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## A SNAPSHOT FROM THE PRISON OF BITLIS IN THE LATE NINETEENTH CENTURY OTTOMAN EMPIRE

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## A SNAPSHOT FROM THE PRISON OF BITLIS IN THE LATE NINETEENTH CENTURY OTTOMAN EMPIRE

*On Dokuzuncu Yüzyıl Osmanlı İmparatorluğu'nda Bitlis Hapishanesinden Bir Kesit*

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**Abstract:** Contextualizing in the developments in the spheres of administration, economy, and jurisprudence during the nineteenth century Ottoman Empire, this article sought to present a snapshot from the prison of Bitlis in particular and prisons in the eastern provinces in general. Two interrelated developments of the nineteenth century became the tools to analyze the prisons of Bitlis. First, the imprisonment became a legal procedure of punishment both in Ottoman and universal level during the nineteenth century. This development harbingered a new kind of governmentality; the sovereign powers adopted the perspective that the individual subjects could be controlled and disciplined. In this regard, the concerns for public health, the sanitary conditions served to social control and discipline. Second, in the nineteenth century, the Ottoman Empire went through a set of transformations in which state-subject relations were reshaped. As a modernizing state, the Ottoman Empire tried to implement the principle of 'equality' among its subjects who also became responsible to the state in terms of taxation and conscription. This article aims to analyze the prison of Bitlis in terms of this new governmentality. On the one hand, prisons along with the military posts, police institutions, government offices served to the disciplinary power of the imperial states. On the other hand, the hygiene of the prisons, the well-being and well-treatment of prisoners came at the target of the imperial state.

**Key Words:** The Ottoman Empire, prison, Bitlis, Eastern provinces, Hygiene, Disciplinary power

**Öz:** Bu makale, Osmanlı İmparatorluğu'nda on dokuzuncu yüzyılda idari, mali ve adli dönüşümler temelinde özelde Bitlis hapishanesi, genelde doğu vilayetleri hapishanelerinden bir kesit sunmayı amaçlamaktadır. On dokuzuncu yüzyıldaki birbirleriyle bağlantılı iki gelişme üzerinden Bitlis hapishaneleri incelenebilir. Hapis cezası, gerek Osmanlı gerek evrensel düzeyde ilk olarak on dokuzuncu yüzyılda yasal bir cezalandırma yöntemine dönüşmüştür. Bu gelişme ile beraber devletler, tebaalarının / vatandaşlarının kontrol edilebilir ve disipline edilebilir oldukları görüşüne uygun olarak yeni bir yönetme pratiği benimsemişlerdir. Bu noktada, kamu sağlığı, hijyen alanları, toplumun kontrolü ve disipline edilmesi için kullanılmıştır. İkinci olarak, on dokuzuncu yüzyılda Osmanlı İmparatorluğu'nda, devlet-tebaa ilişkisinin yeniden şekillendiği bir dizi değişiklik yaşanmıştır. Modernleşen bir devlet olarak, Osmanlı İmparatorluğu, bütün tebaasının "eşitliği" ilkesini uygulamaya çalışmış, karşılığında da tebaanın vergi ve askerlik alanlarında devlete karşı bireysel sorumlulukları olmuştur. Bu makalede, Bitlis hapishanesi, bu yeni yönetme pratiği çerçevesinde ele alınacaktır. Bir taraftan hapishaneler; garnizonlar, polis teşkilatları, hükümet konakları ile birlikte devletin disipline edici gücünü kullandığı yerler olmuş diğer taraftan da hapishanelerdeki hijyen koşulları, mahkûmlar ile tutukluların sağlığı ve iyi muamele görmeleri devletin dert ettiği meseleler olmuştur.

**Anahtar Kelimeler:** Osmanlı İmparatorluğu, Hapishane, Bitlis, Hıfzıssıhha, Disipline edici iktidar

### Introduction

The restrictions on freedom as a way of punishment can be dated to the nineteenth century, when the capital punishment was increasingly replaced by imprisonment. Although the prisons and *zindans* (jails) existed both in Ottoman and European context, their evolution into a legal part of punishment started in the nineteenth century.<sup>1</sup> Nevertheless, the significance of this

<sup>1</sup> For an evaluation of Ottoman punishment methods in the pre-nineteenth century, see Gültekin Yıldız, *Mapusâne: Osmanlı Hapishanelerinin Kuruluş Serüveni (1839-1908)* (İstanbul: Kitapevi, 2012), 1-54.

process can only be comprehended when it is dealt within a broader context. In other words, the change in the punishment system is an integral part of the transformations occurred in the realms of governance of the state. With an analysis of emergence of prisons in the Ottoman Empire, it is possible to see the notions behind these transformations. As a part of these larger transformations of the nineteenth century, prisons became one of the places where the Ottoman Empire sought to implement the hygiene instructions. Contextualizing in the changes in the punishment system in the late nineteenth century Ottoman landscape, this article deems to narrate the prisons in the province of Bitlis with a specific focus on sanitary issues.

