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## Prisons in the Late Ottoman Empire

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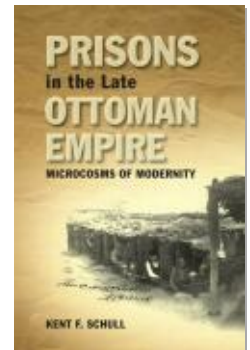
Published by Edinburgh University Press

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Prisons in the Late Ottoman Empire: Microcosms of Modernity.

Edinburgh University Press, 2014.

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## Conclusion

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When British Ambassador to the Ottoman Empire, Sir Stratford Canning, submitted his ‘Memorandum on the Improvement of Prisons in Turkey’ to Sultan Abdülmecid I in 1851, he summarised his observations of Ottoman prison conditions and administration accordingly:

In Turkey where prisons exist in every city and town of a certain extent, and where little attention has hitherto been paid to the science of constructing and administering them, there is ample room for improvement without any considerable out lay. Much unnecessary bodily suffering, much of the evil resulting from moral contagion and from a corrupt and cruel exercise of authority not contemplated by the law, may be removed at once by a few judicious regulations and corresponding arrangements. Even the adoption of these indispensable preliminaries to a more complete system of improvement could hardly be effected without some additional expense. 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>1</sup>

His report makes it clear that prison conditions were very poor and that administration was corrupt and inefficient, but he noted that most problems could be solved relatively easily and conditions improved.

Flash forward almost seventy years to 1919 and it appears that little had changed concerning Ottoman prison conditions and administration. A few months after the Ottoman Empire’s unconditional surrender to the *Entente* Powers in the autumn of 1918 and their occupation of Istanbul, British officials undertook an inspection of the city’s prison facilities. As mentioned in the Introduction, the purpose of this commission was to gain propaganda to use against the ‘Turks’ in the upcoming Paris Peace Conference. The commission hoped to reveal the Ottomans’ barbaric and uncivilised nature and, therefore, demonstrate their unfitness for self-rule. Many authorities were also looking for propaganda to vilify the empire’s image and undermine its status and prestige among India’s Muslim population. The British reports painted a graphic picture of Istanbul prison conditions.<sup>2</sup>

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Two British military officers (Commander Heathcote-Smith and Lieutenant Palmer) together with the newly appointed Director of the Ottoman Directorate of Public Security (Husni Bey) conducted the first prison inspections on 7 December 1918 and filed their report four days later.<sup>3</sup> The report described horrific scenes of prisoner ill-treatment, malnourishment, facility degradation, corruption, and woeful sanitary conditions, although Commander Heathcote-Smith notably reported that he did not consider overcrowding to be a serious problem. He wrote that ‘a considerable number [of prisoners] were recently released, and for a Turkish prison [it] is not unduly crowded’.<sup>4</sup>

According to the report, there were no prison uniforms or bedding. Prisoners slept on the floor, and the prison lacked discipline. Prisoners freely moved about the prison during the day, inside and out, and spent their time in idleness. At night, however, guards rounded up the prisoners and made them sleep in their assigned wards. Prisoners claimed that their treatment by the prison cadre was deplorable and that they were routinely beaten.<sup>5</sup> They also complained of terrible health and hygiene conditions. Vermin were everywhere, because the prison was rarely cleaned and inmates had access to washing facilities only once every three or four months. Although separate sick wards were available, the ill received little treatment. The report also claimed that over the past several months, three or four prisoners, on average, died weekly.<sup>6</sup>

Regarding nourishment, prisoners were left mostly to fend for themselves. The state was supposed to provide food rations consisting of six ounces of bread and three ounces of a coarse wheatmeal soup (*bulgar*) per day. These rations, according to the prisoners, rarely reached them, because the prison director, Hussein Fuad, routinely stole the food and profited from its sale. The report describes the prisoners as ‘merely a mob of half naked, lousy human beings with shrunken wasted bodies and ravenous eyes, gradually dying of starvation, cold and disease brought on by neglect’.<sup>7</sup>

The women’s ward was little better, despite the presence of several inmates with infants. There was utter disregard to the inmates’ nourishment, and sick female prisoners were neglected. For example, one female prisoner had a severe case of typhus, but was not adequately quarantined and thus posed an infectious threat to the other inmates. The report claimed that thirty-two female prisoners had died over the last two and a half months.<sup>8</sup>

As a result of this inspection it was proposed that allied military commanders visit all prisons throughout the empire in order to ascertain their respective conditions. Additionally, the entire prison system was placed under the direction of General Milne to whom orders had recently been

