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## Prisons in the Late Ottoman Empire

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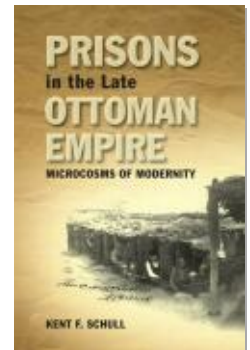
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## Introduction

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In 1851 and again in 1918–19 British officials assigned to the Ottoman Empire conducted extensive inspections of the empire's prisons and drew up detailed reports of what they found. Notwithstanding their imperialist and orientalist undertones, these reports describe Ottoman prisons as being in a serious state of disrepair.<sup>1</sup> Stratford Canning, the famous British Ambassador to the Ottoman Empire, commissioned the 1851 inspections with the intent to assist the Ottomans in reforming their criminal justice system. He ordered British Foreign Office representatives stationed throughout the empire to undertake a comprehensive inspection of prisons in order to ascertain their deficiencies and to report back to him. Canning justified prison improvement and inspection according to civilisational principles:

But in the present advanced state of human knowledge and public opinion no government which respects itself and claims a position among civilised communities can shut its eyes to the abuses which prevail. Or to the horrors which past ages may have left in that part of its administration which separate the repression of crime and the personal constraint of the guilty or the accused.<sup>2</sup>

The inspection questionnaire consisted of thirty questions requesting a variety of information on many aspects of the empire's prisons in every major urban centre. Questions included the number of prisoners, prison dimensions and layout, living conditions, hygiene and health concerns, rations, prison routines, prison cadre conduct, and governmental funding. The comprehensive nature of the questionnaire is quite impressive, as are the reports that were subsequently generated, which overwhelmingly demonstrate the poor state of Ottoman prison conditions.<sup>3</sup> After the British Embassy in Istanbul received the inspection results, officials drafted a summary report containing multiple suggestions for the general improvement of prisons throughout the empire and submitted it directly to the 'Sultan's confidential advisors'. The majority of the suggested improvements referred to health and hygiene issues, living conditions, facility repair, and prison regimens.<sup>4</sup>

Shortly after the unconditional surrender of the Ottomans to the *Entente* powers ending World War I (WWI), British officials conducted

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a series of inspections of Istanbul's prisons in the period of late 1918 and early 1919 and found prisons to be in a similar state to the state detailed in the 1851 inspections.<sup>5</sup> There are four striking features of the second set of reports. First, inspectors paint a dreadful picture of the state of Istanbul's prisons, including note of widespread disease, malnutrition, poor sanitation, rampant prison cadre neglect, abuse of prisoners, and corruption. Second, the reports display a deep bias for incarcerated Christians vis-à-vis their Muslim counterparts; the British inspectors express a greater concern for the welfare of Christian inmates even though all prisoners suffered similarly from the poor conditions. Third, the reports exude the British inspectors' absolute contempt for 'Turks'. Fourth, two of the British military officers (Commander Heathcote-Smith and Lieutenant Palmer) tasked with conducting the initial inspections and reporting their findings clearly express an ulterior motive regarding the potential use of these reports. They suggested that the reports be added to a number of other documents in preparation for the Paris Peace Conference and utilised to achieve three of Britain's post-war goals: that is, being used to justify British calls for the abrogation of 'Turkish sovereignty in Constantinople'; being used to substantiate further the disallowance of 'Turkish independence in Anatolia'; and, finally, being used as propaganda to dampen pro-Ottoman sentiments among Muslims in India. In fact, one British official felt 'certain that if the Indian population were instructed systematically as to the real truth concerning the Turk and all his ways, we should hear little more of their sympathy for him'. In fact, he suggested that 'some judicious propaganda' should be distributed in India in order to achieve this aim.<sup>6</sup>

Notwithstanding the sixty-eight year gap between the two sets of inspections and their different purposes, both resulted in reports that exposed the dire state of Ottoman prisons, especially in the areas of health, hygiene, sanitation, administration, corruption and abuse, nutrition, clothing, and the general state and condition of the facilities. Anyone reading these reports and even remotely familiar with the extensive reform programmes undertaken by various Ottoman administrations over the course of the nineteenth century would conclude that prisons had been completely ignored. These two British prison reports, however, do not reveal the extensive Ottoman expenditures in time, energy, money, and human capital spent over the final eighty years of the empire's existence – all with the goal of overhauling its prisons and creating a modern criminal justice system comparable with contemporary states in Europe, Asia, and the Americas.