The nineteenth century Ottoman Empire experienced many transformations in the state's governmentality, in its relations with its subjects. The reforms in punishment system and in prisons are not unique to the empire and so it can be analyzed from a comparative perspective. Although these reforms began later in the Ottoman Empire compared to some other European countries, the mentality is the same, it is highly related with the changing notions in the perception of body and its being a realm of power and discipline in the Foucauldian sense. Discussing all the sides of Ottoman punishment system is beyond the scope of this article. There is a growing literature on Ottoman punishment system and on the various cases from the different prisons throughout the empire.<sup>2</sup> This article contextualize itself in this literature to get a better understanding of the Ottoman prison system. This paper deems to give an account of a local prison to ask new questions and to make assumptions about the broader picture. Therefore, in the following lines, first I will discuss the changing notions of crime and punishment especially focusing on the legal transformations. Then I will give an account of the 'birth of prisons' at the universal level and in the Ottoman context. And finally, I will elaborate this discussion by giving references to the archival documents to show the situation of the prison of Bitlis in particular and in the eastern provinces in general throughout the late nineteenth century with a specific focus on the sanitary conditions (*hıfzı 'ül-sihha*).

### Changing Perceptions of Punishment

Michel Foucault who differentiates between the pre-modern and modern ways of punishment defines the changes in the late eighteenth and through nineteenth centuries as a time;

(w)hen in Europe and in the United States, the entire economy of punishment was redistributed. It was a time of great 'scandals' for traditional justice, a time of innumerable projects for reform. It saw a new theory of law and crime, a new moral or political justification of the right to punish; old laws were abolished, old customs were died out. 'Modern' codes were planned or drawn up: Russia 1769; Prussia 1780; Pennsylvania and Tuscany, 1786; Austria, 1788; France, 1791, Year IV, 1808 and 1810. It was a new age for penal justice.<sup>3</sup>

Foucault further emphasizes, among these changes, the disappearance of the public display of the tortured bodies as a form of punishment which is attributed to a 'humanization' process and therefore has remained far away from a further analysis. However, as Foucault argues that when the great institutional transformations happened, the need for the clear

<sup>2</sup> Gültekin Yıldız, *Mapusâne: Osmanlı Hapishanelerinin Kuruluş Serüveni (1839-1908)* (İstanbul: Kitapevi, 2012); Kent F. Schull, *Prisons in the Late Ottoman Empire: Microcosms of Modernity* (Edinburg: Edinburgh University Press, 2014); Ufuk Adak, "Central Prisons (Hapishane-i Umumi) in Istanbul and Izmir in the late Ottoman Empire: In-Between Ideal and Reality" *Journal of the Ottoman and Turkish History Association* Vol. 4 No. 1 (May 2017): 73-94; Hasan Şen, "The Transformation of the Politics of Punishment and the Birth of the Prison in the Ottoman Empire, (1845-1910)" (Unpublished M.A. Thesis, Boğaziçi University, 2005); Saadet Tekin and Sevilay Özkes "Cumhuriyet Öncesi Türkiye'de Hapishane Sorunu," *ÇTTAD, VII/16-17, (2008/Bahar-Güz): 187-201*; Kemal Daşcıoğlu, "Osmanlı Arşivlerine Göre Sinop Hapishanesinin Durumu," *Erdem Atatürk Kültür Merkezi Dergisi* 51 (2008): 53-76; Emine Gürsoy Naskali and Hilal Oytun Altun, eds., *Hapishane Kitabı*, (İstanbul: Kitabevi, 2005). Mucize Ünlü, "Hapishane Reformu Süresince Canik Hapishanesini İslah Çalışmaları (1876-1918)," in *Geçmişten Geleceğe Samsun*, ed. Cevdet Yılmaz, (Samsun: Samsun Büyükşehir Belediyesi Kültür ve Sosyal İşler Dairesi Başkanlığı, 2007): 179-195;

<sup>3</sup> Foucault, *Discipline and Punish*, 7

definitions of the penalties arose.<sup>4</sup> Foucault's views on the inclusion of the prisons into the penal code are important to understand the evolution of the imprisonment as punishment. He underlines two significant novelties in this process; on the one hand, it signifies 'the penal justice,' a legal system which is assumed to be 'just,' and 'autonomous' as it treats each individual equal. On the other hand, it includes all the "asymmetries" of "disciplinary subjection;" the combination of both marked "the birth of prison," "the penalty of civilized societies."<sup>5</sup> Therefore the new punishment system although has been deemed to punish each individual equally by 'deprivation' of the most common human right, which is the liberty, has deployed a new particular power, which is disciplinary power.

In his study on Ottoman prisons, Kent Schull goes beyond the Foucauldian perception of the prisons. He argues that not only the Ottoman prisons served to control and discipline the society, but they became the "microcosm of Ottoman Modernity." Thus, an analysis of prison will shed light on the broader socio-economic, political and cultural transformation that Ottoman Empire went through in the nineteenth century.<sup>6</sup> In line with the point of Schull, this article put a specific emphasis on the hygiene concerns about the prisons. Many institutions were established and regulations were promulgated to control the hygiene of the urban side during the nineteenth century. The hygiene of the society became the target of the centralizing and modernizing Ottoman state.<sup>7</sup> This concern for the sanitary conditions of the prisons is in compliance with the social control and civilizing missions of the Ottoman Empire.

