

NEGOTIATING THE TERMS OF MERCY:
PETITIONS AND PARDON CASES IN THE HAMIDIAN ERA

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Title: Negotiating the Terms of Mercy: Petitions and Pardon Cases in the Hamidian Era

This study focuses on the pardons of the Hamidian era by using the petitions which were written by convicts, accused people or their relatives to the Sublime Porte. Beside the lives, prison conditions and accusations of the convicts, the pardon petitions constitute a useful source for seeing the nature of the relationship between the state and the ordinary people. This study argues that although requesting a pardon seems to have been a kind of obedience to the authority, the relationship established on pardons was established through bargaining and negotiations. The process of granting pardons was an interactive one in which the actors negotiated on the conditions according to the position of supplicant. Also, the petitions allow us to see the debated characteristics of the Hamidian era from the eyes of the ordinary people.

This study seeks clues to the reasons for the frequently granted pardons of the Hamidian era and suggests that granting pardons was one of the policies of Abdülhamid II. In the popular debates on the Hamidian era, the approval of only a few death penalties and commutation of heavy penalties usually are attributed to the mercifulness of the Sultan. However, the pardoning power was a political tool of the Sultan to solve certain problems in a peaceful way. The pardons worked well in establishing a legitimate and just rule in the eyes of the people, compensating the weakness of state in many cases. Hence, this study claims that the pardon was a state policy and it was especially applied during the Armenian Events of the 1890s, the banditry problem and tribal conflicts. Moreover, to gain the loyalties of the outlaws, to use them as informers and collaborate with them in the critical areas of the Empire, pardons were a step in allowing the state to make alliances without losing its prestige. Through the discretionary power of forgiveness, the Sultan tried to restore the monarchical ideology, namely the merciful image of Sultanic rule, which was a distinctive element of monarchical power.

On the other hand, these pardons reflected certain expectations of the popular classes. Generally speaking, the convicts used many discursive strategies requesting pardons through petitions, which also can be found in abundance in the Ottoman archives. These pardon petitions mentioned the innocence of the convict, the miserable conditions of prisoners and their families and the diseases that prevalent in the jails. Through emphasizing the justness, dignity and mercifulness of the Sultan side by side with their weakness, ignorance and poverty, the convicts pleaded for mercy from him. However, in granting pardons, the Abdülhamid regime expected from the convict less loyalty or regret than certain services, and active collaboration on particular issues – a tension which constituted the dynamics of the pardon negotiations.

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Başlık: Merhametin Koşullarını Müzakare Etmek: II. Abdülhamid Döneminde Af Talebi Arzuhalleri ve Aflar

Bu çalışma, mahkûm, zanlı ve onların yakınları tarafından sunulan af talebi arzuhallerine ve II. Abdülhamid döneminde af vakalarına odaklanmaktadır. Mahkûmların hayatları, hapisane koşulları ve suçlamaların yanında, af arzuhalleri, devlet ve sıradan insanlar arasındaki ilişkileri görmek için de yararlı bir kaynaktır. Bu çalışma, her ne kadar af dilemek ilk bakışta bir tür itaat ve boyun eğme olarak algılansa da, aflar üzerinden devletle kurulan ilişkilerin pazarlıklar ve müzakereler içerdiğini savunmaktadır. Affetme süreci aktörlerin kendi sosyal konumlarına göre affedilme koşullarını müzakere ettiği karşılıklı bir süreçtir. Ayrıca arzuhaller II. Abdülhamid döneminin çok tartışılan özelliklerine de sıradan insanların gözünden bakmayı sağlar.

Bu çalışma II. Abdülhamid döneminde sıklıkla ilan edilen afların sebeplerine dair de ipuçları vermeyi amaçlamaktadır. Bu döneme dair popüler tartışmalarda ağır cezaların hafifletilmesi ve idamların affedilmesi genellikle Sultan'ın affedici olmasına bağlanmıştır. Fakat affetme yetkisi özellikle bazı sorunların barışçıl bir şekilde çözülmesinde Sultan'ın elinde politik bir araç olmuştur. Aflar, çoğu durumda devletin zayıflıklarını örterken, kitlelerin gözünde meşru ve adil bir yönetim anlayışı inşa edilmesinde işe yaramıştır. Bu sebeple, bu çalışma afların özellikle 1890 Ermeni Olaylarında, aşiretlerle yaşanan çatışmalarda ve eşkıyalık sorununda uygulanan bir devlet politikası olduğunu iddia etmektedir.

Ayrıca, aflar devlete itaat etmeyenlerin bağlılığını kazanmak, onları itirafçı olarak kullanmak ve onlarla kritik bölgelerde devletin prestiji sarsılmadan ittifaklar kurmak için de öne sürülmüştür. Takdir yetkisine dayanan aflar sayesinde monarşik ideoloji, merhametli padişah söylemi üzerinden yeniden üretilmeye çalışılmıştır. Öte yandan aflar kitlelerin kimi beklentilerine de karşılık gelmiştir. Af talep edenler, Osmanlı Arşivlerinde bulunan birçok arzuhalde görüldüğü gibi, söylemsel stratejiler kullanmışlardır. Kendilerinin zayıflıklarına karşı padişahın yüceliğine vurgu yapmışlar, her ne kadar adil padişah vurgusu yapsalar da bir yandan aslında durumun adaletsizliğini, adaletin nasıl sağlanacağını anlatmışlardır. Fakat Abdülhamid rejimi mahkûmlardan sadakat dışında hizmet ve işbirliği de beklemiş bu durum af müzakerelerinin temelini oluşturmuştur.