Instead, these reports reinforce assumptions about Ottoman prisons

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all too familiar to Western audiences. The topic of Ottoman or better yet ‘Turkish’ prisons inevitably produces particular visceral reactions and conjures up certain horrific images that usually centre on three things: brutal sexual abuse, narcotics, and torture. Oliver Stone’s *Midnight Express* emblazoned this ‘Anglo-American Orientalist’ image of Turkish prisons upon our minds.<sup>7</sup> However, even *Lawrence of Arabia* and comedies such as *Airplane* and *The Simpsons* reinforce these stereotypes. Western accounts of Turkish venality and barbarity are legend, especially regarding prisons and the treatment of the incarcerated. These fables and stories are rife with salacious tales of torture and indiscriminate cruelty that say more about Western fears and fantasies regarding its medieval and early-modern past than about actual circumstances within Ottoman prisons.<sup>8</sup> Stereotypes aside, Ottoman prison conditions are, in fact, comparable to those found in supposedly more ‘enlightened’ and ‘civilised’ countries in Western Europe and North America during the long nineteenth century (1770s–1922).<sup>9</sup>

Unfortunately, such stereotypes hinder serious academic inquiry into Ottoman penal institutions, particularly concerning their role in modern state formation in the late Ottoman Empire and the actual lived experiences of the incarcerated. As a result, scholars have produced very few academic works investigating Ottoman prisons, penal institutions, the empire’s criminal justice system, or the everyday lives of non-political prisoners. Apart from two monographs, an edited volume, and several master’s theses (all in Turkish), and a few English-language articles on general prison reform and conditions in the broader Middle East, a large lacuna exists in the scholarly work done on Ottoman and Middle Eastern prisons. In fact, none of these works treats Ottoman prison reform during the long nineteenth century from both an imperial and a local perspective. Most are limited in scope to a particular time period and a particular region, and only a few go beyond basic descriptions of archival documents and apply important interdisciplinary theoretical and methodological approaches.<sup>10</sup>

This study focuses on the transformation of the Ottoman criminal justice system, particularly prisons and incarceration, during the late Ottoman Empire (c. 1840–1922) with an emphasis on the Second Constitutional Period (1908–18). First, it demonstrates the interconnected relationship between the development of modern penal institutions and state construction in the late Ottoman Empire. Second, this study attempts to link prisons and punishment more broadly with the creation of a modern criminal justice system defined by the codification of Islamic criminal law, the establishment of criminal courts, and more intrusive policing

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and surveillance during the long nineteenth century. Third, it argues that prisons act as effective windows into broader state and societal developments within the empire during this era of reform. This era, however, is better characterised as one of transformation centred on continuity and change rather than a rupture imposed by the West. It was within the walls of these prisons that many of the pressing questions of Ottoman modernity played out. Bureaucrats addressed issues related to administrative reform and centralisation, the rationalisation of Islamic criminal law and punishment, the role of labour in the rehabilitation of prisoners, economic development and industrialisation, gender and childhood, the implementation of modern concepts of time and space, issues of national identity based on ethnicity and religion, social engineering, and the increased role of the state in caring for its population. In other words, prisons are microcosms of imperial transformation and exemplify a distinctive Ottoman modernity created by the spread of capitalist market relations and the application of modern methods of governance within a specific Ottoman context. Fourth, this study pushes theoretical models and methodological approaches to penal institutions beyond Michel Foucault's depiction of prisons as modern instrumentalities of governance for social control and discipline. It does so by looking at the competing ideological, social, economic, and practical concerns affecting prison reform and realities on the ground. Fifth, and most importantly, this study looks at prisons on both a local and an imperial level, thus integrating top-down and bottom-up approaches to historical inquiry in order to juxtapose reform and reality. This is accomplished by looking at the centre's reform programmes, intentions, and actions in conjunction with an appraisal of the effectiveness of implementation and mitigated by recourse to the lived experiences of prisoners and local cadre in order to ascertain compliance, resistance, and augmentation to these reforms. This approach is very important in order to overcome the state-centric bias that studies of Ottoman imperial reform generally produce. Finally, this volume adds an additional voice to the burgeoning scholarship, arguing that the development of the modern Middle East and South-eastern Europe must be situated in the late Ottoman Empire as a result of an internally devised and implemented response to internal concerns and European imperialism. More specifically, the Second Constitutional Period needs to be viewed as the culmination of transformation that left an important inheritance to the region. It is frequently portrayed as the last gasp of a dying empire waiting to expire at the hands of nationalists and imperialists.