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given to oversee issues pertaining to the empire's police and public sanitation.<sup>9</sup> Commander Heathcote-Smith and Admiral Webb, therefore, undertook a subsequent inspection of the same prison in late January 1919 in order to ascertain whether or not the Ottoman Government had addressed any of the concerns that were expressed in their initial report.<sup>10</sup> Admiral Webb reported that 'with the exercise of a considerable amount of moral pressure, and in the face of the usual Turkish evasiveness and procrastination, some reforms have at length been carried out.'<sup>11</sup> Conditions, however, still remained horrendously poor. According to Webb:

*Maison D'Arret* [Sultanahmet Jail (*Tevkifhane*)] . . . is the place where men are confined while awaiting trial . . . In an old tumbled-down building with a small, ill-paved courtyard, I found imprisoned 186 Moslem and Christian Ottoman Subjects. These were distributed among a variety of rooms each of which I visited in turn . . . On the ground which had been laid bare by the removal of the boards was an indescribable collection of excrement and filthy cast off rags of prisoners, the whole being a breeding place for vermin of all kinds. The prisoners were lying about on the boards and sometimes even on the bare earth, and none of those had any covering other than the filthy rags which still clung round them. The squalor and filth of these dens, the indescribable stench arising from them, the gloom even at mid-day relieved by tiny windows high up near the ceiling, and the total lack of ventilation, all these features formed a scene which I am not likely to forget.

Of the miserable creatures lying or sitting about on the ground and floors, subsequent medical examination showed that between 80% and 90% were suffering from the mange (Scabies). Quite a number have become consumptive through starvation and malnutrition, and many forms of illness, chiefly Typhus and Syphilis were raging among them. There was not even pretence of their being given any medical attention. Their diet, which consisted of a very coarse and indigestible bread, is augmented once daily by a cupful of so-called soup, so repulsive in taste and smell that even the prisoners in their ravenous hunger often turned away from it in disgust. I smelt it and the stench was overpowering; to taste it was impossible.

The sanitary arrangements, or rather the lack thereof, are best left to the imagination. Baths were, of course, practically an unknown quantity, and even drinking water was so stinted that they clamoured loudly to be given some . . . What made the horror of these places even worse was that all were still awaiting trial; a great majority had been there for over 4 months, many from 6 to 12 months, and some as much as 21 to 25 months. It is difficult to understand how any human being could survive 21 months or even 12 months of such treatment, and of course the mortality has been extremely high . . . [T]he Turkish Government has at last been persuaded to take action in the matter. The whole system is so honeycombed with bribery and corruption that it is hopeless to expect any real improvement while the Turks remain their own masters.<sup>12</sup>

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As a result of these inquiries the Ottoman Grand Vizier Damad Ferid Pasha sent a letter assuring British authorities that all steps were being taken to remedy the awful situation that existed in these prisons. Namely, he related that new prison buildings were under construction and would be opened within the next few months; all inmates would be transferred to these new prisons; and, finally, the method of detention currently in existence at the Istanbul Jail (*Maison D'Arret*) would be discontinued.<sup>13</sup>

These claims appear to have been carried out, as confirmed by two inspections conducted on 29 March 1919 and 3 April 1919 by Allied powers, with the presence this time of both French and British personnel.<sup>14</sup> The report written by the British High Commission of Constantinople dated 6 April 1919 claims that 'regarding the appalling conditions prevalent in the Turkish prisons here, I have the honour to record that an improvement is now visible'.<sup>15</sup> The *Maison D'Arret* was decommissioned and in the process of being torn down.<sup>16</sup>

Admiral Webb summed up his remarks by stating:

[T]he actual conditions of life for the prisoners were distinctly better; the food was more nourishing and almost palatable; the accommodation in use was somewhat cleaner, and the prisoners themselves had lost that haunted look which was so marked previously. It may reasonably be said, therefore, that the prison problem in Constantinople has temporarily ceased to be an acute one . . . In conclusion I may say that a great, if spasmodic, step forward has been taken in prison reform here, but I am more than ever convinced that were we to relax our vigilance the old state of things would inevitably recur.<sup>17</sup>