#### **A comparison: The Birth of the Prisons in the West**

As discussed by Timur Demirbaş although the prisons were used in Babel, Egypt, Rome, and Greece, they did not carry the same meaning as it had after the late eighteenth century. They were not the places of the execution of the penalties, yet they were the places in which the criminals were kept for undefined durations until their judgment or execution.<sup>8</sup> Demirbaş emphasizes the emergence of Amsterdam prisons in the late sixteenth century for its effects on the western punishment system as it led to the notion of the 'freedom restricting criminal law'. The basic logic behind this attempt was not to punish the criminals, but to socialize and rehabilitate them. The first prison in the modern sense was opened in Amsterdam in 1595 for men. The one for women was founded in 1597. The main logic was to rehabilitate and educate the beggars and stragglers.<sup>9</sup>

'The freedom restricting punishment' had been used together with the corporal punishment at the end of the eighteenth century. Especially with the seventeenth century, the enchainment, hard labor, and castling became often used punishment forms. The reformations in criminal law effected the working of the prisons. As emphasized by Demirbaş, Bremen prison, which had been founded in 1609, had already had regulations consisting of twenty-two articles. Prisons were used as the places to keep the criminals and stragglers from the late seventeenth to the late eighteenth centuries. However, after a while the situation of the prisons deteriorated as the numbers of people kept in the prisons increased because of the political developments during the century. Together with the endless wars and the profit-centered logic of mercantilism which saw the people in the prisons as the low labor force, this deterioration of the conditions in the prisons continued until the nineteenth century.<sup>10</sup>

<sup>4</sup> Ibid., 7-8.

<sup>5</sup> Ibid., 231-232.

<sup>6</sup> Schull, *Prisons in the Late Ottoman Empire*, x.

<sup>7</sup> Nuran Yıldırım, "Tanzimat'tan Cumhuriyet'e Koruyucu Sağlık Uygulamaları," *Tanzimat'tan Cumhuriyet'e Türkiye Ansiklopedisi* V. 5 (1985): 1320-1338

<sup>8</sup> Timur Demirbaş, "Hürriyete Bağlı Cezaların ve Cezaevlerinin Evrimi," in Emine Gürsoy Naskali and Hilal Oytun Altun, eds., *Hapishane Kitabı*, (İstanbul: Kitabevi, 2005), 5.

<sup>9</sup> Ibid., 12-13.

<sup>10</sup> Ibid., 14-15

Therefore, the late eighteenth and the whole nineteenth century was the age of reformations of the punishment systems both in Europe and in Anglo-American world. The birth of prisons not only served to the aim of rehabilitation, normalization of the individuals which were regarded as abnormal according to the social prescriptions. But it also served to the disciplining and controlling of the bodies and using them as a labor force. Similarly, the first freedom restricting penal institutions emerged during the Tanzimat periods in the Ottoman Empire.<sup>11</sup> In what follows, I will discuss specific developments occurred in the Ottoman Empire in the realms of legal transformations concerning defining of the crimes and penalties which laid the framework for the prisons.

### Ottoman Judicial Transformations and Birth of the Prisons

The use of prisons in the Ottoman punishment system as a freedom restricting penalty is a result of many legal transformations. The edict of Tanzimat in 1839 promised to create 'equality,' among the subjects of the empire regardless of religious, ethnic and socio-economic differences. A set of regulations and laws were promulgated to consolidate this basic principle of 'equality.' Judicial realm was also effected from this process. As Cengiz Kırılı argues that with Penal Code of 1840 the bureaucrats of the Tanzimat aimed to clarify and define the rules and with the new language of politics they had the opportunity to realize the political and hegemonic sides of the law.<sup>12</sup> 1840 Penal Code, despite of its insufficiencies, is the first criminal law in the sense of binding the crimes to the law and preventing arbitrary penalties.<sup>13</sup> The legal reforms continued throughout the nineteenth century, following the Imperial Ottoman Penal Code in 1858, *Nizamiye Mahkemeleri* (civil courts) were established in 1864 and *Muhasıllık Meclisleri* (local councils) at the local level were given judicial authorities besides to *Şer'i Mahkemeler* (religious courts) which remained insufficient in its adjudicatory proceedings in a multi-regional empire.

'The birth of prisons' as a penalty coincided with these developments in the criminal law. As emphasized by Uriel Heyd in its earlier periods imprisonment was not used for criminal offenses in the Ottoman Empire. Prisons were used as places in which people charged with certain offenses were kept until their appropriate punishments were decided.<sup>14</sup> However, imprisonment is often inflicted as a penalty "in addition to chastisement (*ta'zir*) and a fine for a few sexual offences, and for man's beating his father or mother."<sup>15</sup> In line with Heyd, Demirbaş also emphasizes that in the Islamic law the imprisonment was not used as the execution of the punishments. Therefore, those prisons could be defined as "detention houses" (*tutukevi/tevkifhane*), as the places where the convicts were kept until their ultimate punishment, the places where the debtors were kept until they paid their debts.<sup>16</sup>

Until the nineteenth century, the prisons were used for different aims, yet not in the sense of punishment as restriction of individual freedom. The bastions, fortress, dockyards were used as prisons. Bastions were often used as prisons, as they were dark and moist and airless, they were called *zindan*, which means "dark, heavy and terrific prisons" in Persian. Yedikule, Eminönü, Baba Cafer and Tersane were the most important *zindans*.<sup>17</sup> Ordinary people from craftsmen and the people charged with debts and adultery were kept in *zindan* of Galata, yet political and military convicts were sent to Tomruk in Babıâli, to Yedikule, Rumeli Castle and Tersane. As further stated by Demirbaş *zindans* were in the control of *subaşı*. In 1831, except the bastions out of the city, the *zindans* in Istanbul were not used as prisons anymore. Instead, a

<sup>11</sup> Gültekin Yıldız, *Mapusâne*, 66.