### ***Ottoman Modernity***

‘Modernity’ is a highly contested theoretical concept whose academic efficacy has been debated extensively.<sup>11</sup> It is not the purpose of this section to provide a detailed account of the development of this concept, its relationship to modernisation theory, and its problematic nature. Other works have already effectively accomplished this task.<sup>12</sup> For the purposes of this study, modernity is both a ‘mood’ and a ‘socio-cultural construct’. It is a mood inasmuch as it is a powerful assumption about the supposed superior nature of the ‘modern’ world as compared to a ‘traditional’ one characterised as backward, irrational, superstitious, undemocratic, religious, and/or anti-individualistic. Modernity is a socio-cultural construct inasmuch as its emphasis lies in its institutional, social, and economic particularities that have come to dominate the contemporary era, for example, capitalist market relations, an expanding and increasingly integrated world economy, new technologies, new methods of governance, the nation-state, and nationalism.<sup>13</sup> Several scholars have recently critiqued this concept and applied it to Ottoman and Middle Eastern contexts.<sup>14</sup> In this study, especially for the reformers and nation-state builders of the late Ottoman Empire, ‘modernity’ was both a ‘mood’ and a ‘socio-cultural construct’. It dominated their ideological and tangible goals of centralising, standardising, and rationalising administrative, economic, military, and social power within the hands of the state in order to preserve the empire’s territorial and administrative integrity.

Penal institutions, including prisons and policing, not only facilitate the development of states, but they also act as windows into the process of modernity and its effects on a specific cultural and historical context. While modernity is a global phenomenon that is comparative across the world during the recent past, it is also uniquely specific to each region. The spread of capitalist market relations and the implementation of new methods of governance were not progressively uniform throughout the world. In many cases, different regions experienced the effects of these phenomena haphazardly and often in fits and starts. Various regions ‘blended’ these global processes with their own administrative and economic systems, cultural traditions, and ways of life in very unique ways. Each region, therefore, created distinct modernities that are globally comparable on some levels, but also cultural and historically unique on others. Ottoman, British, Japanese, or American modernities all possess similarities, but also exhibit peculiarities specific to their historical contexts and development. None represents an authentic or original form of modernity that was then copied and exported around the world.<sup>15</sup> This

view of modernity allows for comparison between the development and use of penal institutions among other modernising states during this era. The Ottoman experience of modern state construction and its particular use of penal institutions, therefore, should not be construed as Westernisation. Instead, the blending of global practices, such as administrative centralisation, rationalisation, and standardisation with Ottoman bureaucratic practices produced an entirely new dynamic. This blending, culminating in the creation of an Ottoman criminal justice system and modern penal institutions, is the central focus of this study.

### ***Approaches to Prisons and Incarceration***

As mentioned above, there exists a very limited scholarly literature on punishment and penal institutions for the Ottoman Empire. The vast majority of academic work on this topic consists of descriptive, close readings of state archival documents. They are very state-centric and decree-oriented studies that often do not follow the reforms through to their implementation or lack thereof. The few works that approach prisons theoretically tend also to utilise an overly state-centric approach that is closely informed by Michel Foucault's work. Foucault's approaches provide wonderful insights into penal institutions and state-society power relationships, however, if imposed heavy-handed the result is a severely limiting interpretation. These limitations shall be discussed in greater detail below. This investigation of prisons and punishment in the Ottoman Empire draws upon an eclectic and interdisciplinary array of theoretical and methodological approaches, the core of which comes from the social sciences and attempts to integrate socio-legal and Foucauldian analytical frameworks, history from below, David Garland's concept of 'overdetermination', and the debates surrounding modernity into a coherent interpretive apparatus that explicates the complexities of a specific Ottoman modernity and the role that prisons and punishment played therein. This nuanced approach to prisons and punishment traces its roots to studies of penal institutions in other world regions during the long nineteenth century, namely Western Europe and North America, as well as Latin America, Russia, and other regions in Asia.<sup>16</sup> This literature contains a wealth of theoretical and methodological approaches that can provide an appropriate foray into the Ottoman world through judicious selection and application.