Despite these improvements, it appears that within less than a year conditions worsened yet again. In February 1920, allied authorities filed two additional reports, in French, about conditions in Ottoman prisons. The Internal Commission for the Inspection of Anatolian Ottoman Prisons submitted its report on 7 February 1920, whereas on 23 February 1920 a delegation of French, British, and Italian Military *Attachés* and High Commissioners submitted their prison inspection report directly to the Ottoman Minister of the Interior. Both reports claimed that Ottoman prisons suffered from poor conditions. The second report, however, described the state of Istanbul's penitentiary as one of a 'reign of anarchy' caused by severe overcrowding, poor hygiene, and tremendous prisoner suffering. It claimed that sustained prison improvement was not a priority for the post-war Ottoman government.<sup>18</sup> Some prisoners attempted to take advantage of the *Entente* occupation by petitioning Greek officials to intervene on their behalf for changes and relief that specifically favoured Ecumenical and Armenian Christian inmates.<sup>19</sup>

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According to all of these inspections, sanitary and general living conditions were so deplorable that it appeared that little had changed since the 1850s. It is, therefore, easy to conclude that the Ottomans spent little time, effort, or resources on prison reform during the nineteenth century, despite repeated reprimands and urgings by Western powers to make reforms. Perhaps the stereotypes concerning the ‘Turkish’ prison and ‘Turkish’ barbarity and venality were well-deserved. This is, however, simply not the case. Conditions in ‘total institutions’ rapidly deteriorate if the institution is neglected and not adequately provisioned. These enclosed institutions, including prisons, hospitals, and asylums, completely depend on the outside world for care and upkeep. With the loss of the war, the occupation of Istanbul, the expulsion of the CUP from power, and the commencement of the Turkish War of Independence, there was a general breakdown in all social services. The Ottoman Government, economy, military, police, and population were in complete disarray. Prisons became low priority for the new government. Funds were directed elsewhere and Dr Pollitz was relieved of his duties and sent back to Germany. This all resulted in the rapid deterioration of prison conditions and, thus, explains what the foreign inspectors found in 1918 to 1921.<sup>20</sup> In fact, Charles Riggs, an American researcher living in Istanbul, wrote an article entitled ‘Adult Delinquency’ that detailed Istanbul’s criminal activities, courts, and prisons in 1920–1.<sup>21</sup> His report substantiates the *Entente* inspections, but instead of blaming ‘Turkish venality’ for the poor conditions and high crime rates, he clearly attributes these conditions to the grave effects of war and occupation.<sup>22</sup>

In contrast to the prejudiced and orientalist claims of British, French, and other foreign inspectors, this book demonstrates that Ottoman authorities exerted enormous efforts to transform the empire’s prisons and criminal justice system over the course of the nineteenth century in order to meet the challenges the empire faced as a result of internal crises and European encroachment. These efforts aimed at transforming the empire into a modern powerful state that possessed a monopoly on the use of force, particularly in terms of its military, policing, and the punishment of criminal offenders. Ottoman efforts to transform its criminal justice system and centralise its power over the adjudication of criminal matters, especially punishment, were not systematically progressive throughout the second-half of the nineteenth century. Each regime, however, built upon the efforts of its predecessors, thus making prison reform a key part of imperial transformation, shared ideals of civilisational progress, and of modern nation-state construction.

Ottoman prison reform culminated in the Second Constitutional Period, specifically during WWI. In the face of massive starvation, population

transfers, civil war, total war mobilisation, economic ruin, ethnic cleansings, genocide, pandemic disease, insurrections, military campaigns, and imperial dismemberment, the CUP continued its prison reform campaigns until its expulsion from power. The effort, time, resources, and energy expended on criminal justice reform by various regimes during the nineteenth century demonstrate the importance of prisons to overall imperial transformation. Notwithstanding these seemingly progressive reforms, they were also accompanied by devastating social engineering programmes that resulted in human atrocities comparable with contemporary colonial and ‘civilisational’ projects around the world, such as those waged against Native-Americans, Congolese, various South Asian populations, Australian and Oceania Aborigines, and Black South Africans, to name only a few. This is the dark side of nation-state construction and modernity. This is the barbarity of the ‘civilised’ world to which the Ottoman Empire belonged.

Prisons do indeed act as prisms into broader nineteenth-century Ottoman politics, culture, and society. They are microcosms of imperial transformation wherein many of the pressing questions of Ottoman modernity played out. Prison reformers addressed key imperial issues, such as administrative centralisation, the introduction of modern methods of governance, new concepts of time and space, industrialisation and economic development, professionalisation of government personnel, issues of gender and childhood, the rationalisation of penal law and practice, concepts associated with ethno-religious national identity, public health and hygiene, and the state’s assumption of greater responsibility for the welfare and supervision of its population. These efforts provide important insights into Ottoman sensibilities towards crime, punishment, and the role of the state in maintaining public order and rehabilitating criminals.