<sup>12</sup> Cengiz Kırılı, "Yolsuzluğun İcadı: 1840 Ceza Kanunu, İktidar ve Bürokrasi," *Tarih ve Toplum* 4 (2006): 53.

<sup>13</sup> Sedat Bingöl, "Tanzimat Sonrası Taşra ve Merkezde Yargı Reformu," *Osmanlı* 6 (2000): 534.

<sup>14</sup> Uriel Heyd, *Studies in Ottoman Criminal Law*, ed. V.L Ménage, (Oxford: Oxford University Press, 1973), 301.

<sup>15</sup> *Ibid.*, 302.

<sup>16</sup> Demirbaş, "Hürriyete Bağlı Cezaların," 28-29.

<sup>17</sup> *Ibid.*, 29.

part of İbrahim Pasha Palace in Istanbul were used as *Hapishane-i Umumî* (the general prison). Apart from this general prison, it is known that Fener Patriarchate contained a prison, therefore it can be assumed that spiritual leaders had punishment authorities to some extent. Furthermore, the embassies had also prisons for their citizens in Istanbul because of the capitulations. For instance, there was a French prison as such which was built in 1850 in order to punish criminal French traders.<sup>18</sup>

The establishment of police institution is an important step towards the emergence of prisons as the sites of punishment. As the prisons were thought to execute the punishments, the police institution was regarded to inquiry the crimes and to catch criminals. As discussed by Hasan Şen, until the middle of the nineteenth century, there was not any institution which was nominated to inquiry all the sides of the crimes and to catch the criminals. In 1845 the police institutions, which were given the duty of collecting data about the crimes, were established in the urban areas. Apart from being a new mechanism for the state's governmentality, the police institutions brought the need of building prisons.<sup>19</sup>

This change in the Ottoman perception of criminals can be contextualized in the broader transformation in the sphere of state-subject relations. In the nineteenth century, the Ottoman state went through a set of administrative, fiscal, military and judicial transformation which also led the imperial state to engage with its subjects as individuals. Here arose the need to get a better information about the subject whom the imperial state would tax and enroll the army. This change in the state-subject relations also went in hand with the idea that the subjects could be controlled and disciplined. In that respect, a set of state institutions including schools and prisons turned to sites of controlling and disciplining the subjects. Thus, it is not coincidence that the need of prison reform first discussed in the middle of the nineteenth century when a set of regulations were promulgated to define state-subject relations, to create equality for all subjects regardless of religion, ethnicity and class, to protect property, life and honor of the all imperial subjects.

### The Prison Reforms

The first emphasis on the need of reforms in the prisons came with the *Islahat Fermanı* (the Reform Edict) of 1856. *Islahat Fermanı* also contains articles regulating the prisons which state that the judicial law should be in comply with humanitarian law and therefore the regulations of the governing of the penitentiaries should be reformed as soon as possible. Furthermore, it declared that any kind of corporal punishment, torture and cruelty was prohibited. If it happened to occur, the responsible official shall be judged and punished according to the Penal Code.<sup>20</sup> The amendments to the Penal Code also regulated the internal proceedings of the prisons and this development was in line with a humanitarian rhetoric which prohibited the occurrences of the torture at least in the legal level.

In addition to humanitarian rhetoric, the reforms in Ottoman prisons were also regarded in terms of 'civilization.' Kent Schull argues that how the British ambassador to the Ottoman Empire, Sir Stratford Canning in his 'Memorandum on the Improvement of Prisons in Turkey' dated to 1851 links "the modern penal practices such as the moral rehabilitation of prisoners, proper health and hygiene, and crime prevention with progress, reason, scientific advancement, and European 'civilization.'" Canning's association of modern prisons with the civilization also inspired the Ottoman central authorities who put the same emphasis on the *Islahat Fermanı*.<sup>21</sup>

<sup>18</sup> Ibid., 30.

<sup>19</sup> Şen, "The Transformation of the Politics of Punishment," 76.

<sup>20</sup> Ömer Şen, *Osmanlı'da Mahkûm Olmak: Avrupalılaşa Sürecinde Hapishaneler* (İstanbul: Kapı Yayınları: 2007), 8.

<sup>21</sup> Schull, *Prisons in the Late Ottoman Empire*, 43.