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CONTENTS

CHAPTER ONE: INTRODUCTION	1
CHAPTER TWO: THE PARDON PETITIONS: THE STORIES AND AUTHORS	20
Petitions as Artifacts	20
The Process of Supplication	21
The Authors of the Petitions	22
The Stories in the Petitions	23
CHAPTER THREE: DOCUMENTS IN CONTEXT	41
The Armenian Events, Convicts and Hamidian Policy toward Armenians	43
The Faces of Hamidian Rule: Legitimacy, Autocracy and Symbolism	54
Judicial Developments of the Hamidian Era	60
Tribes and Hamidian Policy	63
Brigands and State	68
CHAPTER FOUR: STATE POLICY OF PARDONS AND NEGOTIATION THROUGH SUPPLICATION	72
The Policy of Pardons	73
Pardons for Death Penalties	74
Pardons on Ceremonial Days	77
Brigands and Pardons	79
Political Crimes, the Armenian Events and Pardons	81
Armenian Bandits/Committees and Pardons	90
Pardons in the Borders	92
Negotiation Through Supplication	94
After Being Pardoned	100
Young Turks and Pardons	105
CHAPTER FIVE: CONCLUSION	108
BIBLIOGRAPHY	113

CHAPTER ONE

INTRODUCTION

This research originally was based on the aim of inquiring into the ways or the forms of relation between authority and ordinary people in the context of the late Ottoman Empire. How did people react when they come face to face with the state? Actually, the arena of law stands as a relatively unexplored area in which to see this confrontation. Further studies on legal practices introduced me to a wide range of documents concerning the pardons in the Prime Ministry Ottoman Archives. In the archives there were countless documents such as correspondences, imperial orders and petitions concerning pardons in various catalogs. The numbers of documents (or documented pardons) considerably increase in number for the rule of Abdulhamid II. These documents mainly were related to the convicts of the Armenian Events, tribes, bandits, political offenders and poor or elder people suffering from heavy penalties. Therefore I thought that these pardons could be evaluated in the social and political context of the Hamidian era. Considering the role of ordinary people in history, their confrontations with the state and their lives in past, I have examined petitions with the stories and authors of pardon supplicants.

Since pardons in the Ottoman Empire had not been examined before, this thesis mainly relies on archival documents. Due to the breadth of the subject and abundance of documents, I chose some sample cases through which it was possible to analyze the pardons in a framework. Moreover, other difficulties in the archives, besides working on an untouched issue, were encountered during the following of pardon cases because the folders do not contain enough documents. Most of the time,

they consist of only a single paper or summary of the decisions of a case. Also, while some folders in the digital catalogs are tagged as petitions, their summaries, prepared for Sultan by Grand Vizier, are available more than petitions themselves. It also is hard to find the imperial order or consequence of a pardon request even though other correspondences are available. Sometimes by chance sometimes as a result of investigations that I made within catalogs I located the stories of pardons. For the cases to which I could not reach the full story I told what I had in my hand while evaluating that case. Furthermore, this study benefited from the correspondences between government and local administrators for the pardons which were tacit negotiations without petitions especially for bandits and outlaws.

The main questions of this research are: How can we situate the pardons in the context of the Hamidian era? How can we understand the stories told in the pardon petitions? Did the petitioners use ‘discursive strategies’ while requesting pardons? Who were the authors of the petitions? Were there any reciprocal relations behind pardons, or in which conditions did Abdulhamid II grant pardons? Were there any ruling strategies behind the pardons in the eyes of the state? Can we say that granting pardons was a state policy?

As is clear from these questions, this study has two faces. On the one hand it explores the state policy and, on the other, situates the agency as petitioners in the light of petitions. Actually, this dialectic derives from the idea that state and society are not unique forms existing separately from each other.¹ As Christian Krohn-Hansen states even in the most authoritarian states there was a negotiation of

¹ C. Hansen and Nustad, eds, “Introduction,” *State Formation: Anthropological Perspectives* (London: Pluto Press, 2005), p. 12.

state power.² In my opinion, for the history of the Ottoman Empire one of the sources for locating the clues of this negotiation is the petitions. What the petitions offer a chance to see the two sides of the governance and to explore the janus-faced aspects of power. As Chalcraft points out, the petition documents show the state and society relations as a “sophisticated engagement and negotiation with state practice and discourse” rather than a clash or simple compliance between them.³ A written source found in the archives in abundance, petitions allow us to see the dynamics of communication between the rulers and the ruled. The only way to make the ruler hear the people’s concerns was petitioning, which could not be ignored by the ruler. Van Voss signifies the petitions and their importance in the eyes of the ruler as follows: “Petitions are demands of favour, or for the redressing of an injustice, directed to some established authority. As the distribution of justice and largesse are important parts of ruling, rulers can hardly deny their subjects the right to approach them to implore them to exercise justice, or to grant a favour.”⁴ He argues that even for the most autocratic regimes, hearing the demands of people was very important in the eyes of state for these reasons:

First, petitions offered a window upon the mind of the general population for contemporary statesmen, in much the same way as they to do latter-day historians. Second, behind the deferential façade of a petition always lurked the threat that the population might revolt if a justified demand went unheeded. The right of petition thus worked as a safety valve. And thirdly, petitions could sometimes be read as an offer by a local population for a coalition with the centre of the state to work against intermediate power holders.⁵

² Christian Krohn-Hansen, “Negotiated Dictatorship: The Building of the Trujillo State in the Southwestern Dominican Republic,” in *State Formation: Anthropological Perspectives* (London: Pluto Press, 2005) pp. 96-123.