Ottoman efforts to transform the empire’s criminal justice system, however, do not constitute a process of secularisation and Westernisation. Penal reforms in the Ottoman Empire appropriated new approaches to governance and adapted them to existing norms, institutions, and practices. This hybridisation process created an entirely new dynamic of criminal justice and penalty that was both fully modern and Ottoman. This new dynamic is manifest by the empire’s codification of Islamic criminal law, the adoption of incarceration as the primary form of criminal punishment, the abrogation of *qadi* and local administrative punitive autonomy, and the standardisation of juvenile criminal culpability. Each of these new phenomena was grounded in Ottoman and Islamic cultural norms and sensibilities that were, in turn, reinterpreted and reconfigured to meet the challenges of the modern age.

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This study represents an interpretive endeavour concerning the role that penal institutions played in Ottoman state construction that tests the applicability of Western approaches and methodologies. Similar to the development of Western European and North American states, the development and centralisation of modern penal institutions were central aspects of modern state construction in the late Ottoman Empire in terms of social control and discipline. This study argues, however, that Ottoman penal institutions represent much more than just apparatuses for imposing social control and discipline. Not only do prisons act as windows into Ottoman modernity from a state ideological and administrative perspective, but they also juxtapose these reform efforts with the everyday experiences of the incarcerated and prison cadre. When taken in aggregate, the reform and reality of prison life offer unique perspectives into prisoner agency, state ideology, and how state efforts are altered, adapted, and resisted by the objects of those reforms.

Ottoman prison reforms in the nineteenth and early twentieth centuries achieved much. Efforts to remove children from prisons were largely efficacious. Officials eased overcrowding, improved overall health and hygiene conditions, built new prisons, and aggressively prosecuted and punished corrupt and abusive officials. Despite these improvements, prison officials and inmates still faced enormous challenges, such as dilapidated facilities, poor provisions and conditions, limited funds, continued overcrowding, escapes, breakdowns in discipline and order, corruption, and prisoner abuse. This close examination of Ottoman prison life demonstrates the convoluted and complex nature of state and societal relations at its most basic level.

The collocation of reform and reality in Ottoman prisons overcomes the overly deterministic state-centric narrative of late Ottoman efforts at modernisation. In its place, a new narrative emerges revealing the dynamic created by the intersection of reform and the exercise of personal agency, wherein individuals accept, reject, appropriate, and augment various aspects of Ottoman modernity for their own interests. Ottoman attempts at reform should not necessarily be judged with moralistic labels of ‘success’ or ‘failure’. Instead, scholars should focus on how attempts at transformation affected human interactions and relationships, state policies and practices, and everyday life within the empire.

In 1926, Clarence Richard Johnson, a professor of sociology at Bucknell University in the United States who spent three years living, teaching, and researching in Istanbul after WWI, published an insightful article in the *Journal of Applied Sociology* entitled ‘Prison Conditions in Constantinople’. His article makes two very important observations



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concerning Istanbul's prisons. First, Mustafa Kemal Atatürk did not continue the progressive prison reforms of the late Ottoman era in the immediate post-war period. Johnson's article describes Istanbul's prisons as lacking internal order and discipline. Prisoners were poorly clothed, improperly provisioned, and not separated according to severity of crime. Most prisoners slept in open dorms with no beds and sat in idleness all day. No efforts were made to rehabilitate prisoners through education and productive labour. Crowded conditions persisted, leading to sickness, disease, and vermin infestations. Fights, smuggling, weapons making, and gambling were routine occurrences. In his opinion, however, the biggest threat to prison order was the prevalence of opium addiction and drug use in Istanbul's prisons. He clearly states that the newly founded Republic of Turkey did not implement the regulations it inherited from its Ottoman predecessor.<sup>23</sup>

Second, Johnson's article asserts that Istanbul's prison conditions are comparable to those of seemingly more 'civilised' and progressed countries, especially the United States. In fact, while lamenting the awful conditions found in the new republic's prisons, he actually claims that they are better than those in the United States:

If we go to them [Istanbul's prisons] having visited prisons in America, knowing something of the disgrace which all prisons are to our twentieth Century, if we try to see these prisons exactly as they are in the light of the whole prison problem, then one can say that on the whole the prisons of Constantinople are not so bad as one would expect them to be in a poverty-stricken country like Turkey. The nerve breaking, straight jacket system of many of our American prisons, where men are mere machines, and where prison officials seek to break the spirit of the inmates, seems to be happily lacking. Our American prisons are responsible for much insanity – never can I forget the horrible cries of the insane men in solitary confinement which I heard in an American prison. The prisons of Constantinople need to be reformed and they need it badly, but so do the American prisons, and the prisons in Constantinople are not such a disgrace to Turkey as American prisons are to the United States.<sup>24</sup>

These are remarkable words of national introspection coming from an American professor of sociology about the state of prison conditions throughout the world in the early twentieth century and about their comparability across cultures and borders on a global scale.