European and North American penal historiography can be broken up into four major groups in terms of methodology and theoretical approach: Durkheimian, Marxist, neo-Marxist, and Foucauldian. Besides eighteenth-

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and nineteenth-century prison reform literature and treatises by John Howard, Alexis de Tocqueville, G. Beaumont, Baron de Montesquieu, and Jeremy Bentham,<sup>17</sup> one of the first scholars to investigate crime, punishment, and penalty was the renowned sociologist Émile Durkheim. He wrote three important works dealing with crime, punishment, and penalty.<sup>18</sup> His theoretical and methodological approach to punishment is closely associated with his sociological theories of society, especially his concept of the ‘conscience collective’. The ‘conscience collective’ is the sum total of the morals, values, and shared identity found within a society that governs its laws, actions, and attitudes and helps to create a bond of solidarity among its population.<sup>19</sup> Durkheim viewed punishment as ‘an index of society’s invisible moral bonds’ where its values are constantly expressed and reproduced. These rituals of punishment act as windows into society itself.<sup>20</sup> To Durkheim, punishment also demonstrates society’s emotional reaction and need to extract revenge for a violation of its norms and mores. It is this irrational emotional response to crime that helps re-establish the balance and solidarity that must exist in a society in order for it to function properly.<sup>21</sup>

Durkheim’s methodological approach to punishment makes a tremendous contribution to penal studies, because it connects penal practices, laws, institutions, and acts of punishment with society’s morals and values. He demonstrates the importance of analysing the relationship of penal institutions to public sentiment, how moral solidarity creates punishment practices, and how these practices reaffirm societal solidarity.<sup>22</sup> Durkheim’s methodology, however, treats the ‘conscience collective’ as if it is an uncontested fact of social life. He never accounts for the ideological struggles that are associated with a society’s morality, nor does he acknowledge that any society’s moral order or legal system is a contested and constantly negotiated process. In fact, legal regulations or systems represent a compromise of various and diffuse ‘conscience collectives’ within a given society and do not equate in a one-to-one ratio with a society’s collective morality.<sup>23</sup>

The Marxist approach to crime and punishment, as exemplified by George Rusche and Otto Kirchheimer’s *Punishment and Social Structure*, centres on the ruling elite’s relationship to the means of production and its desire to preserve and strengthen its hold on power.<sup>24</sup> Penal practices and institutions are held to be economically determined since the key dynamic in history and society is class struggle, which, in turn, drives social change and gives shape to concrete institutions. The ruling class creates these institutions, such as schools, the military, and the criminal justice system, to quell political opposition, promote its social and economic interests,



preserve the status quo, and legitimate its domination over subordinate classes.<sup>25</sup> A society's particular mode of production, be it feudal, capitalist, or Asiatic, determines the amount of corporeal punishment meted out to the offender. This approach successfully highlights the relationship between economic interests and the existence, function, and purposes of penal institutions. Its myopic economic determinism, however, ignores a host of other factors that shape penal institutions and practices, many of which have nothing to do with economics. These include the importance of ideology and political forces in determining penal policy, popular support for penal practices among the lower classes, and penal reform discourse based on humanitarian arguments, judicial rhetoric, or the dynamic negotiation between penal legislation and practice. Marxist approaches to penality, however, dismiss these factors as irrelevant.<sup>26</sup>

The neo-Marxist approach as epitomised by David Rothman and Michael Ignatieff is much more nuanced than the traditional Marxist approach.<sup>27</sup> It continues to view punishment and penal institutions as a means of social control by the ruling class over lower classes, but it also investigates state power, law and legal practices, cultural influences, and ideology. The ruling class needs this 'superstructure' in order for it to maintain its economic dominance.<sup>28</sup> The strengths of the neo-Marxist approach are found in its historicisation of the emergence of penal institutions from specific social, cultural, political, and economic contexts. It asserts that penal policies and institutions are not a result of a monolithic process determined simply by one's relationship to the means of production, but are instead a result of multiple forces and determinants, which are both conflicting and concurring in any specific historical conjuncture. Unfortunately, neo-Marxism still makes penal institutions and policies a result of one's relationship to the mode of production and class interests in the 'last instance'. It still assumes that penal policy debates, which are often motivated by issues other than class interests or economics, such as humanitarian, religious, or scientific concerns, are still 'constrained by the structures of social power and the invisible pressures of the dominant class culture'.<sup>29</sup>

Michel Foucault's *Discipline and Punish* exemplifies the Foucauldian methodological approach to penality and penal institutions. The central purpose of this work is to explain the disappearance of punishment as a public spectacle of violence against the body and to account for the emergence of prisons and incarceration as the normative form of modern punishment in France. His argument centres on how power interacts with knowledge through technologies of discipline and surveillance in order to gain increased social control by one societal class over another. This rela-

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tionship between power and knowledge delineates the parameters within which all societal relations and social institutions function. The prison and other institutions of social control, as well as the techniques of discipline and surveillance, are direct products of this power and knowledge relationship. Foucault's argument treats class conflict and economic determinism as superficial reasons for achieving social control. Punishment then becomes a 'political tactic' used to exercise power over the body. Similar to all institutions, penal institutions utilise systems of production, domination, and socialisation to subjugate and render the body docile, malleable, and self-disciplining.<sup>30</sup> Foucault's argument has made an invaluable contribution to the study of penality. It elucidates the relationship between power and knowledge, how techniques of discipline and surveillance increase power, how power is exercised through these new technologies, and the effects that these new technologies have upon individuals in terms of control.