³ John Chalcraft, “Engaging the State: Peasants and Petitions in Egypt on the Eve of Colonial Rule,” *International Journal of Middle East Studies* 37 (2005), p. 304.

⁴ Lex Heerma van Voss, “Introduction,” Petitions in History, Special Issue of *International Review of Social History*, 46, Supplement 9 (2001) p.1.

⁵ Van Voss, p.4.

The petitions have become a fruitful source for those interested in social and cultural history. Conflicting with the idea that the “subaltern cannot speak” thousands of stories in the petitions present the voices of peasants and workers.⁶ A literature based on petitions already occupies the agenda of academic circles. This literature evaluates the petitions in many ways such as discourses and stories to reach out to the lives of the people of the past and also to understand the relationship between authors and recipients.

Natalie Davis’ pioneering work *Fiction in the Archives: Pardon Tales and Their Tellers in the Sixteenth Century France*⁷ has contributed much to the petition studies as well as my thesis. She places the fictional analysis at the center of her research on the sixteenth century remission letters of France. The main concerns of her study are to investigate how sixteenth century people told pardon stories, how their stories varied according to the teller and the listener and how the rules for plot in these judicial tales of violence and grace interacted with wider contemporary habits of explanation, description and evaluation. She evaluated the structures in the minds and lives of the sixteenth century people, their ‘learned’ story-telling style which was culturally constructed and determined by the law. Moreover, she considers the role of these tales as a source of the enhancement of king’s sovereignty. The narratives and formats were the focuses of her study.

Another scholar, Andrew Werner, maintains that the petitioners used “discursive strategies” while making their requests to the authorities.⁸ He evaluates

⁶ See Chalcraft for this discussion.

⁷ Natalie Z. Davis, *Fiction in the Archives: Pardon Tales and Their Tellers in the Sixteenth-Century France* (Stanford, California: Stanford University Press: 1987).

⁸ Andrew Werner, “Discursive Strategies in the 1905 Revolution: Peasant Petitions from Vladimir Province,” *Russian Review* 54, no.1 (1995). pp. 65-90.

thons during the 1905 revolution of Russia in Vladimir province with a different view. Unlike the approaches which see the petitions as peasants' obedience to the authority, he claims that all those compliments and praises in the petitions expressing the Tsar's "benevolence" were "discursive strategies" rather than being simply compliance. The peasants used this kind of language to "challenge the status quo" and negotiate with the authority. According to him, the words in the petitions were chosen strategically by peasants and were meant to express their own interests by the manipulation of official ideology. Therefore he suggests considering the petitions as having multiple meanings and to retain many texts which are "marked by considerable epistemological elasticity."⁹

John Chalcraft also evaluates the relations between the peasants and state before the colonial rule in Egypt through the petitions of peasants and came to the conclusion that the hand-written petitions, "Evoke not passivity, silent subversion or outright revolution but, surprisingly, sophisticated engagement and negotiation with state practice and discourse."¹⁰ He reveals this by deciphering the discursive strategies of the petitioners while questioning the role of the state and the peasants in shaping the authority of state. Considering the situation of the peasantry in the era of economic integration and state building, Chalcraft claims that neither the state nor the peasantry was homogenous.¹¹ According to him, any kind of wrong word that petitioners used might cost their lives and make things worse. Therefore peasants put the salutations emphasizing the grace and justice of khedive in comparison with the corrupt local administrators. He states that, "The fellahin were not saying 'the king is

⁹ Ibid., p.88.

¹⁰ Chalcraft, p. 304.

¹¹ Ibid., p.305.

wise and good. Therefore let us do what he wants.’ Instead they were saying ‘The king is wise and good. Therefore he must want what we want.’¹² This was a discursive strategy which expressed not the characteristics of the khedive as it was to describe the ideal khedive.¹³

Another study reveals that the petitioners actually participated in social movements more than others. Carola Lipp and Lothar Krempel worked on the petitions on the eve of 1848 revolutions in Esslingen, Germany. They found that the petitioners were far more prone to participate in the revolutionary movement.¹⁴ This result is very enlightening if we consider it together with the arguments of Chalcraft claiming the petitioners’ voice not as that of a follower of the regime or status quo.

The petitions also can be a source to understand the image or perception of a specific group. Bukhovets examines the petitions in Byelorussia related to 1905-1907 Revolution and tried to find out the image of Jews and approaches to Jewishness.¹⁵ According to him, rather than a negative attitude towards Jewishness which can be seen in the less than half of the petitions, a negative attitude toward landlords was prominent in the petitions.¹⁶

Cecilia Nubola, in an article on the supplications in early modern Italy, examined the intervention into the judicial process by Italian prince upon the request

¹² Ibid., p. 309.

¹³ Ibid., p.311.

¹⁴ Carola Lipp and Lothar Krempel, “Petitions and the Social Context of Political Mobilization in the Revolution of 1848/49: A Microhistorical Actor-Centered Network Analysis,” *International Review of Social History*, no. 46, Supplement 9 (2001) p. 155.

¹⁵ Oleg G. Bukhovets, “The Image of Jews in Byelorussia: Petitions as a Source for Popular Consciousness in the Early Twentieth Century,” *International Review of Social History*, no. 46, supplement 9 (2001).

