Historical Development of Modern States and Police Organizations

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Abstract

New political and economic structures entered our lives with the rise of modern states in continental Europe in the 15th century. The feudal political system's fragmented and layered authority structure has evolved to a single authority. These crucially important shifts in political life shaped today's state system. New elements of the state organizational structure have emerged. The state's use of physical violence, sovereignty in a single authority, taxation, and constitutionalism has gained importance. Modern states felt the need to establish new and professional organizations responsible for ensuring the peace and tranquility of its citizens and security within its borders in order to maintain the society's stability. This responsibility was given to police organizations to ensure public safety and order in cities. To ensure citizens' security, police organizations began operating under the authority of the legitimate state system, namely the laws. This study looked at important political scientists and the modern state system. Also discussed was the evolution of police organizations in England, France, and Turkey.

Keywords: Elements of the State, Modern State, Police Organizations.

Modern Devletlerin ve Polis Kuruluşlarının Tarihsel Gelişimi

Öz

15.yüzyıl Kıta Avrupa'sında modern devletlerin doğuşu ile birlikte yeni siyasal ve ekonomik yapıların hayatımıza girmesi de kaçınılmaz bir durum olmuştur. Feodal siyasal sistemin parçalı ve katmanlı otorite yapısı egemenliğin tek bir makamda toplanması ile bir çeşit evrim süreci geçirmiştir. Siyasal hayattaki bu önemli değişimler günümüz devlet sisteminin temelini oluşturmuştur. Devlet olarak tanımlanan organizasyon yapısının yeni unsurları ortaya çıkmıştır. Fiziksel şiddet kullanımının ve egemenliğin tek bir mercide bulunması, vergilendirme rejimi ve anayasallık gibi unsurlar devletin vazgeçilmez bir parçası olarak önem kazanmıştır. Sistematik bir şekilde bölgesinde barış ve istikrarı korumak için emek sarf eden modern devletler; vatandaşlarının barış ve huzur içinde yaşaması, toplumdaki istikrarı korumak için sınırları içinde güvenliği sağlamak ile sorumlu yeni ve profesyonel teşkilatlar kurma ihtiyacı duymuştur. Başta kent hayatında güvenliği ve asayişi sağlamak amacıyla polis teşkilatlarına bu sorumluluk verilmiştir. Polis teşkilatları vatandaşların huzur içinde hayatlarını devam ettirmelerini sağlamak için otorite ve gücünü meşru devlet sisteminden yani yasalardan alarak görev yapmaya başlamıştır. Bu çalışmada da siyaset bilimin önemli düşünürleri ile modern devlet sistemi incelenmiştir. Ayrıca, İngiltere, Fransa ve ülkemizdeki polis teşkilatlarının tarihsel süreci tartışılmıştır.

Anahtar Kelimeler: Devletin Unsurları, Modern Devlet, Polis Teşkilatları.

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Introduction

People have begun to live together to overcome the difficulties of living alone and to meet the security needs in a comfortable way. The people who started to live together needed a parent organization both in order to maintain the order within the social structure they created and to prevent possible attacks from outside, and we came across the upper authority we define as the state today. The state system has begun to be felt in the 12th century in Continental Europe. With the abandonment of the feudal system and the revival of the cities, new political structures started to be established. And by the 15.th century, elements of the political system and the states that formed the basis of modern governments have entered our lives.

The need for security is one of the key elements that triggers the emergence of states. States are identified as a political organization that has the monopoly of legitimate use of violence on a certain piece of land and meets the basic needs of the community and presents the need for security as a basic state service. States have a monopoly on using violence against those who act against the legal rules to ensure public order. States have generally transferred the authority to use violence to the police in cities. In this context, we encounter security institutions such as police and military in the modern state understanding. Protection of citizens is a source of legitimacy for states, as one of the main reasons for the existence of states is security.

It is seen that police departments undertake important tasks within the historical process in order to eliminate potential risks and threats at the point where social life is a continuation of the order and the freedom of human rights. Police departments, which emerged as central and local organizations in particular for states, carried out their first activities in order to prevent the deterioration of the social order. With the establishment of the crime and punishment system over time, the duties related to crime and criminal have gained a scientific basis. The Ottoman Empire, which took the French police system as an example, especially aimed at strengthening the central government. Until the last period of the Ottoman Empire, the agencies responsible for the security of cities were often managed under military. The emergence of new institutions with the Imperial Edict of Gulhane and the influence of western countries, security is seperated from the military wing. The first steps of the police force were taken in 1845 during this process.

Individual security is one of the main subject that is discussed by social contract theorists who explain the emergence of modern states. In this

context, social contract theorists who examine the reasons for the existence of states; At the point of maintaining public order, they discussed the states and the security units authorized by them to use legitimate force. For this reason, it is thought that it is important to analyze the emergence of the modern state and police organizations together with the views of social contract theorists. Modern police organizations were first laid a foundation in England and thereafter, important developments took place in France. In this context, it is seen that the studies on the emergence of modern police organizations started with the examples of England and France. Therefore, in the study; While the historical period of the development related the police organization in Turkey is explained, the developments in the Ottoman Empire as well as the examples of England and France are tackled.