Ottoman prison conditions and reform efforts are indeed comparable to those found in other countries in the nineteenth century and in the early twentieth century. As various states across Latin America, Africa, Asia, Europe, and North America appropriated and adapted modern methods of governance and became incorporated into the Modern World System,

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penal institutions became critically important for modern nation-state construction and transformation. European characterisations of penal practices outside of its borders as despotic, oriental, and barbaric must be tempered by reform efforts and prison realities in their own countries. They must also be qualified by comparative work on ‘Western’ prison conditions and those in other global regions that allow for historical and regional specificity. Some work has already been done in the field of penal comparative research on a global scale, but more work is needed that integrates prisons and punishment into broader global criminal justice transformations in policing, courts procedures, and penal codes. More work must also be done that integrates these reform efforts with the realities of lived experience as individuals shaped, interacted with, utilised, and resisted modern criminal justice policies, practices, and institutions.

As mentioned above, many of the prison reforms discussed in this work do not appear to have been continued by the successor states of the Ottoman Empire. Similar to numerous reform programmes, idealism appears to have collided with pragmatism, financial constraints, and ‘national’ self-interest. Ethnic nationalisms have dominated Middle Eastern and South-eastern European states since the empire’s dismemberment and placed a premium on the punitive qualities of penal institutions for social control and discipline. It appears that efforts at prisoner rehabilitation, proper provisioning, and care have been mostly forgotten in contemporary Middle Eastern states. Ottoman efforts at criminal justice and penal reform, however, did lay an important foundation for the penal institutions, codes, and practices adopted by many states that emerged in the wake of the Ottoman Empire’s dismemberment and collapse. Any study of modern penal institutions and practices in former Ottoman territories must take this foundation into account.

## *Notes*

1. BNA, FO 195/364, pp. 1–32.
2. BNA, FO 608/114/3, 608/114/4, and 608/52/13.
3. BNA, FO 608/52/13, pp. 238–43.
4. *Ibid.*
5. *Ibid.*, pp. 239 and 241.
6. *Ibid.*, pp. 239–41.
7. *Ibid.*, p. 240.
8. *Ibid.*, p. 241.
9. BNA, FO 608/52/13, p. 243.
10. BNA, FO 608/114/4, pp. 120–6.
11. *Ibid.*, p. 120.

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12. *Ibid.*, pp. 120–6.
13. BNA, FO 608/114/3, pp. 140–3.
14. *Ibid.*, p. 151.
15. *Ibid.*, p. 153.
16. *Ibid.*, p. 154.
17. *Ibid.*, pp. 154–6.
18. See BOA, DHMBHPSM 41/32 and 41/38.
19. In March and April 1921 a group of Ecumenical and Armenian Ottoman Christians incarcerated in Istanbul's prisons petitioned Greek occupying officials to intervene on their behalf in order to secure their release. Their petition described very poor living conditions and the abuses they were subjected to by prison officials claiming that their poor treatment resulted from their Christian faith. The petitioners also pointed out that none of the guards or prison officials overseeing the prison were Christians and this needed to be remedied in order to protect Christian rights. The petition is an interesting example of inmates exercising their agency to exploit *Entente* prejudices and interfaith rivalries in order to secure special privileges and better conditions (BOA, DHMBHPS 45/75). I would like to thank Elektra Kostopolous for translating this petition from the original Greek.
20. For a detailed discussion concerning problems and poor conditions in Istanbul's prisons during the *Entente* occupation of Istanbul, see Yıldıztaş 'Mütareke Döneminde Suç Unsurları', pp. 35–83.
21. Riggs, 'Adult Delinquency', pp. 323–67.
22. *Ibid.*, pp. 336–53. Riggs was a member of a team of professional researchers who undertook a comprehensive social study of Istanbul in 1920.
23. Johnson, 'Prison Conditions in Constantinople'. For a less scholarly discussion of the poor conditions in Istanbul's Sultanahmet jail in about 1926 by an Italian citizen, see Zaccagnini, *Ricordi di Constantinopoli*, pp. 119–28. I wish to express my thanks to Jonathan McCullom for translating this section from the original Italian.
24. Johnson, 'Prison Conditions in Constantinople', p. 274.
25. For example, see Dikötter and Brown, *Cultures of Confinement*, and Bernault, and Roitman, *History of Prison and Confinement in Africa*.