¹⁶ Ibid., p. 183.

of the convicts.¹⁷ She approached this intervention as a negotiation between the ruler and the ruled and supplication as a way of communication. This process on the one hand, consolidated the power of the center by a request from below, while on the other served the purpose and interests of the supplicants. The convicts offered what they could do in return for their pardon, which carries out similarities with the cases in this thesis.¹⁸

Although many scholars approach the language of petitioners as “discursive strategies” and their stories as “fictions”, the stories are worth evaluating. In this respect, van Voss criticizes Davis’ accounts as reducing the life stories to fiction and suggests evaluating the stories in petitions as clues to the daily lives of the authors.¹⁹ The petitions are one of the unique sources to give voice to the ordinary people from past for social history.²⁰

For Turkish historiography there is a limited number of studies based on petitions.²¹ For example, Yiğit Akın analyzed the petitions regarding their language, content and historical significance in the early Republican Turkey. He evaluated the relations between state and society, the interactions between these two through the resituating the agency as ordinary people.²² He considered the cultural dynamics

¹⁷ Cecilia Nubola, “Supplications between Politics and Justice: The Northern and Central Italian States in the Early Modern Age,” in *Petitions in Social History*, ed. Lex Heerma van Voss, Special Issue of *International Review of Social History*, 46, supplement 9 (2001).

¹⁸ Ibid.

¹⁹ van Voss, “Introduction”, p. 9.

²⁰ Ibid., p.10.

²¹ Akın Sefer’s study on port workers of the late Ottoman Empire evaluates the worker’s petitions as a form of everyday struggle. See Akın Sefer, *The Docks of the Revolution: The Struggles of the Port Workers of Istanbul in the Late Nineteenth and Twentieth Century*, MA thesis (Boğaziçi University: 2009).

²² Yiğit Akın, “Reconsidering State, Party, and Society in Early Republican Turkey: Politics of Petitioning,” *International Journal of Middle Eastern Studies* 39 (2007). pp. 435-457.

behind state formation as a process in which the people also participated with their demands. The authorities of early Republican Turkey paid attention to the petitions in the era of heavy economic pressures and uprisings in order to provide the flexibility and legitimacy of the regime. From the petitioners point of view, the petitions provided the elimination of the bureaucratic process for their goals as an attempt to improve their conditions and eliminate their rivals in the struggle they were dealing with in their daily lives.²³

The nineteenth century witnessed the transformations of many social and political structures. However, petitioning and this form of communication were still important for the ordinary people and rulers. So, how can we explain this phenomenon? I believe that we can discuss the importance of nineteenth century petitions within the particularities of this century which was marked with the crisis in the monarchical powers. After the French Revolution there occurred a transformation in the perception of rulership which traditionally had been based on the divine rights of the ruler and “its claim to work for the good of its subjects.”²⁴ Actually while absolute monarchy emphasized the distance between subjects and rulers, the new era after the French Revolution “the closeness” and “the demonstration of affinity between government and governed” came on to the scene.²⁵ In my opinion, this demonstration of “closeness” partly was provided with the open way of petitioning in the countries where hearing indirectly the voices of subjects was impossible. As mentioned before, uprisings would take place if the ruler do not hear them. To

²³ Yiğit Akın, “ ‘Fazilet Değil Vazife İstiyoruz!’: Erken Cumhuriyet Dönemi Tarihçiliğinde Dilekçeler,” *Toplum ve Bilim* 99 (2003/2004). pp. 98-125.

²⁴ Richard Wortman, *Scenarios of Power: Myth and Ceremony in Russian Monarchy* (Princeton N.J. : Princeton University Press, 2000). p. 10.

²⁵ *Ibid.*, p. 10.

illustrate the importance of the phenomenon of hearing subjects, the events of 1905 Tsarist Russia constitute a good example. Tsarist Russia is compared to Ottoman Empire in many respects, especially the Hamidian era and that of Nicholas II.²⁶ During the reign of Nicholas II, when the regime was in danger in 1905, beginning with the assassination of the Minister of Interior von Plehve, who was strictly against constitutional and revolutionary movement, it was understood that “the constitutional virus had infected” many people.²⁷ The reconciliation process failed to suppress the opposition and even led it to be more powerful. When the harsh measures, which resulted in the events of Bloody Sunday, were incapable of suppressing the people, on February 1905, Nicholas II issued an imperial manifesto. In the manifesto he was declaring the principle of autocracy again and denouncing sedition. However he promised to establish a consultation process to hear the opinions of the people.²⁸ This means that the Tsar finally realized the importance of hearing his subjects, which was also valid for Ottoman Sultan Abdulhamid II for the sake of his monarchical regime.

For the Ottoman Empire, from the classical age there was a tradition of hearing the grievances of subjects as a must to serve justice.²⁹ The more the Sultan listened to his subjects the more he was known as a just ruler.³⁰ According to Halil İnalcık, the fundamental principle of the traditional Middle Eastern state was its

²⁶ Francois Georgeon also points out the similarities between Nicholas II and Abdulhamid II. See Georgeon, *Sultan Abdülhamid*, translated by Ali Berktay (İstanbul: Homes Kitabevi, 2006).

²⁷ John Morrison, “The State Duma: A Political Experiment,” in *Russia Under the Last Tsar: Opposition and Subversion 1894-1917*, ed. Anna Geifman (Oxford: Blackwell Publishers, 1999) p. 139-140.

