

Women's Prisons and Women Prisoners
in the Late Ottoman Empire (1840-1920):
From Invisibility to Expendability

Gizem Sivri

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Abstract

“Women’s Prisons and Women Prisoners in the Late Ottoman Empire (1840-1920): From Invisibility to Expendability”

Gizem Sivri, Master’s Candidate at the Atatürk Institute for Modern Turkish History at Boğaziçi University, 2017

Associate Professor Cengiz Kırılı, Thesis Advisor

In this thesis, I sketched a broad framework in the late Ottoman prison system and prisoners' institutional, legal, spatial problems and struggle with Ottoman approach towards women prisoners in terms of their gender roles, social ranks, fertilities, motherhood, and discriminative prison policy against them. Main aim of this thesis is to focus on special practical implementations and most importantly ignorance for women inmates even if they shared some of the same woeful conditions suffered by men, female prisoners were, in addition, subject to abuses like rape, coercion, and discrimination in the Ottoman society just because of their femininity and vulnerability.

In the light of these brief concepts, my main aspiration is to underline their expendable positions that women accused or inmates had been completely discriminated and stigmatized in the Ottoman modernization mentalities (in case of prison reform) in the Tanzimat (1839-1876), Hamidian (1876-1908) and Second Constitutional (1908-1920) Era. As an original perspective to depict female prisoners' positions diversified from the other criminals (male inmates) was derived from the negligence of them in the prisons with apparently varied practices that remained inside of the prisons. Furthermore, we evaluated their situation as disappeared figures of female inmates in Ottoman prison system. Briefly, I aimed at considering original roots of women prisoners' expendable roles within the concept of gendered criminality issue with the comparison between Ottoman women prisons (with counterparts of that in Near Eastern prisons) and European prisons implementations for the convicted women.

32,980 words

Özet

“Geç Osmanlı Döneminde Kadın Hapishaneleri ve Kadın Mahkumlar (1840-1920): Görünmezlikten Görmezden Gelme”

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Doç. Dr. Cengiz Kırılı, Tez Danışmanı

Bu tez, 1840-1920 yılları arasında Osmanlı hapishanelerinde kalan kadın tutuklu ve hükümlülerin yaşam şartlarına, mahkumiyet süreçlerine, Osmanlı hapishane politikalarının kadınların mahkumiyet sürecine olan yansımalarına mercek tutmaktadır. Temel olarak, suçlu ve mahkum bir kadın olmanın, toplumsal düzendeki karşılığına, Osmanlı hapishane politikalarının kadın mahkumları algılayış biçimlerine ve yalnızca kadın mahkumlara özgü uygulamalara odaklanan bu tezde; kadın mahkumlar için kiralanmış mahpushaneler, kadın hapishanelerinde uygulanan denetim mekanizmaları, gardiyanlık sistemi, imparatorluğun ekonomik problemlerinin Osmanlı'nın hapishane politikasına ve dolaylı olarak kadın hapishanelerindeki ceza pratiklerine olan yansıması tartışılmıştır.

Osmanlı arşivinden elde edilen veriler ve vakalar ışığında; kadın mahkum sayılarına, bu kadınların yaş, medeni hal, etnik kimlik, din, okur yazarlık, vb. gibi bilgilerine erişilerek, mahkum kadınların kimliklerine ve geçmişlerine dair değerlendirmeler yapılmıştır. Bunun yanı sıra, özellikle fahişe kadınlar üzerinde uygulanan negatif ayrımcılığa, hamile ve çocuklu kadınların hapishanelerdeki ayrıcalıklı pozisyonlarına göz atarken; çalıştırılarak rehabilite edilen kadınların hapishane atölyelerindeki üretim faaliyetlerine de değinilmiştir. Kısacası bu tez, kadınları suç işlemeye muktedir görmeyen yaygın anlayışın, kadınların mahkumiyet süreçleri sırasında da onları dışlayarak, görmezden gelerek, ayrımcılığa iterek ve yalnızca kadın oldukları için baskı ve suistimale maruz bırakarak mahkum eden hapishane politikalarını somut arşiv malzemeleri ışığında derinlemesine tartışmıştır.

32.980 kelime

Curriculum Vitae

GIZEM SIVRI

16 October 1991
in Kocaeli, Turkey

EDUCATION

- M.A Ataturk Institute for Modern Turkish History
 Boğaziçi University
 2017
- B.A Department of History
 Istanbul Bilgi University
 2014

PROFESSIONALS APPOINTMENTS AND EMPLOYMENTS

- ◆ March 2015–December 2016: İş Bank Museum- Museum Guide, Workshop Assistant
- ◆ December 2011–July 2013: Istanbul Bilgi University History Department, Student Assistant

CONFERENCES AND WORKSHOPS

- ◆ Sabancı University Graduate Student Workshop, Governance and Authority in the Ottoman Realm, “*Women’s Prisons and Women Prisoners: From Invisibility to Expendability*”,19 May 2017
- ◆ Turkologentag 2016, Second European Convention on Turkic, Ottoman and Turkish Studies, in the section of “*Crime, Punishment and Prisons in the Late Ottoman Empire*” with the presentation namely “*Women Prisons and Prisoners in the Late Ottoman Empire*”,16 September 2016

To dismissed academics...

Table of Contents

List of Tables *xv*

Acronyms *xv*

Acknowledgements *xvi*

1	INTRODUCTION	1
1.1	Perception of the Female Inmate in a Male-Centered Prison System	4
1.2	The Crime-Committing Woman; Identity of Woman Offender	8
1.3	The Woman in Prison	12
1.4	Women's Minimal Place in Ottoman Prison Literature	15
1.5	Female Offender Nineteenth Century Great Britain and Tsarist Russia	21
2	WOMEN OFFENDERS AND INMATES IN THE OTTOMAN PRISON REFORM (1840-1920)	31
2.1	The Tanzimat Period (1839-1876): Little Regulation, Less Implementation	32
2.2	The Hamidian Era (1876-1908): A Baby Step beyond the Tanzimat	39
2.3	The Second Constitutional Period (1908-1920): Special Provisions for Women Enter the Picture	45

3	CASE STUDIES: FROM INVISIBILITY TO EXPENDABILITY: INMATES AND PRISONS	53
3.1	<i>Ad Hoc</i> : Incarceration as a Spatial Issue	55
3.2	Conditions of the Women's Prison Buildings and Chronically Delayed Prison Construction	61
3.3	Personnel in Women's Prisons	68
3.4	Abuse and Exploitation in Women's Prisons	74
4	CASE STUDIES: GETTING TO KNOW OTTOMAN FEMALE INMATE	79
4.1	Prison Surveys of the CUP Government	80
4.2	Exception to the Rule: Pregnancy and Maternity	87
4.3	The Dark Side of No Rules: The Prostitute Inmate	92
4.4	Penal Labor and Rehabilitation of Ottoman Women Inmates	96
5	CONCLUSION	101
	APPENDICES	107
	BIBLIOGRAPHY	119

List of Tables

Table 3.1	Female Guardian Salary	71
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Acronyms

BOA	Başbakanlık Osmanlı Arşivi (Prime Ministry Ottoman Archive)
DH.EU.MTK	Dahiliye Nezareti Emniyet-i Umumiye Müdüriyeti
DH.MKT	Dahiliye Nezareti Mektubi Kalemî
DH.MB.HPS.M	Meban-i Emiriyye ve Hapishaneler Müdüriyeti Belgeleri Müteferrik
DH.MB.HPS	Meban-i Emiriyye ve Hapishaneler Müdüriyeti Belgeleri
DH.TMIK	Dahiliye Nezareti Tesri-i Muamelat ve Islahat Komisyonu
ZB	Zabtiye Kalemî
CUP	Committee of Union and Progress

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When I was studying for this thesis project, there were thirty- two terror attacks and 460 people died more than 2000 people injured in Turkey. While we have struggled with these terror attacks, suicide bombing dangerous, we had a military coup attempt on 15 July 2016. Shortly after this attempt, we became under political pressure of OHAL (state of emergency) decision, especially in the academic field. In the last week, Noemi Levy Aksu, who is one of the most worthy Ottoman historian who has valuable studies, unfortunately, was dismissed as addition to 4479 academicians. All in all, albeit that was very difficult and stressful times for Turkish people and academicians, we were still hopeful to get over all of these obstacles.

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...the dominant meaning of women's imprisonment in Scotland is that it is imprisonment denied: it is denied that the women's prison is a real prison, it is denied that the prisoners are "real women".

– Pat, Carlen, *Women Imprisonment: A Study in Social Control*, (Routledge &K. Paul: 1983), 211.

Introduction

The cliché of “becoming visible and hidden from history” has been key to Ottoman women’s and gender studies, especially, the last number of Ottoman women’s studies overwhelmingly situated in the domestic fields- being a mother, being a wife, being a bride or in court for divorce, and Islamic rules of marriage. Historians tended to pursue aspects of social norms, moral rules, the Islamic dimension and sometimes the liminal status of the prostitutes as criminal actors in women’s studies. Still, the presence of wealthy women had effects on the internal economy such as waqifs, Islamic social complexes, fountains, and mosques. As Kate Fleet and Ebru Boyar stated, the tendency of characterization of Ottoman women who were identified ‘as downtrodden and exploited’ or ‘relatively independent, in control of their property and actively engaged their social and economic affairs’ in Middle Eastern women’s historywriting.¹ Even though these studies seem to reveal the mysterious, hidden world of women’s history, they mostly deal with innocent women’s daily lives, social and marital status or presences of ordinary women in Ottoman courts as plaintiffs, this situation hindered multi- dimensional and comprehensive approaches to Ottoman women’s criminality studies. According to Ebru Aykut, “So far, in the Ottoman history writing, violent female criminality has

1 Ebru Boyar, and Kate, Fleet, “Ottoman Women in Public Space: An Introduction” in *Ottoman Women in Public Space*, Edited by Ebru Boyar, Kate Fleet, (Brill, 2016), 1.

rarely attracted the attention of scholars, while female poisoners have only come to the fore in the context of imperial harem narratives.”² As acknowledgment to Aykut’s quotation, female criminality and identification of female criminals as ‘doer or offender’ required to appear in the Ottoman women’s studies.

Briefly, the hidden identity of the women built bricks to prevent their visibility contributing to ignorance of them. Concisely, with the impact of subjugation under male based writing of history, historians tended to place women in domestic positions inside of their houses- as a wife, as a mother, as a concubine, as a sexual object. In sum, they were omitted, and the most important women’s studies stimulated scholars who remove women from the bedrooms, and kitchens into the open in order to ferret out their real stories. In this sense, Ebru Aykut Türker’s dissertation focuses on poison murderers who are female and their criminal statuses in nineteenth century Ottoman Empire.³ Thus, her work inspired and encouraged this thesis with its conceptual discussions to provide a basis for women’s criminality studies before the touching on Ottoman female inmates.

I construct a thematic framework for this study to initiate writing a history relationship of ordinary women to outside the world; their criminality, their living as inmates, reception as female prisoners, their expendable status, and ambivalent practices regarding female inmates in Ottoman prisons.

In the first chapter, I draw a broad framework to understand female inmates in a male-centric prison system and the uniqueness of process by which female offenders are imprisoned by comparing male and female imprisonment and referring to Foucault’s understanding of gender and the hidden presence of female inmates in his proposed prison system. To begin, I emphasize women’s criminality and the response from the Foucauldian perspective:

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- 2 Ebru Aykut Türker, “Toxic Murder, Female Poisoners, and the Question of Agency at the Late Ottoman Law Courts, 1840-1908” *Journal of Women’s History*, Volume 28, Number 3, Fall 2016, 114
 - 3 Ebru Aykut Türker, ‘Alternative Claims on Justice and Law: Rural Arson and Poison Murder in the Nineteenth-Century Ottoman Empire’ Ph.D Dissertation, (Boğaziçi University, İstanbul, 2011).

How this ignorance of female inmates is perceived in androcentric prison systems and in his gender-neutral viewpoint. In the following sections, I address the subjugation of female offenders under androcentric prison systems, ignorance of them inside of the prisons, and designation of female prisoners as victims or as insane.

Furthermore, I evaluate and analyze the Ottoman prison literature with a specific point of view on studies of Ottoman female prisons and illustrations from the literature of British and Russian women's prison systems. From an analytical and evaluative view, I create a critical perspective to reveal the incarceration system of the female offenders and the perception of female inmates in Ottoman, Russian and British prison studies. Also, I sketch a broader framework to understand prison literature and penology studies to understand how Ottoman, British, and Russian academics study the methods of imprisoning women differently, the varied punishment practices in their own prison systems, and what perspective was reflected when female offenders were studied?

Chapter two discusses Ottoman prison reform focusing women's imprisonment since the Tanzimat period through the reign of Committee of Union and Progress Party. It pursues legal and judicial developments and reforms that encouraged attempts at prison reform with specific cases of women's prisons and women prisoners. Furthermore, I aspire to a critical perspective towards these reform attempts and their implementation. As will be seen, these reforms and regulations were overwhelmingly considered vis-à-vis male inmates in an androcentric prison system. In fact, I underline the differences between male and female imprisonment, their incarceration processes, and the effects of underdeveloped prison regulations on female inmates from the perspective of the Ottoman state.

Chapter three assesses the main points and arguments of the thesis, illustrating the hidden, excluded, and -above all- expendable agency of Ottoman female offenders who are excluded from the existing prison system of the Ottoman Empire. Furthermore, I address *ad hoc* women prisons within the androcentric prison system, the negative effects of a lack of funding for female prison construction, and delayed payments for prison employees. Concisely,

fiscal questions, their reflection on the women's prison systems and the problem of guards for female wings and wards are comprehensively examined in the light of the archival documents from the Ottoman Archives of the Office of the Prime Minister.

In chapter four, I shed light on 1911-1919 prison surveys to reveal a general framework of the situations and features of Ottoman women inmates- their ages, ethnoreligious identities, occupations, marital status, crimes committed, and literacy. In so doing, I get know the positions, qualifications and social statuses of Ottoman female inmates. By doing so, I situate female inmates who committed crimes. Moreover, I touch on questions of motherhood and maternity in Ottoman prisons, how the Ottoman prison management implemented special discrimination policies on prostitution offenders, and how the Ottomans practically implemented sentences of imprisonment with penal labor for female inmates. As a result, I shed light on inner side of the female prisons.

All in all, my target is to research the excluded, discrete, vulnerable, and neglected agency of Ottoman female offenders inside of male-dominated prison system between 1840-1920 in light of archival sources. In doing so, Ottoman women's prisons and women prisoners will be studied for the first time in convenient, filling a gap in the literature of women and prison studies with descriptive, analytical, and critical points and unique discoveries based on documents from the Ottoman archives.

§ 1.1 Perception of the Female Inmate in the Male-Centered Prison System

In these sections, we follow accused and convicted women's prison lives, their existences in British and American prisons, and their excluded and displaced positions. In this spirit, I ask: How were women inmates perceived, what was the place of women prisoners in the existing prison system, how did ordinary criminal women survive in the prisons, how they were treated in the prison system, what was the perception of gendered criminality in prison modernization and reform packages. Guided by these questions, I aspiringly plan to touch on excluded, intimidated, and silenced stories of women criminals that

have been deprived of the consideration, awareness, and reception given to male offenders. In this sense, I sketch a broad framework to elaborate on the theoretical contributions of Foucault's approach to penology, a critical discussion of being a woman inmate in his proposed prison system, the hidden presence of female offenders in gendered British and American criminality studies, and a general overview illustrating the neglect of women prisoners.

The long nineteenth century engendered the unique outcomes not only in terms of political imbalance but also for social history. These influential effects on the social and political arenas have been examined by scholars and social scientists in diverse fields of study such as history, political science, and sociology. In this context, one of the most significant scholar is Michel Foucault whose works have been enormously effective among scholars dealing with sociology, history, and philosophy. In other words, social scientific studies began to take Foucauldian approach to analysis and interpretation. Remarkably, his unique and comprehensive perspectives were specifically concerned with the emergence and development of modern prisons, shifts in punitive methods as imprisonment instead of corporal punishment, surveillance, and means of inspection and supervision in modern prison systems. He offered incarceration, condemnation, detention of "docile bodies," isolation and rehabilitation practices, and purification of the inmates as essential concepts for scholars studying penology -the relationship between crime and punishment.⁴ Thus, I focus on a comprehensive analyses from a critical, Foucauldian perspective in this section within the issue of women criminality, his gendered criminality understanding, and gender neutrality especially in women's prison studies. I evaluate Foucault's profound blindness to gender issues and ignorance of female inmates, and the hidden presence of women offenders in the prison system.

I discuss critical approaches to the Foucauldian gender-neutral point of view in light of analytical perspectives that criticize Foucault's blindness to gender roles and the division of the sexes. Initially, according to Angela King, "Foucault's apparent gender neutrality is problematic precisely because we live

4 Michel Foucault, *Discipline and Punish: The Birth of the Prison* (New York: Vintage Books, 1995 [c. 1975]), 73-104.

in a society that is far from gender neutral and in fact constantly seeks to reiterate the polarization of the sexes through these ‘techniques of gender.’⁵ Ignorance of gender roles and the differences between both sexes- male and female- can neither be neglected in the prison system nor on the society. In contrary, as evaluated in the next section, there were specific differences between female and male criminality. As Angela King underscored, while males represent the mind and culture based on rational, unified, thinking subjects, women represent the body and nature, dealing with irrational, emotions and being driven by instinct and physical needs.⁶ Therefore, this understanding and biological differences between male and female remained in existence in the prison system as seen in its effects from the Foucauldian point of view.

Moreover, the Foucauldian perspective emphasizing a gender-neutral point of view also insisted that female and male inmates encountered the same disciplinary practices as subjects.⁷ He underlined that power enables the creation of resistance among all subjects, whether male or female. As it explicitly seen, his disciplinary and corrective methods have not consider gender differences in punishment methods and the incarceration process. As such, he did not need to specifically divide gender or sexual roles inside of prisons. However, these commissions led to the fundamental issue of the ignorance of gendered criminality and the hidden presence of female inmates in his ideal, ahistorical prison and penology theories.⁸ Besides, feminist scholars have criticized his gender blindness, his androcentric point of view, and his concern about sexual violence.⁹

Patricia O’Brien criticized Foucault’s central concentration on the exclusive relationship between the individual and the institution, overlooking the

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- 5 Angela King, “The Prisoner of Gender: Foucault and the Disciplining of the Female Body” *Journal of International Women's Studies* 5(2), 2004, 33.
 - 6 *Ibid.*, 31.
 - 7 *Ibid.*, 30.
 - 8 Kent Schull, *Prisons in the Late Ottoman Empire: Microcosms of Modernity* (London: Edinburgh University Press, 2014), 10.
 - 9 Christopher Falzon, Timothy O’Leary, and Jana Sawicki. “Introduction”, in *A Companion to Foucault*, First Edition. Edited by Christopher Falzon, Timothy O’Leary, and Jana Sawicki. 2013 Blackwell Publishing Ltd, 4-5.

fact that nineteenth-century prisons separated inmates and delinquents in terms of sex, age and crime. Thus, sex was the fundamental determinant of institutional response. These differences were hidden by Foucault who did not consider the distinction of gender roles inside of the prison system.¹⁰ Furthermore, sex and gender bias made to be evaluated separately in institutional prisons in terms of the dominant gender roles in society and the ongoing effects of rehabilitation technics that are standardized and conceptualized merely for male prisoners in the Foucauldian perspective. At least the vulnerability and domestic aspects of women nature could have been considered by Michael Foucault. The classical depiction of female inmates as vulnerable, the changing roles of females in the family and workplace, and the crimes committed- such as prostitution, larceny, or murder should be pointed out in the Foucauldian perspective, as well. Patricia O'Brien also underlined that without these potential, probable points, women prisoners were regarded as more malleable and impressionable by prison reformers and administrators.¹¹

Although, his remarkable contribution has been appreciated in penology studies, the hidden presence of female criminality, negligence of the difference between male and female inmates, and androcentric prison proposals have hampered the study of women prison issues with his theoretical guidance. Thus, while failing to address gendered criminality as a technique, he thought that sexes or gender roles were given naturally.¹² In so doing, his contribution to penology studies has not involved gendered criminality and has hampered the study of female imprisonment in male-centric prison system. Therefore, it has hindered theoretical discussion of women's imprisonment and prison studies and the evaluation of the punishment of women with incarceration.

10 Patricia O'Brien, "Crime and Punishment as Historical Problem" *The Journal of Social History*, Oxford University Press (1978) 11/4, 516.

11 *Ibid.*, 517.

12 Angela King "The Prisoner of Gender: Foucault and the Disciplining of the Female Body". *Journal of International Women's Studies*, 5(2), 2004. 32.

§ 1.2 The Crime Committing Woman, Identity of Woman as Offender

Above all, my study concentrates on women's prisons and women prisoners—specifically Ottoman female inmates, the effects of prison reform, and special implementations with respect to female inmates in prison policy in the late Ottoman era. This requires an understanding what it has meant to be a female convict in the prison systems since the nineteenth century. Therefore, I pursue the following discussion to shed light on the hidden and excluded position of female inmates and the perception of women criminality from the nineteenth century until the present. In this context, I illuminate the anomalies, ambivalent, and discrepant practices with respect to female inmates in the criminal concepts of prisons. In this context, I try to answer, why the rate of criminality among women is less than among males, how criminality among women is perceived by society and the state, and why women inmates are overwhelmingly subjected to peculiar and ambivalent punishment methods in the prisons. I also explore the gap between existing, male centric prison policy and its practical implementation for female inmates by comparing with American and British female criminality and prison studies to draw a broad framework of the concept of the female inmate.

To elucidate a general perspective of female criminals as “doers,” in the sense of agent as Pat Carlen used it, as actors with their own unique presences and how they are perceived in society.¹³ I examine the literature of gendered British and American criminality studies, specifically with respect to the issue of women criminality. In this context, I examine the stages in which the features and comprehension of criminality of male and female inmates have been differentiated, the perception of women offenders as doers, a critical discussion of being a female inmate in penitentiary system, and special punitive methods practiced in women's prisons to draw a general overview.

To begin, I touch on dramatic differences in the concepts of male and female criminality that demonstrate that the prison system has rejected the

13 Pat Carlen and Anne Worrall, *Analyzing of Women Imprisonment* (Devon, UK: Willian Publishing, 2004), 133.

equivalence of women criminality and male criminality in the social context.¹⁴ As examined below, the Ottoman perspective with respect to crime and penology was that women were more emotional, sensitive, vulnerable and domestic both biologically and physiologically¹⁵. So their susceptible and weaker origins derive from there. Their biological and emotional positions encouraged depicting them as innocent victims in criminal cases. As Carlen noted, there were two different theories answering why women are not criminalized as much as men, - involving biology and socialization, respectively.¹⁶ Hence, female criminals were seen as something other than aggressive behaviors per se. Biological features of women inferred being nurturers and nursing mothers, yet much beyond this, their gender roles and femininity were constructed and socialized by society.¹⁷ Therefore, stories of innocent, victimized women became a central concern of gendered criminality. On the other hand, female criminality and women criminals were divided into two in British prisons in the nineteenth century: Into two the deviant or mad (doers) and the innocent (victims).¹⁸ Regarding the vulnerable status of female offenders, even if they committed a crime, who began to be depersonalized and they were portrayed as tigresses, -wild and mad- by their social environment and the prison system.¹⁹ Thus, the emotional and susceptible components of the women being women enables an evaluation that female criminality was denied once again.²⁰ In other words, when women criminality is identified by domesticity and womanhood, as discussed below, the treatment of women prisoners in prison wards reflects this notion of femininity: lenient and compassionate. As examined

14 Adrian Howe, *Punish and Critique, Towards a Feminist Analysis of Penalty* (New York: Routledge, 1994), 134.

15 Pat Carlen and Anne Worrall, *Analyzing of Women Imprisonment* (Devon, UK: Willian Publishing, 2004), 32.

16 Ibid., 119.

17 Ibid., 119.

18 Pat Carlen and Anne Worrall, *Analyzing of Women Imprisonment* (USA: Willian Publishing, 2004), 9.

19 Christine Rache, "The Female Offender as an Object of Criminological Research". in *The Female Offender*, Edt. Broadsky, Annette M. (London: Sage Publication, 1975), 13.

20 Ibid., 12.

below, Ottoman and European mentalities were the same regarding the differences between female and male criminalities. Moreover, from the nineteenth century until today, the perception of women criminality has relied on the biological, psychological, and sociological aspects of being a woman. While criminality among women was denied given biological and sociological factors that illustrate their purified, innocent, and victimized presences, female offenders as doers who were murderers, or larcenist were depersonalized, dehumanized and seeing as deviant, mad, and sadist.²¹ Nevertheless, scholars of penology, gender, women's studies and prison studies have not deliberated the dramatic peculiarities of criminality among women and women inmates as though female criminal behaviors were neglected, as well.

Cesare Lombroso, and Italian criminologist, examined "born criminal" aspects in 1893. The late nineteenth century Italian criminologist Lombroso held that while male offenders could be deemed "born criminals," being "born as a criminal female" was dramatically rejected in studies of penology.²² Moreover, as Freedman's work revealed, female inmates and women offenders in the North American prisons were not considered members of a dangerous criminal class from early nineteenth century and up to the 1930s due to their femininity and susceptibility.²³ Hence, this situation is reflected in the rates of crime and lawbreaking by women; crimes committed by female offenders were very low vis-à-vis male criminal potential. Moreover, the sensitive, emotional behaviors of criminal females caused that the number of women prisoners were overwhelmingly fewer than that of male prisoners. Annetta Broadsky stated that discriminatory practices, negligence, and hidden representation of women inmates derived from their fewer numbers. As the 1970s census demonstrated, female inmates comprised less than 5 percent of the entire prison population in the United States.²⁴ Although crime rates varied from year to year, the percentage of women in the prison population always remained low.

21 Ibid., 9.

22 Cesare Lombroso, *The Female Offender* (New York: Appleton and Academy, 1898), 104.

23 Estelle B. Freedman, *Their Sister's Keepers, Women's Prison Reform in America 1830-1930* (USA: The University of Michigan Press, 1981), 10.

24 Ibid., 10.

All in all, both American and British societies generally understood that women were not eligible to commit crimes as doers or as lawbreakers. When scholars evaluate the relationship between being females and being criminals, we observe the sociological and psychological characteristics of female inmates perceived as susceptible and vulnerable. Ebru Aykut's study's discusses agency of Ottoman inmates with the case of women poisoners and their interrogation documents. According to Ebru Aykut, "In the Ottoman case, too, the fate of female poisoners was largely dependent upon cultural and gendered stereotypes, which led the judges to perceive these women as incompetent human beings, susceptible to external influences with a limited sense of agency, although they continued to rely on Hanafi law vis-à-vis poison murder."²⁵ Moreover the discourse of Ottoman courts effectively underlined the perception of female criminals. They were used to describe female criminals as 'nâkısat-ül-akl' means 'weak-minded' or female offenders characterized with 'intellectual feebleness'.²⁶ As seen apparently, likewise British and American perceptions of female criminality, in the Ottoman case women criminals were identified with their susceptibility, inadequacy, and incompetences.

Furthermore, this study goes beyond these scholars and their critical views that have hampered new approaches to discussing women criminality. I aspired to critically evaluate the existing, gendered criminality literature to create a new perspective from which to deal with gendered criminality and women's prison studies. Above all, I propose that these scarce, limited studies claimed women's hidden existences in the criminal arena. Androcentric criminal history writing has retained its rooted position: Women were assumed unable to commit a crime with their own free will; this was the point of view which overwhelmingly prevailed in criminality literature. Indeed, criminal females were perceived by society as unique, peculiar, and discrepant characters who remained a sub-topic within the larger issue of male based criminality.

25 Ebru Aykut Türker, "Toxic Murder, Female Poisoners, and the Question of Agency at the Late Ottoman Law Courts, 1840-1908" *Journal of Women's History*, Volume 28, Number 3, Fall 2016, 130.