In this study, the police departments, which are the legitimate power-using monopoly of modern states and denomities, will be investigated historically. The study consists of three sections. In the first part, the emergence of the modern state and elements of the state will be examined. In the second part of the study, the concepts of legitimacy, political obedience, legitimate power and the opinions of the social contracting thinkers on the state-security axis will be discussed. In the third part, the establishment process of the police force will be examined in the example of the UK, France, and the Ottoman Empire.

Modern State and Basic Elements

Modern state expression refers to a particular form of state expression within the historical process, not the beginning of states. There are many alternative methods of defining the state. While it is possible to define the state with long sentences, it is also possible to express state in a word. It is not wrong to say a system or organization for the state and summarizes it in one word. Although this definition is insufficient in explaining a massive system, it offers an idea for the state. People are assets with diverse and continuing needs. It is not possible to meet all these needs individually at the optimum level. These necessities have brought about the construction of societies over time, and the building of societies has also triggered the search for an environment of order, peace and stability. This search for the aforementioned served as the basis for the existence of the supreme authority, which we refer as the state.

Max Weber has defined the state system with the unique tools of the state, reducing the use of physical force to one hand. According to Weber, the state: "a mandatory organization with continuity; It is expressed as the structure that legitimately holds the monopoly of physical power to ensure

the obedience to the officers who carry out the administration and the establishes the order... "(Pierson quoted from Weber, 2015: 22).

Thomas Hobbes uses the term contract to describe the state. The contract is essential to ensure peace, tranquility and security in the society which is inherently bad. People must pass on all their rights and wills to a single sovereign or executive by contract. It is essential for the good of all people in the community. Sovereignty emerges as a product of the contract (Hobbes, 2018: 136-137). In other words, the state system, according to Hobbes, is imperative to ensure the trust and peace in the community, to eliminate the environment of insecurity that exists in the state of nature.

John Locke explains the need for the state through the concepts of property, right to live and freedom. Conducting punishment by a fair mechanism as a result of the damage to natural rights forms the basis of Locke's state thought. In addition, the state is also important to prevent attacks from outside. In this context, according to Locke, the state is a system that regulates property, makes and enforces laws, and works for the common good (Locke, 2012: 8).

Hegel states that the state is used by people as a tool. This is a subjective situation. He thinks that people run institutions to achieve their goals. On the other hand, he thinks that the state will become concrete in human nature (Beriş and Duman, 2017:812 and Hegel, 2019). For example, the revival of the system and trade, which began to emerge during the time of the clan or city states, forced people to make changes in the state system. People wanted to switch to the absolutist system for a state structure that would pave the way for trade and provide new possibilities, to the existence of a single ruler, to a system where power and authority were gathered in a sovereign. This has led to the rapid strengthening of the absolutist system in Europe.

Marx interprets the state ideologically. Similar thoughts are seen in Engels as well. According to Marx, the state is a mechanism that works for the benefit of the bourgeoisie. Marx explains the state as follows: "The bourgeoisie has finally captured political sovereignty in the modern representative state since the establishment of modern industry and the world market. The rulers of the modern state are nothing more than a committee that carries out the joint work of the entire bourgeoisie" (Marx and Engels, 1848: 15; Carnoy, 2015: 74-75).

As a result, the state can be defined from different angles. Studying the elements of the modern state helps us compare modern societies with pre-modern societies. Thanks to this comparison, it becomes more understandable

why today's political societies are defined as modern. It is possible to specify the elements that make up the modern state as follows: the monopoly of violence, sovereignty, constitution, bureaucracy, authority, legitimacy, and finally taxation.

The state can resort to the use of violence to ensure social order and to protect the public interest. One of the most important features that distinguish the modern state from previous periods is that it possesses the use of violence. Weber summarizes this situation as follows: "Monopolizing the use of power by the modern state is an essential element to ensure its continuity" (Pierson quoted from Weber, 2015: 22). Hobbes talks about absolute sovereignty in general. In absolute sovereignty, there is no division of management. Therefore, the use of violence is a tool that belongs only to the sovereign. The use of violence is also in the interest of society, as Hobbes' sovereign will always favor the interests of society and will not do it wrong.

The concept of sovereignty began to be used in the 16th and 17th centuries. One of the important names contributing to the development of the concept of sovereignty in political philosophy is Jean Bodin. Bodin gives the example of a ship to embody sovereignty. He says that only the outer parts of a ship built from wood appear and everyone thinks these pieces of wood keep the ship afloat. However, there is the backbone of the ship that is not visible from the outside and keeps the ship as a whole. In the elements that make up the state, sovereignty is just like the backbone of the wooden ship. Elements such as land and people are the parts that appear from the outside, but it is the sovereignty that holds these elements together (Beriş, 2017: 360-361).