²⁸ Ibid.

²⁹ Halil İnalcık, “Adaletnameler,” *Osmanlı’da Devlet Hukuk Adalet* (İstanbul: Eren yay. 2000), pp. 76-77.

³⁰ Ibid.

peculiar concept of justice.³¹ This concept of justice meant direct supplication to Sultan and elimination of the injustices through the Imperial Orders of the Sultan. Therefore during outdoor activities such as the Friday Prayer, on his way to/from hunting or military campaigns, the Sultan accepted petitions from the hands of his subjects. These occasions were crucial in demonstrating the sovereignty of Sultan, and as Halil İnalcık argues, the more these ceremonies were repeated, the more he was considered as a just and fair ruler. The Sultan, as the supreme authority who was accountable only to God, was seen as the highest rank to solve the injustices.³² “Utterly,” İnalcık continues, “the Sultan was the ultimate post in one’s search for justice,” and thus his authority should be directly available for everyone, either collectively or individually.³³

In the Ottoman Empire these petitions were recorded in various catalogs. The *Şikayat Defterleri* (registers of complaint), *Nâme Defterleri* and *Ahkam Defterleri* (registers of sultanic commands) were formed for these purposes. A century later, the *Vilayet Ahkâm Defterleri* (registers of provincial sultanic commands) were formed as sequel of the formers in order to keep these records.³⁴ *Maruzat-ı Rikabiye İdaresi* (Subjects Office of Petitions) was dealing with petitions which were sent from the provinces throughout the nineteenth century. Özbek explains this petitioning practice as part of the un-bureaucratization through giving

³¹ Ibid.

³² Halil İnalcık, “Şikayet Hakkı: Arz-ı Hal ve Arz-ı Mahzarlar,” *Osmanlı Araştırmaları* 7-8 (1988). p. 33-51.

³³ Ibid. “Bir kelime ile, hükümdar adaletin son başvuru yeridir, bu nedenle de adaletin yerini bulması için toplumda herkes, birey olarak yahut toplu halde, ona şikayetini götürebilir.”

³⁴ Akın, “Fazilet Değil Vazife İstiyoruz...” p. 102.

the petitions directly to the Sultan which made the state power more paternalist and personalized.³⁵

According to Akın, this widespread petitioning practice can be seen as a reflection of the concern of the state for the protection of the regime not only in the Ottoman Empire, but also in the other countries where there were legitimacy crisis, the petitioning practice of the subjects was an inherent part of the legitimacy building process of the state.³⁶

Thus, one of the aims of this thesis is to contribute to Hamidian era historiography by using pardon petitions as the basis of analysis from the perspective of petition literature. By this, it also is aimed to give a clue to the ways that the Hamidian regime tried to achieve the legitimacy crisis of the monarchy and create an image of just rulership from the perspective of ordinary people. Keeping in mind the question that whether those people were aware of the politics of the Hamidian regime, such as legitimization, emphasis on Caliphate...etc. this study focused on the petitioners, from various classes and groups, which is respectively new for the Ottoman historiography.³⁷

Moreover, the pardon petitions offer us various stories of people from the nineteenth century. Especially there is detailed information about the lives of the convicts such as how they lived, perceived the events around them, the accusations, livelihoods and the circumstances in the prisons. All had their own stories from various provinces of the Ottoman Empire, particularly from the exile regions such as

³⁵ Nadir Özbek, *Osmanlı İmparatorluğu'nda Sosyal Devlet: Siyaset, İktidar, Meşruiyet, 1876-1908* (İstanbul: İletişim Yay., 2002), pp. 32-33.

³⁶ Akın, "Fazilet Değil Vazife İstiyoruz..." p. 103.

³⁷ For a comprehensive discussion, See Nadir Özbek, "Modernite, Tarih ve İdeoloji: II. Abdulhamid Dönemi Tarihçiliği Üzerine bir Değerlendirme," *Türklük Araştırmaları Literatür Dergisi* 2 no.1 (2004), p. 71-90.

Diyarbakır, Kastamonu and Rhodes. They introduced themselves with their titles, occupations, millets or places to where they belonged. They presented the reasons why they supplicated for pardons, the details which will be given in the following chapters.

The main hypothesis of this study is the existence of a negotiation between ruler and ruled established on the pardons of sentences through the Imperial Order of Sultan. In the popular debates of the Hamidian era, the approval of only few death penalties and commutation of heavy penalties are usually attributed to the mercifulness of the Sultan himself and constituted an argument for those who claim that Abdulhamid reign was not an autocracy and Abdulhamid was not a “Red Sultan.”³⁸ This study suggests situating the pardons in the social and political context of the Hamidian era and exploring the role of pardons both from the perspective of the ordinary people and the state. Hence, the study maintains that the process of granting pardon as an interactive mechanism began with the petitions of convicts or relatives of the convicts. These petitions enable us to see the negotiation rather than the simple compliance of the authors. While the petitioners presented what they had in their hands, by using a specific language and highlights they were bargaining with the authority in return for pardon.

I believe that, this negotiation on pardons was strongly related to the characteristics of the Hamidian era. This brings us to another hypothesis of the thesis indicating the existence of the policy of pardons in the Ottoman Empire. In this respect it seems fair to say that the correspondences between governors, local officers and Sublime Porte signify the existence of a kind of policy toward the disobedient groups or individuals.

³⁸ For example, see Mustafa Armağan, “Abdülhamid Hakkında Yanlış Bilinen 10 Şey,” *Zaman*, 15 February 2009.