26 *Ibid.*, 128.

§ 1.3 The Woman in Prison

Here we examine the reflection of women criminality and their hidden story in prison system, following the trajectories of punitive methods- mostly incarceration. Admittedly, the low percentage of female inmates caused peculiarities and diverse practical implementation of incarceration methods in women's wards or prisons proper. Hence, as James Pathon has stated, the prison research and the perception of prisons have been carried out with concern for male inmates and male-centric discourse.²⁷ Succinctly, women inmates were neglected by penitentiary systems as discussed above. Here I seek the reasons and results of special arrangements and the concerns of female inmates inside a male-based prison system.

As elucidated above, women offenders and lawbreaking women were identified as deviant or insane, or they were victimized by their biology on which their innocence was presumed. A male-based prison system did not allow the participation of women inmates in punitive methods designated for the rehabilitation and purification of both male and female inmates. Carlen writes: "On the one hand, it can be argued that the fundamental problem with women's prisons is that they are inappropriately modeled on institutions designed for men."²⁸ Adrian Howe agrees that the prison concept was founded for solely male inmates.²⁹ Carlen also stated in her study concerning the current situation of Scottish female inmates, that "the dominant meaning of women's imprisonment in Scotland is that it is imprisonment denied: It is denied that the women's prison is a real prison, it is denied that the prisoners are 'real women'".³⁰

27 James Panthon, "Personality Differences Between Male and Female Prison Inmates: Measured by the MMPI", in *The Female Offender*, Edt. Annette M. Broadsky, Annette M (London: Sage Publication, 1975), 40.

28 Pat Carlen and Anne, Worrall, *Analyzing of Women Imprisonment* (Devon, UK: Willian Publishing, 2004), 9.

29 Adrian Howe, *Punish and Critique, Towards a Feminist Analysis of Penalty* (New York: Routledge, 1994), 135.

30 Pat Carlen, *Women Imprisonment, A Study in Social Control* (Routledge &K. Paul: 1983), 211.

Until the second half of the nineteenth century, women inmates in England were generally imprisoned in *ad hoc* rooms or wings inside of male prisons. As we later see was also the case for Ottoman female prisons, which consisted of *ad hoc* prison buildings. In other words, they were neither deemed as eligible to have a proper prison in the mentalities of British prison nor in the Ottoman female prison concept. Moreover, patriarchal and paternalistic attitudes characterized treatment by prison staff such as guards and wardens, who were closely inspected and surveilled female inmates than male once. Also, domestic work such as sewing and laundering, were chosen as rehabilitation methods for them. We frequently encountered sexual abuses and coercion cases among female inmates and male prison staff. Lastly, women prisoners did not have access to facilities to provide for their vital needs such as daily meals and, medical care inside of the prisons.

While women prisoners were excluded from existing prison systems, female inmates were forced to reconstruct their identities in reference to—even consciously making use of—their womanhood.³¹ Carlen examined the discourse of prison administrations and reformers who proposed the crucial need to remind women prisoners of their femininity. There were three methods used in Great Britain in the twentieth century: Feminization, domestication, and medicalization.³² While women inmates were denied in the male-based prison system, they were reminded of their femininity and womanhood with special, practical implementation for rehabilitation measures.³³ Women were potential housewives in British society. Even if they worked as housewives inside of the prisons, they were defined as “purified” women instead referring their criminal characters. Hence, prison systems were constructed to remind women of their femininity with penal labor such as laundry, dishwashing, and sewing. Women inmates made of this workforce were not workforces not only feminized but also domesticated, remembering their existential features and roles. Succinctly, these female offenders maintained their domestic

31 Pat Carlen and Anne Worrall, *Analyzing of Women Imprisonment* (Devon, UK: Willian Publishing, 2004), 2.

32 *Ibid.*, 9.

33 *Ibid.*, 10.

roles by doing penal labor such as housework. By doing so, prison was transformed into a house for female inmates.³⁴

When women offenders were perceived as deviant, mad, or insane, prison services in the second half of the twentieth century began to include medical treatment service within prison buildings. Pat Carlen underscored that rehabilitation by medicalization was a gender specific measure in the British prison system. In this spirit, medical treatment became a fundamental concept of female prisons, the inmates of which required pathological, biological, emotional, and special medical treatments determinant by prison management in the 1970s.³⁵ In addition, the judgment process was more lenient for women inmates. According to Pat Carlen; “the overwhelming reasons for this apparent leniency are that women commit less serious offenses and have fewer previous convictions than men.”³⁶

While-tactical, punitive methods such as incarceration or penal labor were implemented, women inmates were excluded. As stated above, female offenders were disciplined by means of domestication and feminization—that is, as Carlen and Worrall explain it, being more or less forced into a standard “feminine” mould.³⁷

All in all, these deliberations and evaluative analyses insist that women’s criminality has been dramatically neglected from the nineteenth century until today. As explicitly seen, female inmates were deemed ineligible to commit any kind of crime. The characteristics and features of their crime distinguished the female criminals who were cruel, deviant doers from those who were innocent victims. Thus, these approaches towards gendered criminality and female offenders were also reflected in the male-based prison system. As it noted, these two different criminal characters of women inmates- doers or victims enable to be distinguished from each other, in which that caused var-

34 Adrian Howe, *Punish and Critique, Towards a Feminist Analysis of Penalty* (New York: Routledge, 1994), 132.

35 Pat Carlen and Anne Worrall, *Analyzing of Women Imprisonment* (Devon, UK: Willian Publishing, 2004), 11.

36 *Ibid.*, 29.

37 *Ibid.*, 7.

ied punitive methods and specific treatments. Briefly, this understanding encouraged to apart from female inmates who are not eligible to commit crime. Furthermore, we can evaluate their situation as the disappearance of female inmates in male-based prison systems. In modern prison systems such as the British or American ones, women inmates underwent coercion, abuse, and rape- just as in Ottoman prisons- due to their femininity and vulnerability. Briefly, I consider the roots of women prisoners' expendable role within the concept of gendered criminality in European prisons for convicted women. In this regard, the determinant feature of special arrangements for female inmates in Imperial prisons can be interpreted as policies of ignorance, hiding, or exclusion politics of prison policy towards females. These peculiar, irregular practices were derived from prisoner's femininity and vulnerability, as will be discussed comprehensively with respect to Ottoman women inmates. Hence, convicted women behind the bars in dilapidated prison houses struggled with disordered, irregular prison discipline, corrupt prison management and poor living conditions in European, American, and Ottoman prisons, their miserable, culturally-specific imprisonment processes notwithstanding. In other words, female inmates were exposed to provisional arrangements, incarceration practices, and sexual abuse in European and Ottoman prisons, the state of which wished to hide female inmates. They became disappeared in the prison systems. As noted above, although they shared the same woeful conditions in prison buildings as male inmates, convicted women were subjected to the anomalous sorts of treatments and prison policies listed above.

§ 1.4 Women's Minimal Place in Ottoman Prison Literature

In recent years, the concentration of Ottoman studies has shifted from legal, economic, and military concepts to penal, gender, and social history topics. Specifically, the number of penal studies and comparative works on the Ottoman Empire and Europe have increased in the last decade.

The first study, by Gültekin Yıldız, focused on prison reform and the reform agenda from 1839 to 1908 was prepared as a master thesis in 2002.³⁸ A decade later, Yıldız published an edited volume in 2012, namely *Mapusâne*.³⁹ In doing so, he filled a gap in the Ottoman crime, punishment and prison history literature. His study emphasized the background of the incarceration experience in the Ottoman criminal system with a discussion of imprisonment before modern prison buildings. *Mapusâne* shed light on the Tanzimat mentality for Ottoman prisons, the aspiration of the Ottoman government to modernize them, prison reform projects, and the interventions of the British and French ambassadors. He drew a broad framework which illuminated contemporaneous prison conditions that depicted in archival sources as filthy and dreadful. His work insisted that, unfortunately, the prison reform were not realized, the ambitious efforts of the Tanzimat and the Hamidian period notwithstanding. He dramatically shows that there was no heating system, no regular meals, no hygiene, and no other vital facilities in Ottoman prisons which were essentially dungeons in terms of the terrible living standards of the prisoners. He pursued the trajectories and ensuing stages of attempts at Ottoman prison reform, comparing the system to European prison systems (especially those of the British and French). Even though Yıldız's study did not specifically consider women's prison studies, his work includes clues about women's prisons and women prisoners whose poor living conditions and imprisonment standards are vividly described in archival documents. All in all, the critical, analytical, and descriptive structure of his work was the inspiration for ongoing prison studies.

A second impressive, and inspiring study belongs to Kent Schull who dealt with Ottoman prison reforms. He finished his Ph.D. dissertation "Penal Institutions, Nation-state Construction, and Modernity in the Late Ottoman Empire, 1908-1919" in 2007.⁴⁰ As is clear, he was specifically concerned with prison

38 For details, see Gültekin Yıldız *Mapusâne: Osmanlı Hapishanelerinin Kuruluş Serüveni, 1839-1908* (İstanbul: Kitabevi, 2012).

39 Gültekin Yıldız *Mapusâne: Osmanlı Hapishanelerinin Kuruluş Serüveni, 1839-1908* (İstanbul: Kitabevi, 2012).

40 Kent F. Schull, 'Penal Institutions, Nation-state Construction, and Modernity in the Late Ottoman Empire, 1908-1919', Ph.D Dissertation, (University of California, Los Angeles, 2007).

reforms and attempts at modernization by the Union and Progress Party government. His book, *Prisons in the Late Ottoman Empire: Microcosms of Modernity*, as stated in outline, “weaves together six intersecting themes: Transformation through continuity and ruptures, a focus by reformers on prisoner rehabilitation, administrative centralization and governmentality, order and discipline, considering welfare with population of the Ottoman Empire and finally juxtaposition of prison reform with the reality of prison life.”⁴¹ The book’s six chapters were conceptualized to understand the state-centric administrative perspective of Ottoman prison transformation by comparing issues of the legal and penal systems of the empire to the stages of prison reform. He collected empirical data and statistical information from the Union and Progress Party government’s prison surveys and questionnaires which yielded significant clues about the prisons, ideology, and perspective of the Union and Progress Party government.

On the other hand, he went beyond previous prison studies by looking at the daily lives of inmates- their living conditions, standards, and health, hygiene, and nutrition. He also sketched a broader framework to understand prison employees, their process of professionalization, and the relationship of prisoners to guards. In the last chapter of the book, he points to juvenile delinquents and their living conditions in the Ottoman prison system.

Most importantly, the prison surveys and questionnaires provide detailed information about Ottoman prisoners such as their ages, gender, occupations, marital statuses, and the crimes they committed. In doing so, he found information about women prisoners and their specific features; also, he authored an analytical, descriptive evaluation of female and juvenile prisoners. He also revealed the Union and Progress Party government’s positivist, scientific perception of prison reform in light of the archival documents. According to Kent Schull, “Prison became a microcosm of the CUP’s larger plans to meld the empire’s population and administration into a modern nation-state.”⁴² Another major explicit point of his study was the CUP’s government perception

41 Kent F. Schull, *Prisons in the Late Ottoman Empire: Microcosms of Modernity* (Edinburgh: Edinburgh University Press, 2014), 12.

42 Kent F. Schull, *Prisons in the Late Ottoman Empire: Microcosms of Modernity* (Edinburgh: Edinburgh University Press, 2014), 53.

of the population; their positivist approach to prison reform can be interpreted as social-engineering by the government. Also, prison policy of the CUP government positively contributed institutionalization process of Ottoman prison administration between 1908 and 1920.

Moreover, his theoretical discussion analyzed varied perspectives on penology such as those of Foucault, Durkheim, David Rothman and David Garland.

Acknowledging the presence of women's prisons and the question of women prisoners, he mentions the problems of mothers, pregnant women, and young girls inside Ottoman prisons, tackling for the first time the hidden stories of these criminals and their living standards in Ottoman prisons with an analytical and descriptive framework- though without many details. His work determined the starting point of my thesis which broadly addresses the question of Ottoman's women prisons and women prisoners.

Thirdly, *Hapishane Kitabı* (2005) is an editing book containing articles analyzing the history of the prison concept.⁴³ From the Seljuks era to Republican Turkey, its articles pursue the trajectories of prisons and punishment methods. This comprehensive prison study particularly points out Foucault's contribution to penology and then chronologically addresses prison concepts before the Ottoman Empire; Ottoman prison reform and its penal, legal, and institutional ramifications; lastly, the general situation of Turkish prisons in Republican Turkey.

Some of the articles that have informed my study are Ali Karaca's work dealing with punishment methods such as banishment (exile) and incarceration which carried out specifically on prostitutes in the nineteenth century.⁴⁴ Yasemin Gönen's study concerns institutional prison reforms and prison reform packages that prepared by foreign political figures- probably British and

43 E. Gürsoy Naskali, H. Oytun Altun, *Hapishane Kitabı* (Kitabevi Yayınları: İstanbul: 2005)

44 Ali Karaca, "XIX. Yüzyılda Osmanlı Devleti'nde Fahişe Hatunlara Uygulanan Cezalar: Hapis ve Sürgün", in *Hapishane Kitabı*, ed. Emine Gürsoy Naskali- Hilal Oytun Altun, (Kitabevi Yayınları: İstanbul 2005), 152-162.

German.⁴⁵ Besides, Timur Erbaş's article namely "Hürriyeti Bağlayıcı Cezaların ve Cezaevlerinin Evrimi" (The Evolution of Imprisonment and Prisons) was guided by a point of Foucauldian view and illuminated incarceration and the abolition of corporal punishment as a punitive method in the nineteenth century.⁴⁶

Crime, punishment, public security, and the relationship among them were the topics of fourteen articles in the edited book *Osmanlı'da Asayiş, Suç ve Ceza 18.- 20. Yüzyıllar* (Security, Crime and Punishment in Ottoman Empire, 18th and 20th Centuries) which ushered in a new path for historians focusing on the issue of penology.⁴⁷ It contributed to new perspectives, critical points, and historical debates over crime and punishment. Other major focuses in this edited book were surveillance, public order, and the detention of criminals.

Özgür Sevgi Göral's article, for instance, discussed the coherence of Foucauldian perspective and that of Ottoman and Near Eastern prison studies.⁴⁸ She sketched a broad framework for the discussion of penology theories and empirical prison, especially for Near Eastern prison studies. Interestingly, she denied the positive effect of Foucault on Ottoman prison studies. Likewise, Kent Schull compared few theoretical approaches of penology studies with a powerful critique that undermined the fundamental methodological arguments of prison studies.⁴⁹

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- 45 Yasemin Gönen, "Osmanlı İmparatorluğu'nda Hapishaneleri İyileştirme Girişimi, 1917 yılı" in *Hapishane Kitabı*, ed. Emine Gürsoy Naskali, Hilal Oytun Altun, (İstanbul: Kitabevi, 2005).
- 46 Timur, Demirbaş, "Hürriyeti Bağlayıcı Cezaların ve Cezaevlerinin Evrimi" in *Hapishane Kitabı*, ed. Emine Gürsoy Naskali, Hilal Oytun Altun, (İstanbul: Kitabevi, 2005), 3-41.
- 47 Ed. Noemy Levy, Alexandre Toumarkine, *Osmanlı'da Asayiş, Suç ve Ceza 18.- 20. Yüzyıllar*, (İstanbul: Tarih Vakfı Yurt Yayınları, 2007).
- 48 Özgür Sevgi Göral, "19. Yüzyıl İstanbul'unda Suç, Toplumsal Kontrol ve Hapishaneler Üzerine Çalışmak", in *Osmanlı'da Asayiş, Suç ve Ceza 18.- 20. Yüzyıllar*, ed. Noemy Levy, Alexandre Toumarkine (İstanbul: Tarih Vakfı Yurt Yayınları, 2007), 17-33.
- 49 Kent Schull, "Hapishaneler ve Cezalandırmaya İlişkin Yaklaşımlara Eleştirel Bir Bakış" , in *Osmanlı'da Asayiş, Suç ve Ceza 18.- 20. Yüzyıllar*, ed. Noemy Levy, Alexandre Toumarkine (İstanbul: Tarih Vakfı Yurt Yayınları, 2007), 46-55.

As underscored above, studies that are particularly concerned with the issue of Ottoman women's prisons and women prisoners are scarce, while male specific prison studies are abundant. Succinctly, prison studies do not discuss the issue of women's criminality. Furthermore, our perception of "prison" has focused on solely male criminality and men's prisons. Therefore, the target of this thesis is to deal with the issues of female criminality and the lives of women inmates. In doing so, I compensate for the scarcity of work on women prisons and prisoners.

The Ottoman prison literature has a pioneering study dealing with women prisoners which is a Ph.D dissertation (2015) by Ayşe Özdemir Kızıllan: *Osmanlı'da Kadın Hapishaneleri ve Kadın Mahkumlar (1839-1918)*, (Women Prison's and Women Prisoners in the Ottoman Empire 1839-1918).⁵⁰ She divided her dissertation into three parts. The first examined Ottoman legal and judicial history, Sharia law and its judicial processes, imperial penal codifications, Ottoman prison reforms, and prison inspections. The second started with an overview of women prisons and dealt with the daily lives of women prisoners, women's prisons employees and their duties, prison infirmaries, epidemics and disease among female inmates, force labor in women prisons, amnesty and released women prisoners, and escaped female inmates. The last part revealed the crimes and corresponding punitive methods for females accused and convicted of crimes such as prostitution, fornication, murder, and larceny.

Interestingly, she ignored modern Ottoman courts and modern judicial apparatuses such as the Nizamiye courts (Nizamiye mahkemeleri), preferring instead to focus on Sharia law and its penal rules such as t'azir, had, and kısas, specifically in the last part of the dissertation.⁵¹ Unfortunately, the study is more descriptive than analytical. Özdemir did not apply any methodology to support her discourse. Furthermore, her source materials from the Prime Ministry Ottoman Archive were not sufficiently evaluated. She explored comprehensive cases and stories from women prisons, but neglected to situate these in any methodological or analytical framework. Although she rendered

50 Ayşe Özdemir Kızıllan, "Osmanlı'da Kadın Hapishaneleri ve Kadın Mahkumlar (1839-1922)" Ph.D Dissertation, Süleyman Demirel University, Graduate School of Social Sciences, 2011.

51 Ibid., 111-161.

and revealed the questions of women's prisons and women prisoners. I suggested that this inadequate and solely descriptive study lacked formative and analytical discussion. Notwithstanding, her descriptions contribute to the scant literature of women's prison studies.

§ 1.5 Female Offender in Nineteenth-Century Great Britain and Tsarist Russia

When I examine the issue of the women's prisons and gendered criminality, one essential factor is comparative counterpart studies and other prison literatures that sketch a comprehensive agenda for women's prison studies. In this spirit, I draw a broader framework of European prison studies. In this regard, I have chosen two significant European states: Great Britain and the Russian Empire. Specifically, I deal with both the general living conditions in British and Russian prisons in the nineteenth century and the specific situation of women's prisons and female prisoners. Besides, an analysis of the literature of British and Russian prisons can not be omitted even though this is not a comparative project. Consequently, I aspired to evaluate the British prison system and its women's prisons from a critical and analytical point of view.

Modernization of the prison and punishment system began in the beginning of the nineteenth century in Great Britain when the British government encouraged prison transformation projects, new punishment methods, and a new prison order.

Alyson Brown insisted that disordered prison system began to be regularized by the reform packages in local and peripheral prison complexes. Prison policy that was specifically based on the reinforcement of detention, and increased inspection of inmates to prevent retrograde trajectory of the British prison system.⁵² Rather than examining the British prison system and prison modernization, I largely address the British women's prison system and the living standards of female inmates. Admittedly, European prison systems were deemed to have been more developed; therefore a vast of women's

52 Alyson Brown, *English Society and the Prison (Time, Culture and Politics in the Development of the Modern Prison), 1850-1920*, (The Boydell Press: USA, 2003), 55-59.

prison complexes had been constructed and prisoner were detained. Therefore, the nineteenth-century women's prison system in Britain has been considered by historians, while Ottoman women's prisons have been ignored as a research topic. There are essential studies on British women's prisons and women prisoners: *Women, Crime and Custody in Victorian England* written by Lucia Zedner, *The Incarceration of Women, Punishing Bodies, Breaking Spirits* by Linda Moore and Phil Scraton, *English Society and the Prison: (Time, Culture and Politics in the Development of the Modern Prison 1850-1920)* by Alyson Brown, and *Gender and Crime in Modern Europe* edited by Margaret Arnot and Cornelia Usborne. These examined the issue of British women's prisons and female inmates with analytical, descriptive, and comprehensive approaches.⁵³ Thus, I construct a general framework to illustrate the treatment of accused and convicted women by the British government from the point of view of gendered criminality.

As these studies emphasized, the nineteenth century engendered significant legal, penal, and punitive transformations in modern Europe. However, the living conditions and standards in British prisons were dreadful and filthy. Both male and female prisoners suffered the dire conditions of British penitentiaries. Consequently, the development of the penal and legal reforms and attempts at prison modernization were pursued in the nineteenth century.

In Great Britain, the first remarkable reform attempt was the abolishment and prohibition of flogging for women inmates by the 1823 Goal Act. This resulted in decreasing suffering by women prisoners before their imprisonment period.⁵⁴ In other words, the vulnerable situation of women was recognized

53 Lucia Zedner, *Women Crime and Custody in Victorian England*, (Oxford: Oxford University Press), 2002. Linda Moore, Phil Scraton, *The Incarceration of Women, Punishing Bodies, Breaking Spirits*, (Basingstoke: Palgrave Macmillan Publishing), 2014. Edt. Margaret L. Arnot, Cornelia Usborn, *Gender and Crime in Modern Europe*, (London: UCL Press, 1999). Alyson Brown, *English Society and the Prison, Time, Culture and Politics in the Development of the Modern Prison 1850-1920*, (The Boydell Press: USA, 2003).

54 Peter, King. "Gender, Crime and Justice in Late Eighteenth- and Early Nineteenth-Century England." in *Gender and Crime in Modern Europe*, edt. by Margaret L. Arnot and Cornelia Usborn, (UCL Press, 1999), 46.

by British government. In the years following the abolition of flogging for female inmates, the British government opened the first modern penitentiary for women, implementing a division by gender inside British prison complexes. According to Moore and Scraton:

Brixton prison opened in 1853 as England's first women-only convict prison. Gender segregation also suited the prison authorities as it alleviated concern about sexual abuse, assaults, corruption and prostitution in mixed-gender prisons. The imperative for separate prisons for women in the early 19th century was 'in large part disciplinary'.⁵⁵

As the quotation underscored, the division of criminals was important for the prevention of probable crimes inside prisons. Before 1853, female convicts were imprisoned in ad hoc places, some of which were inside male prisons. As a solution, John Howard, a British penal reformer, suggested the separation of male and female prisoners and segregation in terms of the seriousness of an inmates's criminal offence. Thereafter, they began to implement division by sex, and in so doing, they aspired to prevent new crimes from being committed as highlighted by John Howard, who was addressing crime and disturbances inside of prisons. Although there were limitations on its implementation in prisons, the goal of gender separation was 'one of the major achievements of nineteenth-century penal reform', sparing women the 'degradation and exploitation of eighteenth-century prison life'.⁵⁶ Separate wings and prison buildings stopped inevitable sexual abuse inside of prisons, and also prevented prostitutes from selling their bodies inside of prison buildings. Furthermore, male guards and warden could not enter female prisons or wings as a measure to prevent sexual abuse or rape in female penitentiaries. London's largest prison, Holloway was opened in 1852 as mixed house of correction for rehabilitating male, female, and juvenile delinquents, but the mixed prison system caused a vast number of problems such as sexual abuse, and it also prevented of rehabilitation. Holloway prison was therefore transformed into a female

55 Linda Moore, Phil Scraton, *The Incarceration of Women, Punishing Bodies, Breaking Spirits*, (Basingstoke: Palgrave Macmillan Publishing, 2014), 6.

56 *Ibid.*, 6.

prison in 1902 for female convicted of drunkenness and prostitution. As a notable development, in 1907 the British government appointed the first female prison inspector, Dr. Mary Gordon, to Holloway prison which was hosting most of women criminals in Great Britain.⁵⁷ Nonetheless, Moore and Scraton highlighted that the implementation of division by sex was unfortunately often ad hoc and piecemeal, the British government's ambitious consideration for women criminals and their problems notwithstanding.⁵⁸

Moreover, the number of women who committed crime increased without a break, reaching 46,538 in local British prisons by the 1880's.⁵⁹ Especially in local prisons, the numbers of women convicts were high. Those incarcerated in local prisons had committed such petty street crimes; as larceny, theft, and pick-pocketing. Significantly, as the statistical information demonstrated, the largest number of convicts were prostitutes whose punishment in the second half of the nineteenth century was a short-term imprisonment in a local prisons.⁶⁰

With respect to punishment methods in British prisons, King stated that imprisonment (which seldom lasted more than a year) was the most frequently applied method punishment for women prisoners.⁶¹ After the abolition of whipping and flogging as a punishment method for female prisoners, imprisonment was a lenient implementation that began to be applied to female inmates whose vulnerability was recognized by the British government. Succinctly, in the judicial process, women offenders encountered more compassionate treatment and more lenient sentences from judges. Zedner stated

57 Linda Moore, Phil Scraton, *The Incarceration of Women, Punishing Bodies, Breaking Spirits,* (Basingstoke:Palgrave Macmillan Publishing, 2014), 6.

58 Ibid., 8.

59 Lucia Zedner, *Women Crime and Custody in Victorian England* (Oxford: Oxford University Press, 2002), 152.

60 Ibid., 153.

61 Peter King, "Gender, Crime and Justice in Late Eighteenth- and Early Nineteenth-Century England" In *Crime and Law in England, 1750-1840: Remaking Justice from the Margins,* (Cambridge: Cambridge University Press, 2006), 165-195.

that male convicts were assumed to be immoral and sinners, while their female counterparts were accepted as innocent.⁶² Briefly, the traditional interpretation of crime was based on the idea that females as a gender were more obedient and passive; criminality among males was possible because of their deviance and aggression.⁶³ In fact, this traditional, gendered view of criminality caused the fact that crime and punishment studies overall are oriented toward male criminality and their central concerns are men's prison, the punishment of men, and the crimes they commit. In this sense, Clive Emsley's central concern was "gender" criminality rather than the delinquency of "women" so that he could approach the criminality of these sexes equally.⁶⁴

However, especially in terms of practical implementations, leniency toward women remained the norm. For instance, general punishment methods were incarceration and banishment for female inmates who were sentenced to approximately six months less time in Great Britain than male counterparts who had the committed same crimes.⁶⁵ In this spirit, I the point out the perception of female criminals in terms of their femininity and motherhood.

Being mother entails being dominant in the household tasks and having concern for the children. However, convicts have essentially lost their domestic roles of being mothers and housewives; indeed, their criminal behaviors and condemnation prevail over their gender roles. British prison managements apparently encouraged the perception of society which believe female inmates with their femininity. For example, especially in local prisons, women were incarcerated or exiled with their children; in so doing, their fragile identities as mothers and wives could be damaged.⁶⁶ The awareness of motherhood

62 Peter King, "Gender, Crime and Justice in Late Eighteenth- and Early Nineteenth-Century England." In *Crime and Law in England, 1750–1840: Remaking Justice from the Margins*, (Cambridge: Cambridge University Press, 2006), 66.

63 Ed. Margaret L. Arnot, Cornelia Usborn, *Gender and Crime in Modern Europe* (London: UCL Press, 1999), 7.

64 *Ibid.*, 7.

65 Peter King, *Crime and Law in England, 1750–1840: Remaking Justice from the Margins*, (Cambridge: Cambridge University Press, 2006), 46.