The Constitution is illustrated as a product of the age of enlightenment. However, this fact is not a reason for the idea of the constitution to be taken down to the medieval societies (Friedrich, 2014: 19). The constitution, laws and courts also show their presence in feudal European political life and subsequent absolutist systems. The main difference between the two periods is that the laws are applied separately from arbitrary and central will. In feudal political systems, the vassals were able to establish their own courts and practice their own laws on their territory. The judgments made here do not reflect the will of the central government, as they do not comply with the laws and courts of the central government. In addition, there is a lack of confidence in justice with arbitrary practices. This situation is distinguished by the features of modern states. Today's constitutions were prepared as a result of the will of the people. Therefore, it represents the will of the people. The

principle of separation of forces also provides the balance between the powers. These features modernize the political society.

Public bureaucracy is an important indicator of modern political life. A strong central structure is needed for the serious implementation of public services. The development of the bureaucracy and its modern appearance in Europe begins in the 16th century. The central authority, which started to get stronger in this process, had to build a bureaucratic structure to meet the commercial and social needs of the people. Weber has similarly argued that the administrative order of the modern state can take place with the bureaucracy (Pierson, 2015: 37-38).

Political power takes decisions that concern the whole of the people and implements them, and the people must act in accordance with the decisions. The concepts we encounter at this point are legitimacy and authority. Why does the public have to abide the decisions of the political power? What is the legitimacy source of political power? While the source of legitimacy was accepted as gods and traditions in the past, gaining the public's consent through democratic elections in today's modern states constitutes the source of legitimacy. Max Weber mentioned three different sources of authority. Accordingly; Traditional authority is based on traditions and customs. The old habits and rules are decorated with holiness or divine power, and the people are expected to obey the ruler. At this point, obedience to the ruler has become a task. In charismatic authority, the public prefers to obey a leader because of its characteristics. It is a feature observed in both pre-modern states and modern political societies. It is possible to show the depiction of the ruler described by Machiavelli as an example of charismatic authority. In Legal-Rational authority, law is the prominent part. In this sense of authority, the people are expected to obey the people who come to the government by election (Gönenç, 2001: 134).

The concept of modern tax has become systematic with the emergence of modern states. The tax regime, which is a part of modern political life, functions based on the reason, logic, bureaucracy, and the law. Pre-modern states are known to collect taxes from the public at various times. What is important at this point is for what purpose, when and at what rate the taxes are collected from the public. In modern states, the tax regime is applied at a fair rate over income, without arbitrary purposes and to meet the needs of the people.

Legitimacy, Political Obligation and Legitimate Power

Legitimacy, which is among the basic elements of the state, means that those who are governed continue to be in the position of the rulers and agree to make forceful decisions that will affect all the people. In other words, citizens do not object to state authority and show consent to it (Yayla, 2018: 57). In this context, the principle of legitimacy empowers states to make decisions that will affect everyone living in a political geography. It is possible that individuals who do not want to comply with the state's decisions are forced to act in accordance with these decisions. This coercion is legitimate and belongs to the state. It is possible for the state to use force directly against individuals who do not want to comply with the decisions through law enforcement officers or indirectly through courts and tax systems (Yayla, 2018: 56). The obligation of political obedience is a concept that is intertwined with legitimacy. It expresses the need for the obedience of those individuals who live in that geography against the decisions of a legitimate political power in the administration. In the following, the views of the thinkers who express their views on the state system and its elements regarding the emergence of the state, the monopoly of using power and the obligation of individuals to obey the state will be mentioned.

Thomas Hobbes expresses his political power through a natural state construct. The same applies to Locke and Rousseau. All three philosophers, called social contractors, have established a laboratory in their minds and created a state of nature. In this nature, they examined why individuals enter under the roof of the state system from an environment where they live without a state system. In the nature of Hobbes, man is depicted with his negative aspects. According to him, man is a selfish and voluptuous being. In nature, there are people who are not satisfied with what they have and struggle to have more. There is also the idea that a person lives and struggles for feelings like glory and honor. In addition, people's passions of fear and pride are driving people to the wrong and turning the state of nature into a climate of maximum distrust (Hobbes, 2018; Demirci, 2017: 412-413, 419).In the case of nature, basic living items such as food and water are limited. People have to struggle not only for their desires or properties, but also for limited basic living items. Even a strong person can be killed by a very weak person for limited water during sleep. Therefore, in the case of nature, both strong and weak must live with the fear of death. Ending this situation and ensuring peace, tranquility and stability in social life is possible by building the state system.

Hobbes argued that living in a maximum distrust environment is quite difficult for the humans. Because it is stated that people do not have faith in each other and that they have to continue their lives with fear of being hurt by someone else at any time. Hobbes used those sentences in his book Leviathan; *"When people set off, they take weapons with them and even want a friend to come with them. They lock their doors before going to bed in their homes; they keep their drawers locked even when they are at home."* In this way, Hobbes wants to show us the distrust of individuals towards other people (Hobbes, 2018: 102).

