, always and by all means respect it, and try to receive admiration of and kind regards from it" (Ibid. 74).

Looking at the days of National Struggle this outcome could hardly be expected. The main attempt of this chapter is to solve this puzzle. The CUP legacy is not enough to explain the outcome. As the initial period, i.e. the National Struggle proves, there was no guarantee that the Kemalists would (or could) reestablish the police structure of the CUP. Moreover, as the Israeli case indicates a successful national struggle under the leadership of an army might cause the army to function also as a police force. This did not happen. The ideology and the preferences of the Kemalist leadership shared a central role in these outcomes. The crux of the argument in this chapter will be the quick consolidation of the state after the war on the basis of the CUP legacy. I will argue that without understanding the peculiarities of the period of consolidation the role of the police in Turkey (including our times) cannot be understood. In these concluding remarks, I will try to explain this surprising evolution of the police and the historical background of some of the characteristics of the Turkish police today.

Bayley's main thesis is that if the state formation process faces violent resistance and its legitimacy is jeopardized, then the police will play a political role (1975: 361, 1985: 69). The foundation of the Turkish Republic faced with "violent resistance": There were thirty internal uprisings, some of them lasting for months. Although imperialist provocation played an important role in them, the people also revolted against joining the army, which was organized by the Kemalist leadership. The regime's legitimacy was in question. The strong potential of the opposition was seen in the two experiments of multi-party system, in 1925

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and in 1930. Therefore, it seems that Bayley's theory is warranted for the Turkish case. However, it is a very broad generalization and that is why it cannot explain all the variations. First, although the Turkish police impinge on the political process at a much higher level than would be accepted by Western standards, this practice is not overt because it is, in fact, illegal.[214] For example, the police chiefs cannot declare their views on political issues. As early as 1927, they were forbidden to give any statement to the press (PM, no. 216-218). Second, street shootings, which are rampant in Latin America and even in the United States, are almost absent in Turkey.[215] Third, the police in Turkey have no relationship with the army and the officers are directly recruited from civilians. On a fourth issue, however, the police score very low: corruption, torture (and resulting deaths behind the bars), are widespread.

It seems that in order to grasp the full reality we have to move forward and look at the post-national struggle period. The period of state consolidation is as important as that of state formation. The question then becomes: Is there a link between the impingement of the police upon political and social life and to what Rustow calls the "habituation" period of democracy? In other words, can the connection between the timing of the institutionalization of political contestation and "national" unity on the one hand, and the timing of the establishment of the national police system on the other, be illuminating in these terms? At

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[214] Turkey had a general election on April 18, 1999 and not even one complaint was aroused on the intrusion of the police in the election results.

[215] Of course, this is relevant for "ordinary criminals." For the political "criminals" police felt themselves much less restricted. However, even in this case, the violence and killings –which happened in several occasions in the early 1990s- were limited to the "illegal" leftist groups. Socialist legal parties, on the other hand, can freely held demonstrations, as they did during the 1999 election.

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this point, insight can be derived from democratization literature on how the issue of social control is affected from the problems of these specific periods.

It seems safe to argue with Dahl (1971) and Rustow (1970) that the most favorable path to democracy is one in which political competition precedes the expansion of participation. The destruction of centers of authority for some reason and constant conflicts between the center and the periphery, in short, the absence of the state, prevent the political articulation of social cleavages (Diamond and Linz 1989; Nettl 1968). The institutionalization of elite contestation before mass mobilization is the primary condition of possible democratization. Elite contestation, in turn, depends on the "consolidation of state power in the sense of the establishment of a monopoly on organized force" (Rueschemeyer et al. 1992: 275).

However, if mass mobilization precedes the institutionalization of political competition, the police inevitably find themselves in the role of preserving the status quo. We can see this clearly in the Weimar Republic. Despite all attempts of the democratic regime to change the structure of the police, it essentially remains as a continuation of the old system.[216]

During the consolidation period there are also some important aspects that influence the character of the regime, like the state's engagement in border wars with its neighboring countries; its attempt to "export" its revolutionary ideas abroad; or the existence of some

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[216] See Liang (1970: 77-79) for these attempts. As Weimar example shows these are by no means problems related exclusively to third world countries. See Luebbert (1991: 108) for the importance of "national unification" and the timing of mass mobilization in understanding less liberal countries such as Finland, the Baltic states, and the Habsburg territories.

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ethnic or nationalistic claims to some part of the new state's territory. As the state becomes active in all these spheres, it necessarily becomes more repressive internally. (Migdal 1988; Rueschemeyer et al. 1992) This causes the police to be militarized and politicized. Political policing becomes dominant over public order policing.

The important peculiarty of the Turkish case in these terms is the fact that its national struggle was the first successful war of this kind waged by a non-Western state. With reference to the fact that anti-colonial struggles were essentially a post-1945 phenomena, a national struggle in the early 1920s is unique in this context.[217] Several factors, such as not being a colony in any period of its history, a relatively well established state tradition (or what Kazancigil (1994) calls "high stateness" of the Ottoman Empire), and the modernization attempts from the last quarter of the eighteenth century onwards can all be cited as the reasons for this uniqueness.

What should also be taken into consideration here is another peculiarity of the Turkish Revolution, i.e. its quick consolidation. It seems that an examination of the consolidation periods of new states is significant: A relatively quick consolidation renders the political impingement of the police unnecessary. When this is delayed for a long time, on the other hand, "the problems of institutionalization of contestation and of inclusion tended to pose themselves simultaneously because economic development had increased pressures from subordinate classes" (Rueschemeyer et al. 163). A relatively easy transition to independence, and little involvement in border wars, is among the most conducive conditions

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[217] Of course, the October Revolution has a much bigger significance in both its influence all over the world, and in its accomplishments. My comparison, here, is strictly limited to national liberation wars.

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for early consolidation and the institutionalization of contestation among the elite (Ibid. 165).