66 Peter King, *Crime and Law in England, 1750–1840: Remaking Justice from the Margins* (Cambridge: Cambridge University Press, 2006), 62.

and pregnancy in British prisons became essential when the vulnerability, susceptibility of female inmates was accepted in the second half of the nineteenth century. Also, pregnant women began to be properly looked after, while inmate who were mothers could bring along their children who were not yet weaned.⁶⁷ Specifically in local prisons, the force labor of mothers of children younger than eight months was commuted, so that they could nurse. Prison managements found means of rehabilitation such as laboring as charwomen, or seamstresses that were more appropriate for women inmates and reminded them of their gender roles such as being mothers, and housewives in the domestic milieu.⁶⁸

All in all, the major definition of the perception of British women's prison concerning the recognition and justification of female identity- with their emotion, motor ability and criminality. Above all, the identities of female inmates were acknowledged by British prisons which carried out reform and modernization attempts in the second half of the nineteenth century. The exclusion, intimidation, silencing of women was undermined in British women's prisons which allowed them to transform, rehabilitate and reintegrate into society as ex-convicts in their traditional gender roles. As a result, female inmates were not ignored but rather embraced by prison managements without any consideration of their crimes. Thus, apparently, there is more nuanced perspective about gendered, mostly female criminality in the British and Ottoman mentalities.

Here I give a broader, more comprehensive framework for understanding approach of Russian prison system to women inmates. As noted, this is not a comparative study, though I aspire to construct a provisional framework to explore the Russian prison system through the case of Russian female prisons. There are scant studies of Russian female inmates and women's criminality, and this framework fills a gap in women's prison studies.

In this sense, I refer to four main studies: *The Politics of Punishment, Prison Reform in Russia (1863-1917)* by Bruce Adams, *Women and Crime in Imperial Russia, 1834-1913: Representing Realities* by Stephan Frank, "Branding the Exile

67 Ibid., 138.

68 Ibid., 141-147.

as 'Other': Corporal Punishment and the Construction of Boundaries in Mid-Nineteenth-Century Russia by Abby M. Shrader, and *The Creation of Modern Prisons in Russian Empire* by Erika Kriukelytė.⁶⁹

Initially, I summarize of Russian prison reform and its stages, then touch on women criminality and studies about women prisoners in the nineteenth-century Imperial Russia.

Bruce Adams pointed out that Imperial Russian prison reform was replicated from British reform packages (not unlike the Ottoman's reformation packages, as discussed in chapter two).⁷⁰ Furthermore, when the Russian government enacted and promulgated penal codifications between 1825 and 1837, they aspired to regulate the physical conditions of penitentiaries and rebuild Russian prisons at the same time.⁷¹ The unevenness of prison system and dilapidated prison buildings were dramatically notable at the time. Even though, Russia eliminated corporal punishment such as flogging, whipping, beating as punitive methods, exile and banishment became the primary punishments in 1861. As Shrader underlined, Siberia was the one of the most important centers of exile and hard labor in the Russian Empire- essentially an open-air prison complex.⁷² Convicted prisoners were banished there and worked in penal servitudes in Siberian coal mines. In so doing, the Russian government utilized their manpower while at the same time marginalizing and stigmatizing

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- 69 Bruce F. Adams, *The Politics of Punishment, Prison Reform in Russia 1863-1917* (Northern Illinois University Press, 1996), 40. Abby M. Shrader, "Branding the Exile as 'Other': Corporal Punishment and the Construction of the Boundaries in Mid-Nineteenth-Century Russia" in *Russian Modernity, Politics, Knowledge, Practices*, edited by Kostantis, Yanni, David, Hoffman, (New York: St. Martin's Press, 2000). Stephen P. Frank, "Women and Crime in Imperial Russia, 1834-1913: Representing Realities." in *Gender and Crime in Modern Europe*, edited by Margaret L. Arnot and Cornelia Usborn, 93-118, (UCL Press, 1999). Erika Kriukelytė, "The Creation of Modern Prisons in Russian Empire" *International Institute of Social History* 48 (2012).
- 70 Bruce F. Adams, *The Politics of Punishment, Prison Reform in Russia 1863-1917*, (Northern Illinois University Press, 1996), 40.
- 71 *Ibid.*, 42-44.
- 72 Abby M. Shrader, "Branding the Exile as 'Other': Corporal Punishment and the Construction of the Boundaries in Mid-Nineteenth-Century Russia" in *Russian Modernity, Politics, Knowledge, Practices*, edited by Kostantis, Yanni, David, Hoffman, (New York: David.St. Martin's Press, 2000), 23.

them.⁷³ In other words, the Russian government neglected and left them to die in exile as a punitive method. Succinctly, it was a method of, though the cheap labor dramatically applied Tsarist Russia. Fascinatingly, Russia's stratified society was reflected in crime and in punishment methods. The abolition of serfdom corresponded to the elimination of the estate system, which encouraged crime in Tsarist Russia. This engendered the development of penal and legal practices by the Russian government after 1845.⁷⁴ In doing so, the Russian government accelerated penal codifications and regulations in order to shift from an arbitrary prison system to modern punitive methods, which included the implementation of rehabilitation methods, the opening of a house of corrections, and the abolition of corporal punishment.

A remarkable effect of the attempts to modernize Russian prisons was that prison managements ambitiously considered the separation of the sexes and separate male and female wards for the first time in 1845.⁷⁵ In addition to fiscal and political crisis, a high crime rate, overcrowded prison buildings, and corruption among prison employees hampered of the practical implementation of prison reform, meeting to a difference between the rhetoric of national policy-making and its implementation.⁷⁶ Furthermore, as Kriukelytė pointed out, corporal punishment was implemented with respect to the gender, age, and health the given convict. For example, during the Russian prison modernization process, pregnant women concerned as a vulnerable inmates for the first time.⁷⁷

Now, I specifically intend to examine Russian female prisoners and their criminality. As underlined several times, women were traditionally assumed to be morally innocent, and therefore they were characterized by their gender roles in criminal history studies. According to Frank, " In Imperial Russia, as

73 Erika Kriukelytė, "The Creation of Modern Prisons in Russian Empire." *International Institute of Social History* 48 (2012), 4.

74 *Ibid.*, 18-19.

75 Bruce F. Adams, *The Politics of Punishment, Prison Reform in Russia 1863-1917* (Northern Illinois University Press, 1996), 55-56.

76 *Ibid.*, 47-56-124.

77 Erika Kriukelytė, "The Creation of Modern Prisons in Russian Empire." *International Institute of Social History* 48. (2012), 20.

in the rest of Europe, crime was considered to constitute largely a male domain, and female crime was considered in essentialist terms.”⁷⁸ As the quotation noted, gendered criminality studies were based on male criminality, which results in our prison perception of prison as a male concept. However, especially in the Russian Empire, women criminality explicitly recognized statistically while European counterparts did not. Though there are few studies that specifically deal with the question of women’s prison, I pursue the crimes committed and the crime rate of the female convicts to identify the excluded, intimidated, silenced, and susceptible women inmates. Thus, I address some of the realities and implementations to understand women criminality in Imperial Russia. However, as one discriminative implementation which concerns being hidden from society and being responsible the innocent wives and mothers of convicts could voluntarily join their husbands and children in Siberia.⁷⁹

As Frank noted, women criminality was more widespread especially in the peripheries of the Russian Empire where property crimes in particular were committed by women after the abolition of serfdom.⁸⁰ Similarly, in comparison to its European counterparts, female criminality was high, especially in rural areas. In addition, as sexual crimes such as fornication, and prostitution increased, the Russian government exhorted the prevention of sexual crimes through reformation.⁸¹

In this chapter, I shed light a theoretical discussion of prison studies from a Foucauldian perspective along with the specific approach of Foucault’s gender-neutral perspective. In so doing, I discuss the relationship between the

78 Stephen P. Frank, “Women and Crime in Imperial Russia, 1834–1913: Representing Realities.” In *Gender and Crime in Modern Europe*, edited by Margaret L. Arnot and Cornelia Usborn, 93–118, UCL Press, 1999, 93.

79 Erika, Kriukelytė. “The Creation of Modern Prisons in Russian Empire.” *International Institute of Social History* 48. (2012), 16.

80 Stephen Frank, “Women and Crime in Imperial Russia, 1834–1913: Representing Realities” in ed. *Gender and Crime in Modern Europe*, edited by Arnot, Margaret L. and Cornelia Usborn, (UCL Press, 1999), 95.

81 *Ibid.*, 97.

concept of being female inmates as “doers” that was explained by Carlen⁸² and its perception by prison managements through the literature of British and American prison studies. Moreover, I briefly evaluated women’s prison studies literature and some works on British and Russian female prisons. In the next chapter, I deliberate the chronology of the prison reformation process in the Ottoman Empire with the specific concern for female prisons in the late Ottoman Empire from 1839 to 1920.

82 Pat Carlen and Anne Worrall, *Analyzing of Women Imprisonment* (Devon, UK: Willian Publishing, 2004), 133.

Women Offenders and Inmates in the Ottoman Prison Reform (1840-1920)

This chapter presents an evaluative, analytical, and critical perspective of the reformation process of Ottoman prisons. Reforms, political interventions, and reform proposals are examined to underline the differences between the reformation of the Ottoman government's prison policy-making and its practical implementation in the Ottoman prisons. Without an analytical narrative of the Ottoman prison reform period, the overall issue of Ottoman women's prisons and women prisoners cannot be examined. In so doing, the aspects and failed attempts at reform can be interpreted for the case of women's prison.

The reformation process pursued from the Tanzimat in 1839 through the 1908 Union and Progress Party Government contributed to the development of the Ottoman underdeveloped prison system, specific approaches to the women's prison question. Unless the chronological stages of Ottoman prison reformation process are not examined, the women prisons system and archival sources can not be effectively sought.

To create a framework of Ottoman prison reforms, this chapter is divided into three chronological stages: Tanzimat period (1839-1876), the Hamidian Era (1876-1908) and Union and Progress Party period(CUP) (1908-1918). Within these subdivisions, penal codes, and regulation reports are deliberated in the context of women's prisons. Above all, the issue of Ottoman penal and

legal modernization is at the center of the prison reform stages. However, in the literature on Ottoman history, studies mostly focus on the relation between modernization and Ottoman reforms as a concept. This chapter, on the other hand, proposes a nuanced perspective pursuing general prison reform and its unfulfilled elements in light of special arrangements for women prisoners. As underlined before, previous prison studies consider male prison systems and the punishment methods and living standards of male prisoners, though European prison studies have considered women's prisons. The Ottoman female prison system has not been evaluated from the point of view gender or femininity. Instead, only the state perspective and the modernization aspects of Ottoman prison reformation have been considered. Hence, reformation will be reconstructed through a varied perspective on Ottoman prison reform.

§ 2.1 The Tanzimat Period (1839-1876): Little Regulation, Less Implementation

Needless to say, Ottoman historians have all recognized that the promulgation of the Tanzimat in 1839 enabled the dispersion of modern ideological concepts such as liberty, security, equality, and the sancity of life and property, the guarantees of which belonged to the Ottoman Sultan since their declaration. The Ottoman government was devoted to carrying out these new implementations in the legal, penal, economic, and political arenas, and ambitiously began to reconstruct legal and penal codifications to regularize Ottoman law.

The proclamation of the 1840 Ottoman Penal Code (Ceza Kanunnamesi) is the legal reflection of the Tanzimat's wind of change. The first Ottoman penal code to be created by Ottoman lawmakers- namely the 1840 Ottoman penal code- consisted of forty-two sections and thirteen articles.¹ Moreover, Ottoman lawmakers added crimes such as treason, embezzlement, rebellion, and tax evasion and their respective punishments into the penal code. Indeed, Ot-

1 Kent Schull, *Prisons in the Late Ottoman Empire, Microcosms of Modernity*, (London: Edinburgh University Press, 2014), 25.

toman lawmakers stipulated four essential punishment methods including incarceration, corporal punishment, banishment, and also penal labor. As Schull illustrated, this codification added new punishment methods such as incarceration with penal labor in addition to blood-money for homicide.² Nonetheless, the 1840 Penal Code prevented crimes against honor, life, and property, reinforcing the question of the legal duality of Ottoman law. In other words, the 1840 Ottoman Penal Code maintained Tanzimat's modernization aspects with new punishment methods. In doing so, it reinforced division of criminals according to their crimes committed. On the other hand, the first police institution (the Zaptiye Teşkilati) was founded in 1845 during the reign of Abdülmecid. Surveillance, order, and institutionalization were the new institutional and legal developments in terms of being a modern state in the Ottoman Tanzimat period.³

Meanwhile, female prisoners and female prison buildings had not yet been considered. According to documents of Meclis-i Vala, the initial target with respect to Ottoman prisons was more preventing the deaths of inmates due to dreadful situations that Ottoman prisons consisted of one or more dungeons inside of the hükümet konakları (government offices), especially in basements.⁴

In the years of the following first codification, the trends of prison reform and renovations of underdeveloped Ottoman prisons surfaced in the international political arena among British and Ottoman bureaucrats. As Jülide Orat and Fadimana Çelik noted, British Ambassador Sir Stratford Canning had been observing the physical conditions of Ottoman jails and living standards of Ottoman prisoners since 1844.⁵ His observations and concerns about Ottoman prisons to encouraged him to prepare a "Report on Prison Reform in

2 Ibid., 25.

3 Ferdan Ergut, *Modern Devlet ve Polis, Osmanlı'dan Cumhuriyet'e Toplumsal Denetimin Diyalektiği*, (İstanbul: İletişim Yayınları, 2015), 123-124.

4 Gültekin Yıldız, *Mapusâne: Osmanlı Hapishanelerinin Kuruluş Serüveni, 1839-1908*, (İstanbul: Kitabevi, 2012), 93.

5 Jülide Akyüz, and Fadimana Çelik, "Diyarbakır Vilayeti Hapishaneleri", *Kafkas Üniversitesi Sosyal Bilimler Dergisi*, vol. 7, (2011), 77-78.

Turkey” in 1851. Also, his report entitled “Improvement of Prisons in Turkey” that showed his determined attitude towards prison reform.⁶ His central concerns were the filthy conditions (the lack of hygiene, ventilation, and a heating system) of prison buildings and the living standards (with respect to malnutrition, insufficient clothing and bedding, and overpopulated jails), and he also called Ottoman prisons dungeons.⁷ He pointed to the scarcity of proper prison buildings which resulted in the use of fortress, government offices, and military buildings as prisons. In addition, men, women, and children who committed felonies or petty crimes shared same rooms or wards in the Ottoman prison system. More importantly, Canning mentioned for the first time the lack of proper women’s prisons and wards. He suggested that proper prison buildings and special wards or wings be constructed for female inmates.⁸ Kent Schull summarizes his proposal thusly: “He clearly associates modern penal practices such as moral rehabilitation of prisoners, proper health and hygiene, and crime prevention, with progress and reason, scientific advancement and ‘European’ civilization.”⁹ In doing so, Canning authored to the first interational political intervention regarding the Ottoman prison system. The outcome of this intervention would be more effective than internal reform attempts, as will be seen on the following pages.

Canning’s report was received by the Ottoman bureaucrats as a political intervention and as European coercion to be “more civilized” and “modern”. They evaluated these reports and suggestions as a reflection of political struggle with European states. The Ottoman government hastily embarked on a regularization of the prison system in light of revisions to the penal codifications. Reflecting the influence of Canning report on Ottoman bureaucrats, the *Islahat Fermanı* of 1856 (Imperial Edict) was proclaimed during the reign of Sultan Abdülaziz. Surprisingly, the Imperial Edict dealt with human rights, a

6 Gültekin Yıldız, *Mapusâne: Osmanlı Hapishanelerinin Kuruluş Serüveni, 1839-1908*, (İstanbul: Kitabevi, 2012), 111.

7 Ibid., 112.

8 Ibid., 123-124.

9 Kent Schull, *Prisons in the Late Ottoman Empire, Microcosms of Modernity*, (London: Edinburgh University Press, 2014), 43.

fair judicial system, and equality rather than the former. According to Ufuk Adak, “The Hatt-ı Hümayun of 1856 emphasized that for the sake of human rights (*hukuk-ı insaniyye*) and justice of law (*hukuk-ı adalet*), those who committed crimes should be imprisoned or detained for a short amount of time; further, corporal punishment and torture were abolished. The ferman also warned local officials to obey the new set of laws.”¹⁰ Above all, incarceration remarkably became the major method of punishment and corporal punishment was abolished in Ottoman prisons.

Two years after the 1856 edict, British military officer Major Gordon was appointed as inspector and administrator of the Ottoman prisons.¹¹ Gordon was responsible for resolving the prison question of the Ottoman Empire and was paid an administrator salary of 1.250 piasters (*kuruş*). Gordon reiterated that Ottoman prisons were dilapidated and that prisoners were miserable, as Canning had insisted. Indeed, he emphasized that the estimate’s were dungeons, jails, and fortresses could not be called prisons. Therefore, he ventured to transform these underdeveloped prisons into modern prison complexes with conditions akin to the British prison system, but in fact Ottoman prisons remained dreadful. Major Gordon’s suggestions were almost the same as Canning’s reports; furthermore, he focused on renovations to provincial prison buildings and the construction of a model prison complex in Istanbul. Unfortunately, limited budgets and funds for prison regulation in the Ottoman Empire hampered his reform attempts, the amount of which was 50,000 Ottoman piasters.¹² Nevertheless, the Ottoman government nominally concurred with these regulations to prevent European states from dominating Ottoman legal and penal practices. Nevertheless, Major Gordon’s suggestions were not carried out by the Ottoman government due to a lack of funds for prison reform.

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- 10 Ufuk Adak, “The Politics of Punishment, Urbanization, and Izmir Prison in the Late Ottoman Empire” Ph.D Dissertation, University of Cincinnati, USA, 2015, 59.
- 11 Hasan Şen, “The Transformation of the Politics of Punishment and the Birth Of Prison in the Ottoman Empire (1845-1910)” unpublished MA Thesis, Boğaziçi University Atatürk Institute for Modern Turkish History, 2005, 65.
- 12 Hatice Akın, “Osmanlı Devleti’nde Hapishane Islahatına Dair 1893 Tarihli Bir Nizamname Önerisi”, *History Studies* Volume 3/3, 2011, 24-25.

On the other hand, legal reforms rapidly developed in 1858 with the remarkable contribution of Major Gordon whose influence encouraged the classification of criminal behavior into four –the accused (*zanlı*), misdemeanors (*kabahat sahibi*), less serious offences (*erbab-ı cünha*), and serious offences or felonies (*cinayet*)- in the 1858 Ottoman Penal Code.¹³ The 1810 French Penal code affected the 1858 Penal Code. The latter replicated the French code with certain changes based on Islam and Ottoman culture. This replication enables to a critical discussion in terms of its more secular content, though Ottoman lawmakers explained that there was nothing contrary to Sharia law in the 1858 Penal Codes. Moreover, it retained its duality with respect to Islamic and modern legal concepts.¹⁴ The 1858 Penal Code stipulated that some crimes such as embezzlement are in a different category from than theft; the 1858 codification suggested various prison sentences and punishment methods, respectively.¹⁵

Nevertheless, there was a difference between the codes and their practical implementation. The 1858 Penal Code at least enacted a classification of crimes, as noted above. In addition, as Yıldız noted, men and female criminals (*mücrimin*) were not to do share same wards or wings inside of prisons, which the 1858 Penal Code underlined.¹⁶

Ottoman lawmakers and bureaucrats began to deal with the living standards, and punishment methods of Ottoman inmates and the physical condition of prison buildings in the context of the Tanzimat. This awareness corresponds to the modernization of the Ottoman Empire and is directly related to the issues of incarceration, rehabilitation, and penal labor by which inmates could become reborn and purified as a person who have not committed any crime. These regulations and practices with respect the entire prison concept recalls Foucault's perspective and his unique contribution prison and punishment studies. However, Ottoman women's prison studies can not be fit into a

13 Kent Schull, *Prisons in the Late Ottoman Empire, Microcosms of Modernity*, (London: Edinburgh University Press, 2014), 45.

14 Timur Demirbaş, *Ceza Hukuku: Genel Hükümler*, (Ankara, Seçkin Yayıncılık, 2006), 94.

15 Milen V. Petrov, "Everyday Forms of Compliance: Subaltern Commentaries on Ottoman Reform, 1864-1868." *Comparative Studies in Society and History* 46, no. 4 (2004), 738.

16 Gültekin Yıldız, *Mapusâne: Osmanlı Hapishanelerinin Kuruluş Serüveni, 1839-1908*, (İstanbul: Kitabevi, 2012), 180.

Foucauldian approach that neglecteds the presence of female inmates in modern-which is to say, male-centric- prison systems. Hence, the desire of Ottomans for reform relied on the nineteenth-century perception of changing relations among rulers and society and its modernization understanding. Nonetheless, these conceptions returned in the form of provisional and temporary solutions by the Ottoman government despite many attempts at reform.

Meanwhile, judicial and legal concepts overlapped penology. In 1864 Abdülaziz established the *Nizamiye mahkemeleri* (modern courts) which pursued modern judicial implementations that required detailed investigations, collection of evidence, and testimony.¹⁷ Avi Rubin pointed out that the emergence of the Nizamiye courts enabled the legal and judicial duality that derived from the co-existence of Sharia and Nizamiye courts.¹⁸ Thus, the foundation of the Nizamiye court system can be interpreted as in the vein of ongoing legal and judicial modernization.

This modernization attempt enabled the establishment and construction of the first modern penitentiary of the Ottoman Empire in Istanbul in 1871. *Dersaadet Hapishane-i Umumisi* (Ottoman Istanbul Penitentiary), which was constructed in the center of Istanbul's Sultanahmet square and opened with a gorgeous ceremony attended by Ottoman bureaucrats in 1871. According to Adak, "It seems that the Ottoman government aimed to show off the Empire's genuine intention to modernize prisons to its subjects and to European representatives alike."¹⁹ As Adak emphasized, the Ottoman government demonstrated their aspiration for prison modernization. Furthermore, this prison model fulfilled the suggestions in Canning's report of 1851 which recommended new prison construction in the Ottoman provinces. But the Ottoman

17 See more details: Milen V. Petrov, "Everyday Forms of Compliance: Subaltern Commentaries on Ottoman Reform, 1864-1868." *Comparative Studies in Society and History* 46, no. 4 (2004): 736-737.

18 Avi Rubin, *Ottoman Nizamiye Courts: Law and Modernity* (New York: Palgrave Macmillan, 2005), 28.

19 Ufuk Adak, "The Politics of Punishment, Urbanization, and Izmir Prison in the Late Ottoman Empire" Ph.D Dissertation, University of Cincinnati, USA, 2015, 64.

government would not construct modern penitentiary complexes in rural areas. The first modern prison complex was incumbent on Ottoman Police Institution (*Zaptiye Müşiriyeti*).²⁰ The Dersa'adet Penitentiary included an infirmary, church, mosque, laundry, separate wards for male, female, and juvenile inmates, individual beds, and duvets and pillows for every convict. In doing so, they created a modern prison model with a huge expenditure of approximately one million piasters (*kuruş*) which paid for the construction of the prison and also the salaries of its new employees.²¹ Predictably, the Dersaadet penitentiary did not achieve its innovative aims; in ensuing years it became overcrowded with the rise in the numbers of the criminals, a delayed trial judgment process, and the increased number of crimes the punishment of which was incarceration.²²

In other words, moderns prison building could not reach the aspirations of Ottoman bureaucrat such that the prisoners' miserable conditions and the filthy situation of prison buildings remained throughout the Tanzimat period. The Ottoman government did not achieve its primary target which was to regulate prisons and rehabilitate (*islah-ı nefis*) prisoners imprisonment. Even though the Ottoman bureaucracy nominally created a new prison concept to all the imperial provinces, neither the model penitentiary nor the punishment methods were changed during the Tanzimat era (1839- 1876). Needless to say, the Ottoman government began to become aware of the scarcity of women's prisons and female wards. Fundamental problems of Ottoman prisons were not solved by the Tanzimat's penal codes and regulations as stated above.

20 Gültekin Yıldız, *Mapusâne: Osmanlı Hapishanelerinin Kuruluş Serüveni, 1839-1908*, (İstanbul: Kitabevi, 2011), 272-273.

21 Ibid., 275.

22 Ömer Şen, *Osmanlı'da Mahkûm Olmak, Avrupahlaşma Sürecinde Hapishaneler*, (İstanbul: Kapı Yayıncılık, 2007), 28.

§ 2.2 The Hamidian Era (1876-1908): A Baby Step beyond the Tanzimat

Although the Tanzimat period stimulated the aspiration of reform and regulation of Ottoman prisons, neither penal codes nor international political interventions into the prison crisis failed to dissolve by the Ottoman government. The initial outcomes of reform aspiration were a rise in the awareness of the question of prisons, and recognition of the lack of female prisons. Above all, the Ottoman government acknowledged the reality of women criminals as a proof of the female criminality perception by the Ottoman prisons, as is seen clearly in the rhetoric surrounding reform.

There were abundant regulations and renovations aspiration in the reign of Abdülhamit II whose unsteady politics did not hamper the progress of the improvement of Ottoman prisons. His major contribution to Ottoman law and the legislative apparatus was the establishment of the Ministry of Justice (*Adliye Nezareti*) in 1876.²³ Shortly after the foundation of the Ministry of Justice administration of the Ottoman prison was transferred to it from the Ottoman Police Institution.

In the following years, the development of Ottoman prison reform continued with respect to prison wardens, the eligibility and responsibilities of which were promulgated in the 1876 Prison Wards and Guards Regulation (1876 *Hapishane Gardiyanları Talimatnamesi*).²⁴ Whereas this regulation pointed out the selection criteria, duties, and responsibilities of guards and wardens, there was no specific article about female guards (*kadın guardian/kolcu kadın*).

As Ottoman lawmakers focus on the Judicial and Legal Regulations Report (*Hukuk ve Ceza Usul Kanunları*), prison regulations and renovations were placed on the agenda in 1879.²⁵ The *Usul-ı Muhakemat-ı Cezaiye Kanunları*

23 See more details: Fatmagül Demirel, *Adliye Nezareti'nin Kuruluşu ve Faaliyetleri (1876-1914)*, (İstanbul: Boğaziçi Üniversitesi Yayınları, 2007).

24 Fatmagül Demirel, "Osmanlı Hapishanesi'nin Gardiyanları" *Hukuk ve Adalet Eleştirel Hukuk Dergisi*, Vol. 9 Cilt. 4, 2007, 258-259.

25 Timur Demirbaş, "Hürriyeti Bağlayıcı Cezaların ve Cezaevlerinin Evrimi" in *Hapishane Kitabı* ed. Emine Gürsoy Naskali, Hilal Oytun Altun, (İstanbul: Kitabevi, 2005), 31.

(Judicial and Legal Regulation)- which replicated the 1808 French Judgement Implementation and the 1879 *Usul-ı Muhakemat-ı Cezaiye Kanunları*- was prepared to implement a new judicial method in the Ottoman courts. Its 487 articles dealt with the trial process within the Ottoman Penal Code, and Articles 448 and 458 concerned prisons exclusively.²⁶ There were directions related to the trial process of the accused, the jails inside courts in which accused people for health, prison employees and their duties, and hygiene, ventilation, and heating of prison buildings.

After the declaration of the 1879 regulations, more detailed prison regulations were produced by Abdülhamit II, namely the 1880 Prison Regulation (*Memâlik-i Mahrûsa-i Şâhânedede Bulunan Tevkîfhâne ve Hapishânelerin İdâre-i Dahiliyelerine Dâir Nizâm-nâme*). Its first article noted that “every district (*kaza*), sub-division (*liva*), and provincial center shall possess a prison and a house of detention (jail).”²⁷ The 1880 regulation contained articles designated to puzzle out the dreadful conditions of prison buildings, renovate the prison buildings and a promulgate a new prison model in the Ottoman provinces. Significantly, the classification of criminal behaviors into the accused, a misdemeanors, less serious offenses and felonies overwhelmingly were highlighted.