As a result of all people coming together and making a contract, a sovereign was created that is not a party to the contract. The sovereign will serve the benefit of the society. Let's imagine that people are going by a road with two sides on a cliff. Hobbes' sovereign draws fences on the sides of the road so that people do not fall off the cliff. The task of the sovereign is not to make people's roads more difficult by putting stones on the road (Hobbes, 2018: 102). Hobbes' sovereign is the product of a contract in society. Everyone is party to the contract, and as a result of the contract, the sovereign is not the party of the contract but the product of the contract, which represents the will of everyone. (Hobbes, 2018: 136. Thus, the sovereign will do nothing but think about the benefit of the society, and everyone will obey this power.

Locke explains why the state should exist over nature-state fiction, such as Hobbes and Rousseau. Locke advocated the existence of the state system through reason and logic like Hobbes (Monk, 2004: 114). The most important feature that distinguishes Locke from other community contractors is that he emphasizes a management approach based on the principle of separation of powers. In the case of Locke's nature, the human being is positively portrayed. Humankind has been sent to the world as a masterpiece of God, and as long as he wishes, humankind will remain in the world. In this case, everyone is equal. God has equipped everyone with similar abilities. In the case of nature, everyone is obliged to protect their existence. In addition, it is the duty of every person to protect the existence of other individuals in the community, unless it endangers their existence (Locke, 2012: 10- 11). Why do people who live equally and happily in the state of nature need a government system?

People may sometimes violate the laws of nature and damage others' property and lives. At this point, all individuals have the power to punish those who violate the law. (Locke, 2012: 12). People can behave unfairly when punishing those who violate the laws of nature. It is possible to give heavy penalties for minor violations. For this reason, the authority to judge people fairly must be transferred to a higher authority. The state will be tasked with

doing the punishment and execution work of individuals who harm their property and the lives of people (Oğuz and Tok, 2017: 478-479).

A ruling established by the consent of the society would naturally be a reflection of the society. People find themselves in Locke's social contract. Obeying the dominant power here is actually obeying itself. Compared to Hobbes and Bodin, it is possible to encounter a more democratic regime, instead of monarchy. Since the sovereign is in a softened position, there is no idea that all power should be gathered in one. This situation takes us to the principle of separation of powers. It is seen that the sovereign is equipped with a restricted authority. The system in which the legislature is made entirely by the public, and the executive power is transferred to a group or a person, expresses Locke's concept of government. The idea of public participation in government, the spread and division of sovereignty shows that the people, rather than the sovereign, are more prominent. At this point, if the sovereign will continue to execute outside the interests of the people, it is the right of people to completely rule out the sovereign.

Rousseau took part in the history stage as an important philosopher of the age of enlightenment. Rousseau's concept of natural state is different from other community contractors on the idea of how people who are sentenced to chains can liberate their lives again (Rousseau, 2012). In the case of nature, Rousseau describes humankind as neither bad nor good. His focus is on the freedom of man in the state of nature. Rousseau, man appears simple (Bayram, 2017: 588). Human beings have entered a path that cannot be returned to that simple and happy natural state. A person has declared their property by encircling the specific piece of land. Human has started to become civilized. This situation brings social unrest with it.

Rousseau's social contract depicts the parent institution that will represent the will of the people. As individuals obey this parent institution, they will actually be obeying themselves as well. The parent institution, in fact, represents the general will. When general will or sovereignty passes a law and people comply with this law, they will follow their own will, their own laws. The main purpose of the social contract is to find an institution to defend the property of the person. Through these institutions, the person will be united with everyone else and thus will be free as much as before (Rousseau, 2012: 15-19).

Rousseau's sovereign represents the general will of the people. Therefore, Rousseau has portrayed the public sovereignty of the people. The public sovereignty here is not the form of sovereignty that is passed on to the nation, after the French Revolution. Rousseau's public sovereignty is an absolute

sovereign, representing the will of the individuals. Like Hobbes, Rousseau speaks of indivisible, non-transferable and absolute sovereignty. The sovereign applies violence without hesitation when necessary. This situation is for mankind's freedom, and Rousseau's sovereign is just for the benefit of society, like Hobbes' sovereign. Rousseau discussed the existence of the state system in political life with a different natural state construct. He argued that the man who was born free, but then lost that freedom, could only be liberated again with the state system. He emphasized that everyone should be involved in the social contract. As a result, there will be a general will, meaning that the sovereignty will come out. The sovereign will assume an absolute and indivisible role.

When the introduction and development of the concept of sovereignty into political life is examined, Bodin appears. Bodin brought the concept of sovereignty to our lives in the 16.th century, when Continental Europe began to be reformed politically. Jean Bodin witnessed political turmoil and sectarian wars as of his time. He remained distant from Catholic and Protestant by seeing the civil wars. This situation is reflected in his ideas of the state administration. It is possible to cite the Huguenot events as an example of the extent of sectarian wars in France. In 1572 members of the Catholic sect attacked the Protestants in Paris. Tens of thousands of Protestants were killed in a few days in these attacks that spread all over France in a short time (Beriş, 2017: 355).