Thus, it is not a coincidence that Ottoman authorities nominated Major Gordon, a British military officer to control the prison reforms immediately before the Penal Code of 1858.<sup>22</sup> With amendments in the Penal Code in 1858, hard labor (*kürek cezası*), imprisonment (*haps*), confinement in a fortress (*kalebentlik*) were recognized as freedom-restricting punishments. The deprivation from the civil rights was regarded in the scope of the aggregated crimes together with capital punishment, lifelong exile, hard labor, lifelong deprivation of ranks and official posts.<sup>23</sup>

Furthermore, for the acceleration of the reforms regarding the prisons *Meclis-i Mahsus-ı Muvakkat* (Temporary Special Council) was consisted in the scope of *Meclis-i Tanzimat* (The Council of Tanzimat). In 1859 *Muhakemat Nizamnamesi* (The Regulations for Trial) was put into the execution, the 27<sup>th</sup> article of which is related to the prison reforms. According to it, the undersecretary (*müsteşar*) of Zaptieh and the head of the Council of Zaptieh (*divan-ı zabtiye*) shall keep the prisons in good conditions, and protect the prisoners from misery and guarantee their treatment in the cases of illness. Besides they shall inform the Sublime Porte about the reforms which they regarded as necessary.<sup>24</sup>

The situation of the prisons and necessary reforms came also into the agenda during the preparation of Code of Criminal Procedure of 1879. For the necessary precautions the Ministry of Justice prepared a report and submitted it to the Sultan Abdülhamid II. In addition, *Meclis-i Tanzimat* also prepared a report and argued that as the prisons were in worse conditions, the foreigners did not give the criminals to the Porte and the reforms for the prisons were important both for humanity and for the state. This report categorized the prisons into four; detention houses (*tevkifhane*), offences (*kabahat*), cünha (the crimes which were bigger than offences and smaller than murders), and murders (*cinayet*). After all of these preparations in 1880 ‘the Regulations for Prisons and Houses of Detention’ (*Tevkifhane ve Hapishanelerin İdarelerine Dair Nizamname*) and ‘the Instruction of Prisons and Prison Guards’ (*Hapishane ve Gardiyanları Hakkında Talimatname*) came into force.<sup>25</sup>

This regulation of 1880 distinguishes between the house of detention and prisons. According to the first article of the regulations, each province, sub-province and district should have prisons and detention houses. The detentions houses were the places in which the accused people who were in the process of interrogation and trial; the prisons were specific to the convicts whose crimes and punishments were decided upon. Furthermore, certain parts of those detention houses and prisons would be allocated to the women. In the following years, prisons allocated exclusively to women were also built.<sup>26</sup> In order to put the regulation of 1880 into practice Sultan Abdülhamid II also constructed ‘model’ prisons, yet they could not be spread to the rest of the empire.<sup>27</sup>

The 1880 regulation had also some articles which elaborated the working conditions of the prisoners. It made the working of the prisoners compulsory, by giving certain punishments to the prisoners who refused to work. The half of the money gained from the work would be spent for the food and clothing of the individual prisoner and the other half would be kept in the storage of the prison for the purpose of giving to the prisoner when it was necessary.<sup>28</sup>

From the second half of the nineteenth century, there were significant efforts in the domains of the empire to ameliorate the conditions in the prisons as they were started to be regarded as the places for punishment. Some of them were realized and some of them could not

<sup>22</sup> Ibid., 45.

<sup>23</sup> Şen, “The Transformation of the Politics of Punishment,” 19.

<sup>24</sup> Demirbaş, “Hürriyete Bağlı Cezaların,” 31.

<sup>25</sup> Ibid. 32.

<sup>26</sup> Yasemin Saner Gönen, “Osmanlı İmparatorluğu’nda Hapishaneleri İyileştirme Girişimi, 1917 Yılı,” in *Hapishane Kitabı* eds. Emine Gürsoy Naskali and Hilal Oytun Altun, (İstanbul: Kitabevi, 2005), 174.

<sup>27</sup> Schull, *Prisons in the Late Ottoman Empire*, 48.

<sup>28</sup> Ibid., 179.



mostly because of the financial inadequacies. As Ufuk Adak argues, in the nineteenth century Ottoman prisons show “a mixture of ideal and real” in the sense that the real conditions of the prisons at the provincial level were in a sharp contrast against the “ideal” represented in the regulations sent from the imperial center.<sup>29</sup> Nonetheless, it is certain that some part of central administration was highly concerned with the reforms on the prisons. A best example for this issue is the fact that the Ottoman Empire participated into the Prison Congress in 1890 which held in Russia. Celal Bey, who participated in the congress on the behalf of the empire presented a report which entailed information about the existing proceedings of the prisons and about the reforms which were made during the reign of Abdülhamid II.<sup>30</sup>

In the following lines, I will introduce the condition of a prison in the eastern provinces of the empire, an analysis of the archival documents related to the prison of Bitlis along with some other eastern provinces will serve to exemplify the historical background and theoretical perceptions discussed until now.

### **The Prison of Bitlis as an Example for Prisoners in the Eastern Provinces**

The province of Bitlis is in a strategically important geography as it is located in the road which links the Lake of Van to the Mesopotamia. According to some estimations, in 1890, in the province of Bitlis were living 38.886 people in 8300 houses. 20.000 of them were Muslim Kurds, 16.086 were the Gregorian Armenian, 200 were the Protestant Armenians, 1800 were the Jacobites.<sup>31</sup> Bitlis province was made of five sanjaks; Bitlis-center, Siirt, Muş, and Genç during the second half of the nineteenth century.<sup>32</sup>