Moreover, Article 6 of the 1880 Prison Regulation suggested separate wards or wings for women inmates.²⁸ Gendered (male-female) criminality was underlined in this regulation; additionally the perception of prisons as merely for the male convicts changed. In other words, the agency of females who were accused and convicted was recognized, reflecting the shifting concern of prison regulation from male to female criminality.

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- 26 Fatmagül Demirel, “Osmanlı Usul-ı Muhakemat-ı Cezaiye Kanununda Hapishaneler”, *Hukuk ve Adalet Eleştirel Hukuk Dergisi*, Vol. 6-7, 2005, 68-69.
- 27 Kent Schull, *Prisons in the Late Ottoman Empire, Microcosms of Modernity*, (London: Edinburgh University Press, 2014), 48.
- 28 Yasemin Gönen, “Osmanlı İmparatorluğu’nda Hapishaneleri İyileştirme Girişimi, 1917 yılı” in *Hapishane Kitabı* ed. Emine Gürsoy Naskali, Hilal Oytun Altun, (İstanbul: Kitabevi, 2005), 174.

On the other hand, some articles of the 1880 prison regulation ordered that penal labor had to be a major component of incarceration. Inmates must improve their skills and abilities and work in sewing or shoemaking workshops, at specific times of day. The income must be used for prison expenditures and also for their individual needs.²⁹ Here we see, the Hamidian government explicitly pursuing modern patterns to transform Ottoman dungeons into modern prisons with innovations such as penal labor for the rehabilitation of inmates. Penal labor became significant for the first time in the late Ottoman Empire.

Another modern aspect of the 1880 Prison Regulation was that Article 33 which referred to the responsibilities of women guards which were to be the same as those of male guards in Ottoman prisons.³⁰ In addition, the regularization of the other employees of prisons (matrons, wardens, imams, clerks, doctors, nurses, and laundrywomen) and their working schedules was declared.³¹

Abdülhamit's prison reform process went beyond the Tanzimat's prison improvements. In 1881, he ordered a prison census for Istanbul's prisons and jails in order to learn their numbers and ages of prisoners. Shortly after this order, in 1886, in head guard of the Hapishane-i Umumi (Istanbul Penitentiary) and wardens of three jails (Bab-ı Zabtiyye, Beyoglu, and Üsküdar) sent the numbers of their inmates.³² According to Yıldız, this survey proceeded Union and Progress Party government's surveys.³³ Even though, the 1880 Regulation "signifies the Ottoman process of appropriation and adaptation of European prison regulations" and "served as the template for prison reform and

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- 29 Nurgül Bozkurt. "20. yy Başlarında Kütahya Hapishanesinin Genel Durumu", *The Journal of International Social Research*, Volume: 5 Issue: 21, 268.
- 30 Fatmagül Demirel, "Osmanlı Hapishanesi'nin Gardiyanları" *Hukuk ve Adalet Eleştirel Hukuk Dergisi*, Vol. 9 Cilt. 4, 2007, 259-260.
- 31 Mehmet Temel, "XX. Yüzyıl Başlarında Mentеше Sancağı Hapishaneleri", *Selçuk Üniversitesi Türkiyat Araştırmaları Dergisi*, Sayı: 26, Konya 2009, 112.
- 32 Gültekin Yıldız, *Mapusâne: Osmanlı Hapishanelerinin Kuruluş Serüveni, 1839-1908*, (İstanbul: Kitabevi, 2012), 316-317.
- 33 *Ibid.*, 317.

administration throughout the rest of the empire's existence,"³⁴ as Schull emphasized "unfortunately, the administration of the vast majority of Ottoman prisons did not follow the 1880 Prison Regulation."³⁵

As a result, the efforts for prison reform were not carried out due to a lack of interest by administrative figures, anomaly expanded to entire prisons. In the end, they retained their provisional features. On the other hand, the Ottoman Empire was a participant in the St. Petersburg International Prison Congress in 1890. With the participation of the government of Abdülhamid II demonstrated self-reliant political towards other participant states.³⁶ Hamidian reforms, prison templates, regulations and legislative innovations were offered to protect the dignity and evince the modernization of the Ottoman Empire. As an outcome of the Congress, the Hamidian government founded a commission with one each participant each from the Police Institution and the Ministry of Justice.³⁷

Another turning point of the Hamidian era was related to legislative affirmation. Because health problems, disease, and deaths increased in the last decade of the nineteenth century, Abdülhamit II founded the "Commission for Expediting Initiatives and Reforms" (Tesir-i Muameilat-ı Islahat Komisyonu) to inspect prisons in all imperial lands in 1896. The aim of the commission was not only to increase prison inspection but also investigate hospitals.³⁸ The unique internal politics during the reign of the Abdülhamit encouraged the hospitals, medical schools, and prisons to address public health, epidemics, and hygiene issues.

According to Şen, "Abdulhamid II was one of the important figures in the development of health policy and also in the internalization of infrastructures

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- 34 Ufuk Adak, "The Politics of Punishment, Urbanization, and Izmir Prison in the Late Ottoman Empire" Ph.D Dissertation University of Cincinnati, USA, 2015, 67.
- 35 Kent Schull, *Prisons in the Late Ottoman Empire, Microcosms of Modernity*, (London: Edinburgh University Press, 2014), 48.
- 36 Fatmagül Demirel, "1890 Petersburg Hapishaneler Kongresi" *Hukuk ve Adalet Eleştirel Hukuk Dergisi*, Vol. 9 Cilt. 4, 2007, 11.
- 37 *Ibid.*, 14.
- 38 Kent Schull, *Prisons in the Late Ottoman Empire, Microcosms of Modernity*, (London: Edinburgh University Press, 2014), 49.

that the concept brought with them. He opened hospitals and schools and made health one of the major social issues of government policy.”³⁹ Furthermore, he exerted effort for the prevention of spread of diseases.⁴⁰ Unless his unique policy making specifically about public health questions, the effects of the 1896 commissions on prison hygiene and the spread of disease among inmates occurred. Therefore, his contributions ought to be interpreted as a remarkable turning point in the prison reform process. Unfortunately, as 1896 commission reports emphasized unhygienic, filthy prison conditions and the miserable, pathetic situation of Ottoman inmates remained despite whole regulation attempts.

Practical implementations with respect to the amnesty of inmates in the Hamidian period illustrated the variance between discursive politics and practices in Ottoman prisons. Indeed, amnesty was granted for special Muslim holy days such as Ramadan, the Sacrifice Feast, Friday prayers (*Cuma namazı selamlığı*). Declaration of amnesty has been a tradition for the Ottoman sultans specifically in special times. Since the time of Abdülmecit's reign, amnesty became common on religious grounds. Furthermore, there were amnesties on the birthdays of the sultans, upon the enthroning of a new sultan, and also on the occasion of the sultan's successful surgery. For instance, Abdülhamit's amnesty was declared for inmates who had only a short time before their release (*sülûsan affi*), especially on his birthday. Likewise, amnesties were proclaimed for fifty-five prisoners condemned to the Hapishane-i Umumi upon Abdülhamit's enthronement ceremony (*cülus days*) in 1876.⁴¹

39 Hasan Şen, “The Transformation of the Politics of Punishment and the Birth of Prison in the Ottoman Empire (1845-1910)” unpublished MA Thesis, Boğaziçi University Atatürk Institute for Modern Turkish History, 2005, 91.

40 Nuran Yıldırım, *14. yy.'dan Cumhuriyete, Hastalıklar, Hastaneler, Kurumlar*, (İstanbul: Tarih Vakfı Yurt Yayınları, 2014), 70-89, 89-128, 128-211.

41 Gültekin Yıldız, *Mapusâne: Osmanlı Hapishanelerinin Kuruluş Serüveni, 1839-1908*, (İstanbul: Kitabevi, 2012), 306.

Abdülhamit II ambitiously showed his mercy and dignity to reinforce his legitimacy given his paternalistic ruling.⁴² As a demonstration of his paternalistic power which consolidated his legitimacy, Ufuk Adak notes that, “seventy-three prisoners were released from İzmir Prison on the occasion of the birthday of Abdülhamid II in 1898.”⁴³ While Abdülhamit II used them to consolidate the legitimacy of his power; he also used amnesty to diminish prison populations. The Ottoman sultans’ main intent was to reduce the number of prisoners in overpopulated wards susceptible to rapid spread of disease. Therefore, the practice of amnesty was crucial for decreasing prison populations in the Tanzimat and Hamidian periods.

All in all, the abundant efforts could be seen in the Hamidian era. Abdülhamit II’s reforms called for more inspections, prison and public health commissions, renovation and new construction of prison buildings. As emphasized above, the major problem of regularization efforts were makeshift in the Hamidian period. The lack of budget hampered the projects that resolve problems of Ottoman prisons.

Nevertheless, as Kent Schull summarizes, Sultan Abdülhamit II expanded components of civilization, the centralization of administrative power, and prison modernization with the strong relation between him and various administrative and ministerial instruments.⁴⁴ His major reforms touched on public health problems, the spread of epidemics, and the health standards of prisoners. The Hamidian reforms did not focus on the question of women’s prisons, and special implementations were not embarked upon during that period.

42 Selim, Deringil, *Well-Protected Domains: Ideology and the Legitimation of Power in the Late Ottoman Empire 1876-1909*, (New York: I.B Tauris, 1998), 16.

43 Ufuk, Adak, “The Politics of Punishment, Urbanization, and Izmir Prison in the Late Ottoman Empire” Ph.D Dissertation, University of Cincinnati, USA, 2015, 197.

44 Kent Schull, *Prisons in the Late Ottoman Empire, Microcosms of Modernity*, (London: Edinburgh University Press, 2014), 49.

§ 2.3 The Second Constitutional Period (1908-1920): Special Provisions for Women Enter the Picture

The last section of this chapter evaluates the Committee of Union and Progress (CUP) government's prison reforms and modernization mentality in light of their ideological point of view. After dethroning the Hamidian regime and promulgating the Second Constitutional Period in 1908, the CUP government focused on the issue of prison modernization as a project of their social reconstruction and engineering programs.⁴⁵ As Demirkol stated, prison modernization movement was accelerated and was institutionalized during the CUP period.⁴⁶ Although economic and political crises, upheaval, and negative outcomes characterized the Second Constitutional period, the CUP government intended to transform and modernize Ottoman prisons with penal codifications. Hence the following pages are a critical, ideological, and analytical evaluation of the CUP government's pursuit of prison modernization. When the CUP government committed to transforming underdeveloped prisons into modern prison buildings, their first plan was the exploitation of penal institutions to implement social engineering.⁴⁷ Hence, their reforms, institutions, regulations, and surveys were planned to increase their inspection, authority over, and penetration into Ottoman society.

The first step of the constitutional prison modernization effort was a revision to the 1858 Penal Code, namely the 1911 Imperial Penal Code. The CUP government believed that the key element of prison reform was a revision to the 1858 Penal Codification. Various crimes and detailed punishment methods corresponding to them were defined, and confinement became the primary

45 Hatice Akın, "Osmanlı Devleti'nde Hapishane Islahatına Dair 1893 Tarihli Bir Nizamname Önerisi", *History Studies Volume 3/3*, 201, 26-27.

46 Kurtuluş Demirkol, "II. Meşrutiyet Döneminde İzmit Hapishanesi." in *Uluslararası Gazi Akçakoca ve Kocaeli Tarihi Sempozyumu Bildirileri*, edited by Haluk Selvi and Bilal Çelik, Kocaeli: Kocaeli Büyükşehir Belediyesi Kültür ve Sosyal İşler Daire Başkanlığı Yayınevi, 2015,989.

47 Kent Schull, *Prisons in the Late Ottoman Empire, Microcosms of Modernity*, (London: Edinburgh University Press, 2014), 51.

punishment method. Above all, incarceration was accepted as the fundamental punishment method in the 1911 Penal Code.⁴⁸

Meanwhile, the first Prison Administration (*Hapishaneler İdaresi*) was founded in 1911. It was affiliated with the Ottoman Ministry of the Interior.⁴⁹ It is possible to say that institutionalization and centralization were consolidated. This institutional development encouraged the monopolization of prison management in order to intervene in the various prison systems such as the house of detentions, prisons,⁵⁰ and also leased detention houses for the women inmates. Furthermore, as Adak stated, the CUP's ambitious efforts were penal codes and institutional developments that reinforced the state's power, sovereignty, and social control over public order.⁵¹ Moreover, the Ottoman parliament continued participating in the International Prison Congress just as in the Hamidian period. They continued to attend these congresses to demonstrate their ambitious consideration of the prison question.⁵²

On the other hand, the CUP government understood the power of financial efficiency which they applied to the renovation and construction of prison buildings and to practical implementation of the penal codes and regulation reports. Therefore, just as in the Hamidian period, they pursued logical, practical ways to finance the construction of prison buildings. A remarkable point was that penal labor was used as a rehabilitation method and as a financial aid to renovate dilapidated prison buildings. Indeed, penal labor and the education of inmates were extended as components of incarceration in the prison

48 Ibid., 52.

49 Kurtuluş Demirkol, "II. Meşrutiyet Döneminde İzmit Hapishanesi." in *Uluslararası Gazi Akçakoca ve Kocaeli Tarihi Sempozyumu Bildirileri*, edited by Haluk Selvi and Bilal Çelik, Kocaeli: Kocaeli Büyükşehir Belediyesi Kültür ve Sosyal İşler Daire Başkanlığı Yayınevi, 2015, 989.

50 Kent Schull, *Prisons in the Late Ottoman Empire, Microcosms of Modernity*, (London: Edinburgh University Press, 2014), 52.

51 Ufuk Adak, "The Politics of Punishment, Urbanization, and Izmir Prison in the Late Ottoman Empire" PhD Dissertation, University of Cincinnati, USA, 2015, 74.

52 Ibid., 68.

program of the Ottoman Empire.⁵³ In the implementation of this penal labor, women inmates as well as male prisoners were present. As deliberated in chapter four, penal labor for female inmates was frequently implemented as a punishment method in prison complexes in core imperial cities such as Edirne, Istanbul, Ankara, Damascus, Beirut, and Baghdad during the CUP government period.⁵⁴ For example, women inmates began to produce undershirts and socks in Edirne prison workshops.⁵⁵

On the other hand, when Prison Administration undertook the modernization of prisons in 1912, they carried out the CUP's plan for the construction of a nation-state with social engineering apparatuses such as prison surveys. As stated in the previous section, the first prison survey was conducted in 1886 by the Police Institution to diminish the number of prisoners in Istanbul's jails and prisons. However, the aim of the CUP government was different from that of Abdülhamid; they tried to ascertain the crimes, ages, sexes, religions, ethno-nationalist identities, occupations, marital statuses, children, literacy and educational background, dates of imprisonment, and sentences of Ottoman prisoners. Moreover, the surveys contained information that concerned deaths, sickness, epidemics, and injuries in hospitals and clinics in provincial prisons. Additionally, the CUP government requested details about the budgets, expenditures, repair costs, employee salaries, and medical expenditures of prison complexes.⁵⁶ Obviously, influenced by positivist ideology, the CUP government was overwhelmingly concerned with surveys as scientific instruments. Finally, the first prison survey was conducted in 1911-12 by the Prison Administration.

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- 53 Kent Schull, *Prisons in the Late Ottoman Empire, Microcosms of Modernity*, (London: Edinburgh University Press, 2014), 52-53.
- 54 Ufuk Adak, "The Politics of Punishment, Urbanization, and Izmir Prison in the Late Ottoman Empire" Ph.D Dissertation University of Cincinnati, USA, 2015, 173.
- 55 Ömer Şen, *Osmanlı'da Mahkûm Olmak (Avrupalılaşıma Sürecinde Hapishaneler)*, (İstanbul: Kapı Yayıncılık, 2007), 60-61.
- 56 Kent Schull, "Tutuklu Sayımı: Jön Türklerin Sistemik Bir Şekilde Hapishane İstatistikleri Toplama Çalışmaları ve Bunların 1911-18 Hapishane Reformu Üzerine Etkileri" in *Osmanlı'da Asayiş, Suç ve Ceza 18.- 20. Yüzyıllar* ed. Noemy Levy, Alexandre Toumarkine (İstanbul: Tarih Vakfı Yurt Yayınları, 2007), 212-213.

A detailed study of prison surveys is found in chapter five. The CUP government's surveys offer Ottoman historians a broader picture of Ottoman prisoners including detailed information about the inmates and, for the purpose of this thesis, clues with respect to gendered criminality and the specific features that characterized women convicts. These surveys were repeated five times in between 1911 and 1920. Meanwhile, 1912 survey included more detailed information.⁵⁷ These detailed questionnaires and inquiries provide the total number of prisoners⁵⁸ along with other details.

On the other hand, the CUP government tried to go beyond prison regulations and reports such as the 1880 Prison Regulation. They intended to achieve the standardization of prison buildings and the renovation and reconstruction of prisons in the provincial and administrative districts in the empire.⁵⁹ Indeed, there was no change to the 1858 Penal Code until 1911. As Schull stated, the Ottoman Parliament repealed and reissued the penal codifications in its most expansive form with 264 articles that dealt with criminal legal procedures, crimes, liabilities, and of course punishments. The 1911 Penal Codes was divided into four sections which dealt with crimes against Ottoman state, crimes against individuals, expanded forms of minor offenses (*kabahat*), and a section that explained punishments for serious crimes (*cinayet*) and lesser offenses (*kabahat and cünha*).⁶⁰ Surprisingly, the 1911 Penal codes expanded the crimes against individual honor- such as fornication, slander, and perjury- of 1858 Penal Code. Indeed, it was not frequently applied; in the Islamic version, the punishment for adultery was death penalty by stoning which was especially harsh especially for women whose punishment was more cruel than for male subjects. Therefore, the CUP government notably regarded women

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- 57 Kent Schull, *Prisons in the Late Ottoman Empire, Microcosms of Modernity*, (London: Edinburgh University Press, 2014), 73.
- 58 Kent, Schull, "Tutuklu Sayımı: Jön Türklerin Sistemik Bir Şekilde Hapishane İstatistikleri Toplama Çalışmaları ve Bunların 1911-18 Hapishane Reformu Üzerine Etkileri" in *Osmanlı'da Asayiş, Suç ve Ceza 18.- 20. Yüzyıllar* ed. Noemy Levy, Alexandre Toumarkine (İstanbul: Tarih Vakfı Yurt Yayınları, 2007), 231.
- 59 Kent, Schull, *Prisons in the Late Ottoman Empire, Microcosms of Modernity*, (London: Edinburgh University Press, 2014), 51.
- 60 *Ibid.*, 28-29.

as equal in law and established equal incarceration times for both male and female inmates guilty of adultery or fornication. But male prisoners also had to pay fine in addition to their imprisonment.⁶¹ All in all, though the agency of the women inmates, equality with male counterparts and their vulnerability were recognized by the CUP government, which is a development in gendered criminality in the 1911 Penal Code.

Another development of gendered criminality was that kidnapping that was regarded as a crime against honor. Kidnapping not only concerned children but also adults of both sexes who could be undergone victims of kidnapping. Therefore, adult victims who were female or male became equal, but this article considered female victims rather than males.⁶²

The CUP government's practical implementations of surveys and renovations were ambitious. Nevertheless, the 1909 countercoup set the modernization efforts of CUP government aside; only in 1913 were the implementation of prison regulations started. For the first time, the Ottoman government ventured to puzzle out the vital questions of Ottoman prisons and prisoners: Dilapidated prison buildings, their filthy conditions, and the pathetic, miserable situation of inmates. For example, the CUP government established the Osmanlı Hapishaneleri Heyet-i Fenniyesi (Science Commission for the Ottoman Prisons) which employed foreign and Ottoman prison experts, architects, engineers and construction foremen for the renovation of prison buildings.⁶³ Thus, the steps towards modernization taken by the CUP were notable in terms of the bridging the discrepancies between the rhetorical and discursive aspects of regulations reports and practice. Indeed, their process of reform was respectable even in the face of the upheavals of the 1909 countercoup and the 1912 Balkan wars.

According to Kent Schull, as the Balkan wars continued in the Ottoman Empire, Prison Administration (Hapishaneler İdaresi) was renamed the Directorate of Prisons (Mebani-i Emiriyye Hapishaneler Müdüriyeti) replaced

61 Ibid., 31.

62 Ibid., 31.

63 Ayşe Özdemir Kızıllan, "Osmanlı'da Kadın Hapishaneleri ve Kadın Mahkûmlar (1839-1922)" Ph.D Dissertation, Süleyman Demirel Üniversitesi, Sosyal Bilimler Enstitüsü, 2011, 81.

the name of at the end of 1912. Monopolization and centralization of prison inspection was thus achieved; inspection, repair, renovation, construction, and administration were unified in the responsibilities of the new directorate.⁶⁴ Then, after its political consolidation, the CUP government began to plan and undertake projects to transform Ottoman prisons.

Shortly after centralization and standardization goals for prison reform were fulfilled, international encouragement came from Germany owing to close political relations between the Ottomans and Germany stemming from the ideological and political sympathies of the Committee of Union and Progress.⁶⁵ Adak stated, “In 1916, with financial support and loans from Germany, the Ottoman government appointed German Dr. Paul Pollitz as prison head inspector (Osmanlı Hapishaneler ve Tevkifhaneler Müfettiş-i Umûmîsi).”⁶⁶ Pollitz had been an important prison director in the Düsseldorf and Derendorf prisons.⁶⁷ He prepared comparative prison reports vis à vis German prisons and detailed prison inspection reports of Ottoman provincial prisons such as those in Izmir, Aydın, Muğla, and Istanbul. Naturally, his reports noted that the filthy conditions of prison buildings and the miserable situation of the inmates persisted. Moreover, he compared and contrasted German and Ottoman prison conditions with the 1918 prison report that had dramatically depicted pathetic Ottoman prisons.⁶⁸

Above all, he shared many suggestions for women’s hired prison houses and penitentiaries. For example, he suggested that both female and male in-

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- 64 Kent, Schull, *Prisons in the Late Ottoman Empire, Microcosms of Modernity*, (London: Edinburgh University Press, 2014), 55.
- 65 Saadet Tekin, “Dr. Polliç Bey’in 1918 Tarihli Raporuna Göre Berlin ve Aydın Vilayeti Hapishanelerine Genel Bir Bakış”, *OTAM* 24 (2010), 208.
- 66 Ufuk Adak, “The Politics of Punishment, Urbanization, and Izmir Prison in the Late Ottoman Empire” Ph.D Dissertation University of Cincinnati, USA, 2015, 75-76.
- 67 Yasemin Gönen, “Osmanlı İmparatorluğu’nda Hapishaneleri İyileştirme Girişimi, 1917 yılı” in *Hapishane Kitabı* edt. Emine Gürsoy Naskali, Hilal Oytun Altun, (Istanbul: Kitabevi, 2005), 176-177.
- 68 Saadet Tekin, “Dr. Polliç Bey’in 1918 Tarihli Raporuna Göre Berlin ve Aydın Vilayeti Hapishanelerine Genel Bir Bakış” *OTAM* 24 (2010), 208.

mates be rehabilitated with penal labor. The former could work as laundry-women or seamstresses.⁶⁹ In doing so, the income from production in the penal labor workshops could promote both the fundamental needs of the prisons and new prison complex projects.⁷⁰

Nevertheless, Ottoman bureaucrats did not discern the ongoing seriousness of the prison issue. Yet the unique concern and effort of the CUP with respect to prison modernization can not be disregarded. In this regard, one phase of prison modernization was that the CUP government carried out annual prison surveys that involved detailed information about inmates incarcerated in provincial prisons from 1911 to 1920.⁷¹ As Schull stated, these questionnaires were to be sent to all Ottoman houses of detention in order to get precise information about the number of inmates, age, gender, marital and familial status, ethnoreligious and national identity, literacy, recidivism, and occupation, crime committed, date of incarceration were.⁷² Furthermore, the questionnaires intend to concern not only with deaths, illness, epidemics, injuries, hospitals, infirmaries or clinics which were in prisons, and types of diseases but also prison budgets, expenditures, employee salaries, repair and construction costs, and medical expenses.

These surveys proved the CUP government's ambitious aspirations for reform. It embarked on analyzing the detailed questions in the surveys to understand and illuminate the essential situation of Ottoman prisons. In other words, the CUP government intend to know well even Ottoman inmates and problems of Ottoman prisons.

I focus on statistical data that concerned female prisoners, the crimes they committed, their familial and marital statuses, and their literacy. These are examined in chapter four.⁷³

69 Ibid., 213.

70 Ibid., 215.

71 Kent Schull, *Prisons in the Late Ottoman Empire, Microcosms of Modernity*, (London: Edinburgh University Press, 2014), 71.

72 Ibid., 71.

73 For details, see Chapter 4.

Consequently, Ottoman prison reformation attempts could not delete that the differences between discursive reform diligences and its practical applications for female and male prisons. Albeit Committee of Union and Progress's prison reform program were more ambitious, its uneven implementations remained. Next chapter, I shall discuss women prisons and prisoners question with the light of the archival sources which based on cases about spatial problems, guardian question, and effects of fiscal crisis over the female prisons. Moreover, I also deliberate special implementations and treatment of the Ottoman prison managements for the female prisoners and prisons which expose to coercion, abuses, neglect, and so forth in chapter three.

Case Studies: From Invisibility to Expendability: Inmates and Prisons

After the theoretical framework, literature review, and historical background chapters of this thesis, I examine the essential points of my study. In this spirit, I illustrate numerous cases from the Prime Ministry Ottoman Archive (BOA) catalogues- the Dahiliye Nezareti Emniyet-i Umumiye Müdüriyeti (*DH.EU.MTK*), Dahiliye Nezareti Mektubi Kalemî (*DH.MKT*) Meban-i Emiriyye ve Hapishaneler Müdüriyeti Belgeleri Müteferrik (*DH.MB.HPS.M.*), Meban-i Emiriyye ve Hapishaneler Müdüriyeti Belgeleri Dahiliye Nezareti (*DH.MB.HPS*), Tesri-i Muamelat ve Islahat Komisyonu (*DH.TMIK*), and Zabtiye Kalemî (ZB)- to discuss and analyze the question of women's prison and women inmates in the Ottoman Empire.¹ I have chosen a total of twenty-six archival documents and special cases to reveal the unique situation of Ottoman women's prisons and female inmates shedding light on their pathetic, excluded, discreet, intimidated, and expendable situations with descriptive and analytical discussions that fill a gap in the literature of Ottoman women's studies and the history of Ottoman criminality. Middle Eastern

1 The most significant archival catalogue used for this study was Mebani-i Emiriyye Hapishaneler İdaresi (1911-1920) (Prison Administration catalogues). It has included many arguments, correspondence, and specific cases directly concerned with the issue of women's prisons and women prisoners.

historians have articulated that Ottoman women must be characterized as visible, embodied, and active agents in contrast to the classical of evaluation of women as passive, docile, exploited, and expendable figures limited to their closed, private spaces.²

As stated above, spatialized concepts and environmental divisions have begun to be investigated by historians who concerned with the history of Middle Eastern gender and women. Kate Fleet and Ebru Boyar stated that these works have concentrated on the spatial dimensions of Ottoman women's history, and they ascertained and made ordinary women visible in their neighborhoods, in marketplaces as consumers, on transportation as passengers, in political arenas as active participants, and in workshops as workers.³ This is explicitly shifting the position of women from domestic areas to the public sphere. As stated above, this point of view articulated that Ottoman women began to be displaced from domestic, excluded, and expendable positions captured inside their houses as wives, brides, mothers, and nursing mothers. Above all, these women were identified as vulnerable and fragile characters in Ottoman society. However, this thesis concentrates on women as offenders instead of characterizing them as accused and convicted victims in Ottoman prisons. In so doing, I attribute agency to women criminals and criminalities instead of highlighting their vulnerable, excluded, and invisible positions. Therefore, I address convicted women's prison lives, their gender roles, their gender-specific problems as doers, ad hoc prison houses such the houses of imams, and the state-centric approach of the Ottoman government towards criminality among women in the light of archival documents from the Ottoman archive. In sum, I create a new discourse going beyond the classical characterization of women's agency through a discourse of women criminality and being a female inmate inside of Ottoman prisons. However, as frequently highlighted, women inmates were subjugated under the male based prison system, ignorance of their criminal agency and their ongoing excluded position in the hidden story of women. Fleet and Boyar noted that public visibility of Ottoman women increased in the nineteenth century, especially as plaintiffs

2 Ebru Boyar and Kate Fleet, "Ottoman Women in Public Space: An Introduction" in *Ottoman Women in Public Space*, edited by Ebru Boyar, Kate Fleet, (Leiden: Brill, 2016), 1-2.