The revolutionary regime in Turkey consolidated itself in a relatively short period. The Turkish National Struggle started in 1919. In 1923, the Republic was declared with all the major institutions and the central bureaucracy. Three years later, in 1926, the elite of the political opposition was eliminated. The Kemalists acted within a political party from the very beginning. The origin of the Republican People's Party (RPP) was the local initiatives developed during the National Struggle. The local congresses and the civilian organizations for "the Defense of Anatolia and Rumelia" were transformed into a more disciplined political party in 1923 with the foundation of the RPP by Mustafa Kemal. In 1930, the regime experimented with a multi-party system on its own initiative. The Free Republican Party was established, though it became a short-lived experience because the struggle between the two parties became antagonistic -not at the level of upper ranks but for their supporters. The son of Fethi Okyar, the leader of the FRP, wrote in the introduction to his father's memoirs as follows: "In Turkey, waiting for the emergence of different parties and experimenting inner party democracy in the meanwhile, could have been a firmer start than directly advancing into demonstrations and elections which created problems. The possibility of severe clashes in a multi-party regime between the two parties in demonstrations and elections was realized in the FRP incident" (Okyar 1997: 48).

The one-party regime continued until 1946. However, there were both "liberal" and "statist" wings in the Republican People's Party (RPP) itself. There were even

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Marxian elements within the party. (Ahmad 1993: 63-65)[218] Not surprisingly, a genuine

opposition party emerged in 1946 within the ranks of the RPP rather than from outside

the establishment. It seems that the Kemalist elite decided to institutionalize the

contestation within the one-party system. This very brief summary shows that "elite

contestation" could have been institutionalized from early on. As Brooker argues, "the

regime [continued] on as a legalistic and only mildly repressive example of one-party

state, with the formal norms of the apparently democratic parliamentary Constitution

being carefully observed and a large degree of dissent or criticism magnanimously

tolerated. But independent political activity was prohibited" (Brooker 1995: 245).

We can argue that there was a certain degree of political participation in the new

regime. It was restricted but still real. The regime never gave up parliamentary rule and

elections, even in its most authoritarian periods. In accordance with the analysis of

Bayley and Rueschemeyer et al., the quick institutionalization of political contestation

and a restricted participation prevented the police from intervening in the political

process in an abrupt way. We should add a second dimension to this factor: From the

very beginning, Mustafa Kemal was against army officers becoming politicians. One

month after the declaration of the republic, in December 1923, the GNA passed a law

obliging army officers who wanted to be in politics to resign their commissions (Ahmad

1993: 57). Furthermore, active service military men were not even allowed to vote. The

determination of Mustafa Kemal in excluding soldiers from internal politics and in using

them as the court of last resort required a civilian and professionalized police force.

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[218] This group's journal Kadro (The Cadre) was very influential at the time.

These two factors together were crucial in the development of a civilian police force, distinct from the military. That was the main reason why Mustafa Kemal himself defined the police in 1921 as the "executive itself" (Arsel 1973).

Related to the issue of consolidation, there was another factor that affected the democratization of the new regime. Republican Turkey attempted neither to "export" its revolution nor to get involved in "border wars." In order to sign the Treaty of Lausanne, the Treaty that made Turkey an acknowledged member of the international community, it gave up its claims to Mosoul in Iraq and to the Aegean islands. By abolishing the Caliphate in 1924, it cut its link with the rest of the Islamic world. This was a radical break with the old regime in the sense that the objects of allegiance and legitimacy changed drastically: Allegiance to the "Sultan and/or the Caliph was replaced by the allegiance to the "nation state"; the basis of legitimacy became secular rather than religious (Tanor 1996: 65). However, more importantly for our present purpose, was the fact that the abolition of the Caliphate signified a radical change in foreign policy, which showed that, for the new regime, the consolidation of its power was much more important than an aggressive foreign policy.

The abolition of the Caliphate, as would be expected, gave rise to great reaction and resistance within the political class. The common point that the influential names of the opposition took into consideration was that Turkey would lose a very important trump card that it could play in the world politics if the Caliphate was abolished. For example, in an "Open Letter to the Caliph" that Lutfi Fikri published in the press, it was stated: "Who could guarantee that another people or nation will not elect the Caliph some

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day after this [abolition] happens? Where else in the world and in what stage of history has it been seen that a nation, willfully and without any outside pressure, rejected and gave to others such an important power, a spiritual treasure, which it had inherited from its ancestors?" (Culcu, vol. 2: 70) Huseyin Cahit, an important name of the Unionist wing of the opposition, wrote in an article in November 11, 1923, one day after Lutfi Fikri's "open letter": "The Caliphate is a power for the Turks. Leaving the caliphate outside the Turkish borders is nothing but a suicide" (Ibid. 86).

Most of these points raised by the opposition were legitimate. The institution of the Caliphate could have been exploited in foreign relations by the new regime. However, the Kemalists were determined to cut their links with the religious and Sultanist institution of the old regime. Unlike the CUP, they were successful in changing the source of sovereignty from God (or the Sultan) to the "nation."

Furthermore, they were against any kind of adventurist or aggressive foreign policy. One might think that the mood of the National Struggle was suitable for a pan-Turkic ideology, which had already been a powerful system of thought from the last quarter of the nineteenth century onwards. As early as 1921, Mustafa Kemal declared: "Neither the Islamic union nor Turanism [pan-Turkism] may constitute a doctrine or a logical policy for us. Henceforth, the Government policy of the new Turkey is to consist of living independently, relying on Turkey's own sovereignty within her national frontiers" (Quoted in Landau 1995: 74). Landau states that "political pan-Turkism, particularly its irredentist element, was officially frowned and discouraged" (Ibid. 75). Similarly, after specifying the differences between the Italian fascism and Kemalism, Zurcher writes: "One great, and possibly

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decisive, difference from the Italian example is the lack of militarist rhetoric and expansionist (or irredentist) propaganda and policies in the Turkish case and the cautious, defensive and realistic policies of Turkey's leaders" (Zurcher 1993: 194).