The Ottoman archival documents dated to the late nineteenth century on the prison of Bitlis are in line with concerns regarding the prison reforms which were sought to be implemented throughout the empire. For instance, in 1890, the imperial center demanded a list of prisoners in the prison of Bitlis together with their reasons imprisonment, which was a clear sign of regulation and control.<sup>33</sup> Another pile of correspondences between imperial center and eastern provinces drew attention to the sanitary conditions of the prisons. Nevertheless, the prison of Bitlis had its peculiarities. The population of the province of Bitlis was ethnically and religiously heterogeneous. In the late nineteenth century Bitlis, the inter-communal relations were becoming tense day by day. As a result, the prisons were filling with political convicts, as well. After the Treaty of Berlin, the Ottoman Empire inaugurated a set of reforms to amend the conditions in the eastern provinces.<sup>34</sup> This concern regarding eastern provinces had also reflections on official corresponding about the situation of the prisons. Thus, it is possible to categorize the discussions in the archival documents related to the prison of Bitlis in two parts. First, there was a great emphasis on the restoration of the existing prison or building the new ones according to the new regulations and hygiene requirements. The condition of the political convicts, especially Armenians was the second point discussed in the archival documents. Here arose a great concern regarding health and sanitary conditions of the political prisoners.

According to some statistical information regarding the population in the prisons of the eastern provinces dated to 1338 (1919), there were 930 prisoners in the prison of Bitlis, 1,475 ones in the prison of Diyarbakir and 850 prisoners in the prison of Mamuret'ülaziz.<sup>35</sup> Bitlis, at the beginning, had no separate prison. The basement of the Government Office of Bitlis

<sup>29</sup> Ufuk Adak, “Central Prisons (Hapishane-i Umumi), 74.

<sup>30</sup> Fatmagül Demirel, “1890 Petersburg Hapishaneler Kongresi,” *Toplumsal Tarih* 15 (May, 2001): 11-14.

<sup>31</sup> Wilhem Köhler, *Evliya Çelebi Seyahatnamesi'nde Bitlis ve Halkı*, translated by Haydar Işık, (Istanbul: Alan Yayıncılık, 1989), 25.

<sup>32</sup> *Ibid.*, 32.

<sup>33</sup> CBOA, Dahiliye Mektubi Kalemî (DH.MKT) File Num: 1788 Case Num: 54 Date: 20 Rebiülahir 1308 (3 December 1890)

<sup>34</sup> Ali Karaca, *Anadolu İslahâtı ve Ahmet Şâkir Paşa (1838-1899)* (Istanbul: Eren Yayınları, 1993).

<sup>35</sup> Tekin, “Cumhuriyet Öncesi Türkiye’de Hapishane Sorunu,” 192.

Province was used as prison like happened most of the provinces throughout the empire.<sup>36</sup> The archival documents dated to the late nineteenth century points out to the sanitary conditions of the prisons in the eastern provinces of the empire, yet is also possible to get information about the situation of the prisons from the traveler accounts. A piece of letter from the Armenian prisoners in Bitlis penitentiary to the traveler E.J. Dillion can present some clues about the situation of the prison; *In Bitlis prison there are seven cells, each one capable of containing from ten to twelve persons. The number they actually contain is from twenty to thirty. There are no sanitary arrangements whatever. Offal, vermin, and the filth that should find a special place elsewhere are heaped together in the same cell...The water is undrinkable (...)*.<sup>37</sup>

This letter describes not only how the worse were the sanitary conditions of the prison of Bitlis, but it also points out how the cells were filled more than their capacity. The enormous concern in the sanitary conditions in the archival documents were also related with the medical transformations in the Ottoman domains in the nineteenth century. Halil İbrahim Kalkan argues that the emergence of the public health in the empire was deemed to prevent contagious diseases and epidemics, “the sanitation of urban environment and housing,” and “the supervision of quality and hygiene of foods and drinks.”<sup>38</sup> In this period, prisons were also the sites of medical surveillance as they had the potential of “filth and crowding” together with the coffee houses, hospitals.<sup>39</sup> Similarly, the prisons throughout the empire were put into inspection of fulfilling the sanitary requirements.

The instructions to bring the prisons in line with proper sanitation conditions were also sent to the provinces of Bitlis and Mamuretülaziz. A corresponding dated to November 10, 1896 from the governor of Bitlis informs the Interior Ministry about the expenses for implementation of the sanitation instructions in the prisons with an emphasis on how the budget allocated is used economically.<sup>40</sup> Similar instructions regarding the implementation of hygiene in the prisons were sent to the province of Erzurum and Diyarbakir.<sup>41</sup> Despite all of this pile of correspondences, the sanitary conditions in the provinces in the prison of Bitlis did not improve. In the following years, the Ministry of Justice tried to improve the physical conditions of the prisons in the province of Bitlis. The Ministry emphasized the necessity that a hospital within the prisons should be built or certain dorms should be separated for the sick prisoners. The need for opening windows in the dorms for the airing was also emphasized.<sup>42</sup> A separate commission under the Ministry of Zaptieh was constituted for the prisons and detention houses in the eastern provinces. The aim of the commission was to reform, renew and build all of these prisons and detentions houses in line with the hygiene; to find the required budget and to examine the correspondences sent from the said provinces.<sup>43</sup> This points out not only to the great concern in improving the sanitary conditions of the prisons, but also to the bureaucratization of modernizing state.