3 *Ibid.*, 1-17.

in Ottoman courts securing their property rights. Despite this shift, their hidden characters were retained in the prison system. In other words, although I build up their agency as active doers, even in the Ottoman prison system- ostensibly accepted women criminality and the presence of female inmates in modernized prison regulations, the archival cases demonstrate that women inmates were maintained as hidden figures in the Ottoman prison system. The focus of this chapter is the special practices applied to women inmates. Even though they shared the same woeful conditions as male inmates, female prisoners were inevitably subjected to rape, abuse, coercion, and discrimination in the Ottoman prison system solely because of their femininity. In this regard, this chapter emphasizes that female convicts were subjugated and completely expendable in the Ottoman modernization mentalities (in the case of prison reform) of the Hamidian and Constitutional Eras.

§ 3.1 Ad Hoc: Incarceration as a Spatial Issue

Here I construct the spatial problems of the women's prison system with cases from the Ottoman archive. Furthermore, descriptive examples demonstrate the underdeveloped prisons system and its inevitable outcomes for women prisoners. The fact that Ottoman government struggled the fiscal question that hampered to construct new prison buildings. Hence, this hindered the construction of proper women's prisons or proper wards inside prisons for males (*zükür hapishanesi*) in the Ottoman provinces. Hence, the Ottoman government piously leased these provisional houses (*isticar usulü*) for use as women's prison houses to incarcerated them in the Ottoman provinces. Thereby, the Ottoman government avoided the expenses of women's construction projects.⁴

This unique, ad hoc solution mainly involved the houses of *imams* and *muhtars* of the Ottoman prison system was called namely *imams'* or *muhtars'*

4 Gültekin Yıldız, *Mapusâne: Osmanlı Hapishanelerinin Kuruluş Serüveni* (1839-1908), (Istanbul: Kitabevi, 2012), 203-205-211.

(local chief) houses. Undoubtedly, imams' houses engendered a vast of problems for the security, detention, isolation, and rehabilitation of women inmates whose situations were illustrated by specific cases.

Imams' and muhtars' houses were the most common buildings used to imprison women inmates in the imperial provinces. These prison houses were abandoned or dilapidated estates rented from local imams or muhtars in Ottoman *kazas* (districts) and *kariyes* (sub-districts). For example, there was correspondence between the Ottoman Prison Administration (Mebani-i Emiriyye Hapishaneler İdaresi) and the local governor of the Brana district in the province of *Kosova*. In addition to the men's prison in Brana, the estate of an imam from Brana, Hafız Nail Efendi, was leased as a women's prison. Therefore, local officials demanded two silver coins (*iki added sim mecrediye*).⁵ As part of the provisional standards regarding the women's prison in the house of Hafız Nail Efendi, as underlined that Hafız Nail Efendi also concerned with security, detention and daily needs of the female inmates.⁶ Although the archival documents do not detailed the increasing process, living standards, or daily routines at the Brana imam's house, it is not difficult to determine that the tradition of using imams' houses was widespread in the Ottoman Empire. For instance, the leasing of imams' houses was carried out in Istanbul in 1852, and it is known that in the Aga Kapısı and Tavhane districts, imams' houses were leased in the second half of the nineteenth century.⁷ As such, imams' houses were unofficial, unordered, and non-institutional women's prisons, although they were as unique spatial place for women inmates.

While imams and muhtars represented most common landowners and guards of Ottoman womens' prisons, gender roles caused vast numbers of

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- 5 BOA. DH. MB. HPS. M. 6/46 3 Eylül 1912: “....., fi 1 Mart sene 1328 tarihinden itibaren ittihaz edilen kasaba-i mezbur Çarşı mahallesi imamı Hafız Nail Efendi'nin hanesi icarı şehri iki aded sim mecrediye fiyatla mezkur hanenin habshane ittihazı.....”
- 6 BOA. DH. MB. HPS. M. 6/46 3 Eylül 1912: “....., Brana Nisa Hapishanesine, fi 1 Mart sene 1328 tarihinden itibaren ittihaz edilen kasaba-i mezbur Çarşı mahallesi imamı Hafız Nail Efendi'nin hanesi icarı.....”
- 7 Ali Karaca, “19. yy'da Fahişe Hatunlara Uygulanan Cezalar: Hapis ve Sürgün”, in *Hapishane Kitabı* ed. Emine Gürsoy Naskali, Hilal Oytun Altun, (Istanbul: Kitabevi, 2005), 154.

problems for women inmates, particularly inside of proper women prisons. On the other hand, Ottoman society did not urgently require that the landowners and guards in charge of female inmates' detention be women. Ottoman local governors alone assigned the landowner, who needed to be reliable, trustworthy, ascendent people. In so doing, the landowners could strengthen their perceptions by social environment in their milieu. Thus, imams, muftars, and local officials were preferred as womens' prison guards because of their reputable positions in Ottoman society. To sum up, gender was not a criterion for being a womens' prison guard.

However, as Ayşe Özdemir emphasized, women prisoners began to stay at the house of female guards (*kolcu kadın*),⁸ citing an example from Tavhane in Istanbul.⁹ Female and male prison guards were frequently appointed in the Ottoman prison system. According to Adak, "Female prisoners were kept in houses, mostly at imams', priests', and rabbis', rented by the Ottoman government, and female guards were appointed to those houses."¹⁰ As Adak notes above, there was no order, institutional regulation, despite regulations and renewed attempts at the modernization of Ottoman prisons. As pointed out above, the gender of landowners and guards were not more important than their social status. They could be an imam, local chief, or local notable, whether male or female. Imams' houses became a colloquial name for womens' prisons. As an example from Ottoman archival sources, in the Fethiye district (kazası), province (sanjak) of Menteşe, the owner of the imam's house, Havva Hanım, and her husband sent a petition to the local governor to secure a guard's fee alongside the rent of their houses. But as might be expected, Ottoman government rejected Havva Hanım's demand: "... due to lack of funding for prison expenditures, we can not assign a guardian salary for Havva Hanım."¹¹ Havva Hanım had responsibilities as a prison owner and prison guard (*kolcu kadın*) and therefore demanded an individual salary for

8 Kolcu: Bir şeyi korumak için bekleyen veya kol gezen görevli, muhafız. (Tdk, Güncel Sözlük)

9 Ayşe Özdemir Kızıllan, *Osmanlı'da Kadın Hapishaneleri ve Kadın Mahkumlar (1839-1922)*, Ph.D Dissertation, Süleyman Demirel Üniversitesi Sosyal Bilimler Enstitüsü, 2011, 77.

10 Ufuk Adak, "The Politics of Punishment, Urbanization, and Izmir Prison in the Late Ottoman Empire" Ph.D Dissertation, University of Cincinnati, USA, 2015, 159.

11 BOA. DH. MB. HPS 90/66: 2 August 1914

her services. But, while the Prison Administration paid rents for prison houses, they avoided paying any salary or fee using the fiscal crisis as an excuse. In this spirit, I focus on the fact that women inmates were incarcerated inside ad hoc, leased prison houses without detention, surveillance, rehabilitation, and isolation.

As an example, Zafer Atar notes that one Ayşe Kadın's house was let by the local government of the Turgutlu district of the Manisa sanjak as a women's prison. Although 60 piasters (*kuruş*) in rent was to be paid to the owner of the house, the Ottoman government sent her only 42.5 piasters. Correspondence between the local government and the Prison Administration claimed that she had sent a letter of complaint demanding a regular guard's salary regularly. Ayşe Kadın finally secured 90 piasters as a guard's salary in 1918.¹² Meanwhile, not only Atar's case but also other archival documents do not help to know renting process of prison buildings, periodization of payment of salaries, and conditions of being landlords of the Ottoman women prisons.

On one hand, the low number of women inmates resulted in the Ottoman government's lack of concern for building proper prison buildings for female inmates in the Ottoman provinces until 1912 (Ottoman Prison Regulation 1911).¹³ In addition to the low number of female inmates, fiscal problems of the Ottoman government also hindered the construction of discrete prison facilities to replace imams' houses. Astonishingly, the first known proper women's prison be constructed was the Yozgat Female Prison (Nisa Habishanesi) in 1859. Local governors of the Yozgat district center had hastened to construct a proper house of detention for female inmates whose sentences were more than

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- 12 Zafer Atar. "20. Yüzyıl Başlarında Turgutlu Hapishanesinin Genel Durumu" SosyalBilimler Dergisi Cilt:9, Sayı: 1 Mart 2011, 92.
- 13 Nurgül Bozkurt, "20. yy. Başlarında Kütahya Hapishanesinin Genel Durumu", The Journal of International Social Research, Volume: 5 Issue: 21, 264.

a year (specifically five or seven years).¹⁴ Imams' houses were a temporary solution for the long-term imprisonment of some convicted females in Yozgat. For this reason, a proper female prison became a crucial necessity for Yozgat.¹⁵

Here we can clearly see, that rehabilitation, isolation, inspection, detention, and surveillance were not considerations in imams' houses. Non-institutional and informal imprisonment rules and implementations led to mass escapes from prison houses. As an example from the Ottoman archive, women inmates succeeded in escaping the imam's house in Hamidiye (Milas) district, so the local government appealed to the Ottoman government in 1902 to prevent these sorts of escapes.¹⁶ Archival sources suggest that the imams' houses were leased hastily and that their punitive methods consisted solely of imprisonment of inmates by reliable local people.

As emphasized in previous chapters, my fundamental aim is to investigate the daily lives of female prisoners inside imams' houses. However, the scant and limited clues in the archives do not include strong descriptions of living standards; thus, I focus on the trajectories of proper women's prisons and imams' houses in the Ottoman prison system. Nevertheless, the Ottoman archive shows that imams' houses were spaces that hosted female criminals as houses of incarceration without institutional practices like detention and inspection. Therefore, from the time of the 1839 Tanzimat prison reforms to the prison regulations promulgated at the beginning of the twentieth century, imams' houses persisted with the widespread problems that the conditions of these prison houses were woeful, characterized by narrow and overcrowded rooms, and unhygienic, filthy physical conditions. Many prison buildings were dilapidated barns, for coops. Hence, women prisoners coped with miserable conditions in the imams' houses in the Ottoman provinces.

Regardless of gender, humanity, and fundamental needs, imams' houses carried out the function of isolating prisoners from society and incarcerating them inside of closed houses contrary to prison reform packages issued between 1840 and 1918. The peculiarities of female inmates' incarceration in

14 Gültekin Yıldız, *Mapusâne: Osmanlı Hapishanelerinin Kuruluş Serüveni* (1839-1908), (Istanbul: Kitabevi, 2012), 359.

15 Ibid., 359.

16 BOA. DH. MKT. 509/24: 22 May 1902

imams' houses was observable not only in the Ottoman Empire but also in Egyptian society. It derived from the domestic origins of women whose presence concerned being inside of the house. Or, as it discussed above, women were oversimplified being and barely visible in their communities as wives, brides, or mothers. According to Anthony Gorman, "Their emergence marks the beginning of a new development even if the continued use of the word 'dar' (house) makes clear the domestic lineage of the institution."¹⁷ As he points out, the domesticity, inconspicuousness, and expendability of women persisted inside of prisons in the Middle Eastern society.

In this context, as the first chapter examines Foucault's (rehabilitation, isolation, detention, control, and discipline) approaches and his ideal perspectives¹⁸ -which were based on the transformation of punishment methods and the birth of modern prisons in the nineteenth century can be adjusted neither for male centric Ottoman prison reform nor for female prisons in the late Ottoman Empire.

All in all, cases from the Ottoman archive explicitly point out that women inmates were not incarcerated with the intention of their rehabilitation, detention, control, inspection, or surveillance, which are the essential purposes of the modern prison concept. As claimed above, the consideration of women prisoners' expendable statuses was enough to demonstrate their distinct, excluded positions in the Ottoman prison mentality. Also, women's hidden and neglected status was characterized as "the other forgotten ones: Female prisoners" in Ufuk Adak's thesis.¹⁹ Reinforcing Adak's definition of women criminals as domestic objects, the presence of women cannot be detached from its

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- 17 Anthony Gorman, "In Her Aunt's House: Women in Prison in the Middle East", IAAS Newsletter, Vol 39, 2005, 7.
- 18 Kent Schull, *Prisons in the Late Ottoman Empire, Microcosms of Modernity*, (London: Edinburgh University Press, 2014), 10.
- 19 Ufuk Adak, "The Politics of Punishment, Urbanization, and Izmir Prison in the Late Ottoman Empire" Ph.D Dissertation, University of Cincinnati, USA, 2015, 159

traditional and social roots, and they show up as passive, Orientalist characters²⁰. Even though their criminal behaviors contributed their dignity as a criminal figure in Ottoman prisons.

§ 3.2 Conditions of the Women Prison Buildings and Chronically Delayed Prison Construction

As deliberated above, renting imams' houses as women's prisons was way to avoid avoid the expenditure of constructing new prison buildings. In so doing, the Ottoman government aspired to reduce prison construction expenditures by leasing prison houses. However, as previously examined, women's prison houses hindered the practical implementation of the Ottoman government's modern prison concept, explaining the obvious differences between the rhetoric of prison policy making and its practical reflections, particularly with respect to female prisons. In this spirit, the Ottoman government asserted that the fiscal crisis was the actor preventing the development of the Ottoman prison system, new prison construction, and the appointment of prison employees for the detention complexes.

For instance, on 6 April 1887, regarding a women's prison house in Kalonya (on the island of Lesbos), local officials posted a petition for back rents and unpaid guard and inspection fees from the Istanbul government. In return, the imperial Ministry of the Interior complained that the rent for the female house of detention of the island was high, suggesting a negotiation to decrease the rent. Moreover, the rents of the women's prison houses of the Süleymaniye Sanjak and the Mudurnu district of the the Bolu Sanjak also could not be paid, and prison house owners gave up hosting and supervising these female convicts.²¹ These examples reinforce the argument that the fiscal crisis affected the longevity and durability of the system of leased prison

20 Marc Baer, "Islamic Conversion Narratives of Women: Social Change and Gendered Religious Hierarchy in Early Modern Istanbul" *Gender and History* 16/2, 2004, 426.

21 BOA. DH. MB. HPS 41/20: 6 July 1912: Süleymaniye nisa Hapishanesi kira bedelinin gönderilmemesinden dolayı, liva-yı mezkûr hapishanesinde bir odanın nisaya tahsisi. BOA. DH. MB. HPS 44/53: 20 April 1915: Tahsisat olmadığı için, Mudurnu'da nisa hapishanesi olarak kiralanacak mahal için icar bedeli göndermeye imkân olmadığı.

houses. On one hand, the Ottoman government discerned the essential need to establish institutional and spatial women's prisons in order to solve the issue of women's prisons questions, but its economic problems were ongoing. Unfortunately archival documents substantiate common fiscal problems such as delayed payment of rents, accumulation of debt. Although, Article 6 of the 1880 Prison Regulations (1880 Hapishane Nizamnamesi) proposed that proper prison buildings and separate wards founded for male and female prisoners throughout the imperial provinces, neither were proper prisons constructed for female inmates were built nor were the rents of houses were paid on time. Moreover, the same article of the regulation suggested that a minimum female inmates have separate wards to prevent contact with male inmates preclude abuse and criminal behaviors inside of the male prisons.

As a solution to the fiscal crisis and the effects of the 1880 Prison Regulations, the Ottoman government began to construct separate women's wards inside existing male prisons (*ziikur hapishanesi*) as a response to the demand for proper female prisons in imperial provinces. Thus, the Ottoman government intended to resolve the question of men's of female prison houses'.²² Archival sources indicate that three women inmates who had committed larceny were condemned to a year of incarcerated in a prison in the Aclun district of the Havran sanjak of the vilayet of Syria. Provincial rulers therefore requested permission from the imperial Ministry of Justice (*Adliye ve Mezahip Nezareti Umur-ı Cezaiyye Müdüriyeti*) in 1911 to build a discrete women's ward as an addition inside of the male prison.²³ As the correspondence shows, there was no female prison or prison house in Aclun, but the convicted females need to be incarcerated immediately. Consequently, the ministry decided to send funds to build a separate ward for the three convicts.

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- 22 Ali Karaca, "XIX. Yüzyılda Osmanlı Devleti'nde FahıŖe Hatunlara Uygulanan Cezalar: Hapis ve Sürgün", in *Hapishane Kitabı*, edited by Emine Gürsoy Naskali- Hilal Oytun Altun, (Istanbul: Kitabevi, 2005), 157.
- 23 BOA. DH. MB. HPS 1/26: 12 September 1911: "Aclun kazasında bir sirkat maddesinden dolayı bir sene müddetle hapis cezasına mahkum üç kadının ikmal-i müddet-i mahkumiyet ettirilmesi için mahallinde bir yer tedarik olunamadığı ve merkez liva ile mülhakatının hiç birisinde nisa hapishanesi mevcut olmadığı cihetle müşkilat çekilmekte olduğu Havran sancağı...."

Furthermore, the Ottoman government considered the numbers of women prisoners when deciding whether to rent imams' houses or build separate women wards. As elaborated in next chapter, with reference to Schull's data: "In 1917, women represented less than 6 percent of the total prison population, at a figure of 1.249 out of 21.666 prisoners. This percentage increased more than two percent since 1915, when women made up 3.4 percent of the prison population (976 out of 28.773 inmates)."²⁴ Indeed, the prison surveys and censuses were not derived from reliable sources which contains 31 questionnaires that were sent to central prisons to sanjaks and vilayets. However, there is a snapshot to know well the number of Ottoman inmates. In that spirit, delinquency among women rose in the second decade of the twentieth century, accelerating the demand for proper women's prison or leasing houses to hold female convicts. For example, in the Eceabad district of the Gelibolu Sanjak, Ottoman officials were required to lease a female prison house for one convicted and four accused females in 1917.²⁵ As a result, the imperial Ministry of Justice underlined that the more convenient solution for the female prisoner problem was to rent an ad hoc prison house for female inmates instead of undertaking the expense of new prison construction.²⁶ The terrible conditions of women's prisons, some provinces at the beginning of the twentieth century hosted proper (*müstakil*) women's prisons or wards inside male prisons. According to Emine Gümüşsoy, the Eskişehir Women Prison (*nisa*

24 Kent Schull, *Prisons in the Late Ottoman Empire, Microcosms of Modernity*, (London: Edinburgh University Press, 2014), 123.

25 BOA. DH. MB. HPS 97/6: 21 September 1917: . "....Evelce Eceabad kazasında nisa hapishanesi bulunmamakta ve mahkuman zuhur etmemekte iken ahiren on gün müddetle bir mahkume ve dört mevkufatın habsi ve tevkifleri için müdde-i umumilikten vuku' bulan talep üzerime bi't tedarik hapishane ittihaz olunan bir mahalde haps ve tevkif olundukları Gelibolu mutasarrıflığının iş'ar-ı cevabisinden anlaşılmıştır. Evelce talep olunan şehri elli gurusu bedeli icar için havale name irsaline müsaade buyrulması müsterhamdır ol- babda emr-ü ferman hazret-i veliy'ül emrindir."

26 BOA. DH. MB. HPS 97/6: 21 September 1917: "....Eceabad suret-i daimide mahkuman bulunmamakta olmasına nazaran bütçeden müstakil bir mahal ittihazıyla tahsisat verilmesi muvafık olamaz. Zükur hapishanesinde bir odanın aralıkda zuhur edecek nisa mahkumanına tahsisi kabil değil ise indü'l hâce muvakkaten bir mahal bulunarak idare-i maslahat edilmesi iktiza eder."

hapişanesi) appears in the archival documents from 1905 that claim that it was adjacent to a male prison and contained a single ward for female inmates.²⁷ Nurgül Bozkurt insisted that the Kütahya district had a proper women's prison (*nisa hapişanesi*) with two wards used as prison for convicted women and, at the same time, as a jail (*tevkifhane*) for accused females.²⁸ In other words, accused (*mevkufin*) and convicted women (*mahkumin*) were supervised by guards in the same wards. All in all, the separation of convicted delinquents was not well carried out in line with prison reform attempts. Above all, the Ottoman government permitted male and female inmates to share the same wards regardless of moral, religious (Islamic), and social norms. According to Schull, "All kinds of prisoners were incarcerated together: The accused with convicted, the petty criminal with the felon, adults with children and sometimes even men with women."²⁹ Schull summarized Stanford Canning's observations and evaluations in his 1851 Prison Report about dreadful condition of prisons and the keeping of male and female prisoners together in the same wards, situations that are corroborated by cases from the archive. In addition, male and female prisoners were using the same toilets (*kademhane*) in the Beyoğlu Jail (*Tevkifhanesi*) in 1919. Therefore, the Ministry of Justice established the Prison Administration (*Mebani-i Emiriye Hapishaneler İdaresi*) to build separate bathrooms for male and female inmates.³⁰ Sharing wards was common practice in Near Eastern prisons. According to Gorman,

While the prison at Damanhur in the Nile Delta boasted a separate annex for women to a room in the men's prison. Sometimes women

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- 27 Emine Gümüüşsoy, "Osmanlı Devleti'nin Son Dönemlerinde Eskişehir Hapishanesi (1890-1920)" *History of Journal School*, Vol.20, December 2014, 225.
- 28 Nurgül Bozkurt, "20. yy. Başlarında Kütahya Hapishanesinin Genel Durumu", *The Journal of International Social Research*, Volume: 5 Issue: 21, 263.
- 29 Kent Schull, *Prisons in the Late Ottoman Empire, Microcosms of Modernity*, (London: Edinburgh University Press, 2014), 45.
- 30 DH. MB. HPS. 111/14: 28 July 1919.

were imprisoned with men, as at Salonica; at Alexandretta (İskenderun), they were occasionally chained because of the lack of a proper prison.³¹

Gorman claimed vast number of of female prisoners stayed in the same wards as men in the 1890s in the provinces of the Ottoman Empire. Needless to say, this contradictory practical measure not only reflected the underdeveloped prison conditions stemming from the economic crisis, but also remarkably disregarded social norms.

In brief, the uneven prison system of the Ottoman Empire was characterized by contradictory practices as explicitly seen previous cases. Admittedly, hidden and invisible women figures were characterized by Ottoman prisons, also their criminal statuses were not hindered their excluded, intimidated and hidden agencies.

According to *Tanin's* journalist Ahmet Şerif Bey, the government office of the Eğirli kazası/Karaman vilayeti was dilapidated and hosted a tiny prison. It was very dark, narrow, and crowded. There was no place to sit on the floor or even stand.³² *Ahmet Şerif Bey* frequently noted the filthy conditions of provincial, rural prisons in his reports on his observations and impressions of daily life in the Ottoman provinces. He underlined overwhelmingly underlined the dreadful living conditions in the provincial prisons of the Ottoman Empire between 1909 and 1911. As his impressions revealed, the living conditions in Ottoman prisons (whether male or female prisons) had remained poor conditions since the 1850s without any development even up to the 1910s. In this spirit, I tease out the poor conditions of dilapidated women's prison buildings in light of Ahmet Şerif Bey's dramatic observations and archival documents.

First, prison populations had risen year by year since the 1850s.³³ In this case, the fundamental reason for growth of the population was the outline of torture- such as whipping and fetter as punishment method. The duration of

31 Anthony Gorman, "In Her Aunt's House: Women in Prison in the Middle East", IAAS Newsletter, Vol 39, 2005, 7.

32 Mehmet Çetin, Börekçi, *Anadolu'da Tanin-Ahmet Şerif*, (Ankara: Türk Tarihi Kurumu, 1999), 226-227. Note: The date of *Tanin*; 2 May 1910.

33 See more about prison population: Chapter 4.

imprisonment was extended at least in the penal codes (1840-1841-1858 Ottoman Imperial Penal Codes), thought, it would not yet be reflected in practice.³⁴ As Fatmagül Demirel pointed out postponed trials and judgments entailed the growth of the number of accused in provincial jails (*tevkifhane*).³⁵ Hence, overcrowded prison populations led to congestion in prison and jail buildings that were already dilapidated. The Ottoman government quickly came up with a solution to renovate and transform abandoned buildings into prisons following the 1856 *Islahat Fermanı* (Edict of Reform). Nonetheless, the dreadful conditions of these constructions remained until the fall of the empire.³⁶ The buildings were stone or brick constructions with no ventilation, no heating system, no windows, and no lighting. Briefly, they were like hovels. As discussed in next chapter, the poor conditions of prison buildings led to health problems and the rapid spread of disease such as smallpox among inmates. As Saadet Tekin emphasized, Alanya Hapishanesi had a single ward for the women inmates who coped with terrible living conditions in the prison buildings: No ventilation, no lighting, and significantly no roof. In rainy seasons, that frequently caused flooding in the women's ward.³⁷ Besides the situation of Egyptian prisons was the same as Ottoman once. According to Khaled Fahmy,

Punishment by flogging was officially banned under Sa'id in 1862 to be replaced by imprisonment. In addition, there was a quick increase in

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- 34 Saadet Tekin, "Osmanlı'da Kadın ve Kadın Hapishaneleri" *A.Ü.D.T.C.F Dergisi*, C.29, Vol.47,90.
- 35 Fatmagül, Demirel, "Osmanlı Adliye Teşkilatında Yaşanan Sorunların Hapishanelere Yansıması (1876-1909)" in *Osmanlı'da Asayiş, Suç ve Ceza 18.-20. Yüzyıllar*, edited by Noemy Levy and Alexandre Toumarkine, 190-200, Istanbul: Tarih Vakfı Yurt Yayınları, 2007, 191-193.
- 36 Kemal Daşcıoğlu, "Osmanlı Arşivlerine Göre Sinop Hapishanesi'nin Durumu" *Erdem Dergisi*, Vol. 51, 2008, 56-57.
- 37 Saadet Tekin, "Osmanlı'da Kadın ve Kadın Hapishaneleri" *A.Ü.D.T.C.F Dergisi*, Issue.29, Vol.47, 93.

the overall population during the second half of the nineteenth century. ... all of these leading to serious social friction and an increase in crime levels.³⁸

Like, Ottoman penal codes, Egyptian penal and legal regulations contributed a rise of in the population of incarcerated criminals. To cope with the question of prison construction, Egyptian Khedival governors began to renovate the prison buildings and build new ones. Furthermore, they sent inmates to workshops such as the Alexandria Ironworks as hard labor, utilizing the labor of prisoners and diminishing prison populations.