A brief comparison with post-war Germany can also be useful to elaborate this point. Kocak argues:

> Germany basically did not accept the status quo established by the peace agreements after the First World War and aimed at changing it as soon as it could find an opportunity. It is in these terms that the main preference of Germany was a revisionist foreign policy. However, Turkey, as a country essentially satisfied with the Lausanne Agreement, was basically supporting the maintenance of the status quo and considered its own demands related to foreign politics as only secondary problems (1991: 97).

The report prepared by German Foreign Minister Ribbentrop in July 7, 1938 sheds some light on the foreign policy of Turkey. At that time, he had talked to the Turkish Foreign Minister Numan Menemencioglu and suggested that Turkey and Germany should pursue a common revisionist policy against England and France in order to regain what they had lost in the peace agreements. Rejecting this suggestion, Menemencioglu stated again that "the aim of Turkey was to pursue a neutral policy. Turkey did not basically need a revision." He stated further that his country "needed a century-long peace in order to reach its development goals."[219]

The determined efforts of the Kemalists on the quick consolidation of their

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[219] Akten zur Deutschen Auswaertigen Politik, Nr. 548 (96/107 729-733); cited in Kocak 1991: 129

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regime had important implications both on the democratization process, and hence, on the police in Turkey. We can safely argue that not entering into any war after the foundation of the Republic, and the institutionalization of political contestation prior to mass mobilization gave the police the opportunity to develop independently from the army as a civilian force.[220] A comparison with the Israeli police will prove the case. Brewer et al. write:

> The birth of the new state [in Israel] in conditions of war meant that policing was afforded a very low priority and that from the outset important issues of internal security, such as the threat posed by the existence of a hostile Arab minority within the state, were seen as a function of external defense. In particular, the organization of security services with the task of gathering intelligence on internal and external threats to the state completely bypassed the police (1996: 132).[221]

The Kemalist regime was no doubt an authoritarian regime. It was a one-party rule; the party and the state was unified; political opposition was eliminated; there was a cult of

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[220] The reason why the Kemalists did not attempt to "export" their revolutions or become involve in any border wars was the fact that the legitimacy of the new regime had not been fully established. This dimension was mentioned by two radically different authors. The conservative Huseyin Kazim Kadri wrote in his memoirs: "The people in Ankara do well know that they came with a war and they will also go with a war. That is why they refrain from going into a new war. If they did not think like that, they would not refrain from fighting with the English and the French for the Mosoul and Iskenderun incidents" (1991: 196). And the famous leader of Turkish communists, Sefik Husnu, wrote the following in 1926: "What is imprinted in their [Kemalists'] foreign policy is their fear about the behavior of people if there happens an armed struggle" (1995: 47). Both of these comments reflect, in fact, the realism of the Kemalists.

[221] The fact that the police developed independently from the army does not mean that the former has a privileged position in Turkish politics. Just the opposite: As Brewer et al. argue, "where external threats to the state combine with conflict founded upon internal divisions -as in Israel, South Africa and Northern Ireland- the linkages between the police and military are clearly evident, and the armed forces may emerge as the primary enforcers of order" (Brewer et al. 1996: 4).

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personality around Ataturk (and later, Inonu); political elections were a mere formality; the judiciary (especially the Independence Tribunals) were not independent; and rights and liberties were largely curtailed. However, this authoritarianism had important limits. National liberation had been achieved; the new governing elite, unlike the old elite, was coming out of a popular and highly democratic national struggle; the regime had democratic rules, procedures and institutions (the sultanate and the caliphate were abolished, and secularism and national sovereignty were defended jealously against the feudal-religious elements of the old regime); there was a conscious attempt to constitute the free individual (science and rationality had been the primary motto from the time of the CUP onwards); the repression of the regime was tightly circumscribed to the religious reactionaries; the army was a kind of "guarantor" of the regime;[222] and the regime did not have a Cheka, KGB or Gestapo (Tanor 1996: 168-179).[223]

In short, it was different from most of the other authoritarian regimes of the period such as Latin America, Germany, Italy, Balkans, and Japan. The peculiarity of the Turkish case cannot be grasped without understanding the particularities of its war making and the consolidation periods in state making. The fact that revolution and National Struggle went hand in hand is crucial. Goldstone argues that most post-revolutionary regimes lean toward

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[222] The fact that the Turkish army made coups but, after a few years, delegated the power to civilians puzzles Gellner (1994) in his article "Kemalism." The quick consolidation seems to me the answer to his puzzle.

[223] As a matter of fact, as we understand from a document in the German foreign policy archives, that was the reason why Mustafa Kemal praised Hitler for abolishing the SA. According to Mustafa Kemal Pasha, "Hitler was admired and appreciated because he wanted to disengage the position of the prime minister from the paramilitary youth organization, the SA. Hitler aimed at reestablishing the power of the German army and the police, and making the German army and the police the real and official representatives of the state authority again" (Kocak 1991: 104).

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police states. This has nothing to do with a particular ideology, but rather with the existance or absence of internal challangers. He writes: "Only when revolutions are fought primarily against external opponents ... are post-revolutionary regimes able to reconstruct their states without great fear of attack from internal adversaries, and hence exhibit less of a 'garrison' mentality" (Goldstone 1991b: 49). No doubt, the particularities of the revolutionary struggle is important. However, without understanding the specific policies of the post-revolutionary period - i.e. the period of consolidation - we cannot make sense of the outcome. After all, a succesful revolution following a war of national liberation may easily adopt an aggressive foreign policy, depending on the conjuncture of international system at the time, and determined efforts of the new regime. This is especially a high probability in revolution that was made in an Empire. *Revanchist* ideologies can easily gain ground in these cases. Therefore, the particularity of the Turkish case should be sought *both* in its revolutionary and consolidation periods.