Along with the prison and detention house of the center district of the province of Bitlis, there were prisons and detention houses in the sub-provinces and districts of the province. 8.230

<sup>36</sup> Although a separate prison of Bitlis was planned to be built in Ahlat during the era of the Comitte of Union and Progress, it could not be realized. Kibar İliş, II. Meşrutiyet Dönemi Bitlis Hapishaneleri (Unpublished M.A. thesis, Bitlis Eren Üniversitesi, 2019), 20. However, the need for prison was solved by hiring buildings near the Government Office to be used as prison dorms for men and women. Ibid., 75.

<sup>37</sup> E.J. Dillion, “The Condition of Armenia” in *Contemporary Review*, Vol. 68, (London: Isbister and Company Ltd, 1895), 173.

<sup>38</sup> İbrahim H. Kalkan, *Health Policy of late Ottoman State (1876-1908)*, (Unpublished M.A thesis, Boğaziçi University, 2004), 17.

<sup>39</sup> Ibid., 28.

<sup>40</sup> Cumhurbaşkanlığı Devlet Arşivleri Başkanlığı Osmanlı Arşivi (BOA), *Dahiliye Nezareti Tesri-i Muamalat ve Islahat Komisyonu-İslahat Evrakı* (DH.TMIK.S), File Num: 2 Case Num: 59 Date: 6 Cemaziyelahir 1314 (14 September 1896).

<sup>41</sup> CBOA, *DH.TMIK.S* 2/53, Date: 5 Cemaziyelahir 1316 (21 October 1898),

<sup>42</sup> CBOA, *DH.TMIK.S* 25/72, Date: 21 Safer 1317 (1 July 1899).

<sup>43</sup> CBOA, A.MKT.MHM 682/22 Date: 28 Cemaziyelevvel 1315 (25 October 1897).

guruş for the center prison and the detention house of Bitlis, 10.000 guruş for the detention house of the district of Ahlat, 296,5 guruş for the prison of Hizan, 15.500 guruş for the prison and detention house of Sird, 5.000 guruş for Şirvan prison, 449 guruş for Eruh prison, 5.925 guruş for the prison of Garzan, 746,5 guruş for the prison of Pervari, 16.800 guruş for the prison and detention house of Genç, 4.500 guruş for the prison of Kulp, 1.875 guruş 30 pare for the prison of the sanjak of Muş, 2.800 for the one of Malazgirt, 1.789 guruş for the prison of Bulanık, 13.295 guruş 32 pare for the prison of Malazgirt and 11.437,5 guruş was spent for the prison of Sason.<sup>44</sup> The governor informed that the expenses were high in the sub-provinces and districts where new prisons were built.<sup>45</sup>

Despite this thick bundle of correspondences between the imperial center and the eastern provinces, the prison reform was very slow in the eastern provinces of the Ottoman Empire. The governor of Bitlis emphasized that the budget allocated is not enough for the reforms which should be carried out in Bitlis prison. Similarly, as the prisons in the province of Mamuret'ülaziz were not appropriate to the sanitary requirements, new prisons should be built.<sup>46</sup> In 1898 the governor of Diyarbekir Province penned down a petition stating that although the maps and pictures of and the approximate budget for prisons and detention houses which would be built throughout the province were sent to the Ministry of Justice, he had not had a reply yet. The governor emphasized the urgency of building the said prisons and detention houses – which were ten in total – according to the hygiene requirements. The budget for building of these ten prisons according to the calculations of the governor was a near one and a half million gurus in total.<sup>47</sup>

Besides the concerns related to the hygiene of, the regulations for the internal proceedings of the prisons were also implemented in the prison of Bitlis, as well. A document dated to May 18, 1897 is about the officials who would be appointed to the administration of the prisons of Bitlis province. A warden and a clerk were appointed to each prison and the governor of Bitlis asked for how those officials would be financed.<sup>48</sup> The document portrays the financial difficulties to support the officials appointed to the administration of the prisons, and the same financial difficulties were the main obstacle for the realization of the reforms envisaged for the prisons. As a document dated to 1899 pointed out, the clothes of prison guards were also tried to be standardized. Uniforms were ordered for the prison guards of Bitlis.<sup>49</sup> Besides, the archival documents also pointed out the concerns which could be analyzed within 'humanitarian rhetoric.' In 1895, certain officials were dismissed from the Bitlis and replaced with new ones because of their mistreatment of the convicts.<sup>50</sup> However, even in the beginning of the twentieth century, the physical capacity of the prison could not have been improved. In 1907, thirty-one prisoners were sent to the prison of Arabgir because of the crowdedness in the prison of Bitlis.<sup>51</sup> Similarly, in 1912, the governor of Bitlis asked for a new warden to the prison because of the number of the prisoners was increasing. However, the Ministry of Interior Affairs rejected this demand and instead, the salary of the employee who was carrying water to the prison was increased to perform the duties of a warden as well.<sup>52</sup>

<sup>44</sup> CBOA, *DH.TMIK.S 9 / 37*, Date: 18 Zilhicce 1314 (20 May 1897).

<sup>45</sup> CBOA, *DH.TMIK.S 2/59*, Date: 6 Cemaziyelahir 1314 (14 September 1896).

<sup>46</sup> CBOA, *DH.TMIK.S 9/ 37*, Date: 18 Zilhicce 1314 (20 May 1897).