On one hand, the given capacity of the imperial budget, the Ottoman Empire struggled with construction issues with renovation methods as it responded to prison construction requests from the Ottoman provinces. In this regard, the 1878 Berlin Treaty encouraged new prison complex construction however these buildings had no heating or ventilation systems due to the lack of fund.³⁹ As Hatice Akın claimed, the Committee of Union and Progress was more effective, and renovation projects accelerated specifically after the Second Constitutional period in 1908.⁴⁰ For instance, Kurtuluş Demirkol pointed out that the Committee of Union and Progress decided to destroy dilapidated prison buildings instead of renovating them. In so doing, they could sell the land and use the money to build new prisons.⁴¹ Also, during the 1915 Armenian genocide and exile, Armenians who had lived in İzmit abandoned their houses, barns, and stores. Demirkol noted that these abandoned (metruk) buildings were transformed into prison building without any renovation or repair. In any way possible, the CUP tried to solve the issue of prison buildings

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- 38 Khaled Fahmy, "Medical Conditions in Egyptian Prisons" in *Marginal Voices in Literature and Society in the Mediterranean Muslim World*, European Science Foundation, Strasbourg, 2002, 9.
- 39 Jülide Orat, and Fadimana, Çelik, "Diyarbakır Vilayeti Hapishaneleri", Kafkas Üniversitesi, Sosyal Bilimler Enstitüsü, Sayı 7, İlkbahar 2011, 78.
- 40 Hatice Akın, "Osmanlı Devleti'nde Hapishane Islahatına Dair 1893 Tarihli Bir Nizamname Önerisi", *History Studies Volume 3/3*, 2011, 26.
- 41 Kurtuluş Demirkol, "II. Meşrutiyet Döneminde İzmit Hapishanesi" unpublished Ph.D Dissertation, Sakarya Üniversitesi Sosyal Bilimler Enstitüsü, 2012, 89.

on its limited budget. For example, the male and female wards of the Tekirdağ (Tekfurdağı) prison building were to be renovated, cleaned up, and repaired on a limited budget, and the local government (vilayet) requested a budget report for the renovation expenditures (keşifname). It also agreed to change the place of the women's prison (nisa hapishanesi).⁴² Much of the correspondence between the CUP government and provincial government officials concerned the renovation or repair of prison buildings. During the first decade of the twentieth century, the Ottoman government received countless requests for new prison buildings or for funds for renovations. Tsarist Russia had found another way to solve the issue of overcrowded prisons. According to Erika Kriukelytė:

The situation deteriorated until 1848, with prisons becoming too crowded for the health of inmates or to maintain security. Some officials became aware of the need to build new prisons, but no support could be found for such an expensive task. The government found a cheaper way to deal with the growing problem in the prisons. In 1848, many prisoners of military correctional units were taken into active service, other types of prisoners were sent off to Siberia, and still others were formed into “*work companies*” to labor for the Department of Railways.⁴³

The Russian Empire utilized the same method as Khedival Egypt, which was forced labor and banishment (exile) to labor camps. The Ottoman government, however, persisted with its ad hoc solutions to the filthy physical conditions and poor living standards of prison inmates.

§ 3.3 Personnel in Women's Prisons

Undoubtedly, guards are the backbone of prisons. This idea pervaded Ottoman prison policy, however the policy was not reinforced for women's prisons. When the 1880 Prison Regulation (1880 Hapishaneler Nizamnamesi) was

42 DH.MB.HPS. 78/6: 11 August 1917

43 Erika Kriukelytė, “The Creation of Modern Prisons in Russian Empire” *International Institute of Social History* 48, (2012), 20.

prepared, prisons staff were taken into consideration. Article 6 of the regulation elaborated on the duties and responsibilities of both male and female guards in men's and women's wards and prisons.⁴⁴ Shortly after its declaration the article was expanded and promulgated as the Ottoman Guard Regulation (*Hapishane Gardiyanları Hakkında Talimatname*), and the Article 33 of which focused on duties, responsibilities, and working hours of wardens. Kent Schull explains:

Guards represent the front-line prison official who interact with inmates and are subject to the supervision of the chief guard and warden. They oversee the day-to-day activities of the prison and prisoners including basic discipline, order and cleanliness. ... They were responsible for supervising inmates during transfers, while on work details, caring for their personal hygiene, and receiving approved visitations.⁴⁵

Even though, these duties and job definitions were in the first regulation to deal with guards, the issue of women guards transformed into an essential question of female prisoners. As noted above, when women's prison buildings and separate wards were not built by the Ottoman government, the appointment of women guards could also not be practically carried out. In this regard, archival documents showed the issue of women wardens in various cases.

At first, the appointment of female guards for proper (*müstakil*) women's prison buildings was not carried out as ordered in the 1880 regulation. For instance, as late as 1916, the women's wards of the Lazistan Sanjak Merkez house of detention requested a women guard appointment for their female wards. The Ottoman government responded with the common excuse of budget limitation. Ottoman officials did not appoint more women guards to the Lazistan prison complex due to a lack of funds (*tahsisat sıkıntısı*).⁴⁶ Here

44 Fatmagül Demirel "Osmanlı Hapishanesi'nin Gardiyanları" *Hukuk ve Adalet Eleştirel Hukuk Dergisi*, Vol. 9 Cilt. 4, 2007, 259.

45 Kent Schull, *Prisons in the Late Ottoman Empire, Microcosms of Modernity*, (London: Edinburgh University Press, 2014), 146-147.

46 BOA. DH. MB. HPS. 43/4: 22 October 1916

we see apparently, how the assignment of women wardens caused new, complicated issues based on the Ottoman government's primary problem: Economic crisis.

Astonishingly, the salaries of prison and jail workers were not standardized in the regulation. Although, women and men guards performed the same duties in the prisons, the salaries of female guards were lower than those of male guards. As Schull stated:

Female prison guards were generally paid at least a third less than their male counterparts. In the provinces, especially at the district level (*kaza*), most male guards received a monthly salary in the region of 100 to 150 piasters (*kuruş*), whereas female guards generally received in the region of 50 to 100 piasters per month.⁴⁷

As an example, a male guards' salary in the Isparta prison complex was 150 piasters, but female counterparts earned just 50 piasters even though they asked for a raise of at least 50 piasters in 1913. In this spirit, the Table 3.1 that indicates the salaries of women guards based on prepared with the results of the 1912 prison survey.⁴⁸

47 Kent Schull, *Prisons in the Late Ottoman Empire, Microcosms of Modernity*, (London: Edinburgh University Press, 2014), 149.

48 BOA. MB. HPS. 146/82: 1912 Prison Survey

WOMEN'S PRISONS AND WOMEN PRISONERS

Table 3.1 Numbers and salaries of female guards in Kütahya, Aydın, and İstanbul Provinces and their sanjaks or kazas in the 1912 Prison Survey

Location:	Numbers of Women Guards:	Salary: Kuruş (piasters)
Kütahya Sanjak		
Central Liva	1	138 piasters
Gördes Kazası	1	60 piasters
Karesi Sanjak (Balıkesir)		
Central Kaza	1	150 piasters
Bandırma Kazası	1	57 piasters
İstanbul Vilayeti (Province)		
Hapishane-i Umumi	2	200 piasters
Beyoğlu Tevkifhanesi (Jail)	1	200 piasters
Üsküdar Tevkifhanesi (Jail)	1	200 piasters
Aydın Vilayeti (Province)		
Aydın	1	150 piasters
İzmir	1	150 piasters
Denizli	1	100 piasters
Manisa	1	150 piasters
Bergama Kazası	1	150 piasters
Tire Kazası	1	100 piasters
Karaburun Kazası	1	100 piasters
Bozdoğan Kazası	1	100 piasters
Çine Kazası	1	40 piasters
Söke Kazası	1	100 piasters
Nazilli Kazası	1	100 piasters
Sarayköy Kazası	1	60 piasters
Demirci Kazası	1	100 piasters
Akhisar Kazası	1	50 piasters
Kırkağaç Kazası	1	50 piasters

In large cities such as İstanbul, İzmir, and Aydın-, and in provisional centers, women guards earned 130-200 piasters. Presumably this relatively high amount reflected the numbers of women inmates which were higher than in

districts (*kaza*). In other words, salaries were related to the population of the wards, which was undoubtedly less than that of men's prisons.⁴⁹

In some provinces, women guards resigned voluntarily because of the poor salary. Moreover, women guards frequently could not get their salaries, and deferred payments led to the resignation of women guards, as well. Zayel Kadın, who was the women's guard in the Hapishane-i Umumi (Sultanahmet Prison Complex) resigned in 1912 because her salary was not being paid.⁵⁰

However, the Ottoman prison administration provisionally resolve the issue of women guardians by suggesting that male guards detent women inmates. Thus the detention of female inmates could be carried out without extra expense. There is no doubt that the Ottoman government compensated for the scarcity of women wardens (due to poor salaries and deferred paymens) by appointing male guards to as inspector in women's wards or prisons. The Ottoman bureaucrats' provisional solution considered neither gender and femininity of women inmates nor the social and Islamic rules of Ottoman society. As Ayşe Özdemir emphasized, even if a women's prison or ward needed a prison guard or warden instead of a female.⁵¹

While this temporary implementation served the Ottoman government's purpose, it was conducive to the abuse, coercion, and torture, of female inmates by male guards. Here I point to a remarkable illustration from the archive. According to archival documents, when Mehmed Çavuş worked as a guard in the women's ward in the Karesi (Balıkesir) prison, he forced the convicts to prostitute themselves for his economic profit. As a consequence, Mehmed Çavuş was discharged and also imprisoned for three months. In addition, he was fined 220.50 piasters.⁵² As claimed in the archival source,

49 Nurgül Bozkurt, "20. yy Başlarında Kütahya Hapishanesinin Genel Durumu", Uluslararası Sosyal Araştırmalar Dergisi The Journal of International Social Research, Volume: 5 Issue: 21, 272.

50 BOA. DH. MB. HPS. M 3/19: 22 February 1912

51 Ayşe Özdemir Kızıllan, "Osmanlı'da Kadın Hapishaneleri ve Kadın Mahkumlar, 1839-1922" (Süleyman Demirel Üniversitesi, Sosyal Bilimler Enstitüsü, Ph.D Dissertation, 2011), 84.

52 BOA. DH. MB. HPS 89/23: 5 November 1913 Mahkuminden bağlı kadınları hüddef- i tahliyeleri hariç çıkardığı ve fuhuşata sevk ve tahrir ettiği iddiasıyla taht-ı mahkemeye alınıp

women convicts were abused sexually for economic profit and coped with sexual abuse, coercion, and constraints in women's prisons. Their excluded, and expendable positions were consolidated and the frequency of abuses as seen in the archival documents.

The Ottoman government noticed that this implementation caused negative results, as Mehmed Çavuş case shows. Hence, after this dramatic story of abuse, Ottoman bureaucrats began to investigate why male guard were being employed as supervisors in women's prisons and wards. As a remarkable case, the Çankırı (Kengiri) female prison guard Ahmet Hamdi Efendi (*nisa gardiyanı*) asked for a wage raised in remuneration for his service. His demand was refused by Ottoman officials when they discerned that he was a male guard employed in women's prison.⁵³ In the refusal, the Ottoman government declared a prohibition of male guards working as inspectors of female inmates.

As this case proved, the Ottoman government's certainly rejected the appointment of male guards for the supervisions of female prisons or wards in the first years of the twentieth century. Mehmet Temel claimed that a female guard -surprisingly- was employed for a short time in the male ward of Marmaris Hapishanesi.⁵⁴ In contrary to this extreme practice, Ottoman prison management's tended to be appoint male guards who supervised women inmates with offering extra payment to their wages.

To sum up, temporary solution of Ottoman officials and prison administrators led to upheavals in male and female prisons, particularly in terms of the supervision and detention of female inmates. Succinctly, I highlight the presence of women inmates who were expendable and discarded in the eyes

mühlebi üzere livaca üç ay müddetle hapse mahkum edilmiş nisa gardiyanı Mehmed Çavuş'un istifadan cerimesini eden mahkemesi.....

BEO. 4228/317032: 28 October 1913; Mahbus kadınları fuhuşa sevk ve tahrik maddesinden muhakeme edilen Karesi nisa hapishanesi gardiyanı Mehmed Çavuş hakkında Şura-yı Devlet ilanı.

53 BOA. DH. MB. HPS: 96/40: 26 April 1914: 1) Bütçedeki maaşat tahsisatının mümkün olmaması nedeniyle, Kengiri (Çankırı) Nisa Hapishanesi gardiyanı Ahmet Hamdi'nin maaşına zam yapılamayacağı. 2) Nisa hapishanesinde erkek gardiyan istihdamının sebebinin sorulduğu.

54 Mehmet Temel, "XX. Yüzyıl Başlarında Menteşe Sancağı Hapishaneleri", Selçuk Üniversitesi Türkiyat Araştırmaları Dergisi, Sayı: 26, Konya 2009, 123.

of Ottoman prison managements. They were subject to male guards' coercion and abuses in the prisons. Consequently, the Ottoman officials overlooked to assign male guards to supervise female inmates, so they failed to find a perpetual solution for that.

§ 3.4 Abuse and Exploitation in Womens' Prisons

As underlined in previous chapters, prison workers (especially wardens and guards) coped with limited budgets, lack of salary, and irregular work hours, regulations notwithstanding. Therefore, the Ottoman government experienced wardens and guards corrupted their duties and responsibilities. The jobbery initially included bribery, misconduct, nepotism, torture, abuse, and rape.

Basically, prison guards prevented the prisoners from meeting of the with their families. For example, to inmates of *Hapishane-i Umumi* (Sultanahmet Prison Complex), Dimitri İzmiridis and Dimitro, could not meet their family members even in designated visiting times in 1919. They complained about the prison guards in this regard, yet the follow-up to the complaint letter was not in the Ottoman archive.⁵⁵ As Yıldız stated the Zaptiye Müşiri (Police Head Chief) routinely carried out torture- beating, and whipping the inmates and suspects in 1869. These implementations demonstrated that punishment methods were not altered by attempts at reform and and regulation.⁵⁶ The establishment of the Sultanahmet Hapishane-i Umumi in 1871 and other physical regulations for prison buildings did not put an end to misconduct and torture. As discussed in the previous chapter, although regulations of prison buildings and cadres were proposed, surveillance, detention, inspection, control, isolation, and rehabilitation of Ottoman inmates- whether male or female- were not implemented. Ambitious regulations and endeavors in the second half of the nineteenth century notwithstanding, when prison wardens and guards off duty at night, dominant, ascendent and especially powerful inmates

55 DH.MB.HPS: 98/29; 22 November 1919.

56 Gültekin Yıldız, *Mapusâne: Osmanlı Hapishanelerinin Kuruluş Serüveni*, 1839-1908, (Istanbul: Kitabevi, 2012), 286.

enforced their dominance in the wards. As a dramatic example, when a general inspection of the Hapishane-i Umumi in Sultanahmet occurred, prison inspectors found no prison staff inside complex.⁵⁷ This archival document vividly demonstrates that the irregular, disorganized prison employees resulted in the anomalous and chaotic irregularities in Ottoman prisons.

Not only was misconduct observed, but sexual abuse needed to be rooted out from Ottoman prison wards. According to Fatmagül Demirel, many inmates of Kırkkilise prison sent a complaint letter claiming that a juvenile delinquent had been subjugated sexual abuse. Above all, he was raped by prison guards according to *Tercüman-i Hakikat* newspaper in 1884. Also, inmates claimed that they were deprived of their needs (daily meal, clean clothes, bedding). Furthermore, wardens and guards of Kırkkilise prison regularly prevented meetings between inmates and their relatives. As Demirel underlined, they complained that guards applied corporal punishment techniques such as whipping, beating, and swearing.⁵⁸

The most remarkable archival documents dealt with sexual abuses and cases of rape in Ottoman prisons. Undoubtedly, women and children inmates were exposed to abuse and rape given their vulnerable, expendable, and excluded positions. As Gültekin Yıldız illuminated, Hapishane-i Umumi Prison warden Ali Bey committed malpractice. Ali Bey coerced weak, miserable, vulnerable inmates who were denied their get daily meal service, so that they were forced to buy food from the prison canteen. In so doing, he took the right to a free daily meal away from inmates. The most noteworthy jobbery of Ali Bey concerned juvenile delinquents who were sexually abused by him in 1884.⁵⁹ Another sexual abuse case from the Ottoman archive concerns the head guard of the Hapishane-i Umumi (Istanbul Prison complex), Mahmud Efendi who raped a Greek boy by the name of Andon Yorgi. Nevertheless, the terrible and remarkable accusation did not convince the judge to relieve head guard

57 Ibid., 318.

58 Fatmagül Demirel, "Osmanlı Hapishanesi'nin Gardiyanları" *Hukuk ve Adalet Eleştirel Hukuk Dergisi*, Vol. 9 Cilt. 4, 2007, 261.

59 Gültekin Yıldız, *Mapusâne: Osmanlı Hapishanelerinin Kuruluş Serüveni* (1839-1908), (Istanbul: Kitabevi, 2012), 318-321.

Mahmud Efendi of his duties. Consequently, the accusation of Andon Yorgi was deemed slander by Ottoman officials, and he continued to his guard duties.⁶⁰

As an additional example from the Ottoman archive, the jobbery of wardens and guards of Eskişehir Prison were noticed, as well. Shortly afterward, in 1915, the Ottoman Prison Administration sent a letter of warning to remove these wardens and guards.⁶¹ However, the outcome of this ultimatum is not in the record.

As Zafer Atar claimed, Hapishane-i Umumi (Sultanahmet Prison Complex) began to encourage both female and male prisoners to work in workshops to rehabilitate (*islah-ı nefis*) themselves and to circumvent idleness. In this context, workshops were founded inside the prisons to produce shoes, clothes, and textiles- rehabilitating and rooting out the idleness of inmates in line with modern prisons system. The Ottoman government stipulated that the income of the workshops had to be saved, as a document by the prison officials details. Even though the Ottoman government ordered such, Hapishane-i Umumi officials did not save the money nor did they record the receipts and income documents. Later, in 1917, the Ministry of Finance demanded these receipts and documents from the Istanbul Prison. However, the imperial Ministry of Finance received no response from the Hapishane-i Umumi management. In the end, when the ministry finally got a response from Prison officials, the response letter included an attached explanation which claimed they do not controlled neither receipts nor income documents due to Prison Manager Efsaladdin Bey and other prison inspectors' commands. Shortly after this response, the finance ministry finished their investigations and veiled the corruption case.⁶²

Succinctly, cases of jobbery, torture, and malpractice increased, indicating the underdeveloped, disordered, corrupt prison system andcompansation process as well as the provisional , ad hoc implementation of the Ottoman

60 BOA. DH.MB.HPS. 94/39: 11 May 1919

61 BOA. DH.MB.HPS. 74/51: 26 December 1915

62 Zafer Atar, "20. Yüzyıl Başlarında İstanbul Hapishane-i Umumi'de Mahkûmların Üretim Faaliyetleri" SDU Faculty of Arts and Sciences Journal of Social Sciences, April 2014, No: 34, 29-30.

government from the 1860s to the 1910s. Probable reasons for the misconduct and malpractice of prisons employees included the lack of salaries, deferred payment of fees, and the economic motivations and illiteracy of prison employees. Torture, coercion, and sexual abuse and rape in prison wards cannot be explained by fiscal problems of the wardens. I do not suggest that female and juvenile delinquents were subject to such coercion and rape regarding their vulnerable, hidden, and excluded position.

All in all, the Ottoman prison system and its unique implementations proved that the dignity of women inmates was susceptible, excluded, hidden, and above all expendable in Ottoman prison experiments. Although officials carried out efforts for the improvement of prison modernization, attempts at modernization were somehow not achieved. Nevertheless, (leased) imams' prison houses, the question of female guards, jobbery, sexual abuse, and the filthy conditions of prison buildings persisted, though the Ottoman prison management recognized the underdeveloped prison system for both male and female prisoners, addressing it with temporary solutions. Needless to discuss, the Foucauldian perspective cannot evaluate varied and extremely different Ottoman prison system. As a result, women's prisons and spatial questions remained regardless of the goal to modernize prisons. In the next chapter, we get to know Ottoman female inmates-their ages, literacy, social and legal status, and crimes, in light of the Ottoman prison surveys conducted between 1911 and 1919. Moreover, specifically pregnant inmates and mothers in Ottoman prisons are examined. Lastly, discrimination against prostitutes and the Ottoman penal labor policies are illustrated with archival cases in the next chapter.

Case Studies: Getting to Know Ottoman Female Inmate

After having given spatial, descriptive, and comprehensive analyses of the spatiality of Ottoman women prison houses and proper prisons, I examine the features of female prisoners in light of the Committee Union and Progress prison surveys and censuses which aspired to obtain the information of all prisoners such their ages, genders, occupations, the crimes they committed, ethnoreligious identities. The inquiry into the prisoners was more statistical than descriptive. Nevertheless, it evaluated the details of Ottoman prisoners: Males and females, and juvenile delinquents. My focus is on the number of female inmates and other data about them. I also draw a broad framework to ferret out the features and data about female prisoners using these surveys and censuses largely carried out during the reign of the Committee Union and Progress between 1911 and 1919. In this spirit, I touch on the CUP government's intention to reveal inclusive, expensive information on Ottoman inmates and the physical conditions of provincial prison buildings. The CUP government's positivist approach and its reflection in population policy were starting points for the prison surveys. Therefore, the interest of the CUP government in population and demography entailed encouraging reproductivity of females and specific implementations for pregnant prisoners and those of who were mothers in Ottoman prisons. In the following sections, the penal labor practices for Ottoman women inmates and the major target of penal labor measures are discussed. In the final stage, the discriminative attitude of

the Ottoman prison administration toward convicted prostitutes is illustrated to understand the reception of prostitutes inmates by Ottoman prison managements and why they were discriminated against unlike other female inmates who had committed crimes such as larceny or murder. All in all, this chapter acquaints one with the details of the Ottoman women inmates through descriptive, critical, and comprehensive analyses.

§ 4.1 Prison Surveys of the CUP Government

The main purpose of this section is describe the types of crimes women prisoners committed, the number of female inmates, an their ages, occupations, marital statuses and social positions. Succinctly, I analyze prison surveys that were prepared and collected by the the Committee Union and Progress which sent the order to provincial prisons to arrange questionnaires to analyze the details of Ottoman inmates. As stated in the prison reform chapter, the Committee Union and Progress (CUP) government founded the first Prison Administration (Hapishaneler İdare-i Umumiyesi) in 1911. After a year, in 1912, the name of Hapishaneler İdare-i Umumiyesi was changed to Mebani-i Emiriyye Hapishaneler İdaresi. In the following months, it began to survey prison populations and the specific features and particularities of inmates with professional questionnaires for the first time.¹ A previous and the first known prison survey was carried out during the reign of Abdülhamit who first aspired to gather detailed information about Ottoman prisoners for the first time in Istanbul's prisons and jails. These inquiries were collected from Bab-ı Zabtiyye, Beyoğlu, and Üsküdar prisons in 1886.² On the other hand, the prison surveys collected between 1912 and 1919 were more comprehensive, unique and noteworthy to know well Ottoman prisoners.

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- 1 Kurtuluş Demirkol, "II. Meşrutiyet Döneminde İzmit Hapishanesi", ed. Haluk Selvi, Bilal Çelik, Uluslararası Gazi Akçakoca ve Kocaeli Tarihi Sempozyumu Bildirileri, (Kocaeli: Kocaeli Büyükşehir Belediyesi Kültür ve Sosyal İşler Daire Başkanlığı Yayınevi) 2015, 989-990.
 - 2 Gültekin Yıldız, *Mapusâne: Osmanlı Hapishanelerinin Kuruluş Serüveni*, 1839-1908, (İstanbul: Kitabevi, 2012), 316-317.

According to Schull, "Categories of inquiry associated with prisoner included crimes committed, gender, date of incarceration, marital /familial status, recidivism, punishment, social class, occupation, ethnoreligious/national identity, age, literacy."³ Furthermore, prison surveys were repeated several times Ottoman provinces and rural areas: In 1911-1912, 1914, 1916-1917, and 1918-1919.⁴ The CUP government ambitiously intended to solve the Ottoman prison question that had been handed down since the 1850s.⁵ The detailed information to be gathered from prison surveys overlapped with the social engineering mentality government. In dealing with congested Ottoman prisons, these surveys prove struggle the diligent reform aspirations of the CUP for the Ottoman prisons. In this regard, I concentrate on the question of women's prison and female prisoners. These remarkable inquiries provide detailed information about the numbers of women prisoners, the crimes they committed, the ratio of female inmates to males, and their ages, social, and marital statuses, and literacy rates.

The prison survey of 1911-12 failed to comprehensively reflect the situations of Ottoman prisoners, unlike survey analyses to come. Nevertheless, historians can at least ascertain the numbers of male and female prisoners in some Ottoman provinces. Even though some provinces and sub-districts shared limited, or no information with the Ottoman Prison Administration, the total count of female inmates in provincial lands such as Baghdad, Beirut, Bitlis, Canik, Edirne, the Hijaz, Istanbul, Kastamonu, Mamuretülaziz, Manastır, Mosul, and Yanya was 1,494. As seen in the census, the largest number of female inmates -362- was hosted in the Edirne (Adrianople) prison complex. As given in a statistical table, the Istanbul Prison (Hapishane-i Umumi Sultanahmet)

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- 3 Kent Schull, *Prisons in the Late Ottoman Empire, Microcosms of Modernity*, (London: Edinburgh University Press, 2014), 67.
 - 4 Kent Schull evaluated prison surveys in a statistical table in his book. Although, I found the similar prison surveys in the Ottoman archives, I have not translated or prepared such a table. Instead, my focus is on accused and convicted women who participated in these prison surveys. Thus, I intend to tease out the details of these female inmates.
 - 5 Zafer Atar, "20. Yüzyıl Başlarında İstanbul Hapishane-i Umumi'de Mahkûmların Üretim Faaliyetleri" SDU Faculty of Arts and Sciences Journal of Social Sciences, April 2014, No: 34, 20.

followed with 272 women prisoners. Next was Manastır (the Balkan province) with 168 women prisoners. Mosul (Syria) hosted the least only twenty-six women inmates.⁶ As Schull noted, the 1911-12 prison survey was not comprehensive, but twelve provincial prison populations were represented by the survey.

On the other hand, the 1914 prison survey shed light on the populations thirty-one provincial prisons, including information on gender and incarceration status (accused or convicted). With reference to Schull's statistic table, the 1914 prison survey distinguished among inmates who had committed *cünha* or *kabahat* (less serious crimes), *cinayet* (serious crimes), and those who were *mevkufin* (awaiting trial).⁷ The survey showed that the total number of *cünha* and committed by females was 553. *Cinayet* committed by female inmates numbered 120, and the number of accused women awaiting trials was 303 in 1914. While the overall number of prisoners had fallen from 34,085 to 28,693, the number of female prisoners dramatically declined from 1,494 to 976 between 1912-1914. The number of male prisoners was 27,717; the number of female prisoners (976) is low by contrast. All in all, the total number of inmates numbers was 28,693.⁸

Aydın had the most female inmates who had committed *cünha* or *kabahat* (*less serious crimes*), which numbered sixty-five. The province of Kastamonu followed Aydın with fifty-nine females who had committed *cünha* or *kabahat*. The third most crowded ward was Konya's which hosted fifty-one females who had been convicted of *cünha* or *kabahat*. Meanwhile, there were no women inmates who had committed a serious crime. And astonishingly, the province of Bitlis, Basra, and Hijaz and the sanjakfs of the Çatalca, Zor, Asir, and Urfa had no incarcerated females who had committed less serious crimes.

The second category indicated the number of serious criminals in the Ottoman provinces and sanjaks. As noted above, the total number of female inmates who had committed *cinayet* (serious crimes) was only 120 across the

6 Kent Schull, *Prisons in the Late Ottoman Empire, Microcosms of Modernity*, (London: Edinburgh University Press, 2014), 75.

7 Ibid., 76-77.

8 Ibid., 76-77.

empire. Surprisingly, the province of Ankara had the highest number of female inmates who had committed cinayet: Twenty-one. Konya followed with fourteen, and Kastamonu and Aydın had twelve such female inmates each. Hijaz, Edirne, and Basra had no imprisoned females who had committed cinayet, nor did the sanjaks of Urfa, İzmir, Bolu, Canik, Çatalca, Asir, Kale-i Sultaniye, and Medina.