The "new police" in the Turkish Republic was formed as a professional force with wide discretionary power. Nonetheless, it was still not autonomous from the state but rather indoctrinated with the founding state ideology. In this outcome, the prefectoral system established by the republic on the basis of the CUP heritage played a crucial role. The new regime inherited a political tradition from the CUP period, which had been dominated by conspiracies and underground activities. This constituted in itself an important reason for the police to become the means of state intervention in the political process. Besides this heritage, there were additional events that enforced this intervention, such as thirty upheavals during the National Struggle, the Kurdish-Islamic rebellion of 1925 that resulted in the

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banning of the second party in the parliament, and the fact that the founding of another opposition party unexpectedly culminated in mass support during the 1930s. These developments signified the "thermidor" period of the Turkish revolution after the mid-1930s.

In addition to these, the Republic imagined the Turkish nation as a unified and homogeneous entity. According to the ideology of the regime, the nation was united around a common interest. The impingement of the police upon the political process was limited to periods when the founding state ideology and the system itself were perceived as under threat. The collectivist ideology, which used the police force for its own survival, is inherently inimical to the recognition of civil rights, as exemplified by the before-mentioned discussions on the Penal Code of 1926.

On the other hand, the long centralization process of the state, which had been in effect since the middle of the nineteenth century and was accelerated with the 1908 Revolution, helped the creation of a bureaucratized police force; and as a result of the quick consolidation of the republic, it has become possible to maintain continuity in this bureaucratization. During this state-centralization process, the increased interaction between the state and society from the CUP period onwards necessitated the answering of the demands of the people and thus resulted in the attempt of the police to justify themselves in the eyes of the people. In addition to this, the fact that the establishment of the new regime overlapped with war making required an accommodation with the peoples' demands. The police in Turkey have therefore become a force which have more service-related functions in comparison to their colleagues in third world states in general.

More importantly, the people of this country have experienced a certain kind of

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political struggle against the authoritarian governments since the last quarter of the nineteenth century, and there has been a continuity in the struggle for civil rights against the police intervention into the daily lives of the people especially since the Abdulhamidian period. This process, the Tocquevillian effect, provides a hope that has been inherited from Turkish political history for the advancement of the relatively less-developed civil rights in the country.

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CHAPTER 14

CONCLUSION

This dissertation has been an attempt to situate the police into the process of state formation. The problem has been posed as a struggle of the state to get hold over the control of daily lives of its subjects (and then citizens). In this context, it has analyzed the police and policing as one of the most important terrain of struggle between state and society.

The main problem that informs the study has been the following: What is the implication of the states' transition from indirect to direct rule on the police? This question has been supported with auxiliary ones: What is the historical process that leads to the separation of the police from the military? Is there a correlation between the character of the police and the character of the political regime and what can we deduce from policing practices about the repressiveness of the regime? Is it the crime or the interests of the state managers that explains the emergence of a centralized police force?

I have tried to find answers to these questions in the context of the formation of police forces in Turkey as an aspect of state formation. In doing this, the formation and transformation of police organization and practices have been used as devices to

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understand the changes in state structure in the late Ottoman Empire and the early Turkish Republic.

As introduced in Part I, the professionalization of the police in the context of its separation from the military, public order policing, and the intrusion of the police to political process - for the developments in the late Ottoman Empire and the early Turkish Republic - are the main themes of this dissertation. The fourth concern of the study, which in fact informed the other three, is the fact that surveillance devices of the modern state, especially the police, are not simple tools for class domination. They have rather double edges. As people come into the orbit of the state due to its surveillance activities, their voices gain a special importance, which they hitherto have not had. I have analyzed this aspect of the police as the transition from collective responsibility to policing with a "double edged" character. I have argued that this transition overlaps with the transition of states from indirect to direct rule.

This outcome has two reasons, both of which are the indirect effects of policing: On the "positive" side, the police are an important aspect of the infrastructural power of the state. As the state centralizes policing, it also centralizes responsibilities. Especially during the initial period of state formation, policing can hardly be separated from welfare activities. And as the state eliminates intermediary institutions/agents, the people come into direct contact with the state. Thus, the people become aware of the fact that solutions of their problems, now, lie at the center of the state that is far away from their own localities. In that sense, the struggle they wage is "nationalized," i.e. centralized in contrast to the previous local forms of struggle. After this moment, any incident related to

the security of population can easily be politicized and turned into a pretext to question the legitimacy of the state.

On the "negative" side, which I call the "Tocquevillian effect," the police are the primary agents of the state for the elimination of political competition. In that sense, policing also affects the direction that the peoples' struggle will take. As we know, constitutional guarantees are not sufficient to ensure civil liberties. They can easily be undermined by the coercive apparatuses of the state. This is where the second aspect of the double-edged character of policing comes onto the scene. Once police forces are centralized, people start to judge the state not only with reference to its laws but also to how it enforces them. Consequently, the struggle starts to revolve around the issue of civil liberties, such as the freedom to assemble, the freedom of association and of speech, and the controlling of the recreational activities of the poor. I have tried to document in this study how the police practice in these arenas, especially by focusing on the exemplary context of the 1908 Revolution. I have argued that it was in the CUP period when the transition to direct rule was first started. I have also analyzed the particular kinds of opposition to which the revolution gave rise, and the state's reaction to them. I have argued that the interaction between the opposition and the state response in this period continue to have a deep effect on the political culture of today's Turkey and it has largely determined the ways the police impinge upon the political process.

As my arguments up to this point indicate, there has been one universal claim of the dissertation: In *every* premodern state, policing is left to the "collective responsibility" of local population. This, in turn, increases the power of local strongmen

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over the lower classes. Policing is "entrepreneurial" and repressive in this system, in which people received the "surveillance" part of the equation, but not the "rights" part, as is the case in modern states. Although this argument concerning premodern states is universal, it is not so for the modern states. In other words, not every modern state with direct rule has a police force with a "double-edged" character. This has been rather a consequence generally seen in European experience. Nonetheless, the experience was not unique to Europe as evidenced by the fact that the process in the Ottoman Empire presented striking similarities with that in the West.