Having witnessed political and religious turmoil, Bodin put the concept of sovereignty on hard grounds. His concept of sovereignty appears as indivisible and absolute. By going down to the lower layers of sovereignty, he has studied legitimacy and has made sovereignty a theory. Bodin has explained why people obey the sovereignty, or whether it should, over the family example. According to him, the first obedience starts in the family. The child obeys the father, and the father's sovereignty within the family is limitless. He transferred this situation to state power. He emphasized that the sovereign has limitless and absolute power, just like the father in the family. Since Bodin's era was home to a patriarchal lifestyle, he explained this situation through the father (Ağaoğulları and Köker, 1991: 16).

Apart from going down to the source of sovereignty, Bodin also makes other depictions about it. According to him, no power or institution can be positioned over the sovereign. He also argues that sovereignty is more appropriate in monarchies. In other words, there is a single and indivisible ruler in the absolute management system. One of the conclusions that can be reached

with this thought is that the church came under the control of the sovereign power (Beriş, 2008: 58).

According to Bodin, it is possible for state to use force. But at this point, Bodin also draws attention to an important seperation. His idea of force is not used only used by states, but also in other groups such as pirates. Thus, what's the difference between the state and the tyranny? In response, he talks about justice or law. The legitimate source of violence is law, and thus the tyrant is separated from the sovereign (Saygılı, 2014: 188). One of the important points of Bodin's concept of sovereignty is that sovereignty is not a person, it is an authority. Sovereign power is continuous. It does not depend on a physical body. The expression "King is dead, long live the new King" summarizes this situation (Herrup, 2006: 493; Saygılı, 2014: 190). As a result, Jean Bodin conceptualized sovereignty with a non-transferable, indivisible, absolute and permanent theory of sovereignty. At the same time, he made the analogy of the sovereign power and family by going down to the source of people's obedience to the sovereign. He supported these thoughts with a secular management approach like Machiavelli.

Historical Process of Police Agencies with Examples of England, France and Turkey

The transition to social life and subsequent economic developments led to the emergence of new institutions in the political field. (Pirenne, 1994: 27-29). Around 500 cities were established in Europe between the 12th and 15th centuries. In the cities, people have established parliaments that can participate in political life, and they have been involved in the administration with the king. In the 19.th century, cities in Europe have grown, and there have been increased demands for public order. In order to respond to these developments, police systems have emerged, especially after the Industrial Revolution and the French Revolution.

Developments in the 15th century have laid the foundations of today's modern state. Weber's use of physical force has begun to take place with the central authority. The need for new units has become an inevitable situation, especially at the point of ensuring social order. Law enforcement agencies have been set up to control ongoing internal turmoil in continental Europe and to ensure public order. France, England, Italy, Germany, and the Ottoman Empire are among the key examples for these institutions.

History of English County Police

The act of forming a police force in England first officialized in the year of 1829 with "The Metropolitan Police Act of 1829" law. Before then, there just had been attempts from unofficial regional wardens (mainly from churches) and volunteers. In 1749, Bow Street Runners forces had been formed under the leadership of Fielding Brothers, John Fielding and Henry Fielding. The force, which had just composed of six men, had reached 68 in number by 1800. The members of the force were taking regular salary from the government, working full-time and consisted of experts in their own subjects. This force was formed as a result of the increasing number of theft cases and generally fought against residential burglary (Colquhoun, 1803: xiii).

Before the Metropolitan Police Act, there had also been other attempts to make the police forces restore the order in England. In 1803, Patrick Colquhoun wrote a book named *"A Treatise on the Functions and Duties of A Constable"*. In his work, Colquhoun included numeric data about the forces in England. He clearly emphasized that there needed to be a regular county police. He elaborated on the duties of the officers who would be responsible in this possible county police. At the end of 1700s, local forces consisted of officers who were employed by the regions' churches. Apart from these, there were also forces of central authority (which were located in London) and forces of volunteering troops. In the metropoles of the period, 832 church-related officers were on duty. In case of Bow Street Runners, which was formed to fight against theft, there were 77 volunteers working. A total of 1045 officers were responsible for the general police forces of all big cities in London (Colquhoun, 1803: xiii).

During economic recession periods, the number of crimes towards properties also increases proportionally with the increasing number of unemployment. It has been observed that the unemployed youngsters tend to commit crimes more. Not only during economic crisis or recession, it is also possible to have an increase in crime rates during the periods when there is a drop in domestic income (Yılmaz &Günayergün, 2009: 2). In 19th century, England was struggling with unemployment, economic crisis and denominational conflicts. Therefore, the existence of an educated, talented and in-state county police became compulsory. In this context, the general assembly introduced the law of "The Metropolitan Police Act of 1829".

According to the general perception of the Englishman of all classes generally viewed the Continental monarchy as being based on a police tyranny. Consequently, any measure suggesting a strengthening of the power of the

central government was suspect. (Lyman, 1964: 141). Parliament, on the other hand, has been busy with Jacobian threats and foreign war threats in Continental Europe. Under these conditions and in this process developments in the field of law enforcement have been ignored. Although the system which have been needed has been ignored, changes and needs in city life were rapidly stand out. Rapidly increased migration, birth rates, low wages and difficult living conditions with the impact of industrialization made it necessary for churches and private enterprises to establish their own police systems in London (Lyman, 1964: 142).