Foucault's approach and methodology, unfortunately, remains in the realm of the ideal. *Discipline and Punish* bases much of its argument upon Jeremy Bentham's theoretical reform plans, especially the prison panopticon design. To Foucault, Bentham's panopticon represents the ultimate example of exercising knowledge and power to gain maximum control over the inmate's body and soul. Bentham's panopticon, however, remained in the conceptual realm. His grand scheme never materialised as a physical, operating penitentiary in any European country. Foucault never acknowledges this important point. As Rothman points out, 'for Foucault, motive mattered more than practice. Let public authorities formulate a programme or announce a goal, and he presumed its realisation. He mistook fantasy for reality.'<sup>31</sup> Granted Foucault's argument is not solely focused on the establishment of these mechanisms of power or their physical manifestation, but on what these new technologies and practices tell us about intent and ideology. However, if such an important design as Bentham's panopticon was never realised, does not this fact reveal important insights into a society's sensibilities towards punishment?

Foucault's argument also denies agency to those who are the objects of these new technologies of power. He does not afford them the ability to resist and alter the intended outcomes of these practices. In Foucault's account of penal institutions and practices, he never discusses how resistance undermines and augments the effects that these tactics were supposed to produce within a 'total institution', such as the penitentiary.<sup>32</sup> Patricia O'Brien demonstrates how prison subcultures in nineteenth-century French penitentiaries defied penal institutions' idealised instrumentalities of discipline, surveillance, and social control through various actions,

including tattooing, covert communications, bribing guards, and prostitution. These actions undermined many of the tactics utilised by penal institutions to control and rehabilitate the criminal. As a result, resistance often leads to the development of more effective techniques of discipline and control.<sup>33</sup>

Foucault's argument, in many cases, is also ahistorical. He makes it perfectly clear that he is not a historian, but a philosopher. His eclectic style, incredible explanatory power, and quasi-historical approach all make him very popular with academics aspiring to be interdisciplinary in their theoretical approaches. In many cases, he attempts to universalise his claims, when in reality his studies are centred on modern France. He also claims that all systems, functions, decisions, morals, and actions within any society are fundamentally based upon control with power as its primary determinant. This is simply replacing Marx's all-encompassing economic determinant with a different one, which in turn ignores the numerous countervailing forces that attempt to protect human rights, extend freedoms, and improve living conditions and prisoner quality of life. He also ignores the political and practical decision-making processes, including budgetary restraints that act to limit the effective use of discipline and surveillance in controlling the prisoner's body and mind. Finally, Foucault's approach to prisons as examples of the modern state's dominance over society incorrectly draws an impenetrable barrier between these two reified entities. Foucault portrays power as flowing unidirectionally from the state to society when in reality the divide between the two is actually porous, convoluted, and constantly shifting through negotiation and conflict.<sup>34</sup>

Each of these four approaches is useful for limited inquiries into specific areas of punishment and prisons. Also each one effectively focuses upon a particular aspect of penalty and provides important insights into the overall picture of the prison as a complex social institution. All of these approaches, however, treat incarceration and prisons in a vacuum. None of them integrate prisons into their broader context, namely the development of modern systems of criminal justice.

In contrast, this study attempts to place incarceration and prisons within a broader context of criminal justice by demonstrating the interconnected nature of policing, criminal codes, courts, and incarceration. It also makes use of a more comprehensive approach to the study of penalty along the lines of what David Garland calls a 'multidimensional interpretative approach, which sees punishment as an overdetermined, multifaceted social institution'.<sup>35</sup> This approach views penal institutions as 'social artifacts' that embody and regenerate wider cultural categories and serve

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as a means of achieving particular penological ends. Similar to architecture, clothing, or diet, punishment cannot be explained by its instrumental purpose alone, but must also take into account its cultural style, historical tradition, and dependence upon institutional, technical, and discursive conditions. Punishment is a legal institution, administered by the state, but it is also grounded in wider patterns of knowing, feeling, and acting that depend upon these social roots and supports for its continuing legitimacy and operation. It is also grounded in history, similar to all social institutions; modern punishment is a historical outcome that is imperfectly adapted to its current situation. It is a product of tradition as much as present policy. There are many conflicting logics that go into punishment in any given society. Similar to all social institutions, punishment shapes its environment as much as it is shaped by it. Penal sanctions and institutions are not simply dependent variables at the end of some finite line of social causation. Punishment interacts with its environment, forming part of the mutually constructing configuration of elements that make up the social world.<sup>36</sup>