As analyzed in Part II, in the Ottoman Empire the process was marked by a long history of struggle between the state and societal forces in the nineteenth century on getting hold over the social control mechanisms. The most significant period of this century was that of the *Tanzimat*, that started in 1839, during which major steps were taken towards the bureaucratization and centralization of the state structure. This period also saw the incorporation of the Empire into the world system, still as a rather unique process of integration that was largely the result of the initiatives taken by the civilian bureaucracy in order to increase their own authority against the sultan on the one hand and the societal forces on the other.

In the first chapter of part II, I analyzed the effect of these centralization attempts over the police according to the themes in Part I, that is collective responsibility, the position of the military in policing, and the issue of public order. Pointing out different degrees of "success" on the part of the state in each of these areas, I discovered that each

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of the themes shed important light on the character of the *Tanzimat* and the integration of the Empire into the world economic system.

The *Tanzimat* achieved the centralization of the police organization under a civilian authority. Major changes occurred in the process of the separation of the police from the military. For the first time in the Empire, the civilian bureaucracy took the upper hand against the traditional military bureaucracy in getting hold over the police force. However, the state could not manage to maintain this degree of penetration of the police into society. Therefore, "collective responsibility," which assigned local strongmen and their retinues to the work of policing, remained dominant. Finally, the distinct character of the *Tanzimat* in public order policing became clear. Indicating that the *Tanzimat* was a transitory phase, the state attempted to extend the definition of the "public sphere" into what had previoously been the "private." In that sense, it signaled the coming era, in which the state would take more radical steps in incorporating the private spheres into the state orbit.

How can we explain the continuity/change/transitions seen in the police and policing in this period? The rationalization of bureaucracy during the Tanzimat period was achieved within the context of integration into the world economy. [224] Being limited to the central apparatus of the state, the *Tanzimat* reforms had no substantive social basis. The state continued to perceive any social change as a threat to its rule and attempted to prevent any development towards capitalism. Therefore, it is no coincidence that the *Tanzimat* period witnessed the most serious attempts for the bureaucratization of state

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[224] Bureaucrats achieved this largely by using their skills in the international system. Indicating that classification of the factors as "external" and "internal" is mistaken, the *Tanzimat* experience shows that the "external" factors can become easily "internal" if they present opportunities for a particular group within a state to clear the ground to pursue its own interests. The achievements of civilian bureaucracy at this period

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structures without change in social relations to the same degree. The period was also characterized by dualities. New and old institutions existed side by side without being able to eliminate the other. Typical of the dualities that marked the period, civil law was still dominated by Islamic law, which was nothing but a private law. Consequently, the state remained unable to interfere into many areas of social relations.

Lisa Anderson (1986) points out that "the peripheral state is partially independent of its domestic social structure." (23) This explains the fact that while it was possible to centralize the police forces under the authority of civilian bureaucracy, continuities in the principle of "collective responsibility" remained in varying degrees. This may also explain why after forty years of continuous growth (1839-1877), the development of the "rational" bureaucracy could easily be halted by the "patrimonial" rule of Abdulhamid between 1876 and 1908.

In Chapter 5, the police force of the Abdulhamidian period (1876-1908) came under scrutiny. Because the major concern of the autocratic Sultan was to check the centrifugal tendencies of the state apparatus, the police force was substantially developed during his reign. The period witnessed the separation of the police from the military by the formation of an independent police ministry as the result of the "divide-and-rule" policy of the Sultan. I have also analyzed the role of the international system and war making in the emergence of the centralized police organization. The main activity of the police in this period was limited to the surveillance of the nobility and the political elite,

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were the result of such a dynamic.

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who presented the main threat to the despotic Sultan. Following Levy (1966), I have termed this style of policing "elite surveillance."

The Abdulhamidian period was a prelude to the period of the Committee of Union and Progress. Without the modernizing policies of Abdulhamid, such as the development of means of communication, railway construction, the achievement of high standards in education, the increase in the efficiency of tax collection, and new methods for conscription for war, the political elite of the CUP could not have pursued their bourgeois policies, like that of strengthening the role of the Muslim middle class. The CUP regime "contributed to the institutional, ideological, and social development that underlay the emergence of modern Turkish nation and Turkish republic." (Davison, 1968: 109) In that sense, this period was the beginning of the transition from empire to nation-state and it constituted the core of this study. In Part III, I have analyzed how police practice and organization changed dramatically with the regime change in 1908.

In order to transform local power relations, there need to be important social dislocations, which were lacking in the period of the *Tanzimat*. Structural changes in economy waited until the CUP era (1908-1918). As explained in Chapter 6, it was in this period that policing gained a different character with the centralization of responsibilities that had hitherto been those of the local authorities. The CUP era was a period of devastating combination of revolution, war, and massive migration, which caused alternative mechanisms of social control to weaken. It became much easier for the state to impose its own control mechanisms. I have by no means argued that this was a smooth process. Just the opposite: The state faced genuine difficulties in combining the different

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interests of the emerging middle class, the local traditional elite, and the people in general (workers included as new actors), who had their own specific demands over the state. I have argued that Turkish society started to become a "caged nation" with the CUP period. In doing this, the CUP extended the discretionary power of the police and made it less accountable to the rule of law.

The relationship between the highly active political process and the authority structure of the police were examined in Chapter 7. The CUP period marked the first "political" regime of Turkey. Various political parties, associations and, most importantly, the masses appeared on the political stage as important actors for the first time in Ottoman/Turkish history. The jacobin character of the 1908 Revolution, I have argued, deeply affected the attitude of the government towards the political opposition against the new regime. The efforts by the CUP gave rise to an autonomous, but at the same time politicized, police force. The CUP, especially the civilian wing of the party, used the police to strengthen their position both against the local strongmen and the army.