In London the absence of a regular and professional police force has caused increasing crime rates after the Industrial Revolution. After the end of the England-France war and when Britain's economic prosperity was raised a regular, decentralized, professional, uniformed and full-time police force was established in 1829 to reduce crime rates. In the years that followed, police agencies continued to spread throughout the UK continued to be established with this new laws.

The History of the French Police Service

When the history of French law enforcement is examined, it is possible to encounter a deep-rooted bureaucracy. The law enforcement history of the country generally developed under two main roofs. The reason for this was Gendarmerie Units, which has a history dating back to the police force. (Gendarmerie Nationale). Although the French Gendarmerie Units were officially declared in 1791, their date goes back to 1337 as origin. Therefore, it is possible to start French law enforcement history researches from 1337. The regulations made on 25 January 1536 also the regulations arranged the Gendarmerie-civil relationship. With the institutional arrangements were made in 1791 and 1798, Gendarmerie could stand out itself as an indispensable law enforcement force (Gendarmerie.interieur.gouv.fr).

In the period up to the French Revolution, developments in the field of policing were very rare. Until the 18th century, there was no police agency that has provided its central and institutional unity. Instead of that, there were mostly civil servants in the municipal districts involved in the management and financing of the parliament and the municipality. Their number was quite insufficient. For example, the number of the personnel responsible for the security of Lyon did not exceed 200 (Merriman, 2006: 14).

With the French Revolution, new changes in the police field have become inevitable. The population in the cities has started to increase, anti-regime

uprisings have occurred, and crimes such as corruption and smuggling have increased. In order to combat these situations, there have been developments in the field of policing. Napoleon, who attaches great importance to the police force, created police zones for the cities. As an understanding of management, the police regions were determined through the divide and rule theme. In this way, Napoleon made the internal security method easier and determined the borders between the Gendarmerie and the Police. (Emsley, 1999: 62).

While the duty limits of the police were determined by the cities, the Gendarmerie was held responsible for the security of the rural areas. This determination was made according to the population of the cities or towns. The police were held responsible for the security of cities and towns with the population 5000 and above. Settlements with population less than 5000 were called rural areas and the responsibility for security was left to the gendarmerie (Emsley, 1999a: 34).

There were changes in the mission of the police after the French Revolution. During the old regime, the police dealt with general security. In addition, according to the municipality area, even the fire and cleaning of the streets were under the responsibility of the police. The new regime gave the police more modern and democratic tasks, such as the protection of individual rights, freedom and immunity of property (Merriman, 2006: 7).

With their new mission police officers working in metropolitan cities became a part of modern life. This made the job attractive for the public. Police officers become a prominent professional, such as a doctor and engineer. As a result of that, the demand for the profession has increased. New legal arrangements were made for the organizations due to the increasing number. Innovations such as hierarchy, professionalization and the understanding quality in education have started to be mentioned with the name of police organization.

In the early days of the French police system, the Ministry of the Interior was not the only authority responsible for the police. In the early days, both the governor and the mayor had the authority to appoint police. While the municipalities had the authority to appoint police in 1864, the mayor also undertook the responsibility of the police commander with the law that came into force in 1884. This situation caused a dual structure especially in the regions outside of Paris. With the birth of two different police units in a city, institutional conflicts have become inevitable. The negative situation resulted in the municipality's withdrawal from police appointment functions in a short period of time. By this means, a more central police force emerged (Emsley, 1999a: 34).

The perspective of police management in France continued to develop in line with the central system. Although it has different institutionalization like the municipality, the Ministry of the Interior was the roof of the police organization in general. Police appointments in the regions with the population 10,000 or more were carried out by the Ministry. In settlements with the population below 10,000, the mayor and city council had the authority to create their own police units. Apart from these two structures, there were also gendarmerie units responsible for rural areas. At this point, the responsible authority was the Ministry of Defense. In other words, while the police units are within the Ministry of the Interior, the gendarmerie units operated by the Ministry of Defense. In this case, the French Police structuring was centralized and be gathered under three different institutions (Bayley, 1975: 334).

As a result, although the development of the French police system was affected by political developments, the police union generally developed in proportion to the hierarchy of the cities. Therefore, the French Police Association took its place in western thought as an output of urbanization and modernity. The French Police Service, which faced many innovations from the 17th century to the present day, was named as the National Police (Police Nationale) in 1966. Today, it takes the responsibility of the internal security issues in France with around 150.000 personnel.

The History of Turkish Police Service

The foundations of the Turkish Police Service, with central structure and hundreds of thousands of personnel throughout the country, originally based on the Ottoman Empire. Both in the Turkish States before acceptance of Islam and the Seljuk States there were various structures in order to ensure the order of internal security. In this framework, there were military officials known as "subaşı" in order to ensure public order in the Turkish States. While the officers were working as a soldier in times of war, they took the responsibility of security of the cities and public order in times of peace.