<sup>47</sup> CBOA, *DH.TMIK.S 22/67* Date: 14 Şaban 1316 (28 December 1898).

<sup>48</sup> CBOA, *DH.TMIK.S 9/36*, Date: 18 Zilhicce 1314 (20 May 1897).

<sup>49</sup> CBOA, *DH.TMIK.S 23/48*, Date: 11 Şevval 1316 (22 February 1899).

<sup>50</sup> CBOA, *Sadaret Mektubi Kalemi Mühimme Evrakı (A.MKT. MHM)* File Num: 619 Case Num: 4, Date: 23 Rebiülahir 1313 (13 October 1895).

<sup>51</sup> CBOA, *Babiali Evrak Odası Evrakı (BEO)* File Num: 3196 Case Num: 239658, Date: 21 Şevval 1325 (27 November 1907).

<sup>52</sup> CBOA, *Dahiliye Nezareti Mebânî-i Emîriye ve Hapishaneler Müdüriyeti (DH.MB.HPS)* File Num: 87 Case Num: 18, Date: 10 Şevval 1330 (22 September, 1912).

A pile of correspondences dated to 1912 depict the discrepancy between reforms planned at the imperial capital and the reality in the provinces. As a response to the plans sent to the imperial center to provinces regarding the amending and if necessary building of prisons anew, the governor of Bitlis emphasized that how a single building could not be found neither in the center of the province nor in its sanjaks and districts for using as a prison. However, he draws attention to the urgent need for a building a prison at the center of Muş. He argued that building of prisons at the centers of Bitlis, Muş and Siird according to the plans and projects sent from the imperial capital was an urgent and should not be delayed. Then new prisons would be built gradually in other sancaks and districts. In attachment, the governor provided the report showing the necessary budget for building of a prison in Muş, which corresponded to two hundred ninety-eight thousand, four hundred twenty-eight guruş.<sup>53</sup>

Apart from the sanitary concerns and financial difficulties which were shared with the other prisons throughout the empire, the prison of Bitlis is significant because of the ethnic composition of the convicts it contained. A corresponding between the governor of Bitlis and the Interior Ministry is important as it is about how the concerns of the sanitary conditions of the prison of Bitlis is highly related with the political atmosphere of the era. The embassies of France, Russia and Britain informs the Ministry of Foreign Affairs that a significant number Armenians were arrested and kept in the prison of Bitlis. And because of the absence of hygiene and sanitary conditions in the prison, some of the prisoners became ill and two of them died. The ministry asks for the reasons behind the arrest of those people and the information about the sanitary situation of the prison<sup>54</sup> Nevertheless, in his response, the governor of Bitlis not only listed the reasons for the arrest of those Armenians and but also claimed that there was no illness in Bitlis prison and the situation of it was in comply with the hygiene.<sup>55</sup>

### Conclusion

The aim of this article is to understand the characteristics of Bitlis penitentiary in the light of developments which occurred both in the domains of the Ottoman Empire and also in the universal level. The nineteenth century was the age of a new governmentality developed with a set of administrative, fiscal, and legal transformations, which effected the society in the empire. The set of transformations which initiated with Tanzimat Edict in 1839 brought new changes for the criminal regulations and opened ways to further novelties. The most important side of these legal developments for the scope of this article was to prevent the arbitrariness in the punishment by favoring the principle of 'equality' among the subjects' of the empire. This principle of equality and justice brought the necessity of providing humanitarian environment for the criminals. Besides, when the sovereign power of the state shifted into disciplinary power, the object of punishment shifted 'from body to the soul' in the Foucauldian sense. The modern state does not anymore need the spectacle of tortures to maintain its sovereignty. At this point emerged the prisons as the sites of punishment, as the restrictions on freedom was thought to be most equal way of punishment. Furthermore, the prison also became the sites where the central state controlled and disciplined its people and normalize them whom they regarded as 'uncontrollable.'

Therefore, it is possible to analyze the situation of the prison of Bitlis in this context. On the one hand the state became more interested in the hygiene and well-being of the prisons, both for the prevention of contagious diseases and epidemics and also for creating prisons as the places for punishment. Furthermore, the penitentiary of Bitlis had its specificities as it contained various ethnic groups. The well-being of that prison concerned the European powers who were in favor of reforms regarding the Anatolian Armenians during the same years which arose

<sup>53</sup> CBOA, *DH.MB.HPS* 2/15, Date: 5 Safer 1330 (25 January 1912).

<sup>54</sup> CBOA, *Dahiliye Nezareti Tesri-i Muamelat ve Islahat Komisyonu-Muamelat Evrakı (DH. TMIK. M)*, File Num: 46 Case Num: 21 Date: 27 Recep1315 (22 December, 1897).

<sup>55</sup> CBOA. *DH. TMIK. M* 46/21, Date: 27 Recep 1315 (22 December 1897).

especially after Berlin Treaty (1878). This sensitive point alarmed the government to take action against bad conditions of the prison in order to prevent any kind of western intervention. On the other hand, the state can penetrate into the lives of the people via new mechanisms, and the prison is one of the most important example. The Ottoman Empire tried to penetrate into the society through new apparatuses of the modern or modernizing state, like police institution, prison, castle, government buildings, military posts etc., especially in the second half of the nineteenth century.

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