The roots of the attitude of the modern Turkish police towards the opponent of the regime lie in this period. I have argued that this period deeply affected the police culture of contemporary Turkey. The fact that no "theory of opposition" could have been developed during a period in which politics emerged for the first time in Turkey, is crucial to understanding the political culture of later periods in general and that of the police force in particular.

Chapters 6 and 7 together show that an autonomous police force, which was hardly accountable to the legal system, does not mean an omnipotent power on the part of

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the police. Such an organization can be (and was) used easily by governments for their own interests. Furthermore, the long bureaucratization process of the state apparatus in Turkey gave rise to established state institutions, which have different interests than those of the police. The judiciary and the army were the most important of those.

As the mechanisms of social control were weakened, a civilian police bureaucracy emerged during the CUP period. However, as the state formation process preceded the changes in relations of production, the civilian police force imitated the bureaucratization of the army. Chapter 8 has accounted for the emergence of a civilian but a militarized style of policing during the CUP era. In order to by-pass the vested interests of the old regime, the CUP decided to form the new organization on the basis of merit. For the new regime, this meant the army, which played a crucial role in 1908 Revolution. Therefore, the professional police force had to follow the imprints of the modern army. Military officers supported the professionalization of the police simply because of the fact that they did not want to be used for internal repression any more. Hence, the outcome was a militarized but a still distinct police force.

Despite the imprint of the bureaucratic tradition on the new police, the rule-enforcing character of policing gained importance alongside with its repressive function. This was related, I have argued, to the fact that the state took an active role in the economy and decided to promote capital accumulation in the hands of a native (i.e. Turkish and Muslim) bourgeoisie. This process changed the patterns of surveillance. In Chapter 9, I analyzed the changes in public order policing with the coming of the new regime. By examining the regulations about, and policing of, prostitution, vagabonds,

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work force and public gatherings, I have argued that there was a qualitative change with the advent of a clear policy in favor of capital accumulation. The capitalist logic of the new regime dictated a particular way of policing the public order, in which the necessity of labor discipline found its expression in policing "vagabonds," who were increasingly been defined as criminals, and the reproductive activities of the poor. Public order policing reveals the class character of the CUP regime. I have argued that we can clearly observe the periods of "openings" and "closures" within the regime by examining its regulations on public gatherings.

Part IV examined the police of the early republican period in Turkey. As far as the structure of the police is concerned, the "closure" in Silberman's terms (1993: 83) took place in the period of the CUP, whose bureaucratic structure was inherited by the new republican regime. Major changes that the republican period brought were the further development of professionalization and the increase in the discretionary power of the police.

Chapter 10 analyzed the period of National Struggle between 1919 and 1923, by which time the achievements of the CUP period in terms of public administration and policing had faded away. Pre-CUP policing practices, such as collective responsibility and military policing, resurfaced. Following Anderson (1986), I have termed this process the reversal of state formation. The public administration system had collapsed, and the police were diminished.

The reestablishment of the police force after the foundation of the republic in 1923 was examined next in Chapter 11 and 12. I have indicated that the major arena of

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struggle between the opposition and the new regime revolved around the issue of civil rights. As can be observed in many European cases, the warfare brought with it the openings in citizenship rights. After the war, the opposition forced the state to respect the rights of the people, who had waged a successful campaign against the enemy. The government's concern, on the other hand, was more comprehensive in its aim to transform the whole society according to certain revolutionary principles. Therefore, its main arguments were related to "governability." For both of the groups, the issue of the police took a central place in their debates. Whereas the government tried to increase the discretionary power of its police force in accordance with its transformative policies, the opposition tried to curtail it in the name of civil rights. This period, I have argued, was the culmination of the civil rights struggle, which had started during the CUP period. Although, the opposition was defeated and the regime passed to an authoritarian rule towards the end of the 1920s, it left an important tradition to modern Turkey.

After the suppression of the opposition, the regime started to professionalize its police force with considerable success. It opened police schools and introduced major codifications. Here, there is one important implication for the police studies in general: The professionalization of the police force does not mean democratization. The aim is rather to create a police force that will be loyal to the regime and immune from the societal influences. In any given setting, the changes in police practices are not the result of professionalization but of politics. The police are also subject to historical particularities and shifts in political power. Their relationship with politics is dialectical: They shape politics and are shaped by them at the same time.

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If one considers the initial situation of the police, as outlined in Chapter 10, the developments presented in Chapters 11 and 12 come as a surprise. This is presented in Chapter 13 as a puzzle to be solved. In this attempt, I have tried to establish the missing link between the literature of democratization and police studies. By combining these two literatures, I have developed an argument concerning the intimate link between the relatively quick consolidation of a regime and its police force. I have argued that, without understanding the consolidation period, one cannot make sense of the Turkish police as a highly bureaucratic force which is autonomous from the military, and rule-enforcing as well as repressive.

Neither the CUP legacy nor the professionalization in the republican period is sufficient to understand the police practices in contemporary Turkey. The CUP legacy cuts both ways. A centralized, civilian and autonomous police bureaucracy had been created and a certain degree of professionalization had been realized during the CUP period. And the Kemalists built their police on this legacy. However, autonomization does not exclude politicization. Being autonomous means unaccountability to external legal and/or public control, which can make the police more vulnerable to the government. It was (and still is) probable that the Republican police would be used just as a military force of repression with a minimum degree of service-related enforcement. In order to understand why that was not the outcome, I have argued, we have to grasp the peculiarities of the consolidation period of the Republic.

Today, the Turkish police are completely separate from the military. Although torture behind the bars is endemic, police shootings and violence in the streets are rare.

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The relatively quick consolidation of the republican regime has had important effects on these outcomes. The war of national liberation came to a victorious conclusion in a short period. Since that time, the army has not been involved in any major war (except the occupation of Cyprus in 1974 and the war with the Kurds since the 1980s). If one considers the link established by many scholars, such as Linz and Diamond (1989) and Rueschemeyer et al. (1992), between the involvement of the army in wars and democratization, it becomes apparent that it is the most important factor in understanding the relatively durable democratic system in Turkey, albeit with all its deficiencies.