The practice of granting pardons in the eyes of state becomes meaningful by thinking of it together the developments of the Hamidian era in the context of the legitimacy crisis, autocracy and consolidation of a Sultanic image as a merciful and just ruler. Abdulhamid II tried a different form of governance against disloyal groups and individuals. Instead of using solely punishment his regime was based on forgiveness, which provided to create an image of just ruler however reciprocally. The regime expected from the convict less loyalty or regret than certain services, active collaboration on particular issues – a tension which constituted the dynamics of the pardon negotiations. For the era of Abdulhamid II it seems fair to say that petitions played an essential role in the Sultan's concern of "intimate paternal Sultan"³⁹. Since petitions provided a personal and indirect relation between the Sultan and subjects by eliminating bureaucratic process the petitions became more important. As Özbek notes: "During the Hamidian period great efforts were made to carry on the personal, paternalistic, and unbureaucratic aspect of the monarchy".⁴⁰

Amnesties and pardons have been issued throughout the history. The first amnesty in history dates back to the 403 B.C. in Athens to reconcile society after civil war.⁴¹ The word "amnesty" originated from the Greek word *amnestia*, meaning "forgetfulness" and "oblivion".⁴² Also, in many countries the amnesties and pardons were issued in order to keep the peace after wars or uprisings under the title of

³⁹ Nadir Özbek, "Imperial Gifts and Sultanic Legitimation during the Reign of Sultan Abdulhamid II, 1876-1909," in *Poverty and Charity in the Middle Eastern Contexts*, edited by Mine Ener, Amy Singer and Michael Bonner (State University of New York Press, New York, 2003). p.208.

⁴⁰ Ibid., p. 206.

⁴¹ Olivia Le Fort, *Politics of Amnesty* (MA Thesis, McGill University, 2005). p.1.

⁴² Ibid., p. 2.

reconciliation.⁴³ For today's states the presidential pardoning practices and powers are an ongoing debate. Especially in the USA, the presidential power of pardon to federal offenses and the role of Office of the Pardon Attorney in the Department of Justice evoke discussions on whether this power is being abused or not.⁴⁴ In the Turkish Republic, according to the 104th article of the constitution, the President holds the power to grant pardons or commute sentences for those who are disabled, suffering from chronic diseases and old age. Together with a health report from the Turkish Forensic Medicine Institute, convicts have the right to ask for presidential pardon. However, despite the health report, the President may not issue a pardon for the convict.⁴⁵

Since the legal debates on pardons are beyond the scope of this study, we can only say that in monarchies this was an imperial power of the ruler. Many scholars yet try to establish arguments on the role of imperial pardons in society and the power of the monarch. Douglas Hay's article, from which I have been inspired much and which has made me think about the possibility of working on pardons, argues that criminal law in eighteenth century England made it possible to govern the state without a police force and a large army thanks to the ideology of law shaped

⁴³ As an example for this kind of reconciliation in South Africa, see Erin Daly and Jeremy Sarkin, *Reconciliation in Divided Societies: Finding Common Ground* (Philadelphia: University of Pennsylvania Press, 2007).

⁴⁴ Margaret Colgate Love, "Reinventing President's Pardoning Power," *Federal Sentencing Reporter*, vol. 20, No. 1 (October 2007) pp. 5–15. See also Kathleen Dean Moore, *Pardons: Justice, Mercy and the Public Interest* (New York: Oxford University Press, 1989).

⁴⁵ Tccb.gov. *Sıkça Sorulan Sorular*, <http://www.tccb.gov.tr/sayfa/cumhurbaskanligi/sss/> [01.04.2011]. Recently, case of the late Güler Zere, a leftist political offender, raised debates on presidential pardons in public. She was pardoned only after her illness (cancer) spread throughout her body: *Hürriyet Daily News*, 8 February 2011, <http://www.hurriyetailenews.com/n.php?n=too-late-for-guler-zere-2010-04-16> [16 April 2010]. Despite five different health reports confirming that she could not be treated in prison she was released only on her deathbed. Many offenders suffering from chronic diseases including Erol Zavar, a prisoner of conscience who had 19 medical operations, are still waiting for pardons and hoping that it will not come too late, as in Zere's case.

around mercy, majesty and justice.⁴⁶ According to him, the ruling elite strictly opposed the legal reforms since these reforms might have ended a system of patronage relations with the abolition of pardons so they did not let a complete rationalization of criminal law.⁴⁷ Hay evaluated the criminal law from a Marxist perspective and states that the ruling elite consciously remained flexible in the usage of law for their own interests and to forgo the punishment when necessary and thus maintained the popular belief in justice. Also, the use of discretion to spare mercy served to strengthen the bonds of obedience and deference. Resistance to the law was prevented by pardons and created a kind of compliance. Pardons constituted a part of the “currency of patronage” and “tissue of paternalism.”⁴⁸ He asserts that pardon had a social significance rather than legal “The pardon allowed the bench to recognize poverty, when necessary, as an excuse, even though the law itself did not.”⁴⁹ For the pardons of death sentences his statement is striking “When the families of poor convicts were taken into consideration, it was usually through fear that execution would create too many orphans to be supported on the parish rates.”⁵⁰

K. J. Kesselring’s *Mercy and Authority in the Tudor State* is another inspiring work which examines the role of royal pardon in the exercise and experience of authority in Tudor England. He asserts that pardons had a special place in the legitimization project held by the Tudors in the age of centralization. He states that the Tudors used pardons in order to encourage the implementation of restrictive

⁴⁶ Douglas Hay, ‘Property, Authority and the Criminal Law,’ in *Albion’s Fatal Tree: Crime and Society in Eighteenth Century England*, eds. Douglas Hay, et al. (London: Allen Lane, 1975) p.26.