My final analysis of 1914 prison survey concerns the number of females awaiting trials which is to say, the accused (*mevkuf*). There were 303 female criminal defendants altogether with thirty-three females awaiting trials in Ankara. Aydın followed with twenty-seven females, while Hüdavendigâr and Diyarbakir followed with twenty-four accused women each.⁹ All in all, Ankara had the highest total of female inmates at 110. The province of Aydın had 104 and Kastamonu had ninety-five female inmates according to 1914 prison survey.

A third census was carried out in 1917. According to the 1916-1917 prison census, the total number of female prisoners dramatically increased from 976 to 1249.¹⁰ Interestingly, Aydın was hosting more than double the number of female inmate (225) relatively to the previous prison inquiry. While 110 women prisoners were incarcerated in Ankara prisons according to the 1914 survey, this number had increased to 143 by 1917. Furthermore, the number of female inmates in the province of Kastamonu rose from 118 to 225. Whereas Konya had ninety female inmates according to 1914 prison survey, only 84 women were incarcerated in its prisons according to 1917 survey.

Unfortunately, there is no separate information about females in the 1918-19 prison survey which merely indicated that the total number of prisoners (male and female) was 34,835. Prison statistics from 1919-20 demonstrated that there were 27,759 offenders in the Ottoman Empire, a decreased of roughly 7,000 inmates.¹¹ However, prisons officials from most of sanjaks (independent administrative sub-divisions) and vilayets (provinces) did not respond or provide a report in answer to the prison questionnaires of Prison Administration. Thus, I underline that the researchers must consider that the number of the

9 Ibid., 76-77.

10 Ibid., 78.

11 Ibid., 80-81.

prisoners is not based on certain or reliable information. Nevertheless, they shed light on the prison population of the Ottoman Empire and offer a chance to grasp of the numbers of inmates in order to evaluate the population of Ottoman criminals, and for my purposes, female inmates in particular.

All in all, as a general, and comprehensive evaluation, the 1911-12 prison survey demonstrated that female prisoners comprise 4.4 percent of the prison population (1,494 of 34,085).¹² In addition, female prisoners and juvenile delinquents comprise more than 19 percent of the total prison population.

On the other hand, female inmates represented between 2 and 5 percent of the total prison population in Egyptian prisons at the beginning of the twentieth century.¹³ Anthony Gorman notes, “ From the early twentieth century women represented between 2 and 5% of all prisoners in Egyptian prisons – a proportion that stayed consistent over the following decades – compared to 12-18% in French prisons during the last quarter of the nineteenth century.”¹⁴ In this regard, Gorman stated that Egyptian and Ottoman prisons relatively fewer female inmates than French prisons. This can be interpreted as the invisibility and domesticity of Middle Eastern women who-whether Egyptian or Ottoman- could not easily commit crimes.

When the CUP government aimed to alter Ottoman prisons, they intended to control Ottoman criminals with surveys and detailed inquiries.¹⁵ In so doing, they updated and improved the questions on the prison survey for the first time in 1912. They aspired to become acquainted with the occupations, social and marital statuses, ethnoreligious identities, ages, and literacy of prisoners. The Committee of Union and Progress (CUP) soft detailed data especially about male prisoners in terms of making predictions related to conscription and tax collection as part of positivist social engineering. In this spirit, I address the significant outcomes of the survey questionnaires to know well the female inmates of Ottoman prisons.

12 Ibid., 104.

13 Anthony Gorman. “In Her Aunt’s House: Women in Prison in the Middle East”, IAAS Newsletter, Vol 39, 2005, 7.

14 Ibid., 7.

15 Kent Schull, *Prisons in the Late Ottoman Empire, Microcosms of Modernity*, (London: Edinburgh University Press, 2014), 83.

The questions on the 1911-12 prison survey did not consider detailed information on female prisoners. They were excluded from questions about occupation and conscription. Nevertheless, from archival sources, historians can obtain the number of female prisoners, their marital and social statuses, their ethnoreligious, and national identities, their ages, and their literacy. Schull illustrated this statistical data in a table. Most female prisoners were obviously Muslim women. Furthermore, the numbers of women inmates who were members of the Ecumenical Patriarchate was 263, while forty-five Armenian women had committed a crime according to 1911-1912 prison survey. The total number of criminal females who were members of other Ottoman communities (Albanian, Serbian, Bosnian, Circassian, Georgian, etc.) was given as ninety-four. Bulgar female inmates followed with sixty-two women inmates. Sixteen Jewish women have been incarcerated and only one Greek woman was imprisoned according to the 1911-1912 prison survey. Nine females of other, unspecified nationalities were convicts in Ottoman prisons.¹⁶ While the number of women inmates was distinguished in the 1911-1912 survey, it was not particularly concerned with the ethnoreligious and national identities of women prisoners.

As mentioned above, the 1912 prison survey not only inquired into the national and religious identities of prisoners, but also their ages. The most numerous female prisoners were 21 to 30 years old (young adults), their numbering 599. Moreover, 336 women inmates were between 31 and 40 years old (adults). Women inmates were 14 to 20 years old numbered 229. Women prisoners whose ages were between 41 and 50 years old were 203. Forty-six female prisoners were aged 51 to 60, and nine who were 61 to 70 years old. Lastly, four women aged more than seventy-one were incarcerated in the Ottoman provinces and subdistricts according to Ottoman archival documents and unfortunately seven young girls underfourteen years old.¹⁷ As demonstrated in archival documents, the largest numbers of female offenders were aged 21 to 30 ages, which is to say, young adults comprised the most female criminals. The second most were adults 31 to 40 years old. Teenaged women 14-20 years old

16 Ibid., 99.

17 Ibid., 102.

numbered 229, and most significantly, there were seven female juvenile delinquent according to the 1911-12 prison survey.

Another statistic concerned the marital status of prisoners in Ottoman prisons. The questions in the survey distinguished among three categories: Single, married, and widowed. In addition, the questions also inquired into whether married or widowed people had children. Hence, as Schull's deliberation on the statistics, 193 female delinquents were single according to the 1911-12 prison survey. The total number of married female prisoners was 1,114. Whereas 641 married female offenders had children, 273 did not. Widowed women prisoners numbered 230. While 127 of them had children, 103 widowed women had no children.¹⁸ Here we can explicitly see, the presence of married women prisoners carried high criminal potential than the presence of single and widowed women's. This statistic is directly related to the importance of the population which decreased its value in the view of the CUP government. Given the positivist understanding of the CUP government, the government began to be involved in reproduction politics such as the fertility rate, abortion, and miscarriage. In other words, as Balsoy discussed, women's bodies shifted from the moral and social spheres to the political area starting with the Tanzimat in 1839.¹⁹ Meanwhile, this is discussed the next section entitled to "Exception to the Rule: Pregnancy and Motherhood."

The last statistic concerned literacy. The literacy rate was low in the Ottoman society.²⁰ The 1911-12 prison survey inquired about prisoners' educational levels and literacy. Schull noted, "illiteracy was rampant among the prison population."²¹ Moreover, the number of literate women prisoners was just eight 8. Dramatic given that the number four, male prisoners 4,688. On

18 Ibid., 103.

19 Gülhan Balsoy, "Osmanlı Toplumunda Kürtajın Yasaklanması, Bir Politik Alan Olarak Kadının Bedeni", *Toplumsal Tarih* Vol.223, July 2012, 22-27.

20 Benjamin. C. Fortna, *Mekteb-i Hümayun (Osmanlı Devleti'nin Son Döneminde İslam, Devlet ve Eğitim)*, (İstanbul: İletişim Yayınları, 2005).

21 Kent Schull, *Prisons in the Late Ottoman Empire, Microcosms of Modernity*, (London: Edinburgh University Press, 2014), 105.

the other hand, the number of illiterate male offenders was 19,354, while illiterate female offenders numbered 1,216. Surely, it was varied according to the total number of Ottoman inmates.

Overall 4,800 prisoners (including males and females) could read and write in the Ottoman Empire according to the 1911-12 prison survey. Additionally, the situation of female inmates in Egyptian prisons was roughly the same as that of Ottoman women. Anthony Gorman notes that, "the female prison population reflected the broad character of female society outside: More than 90% Muslim, drawn from the poorer classes, almost entirely illiterate."²²

In sum, I concentrate specifically on women prisoners and the clues about their positions in the prison surveys. I emphasize again that these surveys did not contain data from the all provincial and subdistricts prisons, as most prison managements did not respond the survey questionnaires and censuses of the Mebani-i Emiriyye Hapishaneler İdaresi between 1912-1918. No matter, the available snapshots allows us to understand and illustrate the number, situation and specific features of female inmates. Hence, I focus on the birth and population politics of the CUP government and its reflection on women prisoners, which will be discussed in the next section.

§ 4.2 Exception to the Rule: Pregnancy and Motherhood

Admittedly, in Islamic ideology, the female body was created for birth and reproduction in order to continue bloodlines. In this regard, as religions acknowledged, motherhood was unique love and full affection between children and mothers. Also, the Quran and Islamic authorities recognized that women have special physical and emotional capabilities for giving birth. As Judith Tucker underscores, motherhood was described in terms of gender roles, femininity, fertility, vulnerability, physical and emotional weakness and in the dominant patriarchal discourse of the domestic component of society.²³ At the same time, motherhood or being a mother was sublimated by cultural,

22 Anthony Gorman, "In Her Aunt's House: Women in Prison in the Middle East", IAAS Newsletter, Vol 39, 2005, 7.

23 Judith Tucker, *In the House of Law, Gender and Islamic Law in Syria and Palestine*, (California: University of California Press, 1998), 113.

religious, and traditional norms. Given this description motherhood, women had different parental rights than fathers as Tucker examined in her book. My main focus will be on prisoners who are mothers and their motherhood in Ottoman prisons.

According to the 1911-12 prison survey, which is not reliable due to the lack of reporting and lost surveys, 768 of married or widowed female inmates in Ottoman prisons had children. Therefore, given the high number of mothers, female inmates who were mothers or pregnant women were accommodated for with special measures. Furthermore, I reveal that women inmates were displaced from their excluded, expandable status for the first time as a result of the reproduction politics of the Ottoman government- specifically the CUP government began- and new regulations to encourage birth politics in the Ottoman prisons. Here we explicitly observe the remarkable, altered measures and regulations that were implemented.

Women's healths were overwhelmingly jeopardized by miscarriage risks during the pregnancy in the prisons. Thus, the Ottoman Prison Administration dealt with the question of pregnant inmates and mothers in Ottoman prisons. As a measure to alleviate health risks, pregnant and nursing mothers began to be nourished to the supervision of doctors and their menu were prepared by prison managements, as well, in the 1880 prison regulations.²⁴ But, not all Ottoman prisons considered pregnancy or motherhood with respect to daily meal service in the 1880s. In the female ward of Kütahya prison, non-pregnant women were nourished on seasonal vegetables, and a bit meat with thirty *dirham*²⁵ soup; pregnant or breastfeeding mothers were allowed extra food than other female inmates.²⁶ These special measures directly concerned

24 Saadet Tekin, "Osmanlı'da Kadın ve Kadın Hapishaneleri" A.Ü.D.T.C.F Dergisi, C.29, S.47, 98.

25 A dirham: 3.207 gram

26 Nurgül Bozkurt, "20. yy Başlarında Kütahya Hapishanesinin Genel Durumu", The Journal of International Social Research, Volume: 5 Issue: 21, 272.

their gender roles- that is, their reproduction abilities and fertility. The ministry of the Interior left prison managements to their own devices in terms of the portioning of meals in 1908.²⁷

To this end, the ministry promulgated a regulation of procedures by which pregnant inmate's births would take place in Gureba hospitals (hospitals for poor people). Returning to prisons with one's baby began to be allowed. Haseki Darüşşifa (the house of the hospital for women) was used as a penitentiary for female prisoners in 1847. And anyway, in 1856 Haseki Darüşşifa had transformed into a Women's Hospital (Nisa Hastanesi). The Haseki Nisa Hospital was used to provide health services for women inmates, poor women, and pregnant women.²⁸ In the meantime, the Bezmialem Valide Sultan Vakıf Gureba Hospital began providing health services for pregnant and sick women inmates in 1847.²⁹

On the other hand, there were special measures for pregnant women. In 1892, Gülazar Kadın murdered her husband and for this *cinayet* she was imprisoned for fifteen years in Manastır Nisa Hapishanesi. However, she noticed that she was pregnant. The Manastır prison management had not encountered a pregnant women inmate and did not know how they live or how they pursued their pregnancy processes in their imprisonment processes.³⁰ In this regard, they tried to follow the applicable procedures but the content of the correspondence between the Ministry of the Interior and the management of the Manastır Prison is not available. Surprisingly, the outcome was amnesty for the pregnant woman, and Gülazar Kadın was released. As Adak noted, "The

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- 27 DH. MKT. 1273/21: 29 June 1908: Ceraim(kabahat) vakalarından dolayı nisa tevkifhanesinde hapsedilen hamile kadınların doğum yapmak üzere Gureba hastanelerine gönderilmesi ve çocuklarıyla birlikte gelen kadın mahkumlara da kendileri namına yiyecek ita olunmakta olduğundan bunlar hakkında merkezce müttehiz usul dairesince muamele itası lüzumu.
- 28 Nuran Yıldırım, *14. Yy.'dan Cumhuriyete, Hastalıklar, Hastaneler, Kurumlar*, (İstanbul: Tarih Vakfı Yurt Yayınları, 2014), 283-287.
- 29 Ibid., 285.
- 30 BEO 24/1766: 24 June 1892: Zevcini katletmesinden dolayı on beş sene müddetle Manastır nisa hapishanesine mevkuf bulunan Ohri kazasına tabii Labonişte karyeli (köylü) Gülazar Binti Mehmet'in hamile olduğu hapishane müfettişliğinden bildirildiğinden iktiza-i halin icrası ve neticesinin bildirilmesi.

18th article of the Penal Code 1851 stated that ‘When a woman who has incurred the punishment of death states that she is pregnant her punishment, if her pregnancy is proved to be true and has acquired certitude, the punishment should be carried out after she has been delivered.’³¹ As explicitly stated, pregnant women who were sentenced to death, must held until they gave birth. This can be interpreted as the embodiment, reception, and recognition of women inmates. However, their recognition derived from their femininity, domesticity, and enshrined biological duties as discussed above. Likewise, Egyptian prisons implemented special practices for pregnant women: They were exempted from tortures such as whipping, beating, fetter, and execution in a regulation in 1882.³² Moreover, acknowledging these special practices, Liat Kozma insisted that Egyptian population and birth politics were more modern in the last decade of the century. According to him, a Jewish woman who was neither a midwife nor a female doctor (*hekime*) led to death of a pregnant woman during birth. She was imprisoned six months.³³ Given modernized, transformed healthcare institutions such as schools for midwives and forensic medicine schools, ordinary people and traditional midwives were not permitted to interfere with the health problems of women. As Khaled Fahmy stated, the Egyptian government aspired to interfere population growth with birth control mechanisms like modern medical methods and schools for midwives.³⁴ Similarly, the Ottoman Empire was also concerned with the politics of public health and specifically birth politics as studied in detail by Gülhan Balsoy.³⁵

The other important point about motherhood concerned female inmates incarcerated with their children. The Ottoman prison administration allowed

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- 31 Ufuk Adak, “The Politics of Punishment, Urbanization, and Izmir Prison in the Late Ottoman Empire” Ph.D Dissertation, University of Cincinnati, USA, 2015, 160.
- 32 Anthony Gorman, “In Her Aunt’s House: Women in Prison in the Middle East”, IAAS Newsletter, Vol 39, 2005, 7.
- 33 Liat Kozma, *Policing Egyptian Women, Sex, Law, and Medicine in Khedival Egypt*, (New York: Syracuse University Press, 2011), 23.
- 34 Fahmy Khaled, “Medicine and Power: Towards a Social History of Medicine in Nineteenth-Century Egypt,” *Cairo Papers in the Social Sciences*, Volume 23, No. 2, Summer 2000, 37.
- 35 See more details: Gülhan Balsoy, *The Politics of Reproduction in Ottoman Society, 1838–1900*. (London: Pickering & Chatto, 2013).

female inmates to be incarcerated with children under age six, but prevented children older than six from staying with their mothers in Ottoman prisons. The prison administration pointed out these children, their isolation, and adaptation to the society after the long imprisonment of their mothers. According to Kent Schull,

Authorities feared that children aged six and older would become mal-adjusted and more prone to life of crime through their extended exposure to prison life. In response to these fears, one proposed solution called for placing the mother and child in a special area in Istanbul Da'rülaceze (house of the poor people and orphanage) where they would be isolated from the institution's general population.³⁶

Schull insisted that the similar archival source was available in the Ottoman Archive.³⁷ This application was to be carried out by the Ottoman Bidayet Mahkemesi (Ottoman Inferior Court) because children of female inmates could be adversely affected in isolated prison complexes with other inmates. Thus, judicial authorities took the children of female inmates under special consideration.³⁸ Furthermore, the Ottoman prison administration carried on regarding the children of women prisoners. In this regard, the education of the children of the female inmates in the Karesi Liva Hapishanesi Nisa Tevkifhanesi (Women's House of Detention of Balıkesir Prison) was carried by the Ottoman schools. Their special education program for inmates' children was remarkable in World War I.³⁹

In sum, Ottoman prison administrations aspired to consider and improve the living standards of pregnant women prisoners. In that sense, there was a dedication to population and demographic politics on the part of the Ottoman government. Especially the CUP government desired to intervene population

36 Kent Schull, *Prisons in the Late Ottoman Empire, Microcosms of Modernity*, (London: Edinburgh University Press, 2014), 127.

37 DH. MB. HPS. 160/82: 1 May 1918

38 Ömer Şen, *Osmanlı'da Mahkum Olmak: Avrupalılaştırma Sürecinde Hapishaneler*, (İstanbul: Kapı Yayıncılık, 2007), 158-159.

39 Özgür Yıldız, "Osmanlı Hapishaneleri Üzerine Bir Değerlendirme: Karesi Hapishanesi Örneği", *Akademik Bakış*, Issue: 9, Vol: 17, 105.

growth, and their main target was social engineering and demographic politics as can be seen vis à vis the prison surveys. Thus, family planning, birth politics, the fluctuations of reproductivity rate, and motherhood had a place in Ottoman politics with special implementations for females. In this regard, the consideration of pregnancy, nursing, birthing and women inmates were incarcerated- as well as those children's education- increased in the Second Constitutional Period beginning in 1908. As Akşin Somel underscored, abortion and miscarriage shifted from moral and religious spheres to the political arena in the Ottoman Empire starting with the Tanzimat in 1839; moreover, in 1858 Penal Cod abortion (*iskat-i cenin*) became a crime be punished with penal servitude for females committed it.⁴⁰ Thus, as Gülhan Balsoy pointed out, demography politics and social engineering shed light on the notable consideration for pregnancy and motherhood in both Ottoman society and in its prisons.⁴¹

Briefly, with these special implementations of prison policy on pregnant and mother inmates, agency and status of them shifted from neglected and expendable to more visible and considered characters within Ottoman birth politics.

§ 4.3 The Dark Side of No Rules: The Prostitute Inmate

After noting the special considerations for pregnant women inmates and mothers, I address and illustrate the attitudes and discriminatory practices towards Ottoman prostitutes. Prostitutes have been the backbone of Ottoman female criminal stories especially since eighteenth century. As Fariba Zarinebaf pointed out, the rise in poverty and rural migration to city centers encouraged increases in sexual commerce (prostitution) outside of the red-light district that was controlled and taxed by the Ottoman Empire.⁴² These prostitutes

40 Akşin Somel, "Son Osmanlı Dönemin'de İskat-ı Cenin Meselesi", *Kebikeç* 12, 2002, 70.

41 Gülhan Balsoy, "Osmanlı Toplumunda Kürtajın Yasaklanması: Bir Politik Alan Olarak Kadın Bedeni." *Toplumsal Tarih* 223, (2012), 23.

42 Fariba Zarinebaf, *Crime and Punishment in Istanbul 1700-1800*, (California: University of California Press, 2011), 87.

were mostly single, widowed, or divorced women or slaves coping with economic struggles and poverty. Above all, the number of Muslim female prostitutes increased, and they were not allowed to have sexual relations with non-Muslim men. Therefore, Ottoman society always kept an eye on Muslim prostitutes. If they had sexual relations with non-Muslim males, they could be banished or imprisoned by the Ottoman courts in the eighteenth century. While Ottoman society was vigilant towards prostitutes in terms of their liminal, marginal, and dangerous positions vis-à-vis Ottoman moral, social and religious norms, they were apparently discriminated against. Fariba Zarinebaf tells of,

A prostitute Ayşe in Istanbul who had also been implicated in the death of her client, a janissary officer. Her nickname, *deli kız* (crazy woman), underlines her reputation for violent conduct, her marginal status, and her moral impropriety that drove her milieu to cooperate with the police in her arrest after she allegedly caused the death of her lover.⁴³

Thus, she was banished to Bursa and she began a new life as a penitent prostitute in a small neighborhood who was detained by her neighbors and or local imams. Here we see that people viewed prostitutes as potential criminals and that they could be banished or imprisoned.

Discrimination against and stigmatization of prostitutes by the Ottomans continued in nineteenth century, particularly inside the prison buildings. When women prisoners stayed at imams' houses, separate wards, or discrete prisons, they were exposed to discrimination and suffered under prison managements, wardens, and guards because of their type of their crimes: Fuhuşat (prostitution). As affirmed in archival documents, prostitutes had liminal position that derived from construction of their agencies with selling their sexuality in Ottoman society, as well. In doing so, their excluded and stigmatized situations were reflected in their imprisonment and their living standards in Ottoman prisons. Ali Karaca underscored that especially prostitutes' living

43 Ibid., 86.

standards were ambivalent and they were interpreted as marginal and immoral in Ottoman society.⁴⁴ While the other women prisoners who had committed murder (*cinayet*), larceny (*sirkat*), abortion (*iskat-i cenin*) coped with dreadful living conditions, malnutrition, and abuse in hovels, prostitutes suffered with discrimination and stigmatization in the prisons. Indeed, punishments overwhelmingly included both banishment and imprisonment for Ottoman prostitutes. Before imprisonment became the prevalent method of punishment, they were generally banished to Mediterranean islands (like Cyprus or Rhodes) or to Anatolian provinces.⁴⁵ Imprisonment became the primary punishment method with Imperial Penal Codes and Prison reforms discussed above, and prostitutes began to be incarcerated in prisons buildings or rented prisons (*icarlanmış hapishaneler*). According to Hasan Şen,

In the first place we have seen *Tevkifhaneler*, second *Kabahat*, third *Cünha* and finally, a place for convicted murderers. It was divided into four sections for each case. Each of them included three rooms within its interior. The first room was a place for children, the second room was for murderers, and the third room was for women mainly convicted for prostitution cases.⁴⁶

Hasan Şen's explanation acknowledges that according to the 1880 Prison Regulation, prostitutes were required to be imprisoned in separated rooms. As another example of such regulation, a decision of the Ottoman Prison Administration in 1914 proposed that prostituted women begin to be incarcerated in jails or women's prisons and they be judged according to Ottoman Penal Code

44 Ali Karaca, "XIX. Yüzyılda Osmanlı Devleti'nde Fahişe Hatunlara Uygulanan Cezalar: Hapis ve Sürgün", in *Hapishane Kitabı*, (Edt. Emine Gürsoy Naskali- Hilal Oytun Altun, İstanbul, 2005), 152-153.

45 Fariba Zarinebaf, *Crime and Punishment in Istanbul 1700-1800*, (California: University of California Press, 2011), 168.

46 Hasan Şen, "The Transformation of the Politics of Punishment and the Birth Of Prison in the Ottoman Empire (1845-1910)" unpublished MA Thesis, Boğaziçi University Atatürk Institute for Modern Turkish History. 2005, 102.

1911.⁴⁷ Thus, as Adak noted, “Both Schull and Yıldız stated that in some Ottoman prisons, prostitutes were separated from other female prisoners and imprisoned in other prisons.”⁴⁸

In this context, the Ottoman prison administration discriminated against women offenders who committed prostitution. They discriminated against and coerced prostituted women with new regulations. Was a case that occurred shortly after 5 March 1914 order in which these regulations were newly implemented. Two accused prostitutes were incarcerated in Bolu’s jails, and the prison administration ordered that they be incarcerated in different wards than other female inmates. In other words, they could not share a ward or room with other women who were accused of crimes other than prostitution. Moreover, the municipal administration began to supervise particularly the prostitutes’ wards in Bolu according to archival sources.⁴⁹

And Egyptian prisons, the ratio of prostitutes to other women in their prisons was one in three; Ottomans did not keep track of the numbers of prostitute inmates. Especially after British occupation in 1884, privileged women who were members of higher social classes were treated better than members of lower classes members or prostitutes.⁵⁰

Briefly, the inside of women’s prisons was convenient for carrying out discriminatory practices, mostly for prostitutes who struggled not only with the poor conditions of women’s prisons, but also with coercions, abuse, outright, and discrimination. Their criminality potential and its reflection in prison order point to the notable discrimination against them and their stigmatization and marginalization.

47 BOA. DH. İD. 65/46: 5 March 1914.

48 Ufuk Adak, “The Politics of Punishment, Urbanization, and Izmir Prison in the Late Ottoman Empire” Ph.D Dissertation University of Cincinnati, USA, 2015, 160.

49 BOA. MB. HPS. 94/40: 5 April 1914

50 Anthony Gorman, “In Her Aunt’s House: Women in Prison in the Middle East”, IAAS Newsletter, Vol 39, 2005, 7.

§ 4.4 Penal Labor and Rehabilitation of Ottoman Women Inmates

With respect to his prison ideal, Michel Foucault asserted that working in workshops or factories, the productivity of inmates, and penal labor in lieu corporal punishment inside prisons could rehabilitate prisoners by means of special working times.⁵¹ Prisoners could become penitent and their adjustment to prison life could be reinforced in this way. In this regard, the process of Ottoman prison reform was affected by this idea of rehabilitation. Ambassador Statford Canning, Major Gordon, and Dr. Paul Pollitz had been suggesting rehabilitation and purification of inmates through penal labor as a punishment method from the 1850s up 1918. This section examines the process of the implementing penal labor as punishment, especially for women prisoners. The first Ottoman prison regulation of 1880 stipulated penal labor for the rehabilitation of Ottoman inmates. Gültekin Yıldız expressed that inmates had to work during specific times determined by the Ottoman prison administration or proper prison managers.⁵² By doing so, prison managements utilized the prisoners' labor and at the same time kept the income from the production. These penal labor punishment methods encouraged production activity since the labor was cheap. Moreover, prisoner's production activity supported economic supplies of the prisons. Shopkeepers and craftsmen were affected by this cheap labor and production. Also, they kept the charges to give them later in the prisons' their own budgets or they kept that to use these incomes for the expenditures of the prisons. Furthermore, penal labor was discussed in the international arena at the 1890 Petersburg Prison Congress participants which included France, Great Britain, Germany, and the Ottoman Empire and Russian Empire sought solution for the question of penal labor and production.⁵³ Despite, the underdeveloped situation of Ottoman prisons, the fundamental

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- 51 Michel Foucault, *Discipline and Punish: Birth of Prison*, Trans. by Alan Sheridan. (New York: Vintage Books, 1995), 281-282.
- 52 Gültekin Yıldız, *Mapusâne: Osmanlı Hapishanelerinin Kuruluş Serüveni, 1839-1908*, (İstanbul: Kitabevi, 2012), 299-306.
- 53 Fatmagül Demirel, "1890 Petersburg Hapishaneler Kongresi", *Toplumsal Tarih*, 89, (May 2001), 13-14.

target of the Ottoman Empire was to be recognized among the great powers. After the 1880 Ottoman prison regulation report, prisoners were forced to work in workshops, learn crafts, and improve their abilities. Even though, the 1880 Ottoman prison regulation included an article about penal labor, rehabilitation in workshops, the CUP government and constitutional monarchy especially pushed rehabilitation through penal labor as a punitive method for Ottoman inmates.⁵⁴ As a discriminative mentality, specifically prostitutes in Ottoman prisons were compelled to work in workshops. As archival documents show, inmates convicted of prostitution began working as penal labor in military sewing workshops in 1910.⁵⁵ By means of penal laborer, inmates who had been prostitutes became purified and domesticized. In British prisons women were likewise assigned to workshop to carry out domestic works to remind them of their domesticity. The essential purpose was to accelerate their purification from their criminal behavior, and embed them in the domestic sphere again.⁵⁶ Thus, women inmates worked at the workshops in more domestic workers such as charwomen, needlewomen and laundry women.