Therefore, I have dwelled upon the relationship between the problems of the consolidation of the republican regime and policing. The level of bureaucratization achieved during the CUP period is also crucial to understanding the quick consolidation of the republican regime. These are the positive aspects of the balance sheet of the police in Turkey. However, there are equally important negative aspects, such as the impingement of the police upon the political process and the high level of corruption (or lack of accountability) inside the police force. I have argued that these legacies, which should be (and are) a great concern for those who struggle for a democratic Turkey, have also been inherited from the CUP period.

I. The Struggle for Democracy and the Police

This study, which focuses on the historical roots of the problem, has implications towards a more policy-oriented approach. First, the de-militarization of the police, which

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is one of the main concerns of the democrats in Latin America, is fortunately not relevant for the Turkish case.[225] The Turkish police, as analyzed in this study, are completely separated from the military. This was achieved thanks to two interrelated processes in the Ottoman Empire, the attempts towards the foundation of a rationally bureaucratic public administration from the mid-nineteenth century onwards and the "pacification" of the population - or what Elias would call the "civility" (Garland 1990: 219). As I have argued in Parts III and IV, the state started major campaigns both in the CUP and the Republican periods to seize arms from the population in order to secure a monopoly of legitimate force. Collective responsibility in policing began to decline in the CUP period, and after the mid-1920s, the Turkish state did not face a serious vigilante justice. Therefore, preventive police did not gain a militarized character in their duty.

The degree of police violence is intimately linked with the pacification of urban population. The Turkish and Mexican states have shared many aspects from 1910s onwards (Huntington 1968: 258). With respect to the relatively less violent police practices, they resemble each other. Chevigny (1995) attributes the reason of less violent police practices in Mexico City to the fact that "the Mexican government has tried to control all sources of power - in the classic phrase, to get a monopoly of legitimate force - and in particular to subordinate the military to the civilian government, as well as to pacify the urban population" (247). As I have analyzed in this dissertation, the survival of "high stateness" throughout the nineteenth century into the twentieth on the one hand,

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[225] Of course, there is no guarantee that this problem has been resolved for good. The post-1990 period sends disturbing signals on this issue. However, these are related to the ongoing war with the Kurdish guerillas and activists on the one hand, and the enormous increase of the circulation of "black money" in the Turkish economy on the other. These developments deserve lengthy study.

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and the succesful policies of arms seizure in two successive revolutions on the other, eased the pacification of the society in the Ottoman-Turkish case.

The biggest problem in Turkey is the high level of corruption in the police force and the torture of the political militants, especially those who are not known to the public. The first is highly related to the flourishing black market in Turkish economy after the 1980s, which has reached half of the legal economy today. The second has structural reasons with historical roots. As this study has clarified, the crucial reason behind police development in Turkey was not crime fighting, but rather to pursue the interests of the state managers.[226] Major changes in the police practice and organization occurred after radical changes in the distribution of political power to different groups and classes. From the CUP period onwards, no "theory of opposition" has been developed. Political struggles have been perceived as antagonistic by the government. The Kemalists built their collectivist-nationalist ideology on this base.

In short, an analysis of the police enables us to perceive the Janus face of the modern state. On the one hand, because of the double-edged character of the new police,

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[226] In fact, with the possible exception of England, this is a general statement for the police in every state. Turkey, however, has one additional feature that should be mentioned. The crime rate is surprisingly low in big cities. In 1994 there were 483,46 crimes per 100,000 people reported to the police in Istanbul where the total population was 9,310,189 (excluding the cases related to political "crimes" and smuggling) (*Turk Polisi* 1995: 71). If one considers the fact that there were 9,356 crimes per 100,000 people in the cities over 250,000 population in the USA (Chaiken & Chaiken 1983: 17), the crime rate of Istanbul gains a significance. The reasons of low crime rates in Turkey can be related to several factors that can range from unreported crimes to patterns of urbanization; from the extension of informal economy to the distribution of "city rents" in the form of land speculation; from the persistance of the petty comodity production in Turkey to patterns of immigration into cities. It should be emphasized that most of the immigrants to cities do not cut their links with their rural habitat and have extra income coming from their home towns. All of these factors contribute to the "strategy of suvivial" of the poor in Turkey. Although most of these reasons are subject to in-depth sociological or criminological analysis, there is one crucial significance of low crime rates for the concerns of this study: In countries where there are lower crimes to fight, the police can devote more of their resources directly to state interests and/or service-related tasks. The balance between the two tasks, of course, will depend on social struggles.

service-related enforcement gains ground and civil rights emerge as in the cases of associations and public gatherings. Nonetheless, the citizens who happen to be outside the system, like political opponents or outside the corporate bodies, such as guilds, artisan associations, and family, have to be tightly disciplined. The advent of the modern police has had dubious consequences for the poor and political opponents. As the nation became more "caged" with the rise of the modern state, their voices started to be heard by the center. A modern police force needs the consent of the general population in order to function effectively. There is no reason to think that the poor have received no benefits from the welfare obligations of the police. However, the other side of the coin is that the peoples' daily lives have begun to be organized according to the parameters radiated from the center. So, the general account is ambivalent. Overall, I think that, in comparison with the "the world [the poor] have lost," the "new world" presents more opportunities for the well being of its citizens and for the correction of injustices in the process.

As analyzed in the study, most of the injustices related to policing are the result of the increase of discretionary power of the police. Regimes wanted to create loyal police forces in order to pursue their own interests. In revolutionary regimes, this problem became more acute. The police, in these regimes, are the agents of the transformative policies of the governments. In that sense, they were conferred with legal powers that made them less accountable to the judiciary and/or to citizens.