⁴⁷ Ibid., p.57.

⁴⁸ Ibid., p. 46.

⁴⁹ Ibid., p. 44.

⁵⁰ Ibid., p.45.

and bloody laws and for the deference of nobles, religious dissenters and rebellious subjects.⁵¹ The pardon facilitated the negotiations between Crown and subjects and thus helped legitimize the growing power of the state as authority.⁵² The pardon practice heightened the unequal relationship between the givers and recipients, the monarchs and their subjects. The petitioners for mercy were in a negotiation with the state establishing a give-and-take relationship which reproduced the power of the “for-giver”. Kesselring evaluates the petitioners, their informal networks in the established hierarchies of dominance and deference while pleading for mercy.⁵³ He puts that, from the early times “mercy of the ruler” was not perceived as a violation of the law; on the contrary it was a duty of the ruler and mercy was a part of the justice just as the punishment.⁵⁴

As far as I know, there are only few studies on the pardons in Ottoman Empire. Fatmagül Demirel mentions pardons in the context of the bad conditions of the prisons. According to her, the pardons granted during the celebrations of birthdays, enthronement anniversaries of the Sultan and religious days were part of the measures to lessen the number of the convicts in over-crowded prisons. Also the pardons functioned as compensation for the malfunction in the judicial system.⁵⁵ In another article, Demirel describes the pardons of the convicts the birthdays of the Sultan as a demonstration of his mercy for those who had already completed two-thirds of their sentences except for political offenders, assassins and rapists. Also on

⁵¹ K.J. Kesselring, *Mercy and Authority in the Tudor State* (New York: Cambridge University Press, 2003) p.16.

⁵² Ibid., p. 21.

⁵³ Ibid., p. 22.

⁵⁴ Ibid., p. 17.

⁵⁵ Fatmagül Demirel, “Kastamonu Hapishanesi,” in *Üsküdar’a Kadar Anadolu* (İstanbul: Yapı Kredi Yay. 2009). p. 302.

behalf of the Armenian community, the Patriarch requested the pardons of some convicts for the sake of this blessed day.⁵⁶

Another study, Taner Aslan's article, is focused on the amnesty declared right after the 1908 revolution for political offenders who had been convicted during the reign of Abdulhamid II. In this descriptive work, he tells about the implementation of the amnesty and those who benefited from it.⁵⁷

Despite the lack of monographic studies on pardons in the Ottoman Empire, the Ottoman state formation gives us many clues about the ways of negotiation between the local powers and the state. Karen Barkey points out the different path of the Ottoman state centralization from the European states as the collaboration of local powers with the state through negotiations and bargains in the seventeenth century.⁵⁸ Keeping in mind that the Hamidian era was the most centralized time of the Ottoman Empire it can be argued that this centralization was much related to the negotiations and bargains with the local powers. One of the tools of this bargain was pardons.⁵⁹

This thesis also aims to show the pardon mechanism as a policy of centralization in the conflicted areas. The pardons reveal the state power and capacity where Abdulhamid II tried to reconcile with the "rebellious" communities as a demonstration of mercy as a veil of the incapability of the state.

⁵⁶ Fatmagül Demirel, "Osmanlı Padişahlarının Doğum Günü Kutlamalarına Bir Örnek," *İlmi Araştırmalar* vol. 11 (2001). p.70.

⁵⁷ Taner Aslan, "II. Meşrutiyet Dönemi Genel Af Uygulamaları," *Akademik Bakış* 3 no. 5 (2009).

⁵⁸ Karen Barkey, *Bandits and Bureaucrats* (New York: Cornell University Press, 1994).

⁵⁹ Stephen Diguide mentions these pardons for the Kurdish tribes. See Diguide "The Politics of Unity: Hamidian Policy in Eastern Anatolia," *Middle Eastern Studies* 9 no.2 (1973) pp. 139-155

In a matter of course, all the discussions and statements of this thesis are meaningful in the context of Hamidian era. Chapter Two presents the pardon petitions and authors of the petitions together with their stories and languages. Chapter Three presents an overview of this era and seeking to contextualize the documents through the titles which are most relevant to the pardons and petitions. In this chapter the Armenian events, the characteristics of Hamidian rule, the judicial developments of the era, and the relations of state with tribes and brigands will be presented regarding to their role in supplications and granting of pardons together with the documents. Chapter Four analyzes the cases which suggest that pardons as a state policy and a political tool to solve many problems and stabilize the tensions in the Empire. These chapters reveal the two sides of the pardons as well as help the reader follow the reasoning.

Finally, the concluding remarks will be presented according to the main questions of this research. Also, it should be noted that, due to the time limitations and the difficulties of working on previously untouched subject not all of the documents related to pardons could be covered. Many petitions are still waiting to be investigated in the archives. Although this thesis is limited to pardons, these petitions can be a good source to see the profile of prisoners. Also this thesis is limited to the archive documents without any reference to newspapers or other sources. Therefore many gaps remain in many respects. Furthermore many questions remain unanswered, such as what about the pardons of the former Sultans, and in which respects they differ from those of the Hamidian era. Although the arguments in this thesis are based on the context of the Hamidian rule, the answers to this question will either prove or disprove the idea that pardons issued by Abdulhamid II were actually

part of his policies, which allows comparisons to be made between rulers and their strategies.