Building off Garland's notion that prisons are 'social institutions', this study investigates punishment and prisons utilising a socio-legal approach. According to Avi Rubin, the sociolegal approach is:

an interpretive framework that explores the law as an aspect of social relations. As such, it offers a starting point for formulating a new set of questions and methodologies for understanding Ottoman legal change in the context of modernity . . . it is not the laws or codes of any given society that form the focus of sociolegal analysis but rather, the detailed, varied practices and meaning that constitute legal systems and that may not be studied in isolation from key social and cultural developments.<sup>37</sup>

In other words, for this study the socio-legal approach looks at normative laws, regulations, and reforms together with the actual lived experiences of both prison cadre and inmates. This approach moves far beyond Foucault's focus on the ideal of social control and discipline by incorporating the reality of Ottoman incarceration in the age of modernity.

### ***Book Outline***

This study weaves together six intersecting themes: 1. Transformation through continuity and change as opposed to rupture, 2. A focus by reformers on prisoner rehabilitation, 3. Administrative centralisation and governmentality, 4. Order and discipline, 5. The creation and expansion of the Ottoman 'nanny state'<sup>38</sup> in which the government increasingly

assumes greater amounts of responsibility for the welfare of its population, and 6. The juxtaposition of prison reform with the reality of prison life. The first two chapters of this study provide an overview of Ottoman criminal justice practices in the early modern period and their transformation during the nineteenth century. These two chapters are primarily constructed from a state-centric administrative perspective and are meant to provide a context for understanding the developments, transformations, and experiences of the late Ottoman Empire's penal reforms and realities. Chapters 3 to 6 contrast particular reform efforts with the actual experiences of inmates and prison officials to investigate how these interactions affected reform efforts and everyday life within prisons.

Chapter 1 provides a brief overview of the early modern Ottoman legal system and its transformation during the long nineteenth century with special emphasis on the creation of a comprehensive criminal justice system including policing and surveillance, new courts, penal codes, and prisons. The purpose of this chapter is to highlight the relationship between prisons and the transformation of Ottoman criminal justice, especially the links between the Imperial Ottoman Penal Code (IOPC) and incarceration. This transformation was fully rooted in past legal practices while also appropriating and adapting new legal policies from abroad. This process of transformation does not represent an Ottoman progressive march towards Westernisation and secularisation, but one that consciously reinterpreted its Islamic legal system and transformed it through the application of modern methods of governance, such as legal codification, administrative centralisation, the rationalisation and standardisation of legal practice, and the utilisation of incarceration as the primary form of punishment for criminal behaviour.

Chapter 2 consists of a general survey of Ottoman prison reform from the 1850s until the end of the empire (c. 1919) from a state-centric perspective. It pays particular attention to the development of programmes and policies, where they originated, the foundations they built for successive reforms, and how these reforms exemplify particular regime ideologies and world views. Woven throughout the chapter are the six broad themes associated with Ottoman prison reform discussed above in order to lay out the major topics of investigation that constitute the book's remaining chapters.

The third chapter investigates Ottoman efforts to gain knowledge and power over prisons through the collection of statistical information via prison questionnaires and surveys. Not only did these efforts provide invaluable knowledge about prison conditions and the prison population, but they also yield important insights into the ideology and world view

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of prison reformers. This chapter also includes a discussion of the prison population itself, in terms of its socio-economic and religious composition, criminality, and how individual prisoners were identified and categorised.

Chapter 4 looks closely at prison conditions and structure, particularly in terms of organising the prison population according to crimes committed, convicted or accused, age, and gender. This chapter investigates the everyday life of prisoners, both female and male, their experiences, and the conditions of incarceration. Despite the Ottoman Prison Administration's attempts to improve living conditions through assuming responsibility for health and hygiene, nutrition, and prisoner rehabilitation, prison conditions remained poor and they remained overcrowded. Nowhere else are the limits of reform more evident. Nevertheless, Ottoman reformers still made significant improvements.

Chapter 5 investigates the Ottoman Prison Administration's attempts to professionalise its prison cadre in order to combat corruption and prisoner abuse. Ottoman administrators viewed the prison cadre as linchpins of successful prison reform and prisoner rehabilitation. This chapter looks at these attempts to reform the prison cadre and its effectiveness in light of actual prisoner experiences that reveal a culture of corruption, collusion, and exploitation. These relationships concretely demonstrate the blurred boundaries between guards and criminals, their power relationships, and consequently between state and society.