Hence, the injustices related to the police come down to the issue of accountability. From 1908 onwards, the police in Turkey secured a considerable degree

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of autonomy from external or legal control. We have seen how the police increased their discretionary power, especially by using public order related issues as pretext. Furthermore, by enacting special laws and regulations on the police, the state granted a certain degree of legal immunity to the police. The Law on the Trial of Civil Servants and its auxiliary regulations on the police, both dated 1913, are still in effect. According to this law and the regulations, the trial of a police officer by a public prosecutor is extremely difficult. The main argument behind this law was (and still is) to let the police do what they are required to do by the state without any concern of restriction by interested social groups. This autonomy, however, has made them more subservient to the executive. The state achieved the creation of a loyal and a professional force, which was after all the main reason behind the development of the police.

There are mainly two approaches to police accountability. One approach perceives the problem as an organizational one. "The organizational model of the police also influences their conception of order... The presence of an explicit hierarchy, with an associated chain of command and a strong sense of obedience, is therefore likely to induce an attachment to social uniformity and routine and a somewhat rigid conception of order" (Skolnick 1993: 22). This describes the situation for the Turkish police exactly. The recipe of this approach to the problem will naturally be the decentralization of the police organization. Moore and Kelling present community policing as a solution to the problem of accountability (1983: 63-64).

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Without discussing the shortcomings of the concept of "community policing"[227], I

have objections to this approach on two grounds. First, in states like Turkey, and most of

those in the Continental Europe where a tradition of highly bureaucratic and statist public

administration systems exists, de-centralization is extremely difficult. In Turkey, where

almost every city other than Istanbul and Ankara are referred to as "provincial," such a

drastic organizational change requires a major change in the character of the regime. But

second, and more importantly, a centrally institutionalized police is not necessarily more

coercive or arrogant or less accountable than citizen-based authority. Most of the time,

just the opposite is true. When Miller contrasts the American and the English police, he

writes that "lack of institutional power also meant lack of institutional restraints, and the

personal New York policeman often ended up with more awesome power than his

impersonal London counterpart" (Miller 1975: 85).

The second approach to the problem of police accountability emphasizes the

character of the disciplinary processes related to organization. This approach can also be

grouped into two, as internal and external reviews. Those who defend the second

position, mainly civil libertarians, argue that democratization of the police can only be

achieved by civilian review boards. The peoples' participation in policing the police, they

argue, will greatly reduce the police abuses of authority.

There are several problems with this approach. The first has to do with a universal

aspect of the police culture, irrespective of the character of regime: the code of silence.

Since policing is a contentious task and the police are generally perceived by the citizens

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[227] For an excellent critique of the concept, see Robinson et al. 1994. See also van der Spuy 1989.

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as a force to be shunned as much as possible, this has given rise to an immense solidarity amongst police officers. The *sine qua non* condition of an effective review mechanism is to gather information about the functioning of the police, a problem that is sometimes called as "principal agency" problem.[228] A civilian review board will have no chance to obtain the necessary information in the first place. The second problem is that, in order to be fully effective, the system of sanctions should "reinforce the command capabilities, which external mechanisms are not likely to do" (Potts 1983: 66).

Furthermore, focusing on external control may defeat the purpose by reducing the capacity for active internal self-regulation. "Unfortunately," writes Bayley, "the cycle is self-perpetuating... Public belief that discipline is lax leads to an insistence on heightened external control. External control diminishes police self-esteem and command solidarity. Declining capacity for self-regulation weakens restraints on discipline. And the weakening bonds of individual dedication, peer responsibility, and supervisory legitimacy lead to new instances of indiscipline" (Bayley 1985: 179).

The most insightful approach to making the police more accountable is provided by Chevigny (1995). After he disqualifies the option of the civilian review board (91), he cites the judiciary as a credible institution for controlling the police. The judiciary may reject coerced confessions in criminal cases. In so doing, there will be a certain degree of self-control on the part of the police to not torture people. That is why the Law on the

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[228] Przeworski defines the situation in which individuals have access to different information as a relation between principals and agents. "Agents have some information which principals do not directly observe... They also undertake some actions that are, at least partly, hidden from the principal. The generic problem facing the principal is thus the following: How to induce the agent to act in the principals interests" (Przeworski 1996: 4).

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Trial of Civil Servants of Turkey, enacted during the CUP era, is a major obstacle. Unless public prosecutors in Turkey can directly sue a police officer without an official permission from that officer's superiors, it will be very difficult to provide an effective system of accountability. However, even in that case, Chevigny argues, the judiciary will remain as the most cumbersome tool for the accountability of officials. Charges are made after the fact, and because the burden of proof is extremely high, the likelihood of success is small (99). What is the most dangerous about judiciary control is the fact that in case of losing a case, the system itself will be brought into disrepute. Moreover, as we have witnessed many times in Turkey, as the lost cases increase, people will also loose their hope for a better future. Therefore, we have to find some other means to control the police.

What Chevigny offers is a tripartite system of accountability, which combines the internal and external elements of accountability into a whole. The system includes "a fact-finding body for complaints, an auditor with power to obtain documents from the department, and an internal inspector general who can make sure that the findings of the other bodies are turned into working policy by the department" (Chevigny 1995: 114)

What is the role of the people in all this? Except for periods of extreme and uncontrollable police violence, the accountability of the police is not a major concern for the state. There has never been a period in Turkish history that compelled the state to take measure against its own police force. Therefore, the first initiative should come from the people as a pressure group on the state. This is where the problem starts. In Turkey, there is immense ignorance and indifference among the population on policing issues, a result

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of the historical process discussed in this study. The police in Turkey have successfully shielded themselves from public criticism largely by presenting themselves as a professional force, whose only task is to protect the state's interest and the people's welfare, which are the same things in the collectivist-nationalist ideology of the Kemalist state. For the people, the police are the force of law and order; for the intellectuals, they are mere puppets of the regime that do not deserve a special attention in themselves.

Hence, the biggest task in Turkey is to raise the consciousness of the people about the intricacies of policing and the police. Having laid out the historical roots of problems *and* opportunities, it is hoped that this study will provide a step in this direction by serving as an introduction for future studies that will deal with these issues from a more policy-oriented perspective.

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