Both male and female inmates were forced by the Ottoman government to do penal labor to become rehabilitated and readapt to society. The CUP government established workshops for sewing, carpet weaving, and shoemaking in the Hapishane-i Umumi in Istanbul in 1920.⁵⁷ Hasan Şen mentioned that women began working in textile workshops in Edirne prison, producing socks, flannels and skirts at the beginning of the twentieth century.⁵⁸ In addition, weaving machines were bought with the support of prisoners and prison managements. As stated above, their salaries were kept in a special prison

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- 54 Zafer Atar, "20. Yüzyıl Başlarında İstanbul Hapishane-i Umumi'de Mahkûmların Üretim Faaliyetleri" SDU Faculty of Arts and Sciences Journal of Social Sciences, April 2014, No: 34, 20-21.
- 55 BOA. DH. EUM. THR 48/36: 1 September 1910.
- 56 Linda Moore and Phil Scraton, *The Incarceration of Women, Punishing Bodies, Breaking Spirits*, (Basingstoke: Palgrave Macmillan Publishing, 2014), 4-5.
- 57 DH. MB.HPS. 165/29: 6 March 1920
- 58 Ömer Şen, *Osmanlı'da Mahkum Olmak (Avrupalılaşıma Sürecinde Hapishaneler)*, (İstanbul: Kapı Yayıncılık, 2007), 60-61.

fund, and after their release, prison managers had to give them their due. Although penal laborers produced and worked without any due, some prison managers attempted to corrupt prisoner's fees. Zafer Atar pointed out that demanded a report from the Hapishane-i Umumi management on the incomes of prisoners in workshops; however they did not provide the requested fiscal documents. In spite of several warnings from the Ministry, Istanbul prison managers did not keep track of incomes in tehir records. Finally, the Ministry of Finance required a report of all income from the workshops at the Hapishane-i Umumi in order to investigate.⁵⁹ Despite exceptional cases of corruption, the Hapishane-i Umumi was the center of prison workshop system, and penal labor models were spread from there. Furthermore, prison administrator Paul Pollitz prepared a report in 1917 on the rehabilitation of female inmates in provincial prisons. His main suggestion was that they do penal labor in workshops. As noted above, working encouraged female inmates to rehabilitate and control in the prisons. Moreover, they could conform after being released.⁶⁰

In Egyptian prisons, the first textile workshop for the penal labor of women was opened in 1856.⁶¹ According to Gorman, "...they became the seamstresses of the prison administration, making clothes for prison guards and inmates. In Lazaret, women worked on sewing or making matchboxes. Such work was squarely within the traditional definition of women's activities." Like Ottoman female penal laborers, Egyptian females began working inside proper prisons. Citing an example from the Egyptian archive, Fahmy variants, "The Court, after hearing both Khayr's and Zarifa's testimonies, found the latter guilty (of robbery) and sentenced her to three months imprisonment in the Iplikhane (lit. a textile workshop in Bulaq to the north-west of

59 Zafer Atar, "20. Yüzyıl Başlarında İstanbul Hapishane-i Umumi'de Mahkûmların Üretim Faaliyetleri" SDU Faculty of Arts and Sciences Journal of Social Sciences, April 2014, No: 34, 29-30.

60 Saadet Tekin, "Osmanlı'da Kadın ve Kadın Hapishaneleri" *A.Ü.D.T.C.F Dergisi*, C.29, S.47,97.

61 Anthony Gorman, "Regulation, Reform, Resistance in the Middle Eastern Prisons" in *Cultures of Confinement A History of the Prison in Africa, Asia, and Latin America*, Edited by Ian Brown, Frank Dikötter, Cornell University Press, 119.

Cairo which functioned as a prison for women.)”⁶² As apparently seen, penal labor had become the major traditional punishment by 1865, but as late as 1917 Ottoman prisons had still not brought about the Egyptian penal labor system. Rudolph Peters pointed out that the Egyptian system created problems like a lack of isolation even as penal laborers were rehabilitated by the regular working and production times.

According to Gorman,

Prison conditions were not aimed at isolating prisoners from society and prisoners were in close contact with the outside world. This was facilitated by two factors: Inmates depended on their relatives for food, particularly in local prisons, those sentenced to penal labor would often work together with free laborers.⁶³

Briefly, practical implementation of penal labor hindered the isolation and rehabilitation purposes of this punitive methods in Egyptian prisons.

In Ottoman prisons, though penal labor workshops and factories were founded in the first decade of the twentieth century, they did not achieve the targets of the rehabilitation and purification of prisoners due to different reasons from Egyptian’s penal labor system. Nevertheless, the CUP government’s efforts were sustainable and its ambitious, practical implementations were more effective and ambitious in rehabilitating and modernizing the entirety of Ottoman prisons. However, corruption created differences between the rhetoric surrounding prison policy and its implementation in practice. Above all, when rehabilitation methods designated for women prisoners focused on at reminding them of their femininity, innocence, and susceptibility, they shifted from being invisible characters to embodied figures with domestic and vulnerable features.

62 Fahmy Khaled, “The Police and the People in 19th Century Egypt” *Die Welt des Islams New Series*, Vol. 39, Issue 3, State, Law and Society in Nineteenth-Century Egypt (Nov., 1999), 343.

63 Peters Rudolph, “Prisons and Marginalization in Nineteenth Century Egypt” in *Outside in: On the margins of the Modern Middle East.*, ed. by Eugene Rogan, (London: I.B. Tauris, 2002), 41.

As a result, I prioritized women prisoners and the statistical information about them to grasp, pregnancy and motherhood in Ottoman prisons, discrimination against prostitutes, and rehabilitation attempts to rehabilitate women prisoners with penal labor. Each section encouraged us to confront the Ottoman prison modernization mentality and its practices in prison buildings and detention houses. As seen, the number of prisoners was low respect to male inmates. Admittedly, their low numbers reinforced their invisibility in the Ottoman prison system. I am also concerned with motherhood and pregnancy in light of the prison census and survey questionnaires from which the number of female inmates who had children could be ascertained. Supported by the positivist, social engineering mentality of CUP government, birth and reproductivity of Ottoman women began to be controlled by the Ottoman state. In doing so, it reflected the attitudes of prison managements towards prisoners who were pregnant or mothers. In this spirit, I address incarcerated prostitutes and their stories of discrimination in Ottoman prisons, as well. In the final section, I shed light on the relation between penal labor and being a female prisoner in Ottoman prison workshops in light of archival sources. As a result, the concepts of being a female inmate in an Ottoman prison were discussed multidimensionally through these various archival documents.

Conclusion

As emphasized previous chapters, I shift women's agency from their domestic fields which have been set out by Ottoman historians who have situated their presence in the home as wives, brides, mothers. In so doing, historians relegated women's agency and their presence to domestic field, so prison or gendered criminality studies do not imagine them as criminal figures or active offenders. Hence, this study fills a gap in the Ottoman studies and Ottoman women studies literature that have not undertaken any comprehensive study or evaluative, and critical discussion of women as criminal characters or active offenders. Thus, as noted clearly, my main purpose is to touch on the closed world of the female offenders of the Ottoman Empire, the hidden presence of women inmates in the Ottoman prison system, and the perception of women inmates in Ottoman society and among prison management with respect to the discourse of regulating prisons. I have carried out a critical, analytical, and inclusive discussion directly evaluating gendered criminality in penology studies, their reflection in prison administration systems nineteenth-century Great Britain and Tsarist Russia, and above all the neglect of women offenders in the Foucauldian perspective. I discussed the gendered criminality, literature and fundamental penology works multidimensionally before focusing on stories of Ottoman women inmates. Briefly, criminality among women and its perception retained its blurriness. Recognition of female inmates has amounted to the depersonalization and dehumanization of

female offenders as deviant, mad, and sadist -or to their victimization as innocents.¹ Consequently, the analytical approaches in the British and American literature demonstrated that women's criminality has not been perceived like male criminality. In other words, women offenders were not considered to commit crimes on their own free will. If they did it, they were seen as probably deviant, insane, or victims. Therefore, this understanding is reflecting in really-existing prison systems in the nineteenth century and first half of the twentieth. Therefore, the androcentric prison system hampered the standard rules, order, and lives of female inmates. According to Pat Carlen, "the dominant meaning of women's imprisonment in Scotland is that it is imprisonment denied: It is denied that the women's prison is a real prison, it is denied that the prisoners are "real women."² As reflection of the male-centric understanding of prisons, the existence of female offenders and inmates was denied in the prison system. In doing so, women inmates were exposed to ad hoc prison buildings or wings, provisional prison conditions, underdeveloped regulations, pathetic living standards, and filthy physical conditions. They were subjugated to the male-based prison system and penology discourse, as well. In fact, these discourses and understandings engendered the basis for the study of women's prisons and prisoners in this study.

To answer how female inmate were initially perceived in the penology literature, the following section compared to the Ottoman, Russian, and British literature and the perspectives, discourses, and attitudes of these three different states. As expected, although female criminality and its reflection in prison systems involved arguments alike repetitive statements such as the ignorance of women inmates, discrimination against female prisoners, the de-personalization of female offenders, and their discarded characters remained its existence in women's prison and female criminality studies. Accordingly, although there were cultural, moral, and religious differences among the understandings of women prisons and prisoners Russian, British, and Ottoman

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- 1 Christine, Rache, "The Female Offender as an Object of Criminological Research" in. *The Female Offender*, Edt. Broadsky, Annette M, (London: Sage Publication, 1975), 9.
 - 2 Pat, Carlen, *Women Imprisonment, A Study in Social Control*, (Routledge &K. Paul: 1983), 211.

systems, these nuances did not preclude similar treatment and care for female offenders.

The central concern of this thesis is Ottoman women inmates and their status inside Ottoman prisons. Above all, I evaluated attempt to modernization, reform, and regulate Ottoman prison through the case of female criminality in light of analytical and critical perspectives. Chronologically these included measures the Tanzimat, Hamidian, and the Committee Union and Progress between 1840 and 1920. Attempts at reform and regulation reports were evaluated vis-à-vis women prisoners and specific to special regulations or measures for female inmates in Ottoman prison policy. Without a critical evaluation of these formal prison reform attempts, the general prison policy, and the standardization and institutional developments in Ottoman prisons, and the specific regulations of the male-centric prison system, it is not possible to understand the status of female inmates and their special treatment in the Ottoman prison system. Consequently, Ottoman prison reform revealed the underdeveloped roots and filthy conditions of Ottoman prisons that affected both male or female inmates living in the dreadful conditions of Ottoman prison buildings. On the other hand, the general regard of female inmates as guests of Ottoman prisons during the reign of the Committee Union and Progress was a remarkable attitude of the Ottoman prison administration. Along with institutional prison reform and durable implementation of standardized prison regulations, female inmates were considered as specific, and unique subjects in regulation reports as discussed in chapter 2.

In chapters (Chapter 3 and 4), I examined Ottoman female prisons and the position of female prisoners in light of archival documents which demonstrated the vulnerable, excluded, and neglected status of the female inmates. The spatialized problems of female prisons included renting imam's houses as women's prisons, the problem of guarding of female inmates, the effect of the fiscal problems of the Ottoman Empire on female prisons, malpractice and corruption of prison guards or wardens, and abusive or coercive treatment of female offenders in imperial prisons.

Succinctly, Ottoman prisons system and its omitted, pious implementations proved that clearly the women inmates whose dignities were susceptible,

excluded, hidden and above all expendable in the gaze of Ottoman prison experiments. Although the officials ventured to carry out diligences for the improvement of prison modernization, the reflections of the modernization attempts could not be achieved somehow. Nevertheless, imam's houses (renting a prison house), female guardian question, jobbery and sexual abuses, filthy conditions of prison buildings were maintained, though Ottoman prison management system already concurred with underdeveloped prison system for both male and female prisoners, with their temporary solutions. Needless to discuss that Foucauldian perspective could not evaluate with in the Ottoman prison system that was absolutely varied and extremely indisputable. As a result, women prisons and its spatial questions were maintained regardless prison modernization targets once again.

The fourth chapter dealt with prison surveys and censuses in order to become acquainted with the numbers, crime rates, marital statuses, literacy, and ethnoreligious identities of the women inmates. My priority dealt with women prisoners, their statistical information to have a grasp about them, pregnancy and motherhood in the Ottoman prisons, discrimination over prostitutes and rehabilitation attempt of women prisoners with penal labor. Each section of this chapter such as motherhood and maternity inside of the Ottoman prisons, discrimination over the female inmates and penal labor implementation in the women prisons which encouraged us to confront with Ottoman prison modernization mentality and its practices in the prison buildings or detention houses. As it seen explicitly, women prisoners' numbers were very low respectively than male inmates. Admittedly, this low numbers of them reinforced their invisibility in the Ottoman prison system. I also concern with their motherhood and pregnancy process with the light of the prison census and survey questionnaires assisted to know numbers of female inmates who had children as it illustrated above. Briefly, with the support of positivist, social engineer mentality of CUP government, birth and reproductivity of the Ottoman women began to be controlled by the Ottoman state. In doing so, it reflected the attitudes of prison managements towards pregnant or mother female prisoners. In other words, they were more visible and considered characters on the gaze of Ottoman prison administration. In this spirit, I ambitiously address incarcerated prostitutes and their discriminative stories in

the Ottoman prisons as well. In the final section, I shed light on the relation among penal labor and being a female prisoner in the Ottoman prison workshops with the light archival sources. Consequently, concepts of being female inmates in the Ottoman prisons were discussed multidimensionally with these varied archival documents.

While women could build their identities and agencies by committing crimes and being female prison inmates, they retained their invisible status which represented them as wives, mothers, and brides, in the domestic field—that is to say, as generally passive, innocent characters. Women inmates' invisibility dramatically shifted to expendability within the prisons. They were still neglected, hidden, excluded and sometimes more considered in the Ottoman prison system despite reforms and regulations applying to both male and female inmates in the second half of the nineteenth century and the beginning of the twentieth century. Furthermore, women inmates survived in androcentric prison system, so could not live with their own individual criminal agencies and were not taken seriously given their expendable, distinct, and excluded status.

Appendix

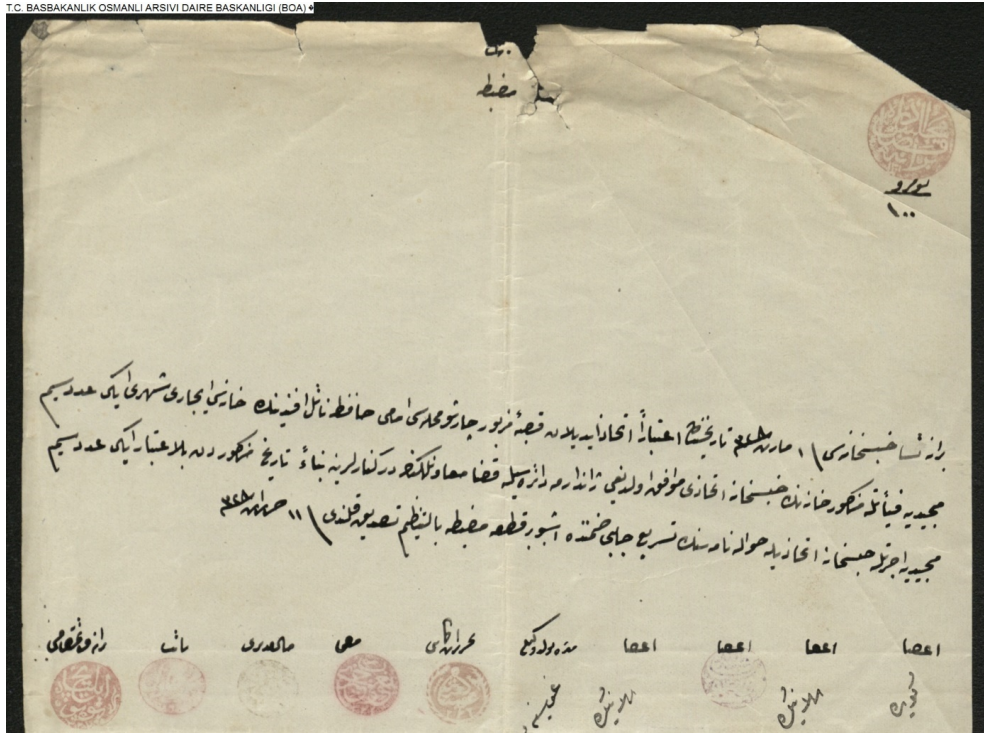
FTG: 01: Manastır 1918



Tanzim ve takdim kılınan defterde muk'ayid buldukları üzerelerdir.

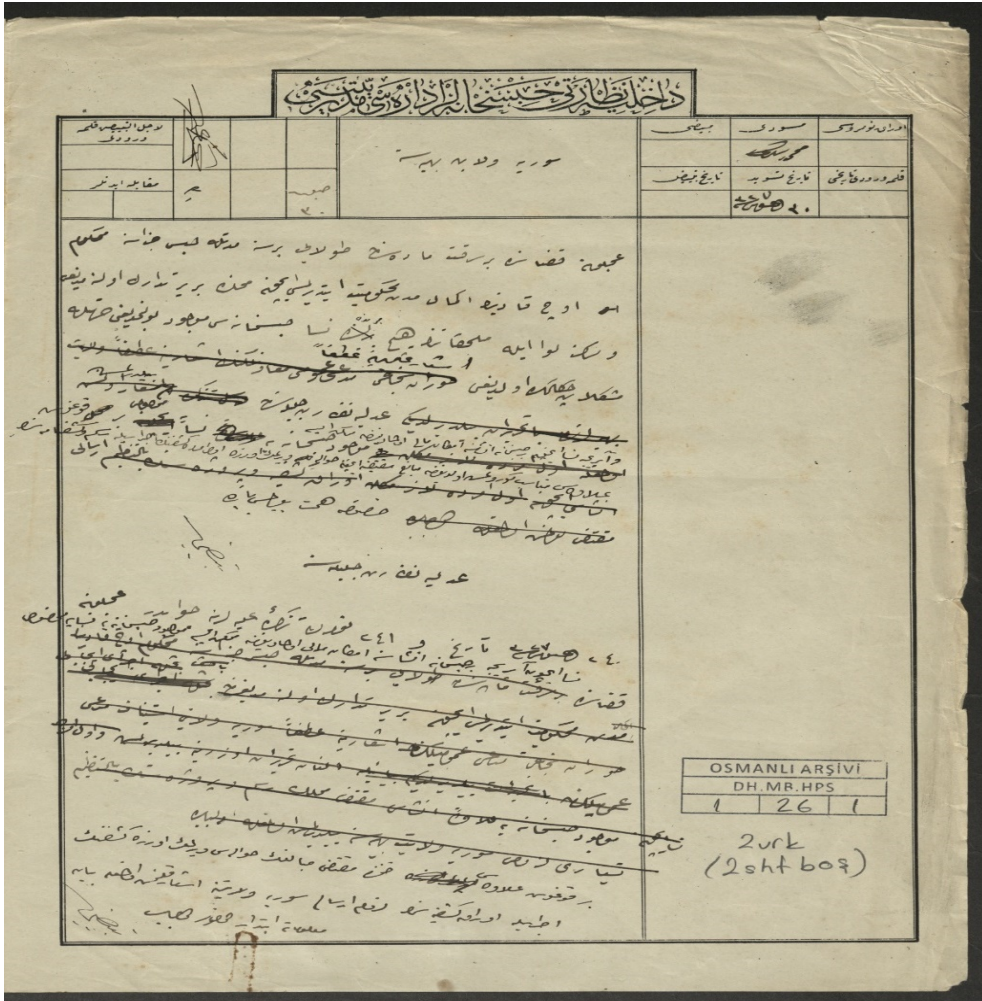
From right to left: Manastır Vilayeti/ Manastır Sanjağı, 1918

- ◆ Kırçova'nın Urlanca kariyeli ve Ziro bint-i Aspasi
- ◆ Florinalı Viyo bint-i Tanas
- ◆ Florinanın Zeniç kariyeli Katrina bint-i Papabze
- ◆ Florina'nın Zeniç kariyeli Kirko bint-i Hristo
- ◆ Kesrine'nin Zoğoriç kariyesinen Maslina bint-i Jovan.



Brana Nisa Hapishanesine, fi 1 Mart sene 1328 tarihinden itibaren ittihaz edilen kasaba-i mezbur Çarşı mahallesi imamı Hafız Nail Efendi'nin hanesi icarı şehri iki aded sim mecdiye fiyatla mezkur hanenin habshane ittihazı muvafık olduğu jandarma dairesiyle kaza muavinliğinin der-kenarlarına binaen tarih-i mezkurdan bi'l-itibar iki aded sim mecdiye ücretle habshane ittihazıyla havalenamesinin tesri'-i celbi zımında iş bu birkatla mazbata bi't-tanzim tasdik kılındı. Fi haziran sene 328

İmzalar Selanik ve Gosine'deki üyelere ait.



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Suriye Vilayeti Behiyyesine,

Aclun kazasında bir sirkat maddesinden dolayı bir sene müddetle hapis cezasına mahkum üç kadının ikmal-i müddet-i mahkumiyet ettirilmesi için mahallinde bir yer tedarik olunamadığından ve mezkur liva ile mülahakatının hiç nisa hapishanesi mevcut bulunmadığı cihetle müşkilat çekilmekte olduğu iş'ar-ı alisine atfen adliye nezareti celilesine bildirilmiş ve ayrıca nisa için bir hapishane inşasına imkan-ı mali olmadığından mevcut hapishaneye nisaya mahsus bir koğuş ilavesi münasib olduğundan mebalig-i mukteza için havalice verilmek üzere üç madde keşfinin icrasıyla tersim ve keşifnamesinin hususunda himmet buyrulması babında.

Adliye Nezaret-i Celilesine,

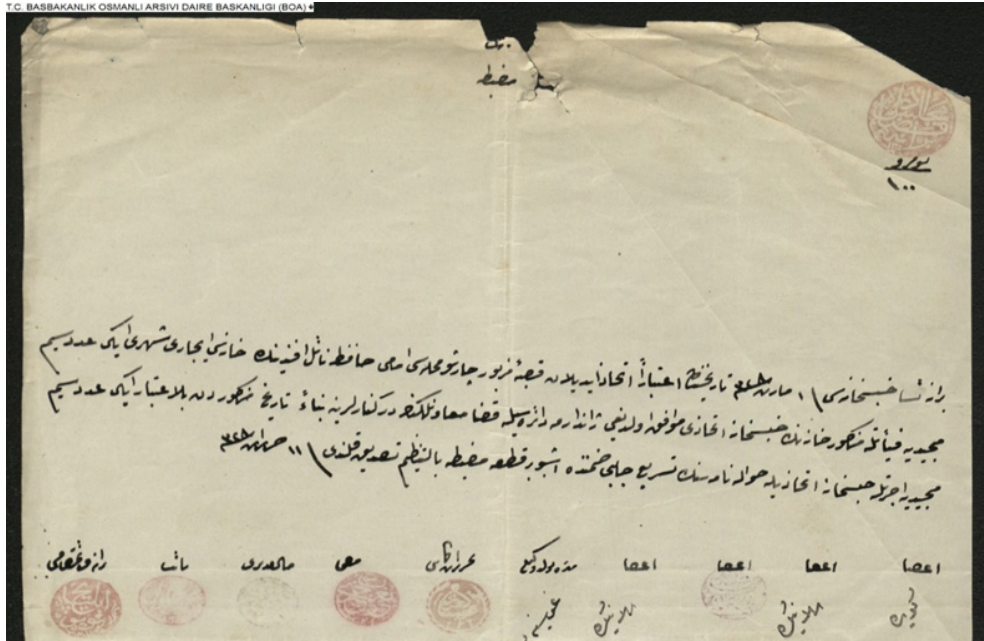
24 Ağustos sene 327 tarihli ve 24 numarolu tezkire-i aliyyelerimne cevabdır. Aclun kazasında nisa için ayrıca bir hapishane inşasına imkan-ı mali olmadığından mevcut hapishaneye nisaya mahsus bir koğuş ilavesi zımmında mukteza-yı mebaligin havalesi verilmek üzere keşfinin icrasıyla evrak-ı keşfiyyesinin lüzum-u irsaliyesi Suriye vilayetine iş'ar kılınmış olmağla beyan-ı malumata ibtidar olunur ol babda.

Hülasa: Eceabad kazası nisa hapishanesi ittihaz olunan mahal hakkında cevaben.

Maruz-u Çaker-i kemineleridir,

Mebani-i Emirriye ve Hapishaneler İdaresi Müdüriyeti ifadesiyle şeref varid olan 3 Eylül sene 33 tarihli ve 7704/639 numarolu emr name-i ali-i nezaret penahileri arıza-i cevabiyesidir. Eceabad kazasında el yevm nisa mahkumu mevcut olmadığı ve ma'mafih hapishanesizlik yüzünden mürur-ı zamana ma'ruz kalınmamak ve ahkam-ı kanuniye icra edilmek üzere nisa hapishanesi için muktezi tahsisata ihtiyaç bulunduğu Gelibolu mutasarrıflığının iş'arı üzerine ma'ruzdur. Ol bab-da emr-ü ferman hazret-i veliy'ül emrindir.

Fi 17 Zilhicce sene 335 ve fi 4 Teşrinievvel sene 333
Edirne valise



Brana Nisa Hapishanesine, fi 1 Mart sene 1328 tarihinden itibaren ittihaz edilen kasaba-i mezbur Çarşı mahallesi imamı Hafız Nail Efendi'nin hanesi icarı şehri iki aded sim mecdiye fiyatla mezkur hanenin habshane ittihazı muvafık olduğu jandarma dairesiyle kaza muavinliğinin der-kenarlarına binaen tarih-i mezkurdan bi'l-itibar iki aded sim mecdiye ücretle habshane ittihazıyla havalenamesinin tesri'-i celbi zımında iş bu birkatla mazbata bi't-tanzim tasdik kılındı. Fi haziran sene 328

İmzalar Selanik ve Gosine'deki üyelere ait.

Dahiliye Nezareti Hapishaneler İdaresi Müdüriyeti,

Karesi Mutasarrıflığı canib-i valasına;

Mahal-i Seniyye'den bazı kadınları hilaf-ı talimat harice çıkardığı ve fuhuşiyata sevk ü tahrik eylediği iddiasıyla taht-ı muhakemeye alınan meclis-i idare-yi livaca üç ay müddetle habse mahkum edilen nisa hapishanesi gardiyanı Mehmed Çavuş'un istintaken cereyan eden muhakemesi neticesinde merkumun üç lira-yı Osmani ceza-yı nakali ahzına ve muhakeme-i ibtidaiyye için ve masraf-i istintakiyye olarak cem'an iki yüz yirmi guruş ayrıca tahsiliyle dahiliye veznesine itasına dair şura-yı devlet istinaf mahkemesinden sadır olup, 15 Teşrinievvel 1329 tarihli buyrulduzu ile tebliğ buyrulan il'am leffen savb-ı valalarına tisyar kılınmış olmağla mucibince mu'amele ifa ve salifü'z-zikr iki yüz yirmi buçuk guruş bi't-tahsil nezaret veznesine isra buyrulmasına

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