Chapter 6 delves into Ottoman conceptions of childhood, particularly regarding incarcerated minors. During the Second Constitutional Period, the Committee of Union and Progress (CUP) went to great lengths to protect children from serving prison sentences by rationalising the legal definition of childhood and by centralising power into the hands of the IOPC and the state-run criminal courts. By assuming greater responsibility for the protection of juvenile delinquents, the CUP increased the state's intervention into the private sphere and simultaneously reshaped the public sphere.

Finally, the Conclusion returns to the initial British inspections of Ottoman prisons discussed in this Introduction in order to re-evaluate their findings and place them in the context of a complete breakdown of most state functions in the immediate aftermath of WWI. It then draws larger conclusions concerning the robust penal reforms undertaken by the Ottoman Government during the long nineteenth century and the legacy of criminal justice reform and penal practice this left to its successor states in the Middle East and South-eastern Europe. Finally, the Conclusion makes some initial observations regarding the applicability of studying Ottoman penal reform in a comparative global context.

### ***A Note on Sources***

The sources for this book consist primarily of state-centric documents from The Prime Ministry's Ottoman Archives (BOA) in addition to Ottoman penal and legal codes. The archival documents are particularly rich in terms of extensively detailed statistics collected from every prison across the empire, photographs of prisons and prisoners, architectural designs, building projects, expenditure reports, and reports on prison sanitation and health conditions. Some documents also convey debates regarding prisoner nutrition, punishment, rehabilitation, and the condition of incarcerated women and children. These documents reveal elaborate prison reform programmes, new penal codes, and new prison regulations formulated and implemented by reformers that also dealt with larger imperial issues and concerns. This study also utilises interrogation documents called *istintaknameler*.<sup>39</sup> These documents are remarkable sources reflecting the prisoner's or official's own words about events usually involving prisoner abuse, guard-prisoner collusion, and corruption. Unfortunately, most archival documents make it very difficult to capture the voices of ordinary prisoners. Very few prisoners were literate and the vast majority did not leave behind memoirs, letters, or such describing their circumstances and experiences. This genre of document (state generated) presents certain pitfalls and limitations, but if 'read against the grain' can still offer a window into the subaltern's world, even if only a glimpse, and enable the re-creation of some aspects of their everyday lives that in turn assist in adjusting the biased perspective of the state.<sup>40</sup>

Finally, this book relies on evidence gathered from a variety of libraries and the national archives in the Republic of Turkey, the United States, and Great Britain. These sources consist of bureaucratic, administrative, and diplomatic documents, memoirs, travel volumes, newspapers, journals, letters, and statistical records in Arabic, English, French, German, Greek, Italian, Russian, Ottoman Turkish, and Turkish. These additional sources also help to overcome state-centric bias and provide further insights into the lives of everyday prisoners and prison cadre.

### ***Notes***

1. BNA, FO 195/364, 608/52/13, and 608/114/4.
2. BNA, FO 195/364, pp. 6–8.
3. BNA, FO 195/364, and 226/113.
4. BNA, FO 195/364, p. 8. A copy of this report was also submitted to the Foreign Office; see BNA, FO 195/364, pp. 1–32.