Until the last periods of the Ottoman State, the organizations which were responsible for the security of the cities generally managed under a military roof. With the emergence of new institutions in the wake of Tanzimat Fermani and with the influence of western countries, and also the need for security the organization separated from the military wing and gained a new system. The first steps of establishing police force were taken in 1845 during this process.

In the Ottoman Empire, while the army named Janissary was responsible for the security and public order of Istanbul until the Tanzimat Fermani,

Derbent Organization was working for the security of commercial roads in rural areas. In addition, like feudalism system in Continental Europe, the organization called as Timarli Sipahi worked to ensure public order in the time of peace (Soytürk, 2012: 310).

The process leading to the establishment of the police force in the Ottoman Empire started with II.Mahmut. II. Mahmut was very uncomfortable with the politicization of the Janissary Army. II. Mahmut ended the Janissary Army with the event known as Vaka-i Hayriye. As a result of this, new structures were made in internal security and throughout the army. A new army system was established under the name of Asakir-i Mansure-i Muhammediy. In fact, in reality this newly established army is the revival of the Nizam-ı Cedid Army (Zürcher, 2017: 57).

The political movements that started with II. Mahmut aimed at the urgent restoration of backwardness in issues such as the effectiveness and efficiency of bureaucracy, strengthening the central structure, law, army and education. Changes have been conducted on army affected also international security. The need for a police force arisen in order to ensure security and public order in cities, especially in Istanbul. Police organizations in European countries were examined to meet this need. Especially the police structure in England and France were examined and the model of Paris was taken as a role. It is possible to summarize the reasons for why the Paris model accepted as model; (Soytürk, 2012: 311-312):

- The influence of French generally observed in the reform movements carried out that period. This process proceeded with the French effect until late of 19th century. When France was defeated to Germany in 1870, the French influence was replaced by Germany.

- The central structure of the Paris police system was effective in its application to the Ottoman system. In the UK, the police force with a decentralized structure was not suitable with the structure of the period. In this period, there were attempts to make the central government stronger and more effective.

- Separation of the gendarmerie and police system in France was more suitable for the Ottoman administration. This created an opportunity for the central government, which wanted to show it's power in rural areas. Therefore, the gendarmerie model was also a reflection of France in the law enforcement structure.

Instead, places of duty narrowed down to specific territories. Galata and Tophane territories were the gates for the foreign guests to enter and exit Istanbul. Galata territory had alehouses at the same time, therefore incidents

were seen often. In this context, it is planned to satisfy the need for law enforcement at dense territories at first (Gülmez, 1983: 4-5).

With the effect of three factors above, it was aimed to create a security organization similar to the Paris Police Department affiliated to the central government. Thereupon, the Polis Nizamnamesi (Police Law) was published on April 10, 1845 (Egm.gov.tr). The general purpose of this law enforcement agency, which was established in Istanbul the capital city of Ottoman Empire, under the name of the police, was to fulfill its duties and responsibilities regarding the general safety, security of the people and the residents of the town. (Gülmez, 1983: 4).

The Regulation in 1845 was prepared by inspiring from the decree of the Paris Police Service. It contains 17 articles in total. These articles show the duties and authorities of this new law enforcement agency that would work in the capital. Some of the important articles of the regulation were as follows. (Sönmez, 2005: 263-264):

- The police will approve and oversee the necessary laws and regulations regarding the internal security and security of the country.

- The Assembly also has the authority to summon and employ the regular soldiers at the police stations in order to protect public order and public order.

- Hiding the passport or cocket in the hands of those coming from outside or from the provinces and to issue a residence permit instead of passaport or cocket.

- Granting a license to hunters who uses firearms.

- Ensuring the protection of public buildings and public places.

- Preventing those who are able to work to beg and to disturb the public.

- Inspecting and attack casinos and casinos where bad people gather, and to prevent increasing of such places.

- Paying attention to the press and book houses to prevent the printing or selling of articles that would violate morality and ensuring of external books, newspapers, and other editions are reviewed before publishing or if they are not proper with the morality of the public.

While police forces were being established in the capital city of Istanbul, public order and security were ensured with the locals and Asakir-i Mansure Regiments established in many provinces. The Istanbul administration had taken action to remove the new law enforcement agency from the seraskier and to develop a more autonomous structure. Thereupon, "Directorate Zaptiye",

"Deputy Zaptiye " and "Assembly Zaptiye" were established. Thus, security issues in Istanbul and other provinces were carried out through Zaptiye Müşiri. With the new arrangement made in 1879, the police and the gendarmerie were completely separated from each other and also "Zaptiye Müşirliği" replaced the with the "Zaptiye Nazırlığı" (Presidency of Zaptiye) (Egm.gov.tr).

In the provincial organization, organization was provided in 15 provinces, depending on the Presidency of Zaptiye. These provinces were administered by the police director or serkomiser. Police organization continued increasingly in the provinces until the Presidency of Zaptiye was terminated in 1909. A new Police Ordinance was prepared in 1907. This time, the Regulation, which contains 167 articles, was issued independently of the influence of foreign countries. The regulation includes a wide range of subjects such as administrative, judicial, political duties, central and provincial organization, hierarchy, appointments and allowances of the police (Egm.gov.tr).