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5. BNA, FO 608/52/13, and 608/114/4.
6. BNA, FO 608/52/13, pp. 235–7.
7. *Midnight Express* (1978) was directed and produced by Alan Parker. The screen play, written by Oliver Stone, was based on Billy Hayes' book *Midnight Express* about his experiences as a convicted drug smuggler in a Turkish prison. Recently both Billy Hayes and Oliver Stone have admitted that the movie grossly misrepresented and exaggerated Hayes' actual experience in a Turkish prison. See *The New York Times* Monday, 18 June 2007, under The Arts section, B2.
8. Said, *Orientalism*; and Wolff, *Inventing Eastern Europe*.
9. Morris, and Rothman, *Oxford History of the Prison*, Chapters 3–7.
10. For studies on Ottoman and Middle Eastern prisons written in Turkish and English see Şen, *Osmanlı'da Mahkum Olmak*; Yıldız, *Mapusane* and 'Osmanlı Devleti'nde Hapishane Islahatı'; Gürsoy, *Hapishane Kitabı*; Lévy, and Toumarkine, *Osmanlı'da Asayiş, Suç ve Ceza*; Bozkurt, 'Kütahya Hapishanesinin Genel Durumu'; Atar, 'Turgutlu Hapishanesinin Genel Durumu'; Uslu, 'Erzincan'da Suç, Suçlu ve Hapishane'; Yıldıztaş, 'Suç Unsurları ve İstanbul Hapishaneleri'; Adak, 'Aydın Vilayeti'ndeki Hapishaneler'; Çiçen, 'Cesaevi Islahatı'; Hasan Şen, 'Transformation of Punishment Politics'; Peters, 'Controlled Suffering', 'Prisons and Marginalisation', and 'Egypt and the Age of the Triumphant Prison'; Gorman, 'Regulation, Reform and Resistance'; and Fahmy, 'Medical Conditions in Egyptian Prisons'.
11. For an excellent discussion about the benefits, limitations, and pitfalls of the theoretical concept of modernity see Anonymous, 'AHR Roundtable'.
12. Rubin, *Nizamiye Courts*, pp. 2–8; and Lockman, *Contending Visions*, Chapters 4–7.
13. Rengger, *Political Theory, Modernity, and Postmodernity*, pp. 39–42.
14. A few of these recent works include Rubin, *Nizamiye Courts*; Agmon, *Family and Court*; and Levine, *Overthrowing Geography*.
15. Gluck, 'The End of Elsewhere'.
16. There is a burgeoning literature on penal institutions and nation-state construction in the developing world, see Dikötter and Brown, *Cultures of Confinement*; Dikötter, *Crime, Punishment and Prisons in Modern China*; Botsman, *Punishment and Power in the Making of Modern Japan*; Bernault and Roitman, *History of Prisons and Confinement in Africa*; Salvatore, and Aguirre, *Birth of the Penitentiary in Latin America*; Adams, *Politics of Punishment*; Zinoman, *Colonial Bastille*; Arnold, 'Colonial Prison'; and Singha, *Despotism of Law*.
17. Howard, *State of Prisons in England and Wales*; Beaumont and de Tocqueville, *Penitentiary System in the United States*; de Montesquieu, *Spirit of the Laws*; and Bentham, *Introduction to the Principles of Morals and Legislation*.
18. Durkheim, *Moral Education, The Division of Labor in Society*, and 'Two Laws of Penal Evolution'.



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19. Garland, *Punishment and Modern Society*, pp. 33–6.
20. *Ibid.*, pp. 2 and 23.
21. *Ibid.*, pp. 34–40.
22. *Ibid.*, pp. 27–8.
23. *Ibid.*, pp. 49–57.
24. Rusche and Kirchheimer, *Punishment and Social Structure*.
25. Garland, p. 84.
26. *Ibid.*, pp. 108–9; and O'Brien, 'Crime and Punishment as Historical Problem'.
27. Rothman, *Discovery of the Asylum*; and Ignatieff, *Just Measure of Pain*.
28. Garland, p. 87.
29. Garland, pp. 124–5.
30. Foucault, *Discipline and Punish*.
31. Rothman, p. xix. For critiques concerning the applicability of Foucault's arguments to areas outside of Western Europe see Redfield, 'Foucault in the Tropics'; and Kaplan, 'Panopticon in Poona'.
32. According to Daniel Goffman, a 'total institution' is 'a place of residence and work where a large number of like-situated individuals, cut off from the wider society for an appreciable period of time, together lead an enclosed, formally administered round of life'. Examples of 'total institutions' include asylums, hospitals, some types of schools, the military, and prisons (Goffman, *Asylums*, p. 4).
33. O'Brien, *Promise of Punishment*. Also see Fahmy, *All the Pasha's Men*, Chapters 2–3 for a discussion on how attempts to conscript peasants for military service resulted in widespread resistance that shaped military policy and practice.
34. Mitchell, 'The Limits of the State'.
35. Garland, p. 2.
36. *Ibid.*, pp. 19–22.
37. Rubin, 'Ottoman Judicial Change in the Age of Modernity', p. 7. Ottoman history has a growing number of works that apply a socio-legal approach to the study of law and legality transformation during the nineteenth century. The publications of Agmon and Rubin are among the most notable.
38. For a brief discussion of the Ottoman 'nanny state', see Paz, 'Crime, Criminals, and the Ottoman State', p. vi. This book uses the terms 'nanny state' and 'state patriarchy' interchangeably. For a discussion of state or 'public patriarchy', see Hatem, 'Economic and Political Liberation in Egypt'.
39. Quataert and Gutman, 'Coal Mines, the Palace, and Struggles' is an example of research that heavily utilises *istintakname* documents.
40. See Guha and Spivak, *Selected Subaltern Studies*, Introduction.