After the proclamation of the Constitutional Monarchy, the Zaptiye issues started to be discussed under the leadership of the parliament in 1909. This year, police directorate was established under the Directorate General of Police and Istanbul Governorship. In this way, the police officers in the provincial borders in Istanbul were assigned to the Istanbul Police Directorate under the order and administration of the governor of Istanbul (Meclisi Mebusan Zabıt Ceridesi, 1911: 340-341).

In 1913, the General Directorate of Security was included in the Organization of the Ministry of Internal Affairs. In this way, the Police Department now functions within the Ministry of the Interior, as in the Paris model. With this new development, reorganization was made on many issues such as the duties and powers of the police, police stations and duties, uniforms and permits.

With the declaration of the Republic, there have been new developments in the field of policing. The Police Duty and Authority Law (PVSK) came into force in 1934. In 1937, the Law No. 3201 on the Police Department (ETK) was enacted for a modern and appropriate police force.

The foundation of the Turkish Police Service was laid in Istanbul. After the Janissary' Army was closed, the need for a new structuring emerged in order to eliminate the negativities regarding the internal security and public order issues in the capital. In order to meet this need, a system was tried to be established under the influence of the Paris Police Department with the French influence. Since the decentralized police structure of the British model did

not match the Istanbul administration, the model in Paris, which highlighted the power of the central government, was taken.

Conclusion

In today's societies, it is a very common system to have regulatory rules for the peace and stability of social life and to apply senction for violations of these rules. This system was technically applied for the first time in Europe in the 15th century. This new political system is called the modern state and it aims coexistence of societes after feudal political life and absulutist goverments. At the point of administration, modern states have their own unique elements such as bureaucracy, legitimacy and constitutionality. As these elements are implemented extensively and harmoniously, they both distinguish the modern state from the previous political systems and ensure that the modern state develops and continues to exist.

With the occurance of the modern state, different situations have emerged from the past feudal systems. These situations have emerged as new practices such as performing public services and the legitimate use of violence by law enforcement officers within the scope of public service. These developments have been started to use systematically by a single authority since 15th century.

States are the political organizations that aim to ensure peace, regulation and steadiness of social life. Existence of this organization is important, so that people maintain their life freely and in a safe environment, also use their fundamental rights. Social contract philosophersaps express that the existence of the state system is inevitable. In this scope, Hobbes, Locke, Rousseau support the idea that with a contract everybody in a society can constitute safer and more livable environment. Otherwise, in the hypothetical system called the situation of nature, they think that a chaos environment will prevail and fundamental rights and freedoms will be threatened.

As it can be understood from philosophers of social contract, state is an organization that ensure people safety. Especially, the basics of institutes that is currently called police force have constituted and it ensures the public order in the city life. Since the 15th century, people living in rural areas in Europe began to migrate to cities. The development of trade, the construction of new roads for logistics, and the natural increase of human population have lead to the existence of new institutions and this situation has become inevitable in the modern state system.

In modern states of law, the activities carried out by law enforcement units and they perform security services to establish social peace and public order in urban areas. That services is defined as "Labour Enforcement" and its practiced by the police. Labour enforcement, which concern the general public, appear as a part of internal security concept. At this point, labour enforcement ensure that social life continues in peace, tranquility and security. In summary, the labour enforcement undertake the task of keeping environment in the peace for society and arresting those who disturb this environment in order to punish them.

Just before the 1800s, it is not possible to talk about the legal regulations of the state that ensure public order in the cities of England. In the cities, people voluntarily officiate the duty of public order. At the beginning of the 1800s, the state made laws for the first time to ensure city safety in England and established the system that forms the basis of today's police organization in the modern sense. After the Industrial Revolution and the French Revolution, modern police organizations were established in other countries.

The French Police Organization is established at about the time, It is seen that arrangements have been made to bring the power of the central authority to the forefront in the Turkish police organization within Ottoman Empire. It is seen that the mindset coming from the absolutist times in France shaped the police organization. The same mindset and organizational structure continued after the French Revolution. After the revolution, the police force served under the management of the central authority to suppress the rebellion in the cities and to fight against crimes such as corruption and smuggling. With the increasing in the number of police personnel, new regulations were made in the fields of education and professionalization.

It is possible to say that the police organization in the modern sense in Turkey was founded on the developments in the last period of the Ottoman Empire. In the Ottoman Empire, the units which are responsible for the security of the cities in general were managed under a military roof. With the Tanzimat Edict, new legal arrangements were made and the security service structure was separated from the military and gained a new system. The first steps of the Turkish Police Organization were taken in 1845. The police organization in the Ottoman Empire was established by taking the example of France.

Political systems are constantly changing in line with people's needs. Today's modern states began to enter people's lives in the 15th century. In the new political system, central authorities created law enforcement agencies in order to ensure the security of individuals and to maintain peace and stability

in the society. Police agencies have become an important part of the legitimate power, which is an element of the modern state. Legitimate force of the state has become a legitimate way as a part of law.

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