CHAPTER TWO

THE PARDON PETITIONS: THE STORIES AND AUTHORS

Petitions as Artifacts

Before getting into the cases an overview of the pardon petitions as artifacts is necessary at first place the writers of the petitioners might have been scribes, the paid/professional petition-writers. Usually, illiterate people hired scribes. However, the mediation of a scribe was not a prerequisite for the petitioners. If they knew how to write in accordance with the customary procedures, supplicants might have written their own petitions. A petition might be very short or very long. The length of the text was optional; however, it seems that in general many people used half of a page, nearly on the scale of an A4 page beginning at the middle of the page, which was an official format for petitioning in the Ottoman Empire. Beginning at the middle of a page was a traditional expression of respect to the supreme authorities, leaving a margin for them to write the final decision in the empty space above.⁶⁰

However, as it can be observed in the documents, developments in technology in the nineteenth century changed the petition format, since the telegram could not be written starting from the middle of the page. The supplicants who sent telegrams had to use the special telegraph papers and write from the beginning of the page.

⁶⁰ For a comprehensive study on the styles of petitions. see Mübahat Kütükoğlu, *Osmanlı Belgelerinin Dili: Diplomatik* (Istanbul: Kubbealtı Akademisi Kültür ve Sanat Vakfı, 1994), pp. 303-315.

At first the petitions started with the addressing of the authority to which the petitions were to be submitted. This salutation, usually containing a few words, expressed the supremacy of the authority. The strength of expression of the supremacy depended on the rank of the authority in the hierarchy of the Ottoman bureaucracy.⁶¹ It also should be noted that there was no single pattern for these salutations. For example, the salutation could be simple as “*Atebe-yi padişahiye*” (handed to the Sublime Porte) or “*Huzur-u sami sadaretpenahiye*” (to the grand Sublime Porte). The next line was presented as “*Maruz-u Çaker-i Kemineleridir ki*” (meaning request of your subject, it also shows that the petition was submitted to the Grand Vizierate⁶²). After these two lines, the main text began usually with the best wishes for the Sultan and then the petitioners introduced him or herself. Some petitioners started the sentence by saying “*köleniz*” (your servant) or “*dâileri*” (your prayer) and continued with their names, titles, hometowns and the community to which they belonged. For women, they started the sentence with an expression of their gender, like “*cariye-yi zaifemiz*” (your poor women). After having stated their identities, the stories and requests were presented. The last part of the petitions consisted of expressions of gratitude, prayers, and the references to the Sultan’s humanity and justice. The petitioner ended the document with his or her seal.

The Process of Supplication

An overview for the process of requesting pardons through petitions shows that the petitioners usually sent their letters as telegraphs. Most of them did not mention their crimes. Instead, the petitions referred to their poverty and the financial

⁶¹ Kütükoğlu, pp. 303-315.

⁶² Ibid., p. 304.

hardships. However, after the arrival of these petitions to the concerned offices such as the Ministry of the Police (*Zabtiye Nezareti*), Ministry of Justice (*Adliye Nezareti*), Ministry of Internal Affairs (*Dahiliye Nezareti*) and Attorney Generalships (*Müdde-i Umûmilik*), these offices conducted investigations into the case. At first, the governor of the province, in which the convict lived, prepared a report for the Sublime Porte. Then, the Sublime Porte requested detailed information from the Ministry of Internal Affairs. This ministry collaborated with the Ministry of Police and the Ministry of Justice to investigate the real story behind the crime. In this process, the governor of the convict's hometown also was included. Nevertheless, this was rather a slow-going process passing through the procedures of many offices.

The Authors of the Petitions

It is important to know the authors of the petitions from many aspects. The petitions always were sealed with a stamp at the end of the paper. The author usually wrote his name under the petition together with his title. If he had no title, his profession was written by general expressions such as “from the artisans of Dersaadet.” If he was a peasant or was not known by a profession at all, he preferred to write his hometown, usually simply the name of their villages.

The authors of the petitions had been convicted or arrested for various offenses. Most of them had been found guilty of political crimes as mentioned in the documents as “*efsed*” or “*fesad*” meaning seditious activities and disloyal behavior rising against the state orders. Some of them tried to deny the accusation which had caused their conviction. From the various regions of the empire, especially from the places of exile, many petitions arrived at the Sublime Port.

It is also striking to see that some of the petitions did not come from the convicts. The petitions were usually written (or dictated) by their brothers, wives and fathers. During the archival research I saw that it was particularly the convicts in exile who wrote their own petitions while for others relatives requested the pardons. This might have been due to the absence of paper and ink in the prison and also the illiteracy of the convicts.

Along with individual petitions, there were also collective petitions. As for the collective petitions from prisons, in general their authors were chosen among the most literate person of the signers, especially from among doctors or teachers. This person wrote the petition on behalf of all subjected to similar penalties and accusations. The collective petitions usually appeared in response to political accusations targeted at a group with which the signers shared some common grounds such as religion, tribal networks or common fate in the prisons.

The Stories in the Petitions

First of all, the stories told in the petitions offer a certain degree of insight into the lives of the convicts, finding some answers to the possible questions such as, what did meant to be convicted in the late Ottoman era, how they lived, what the accusations were, the circumstances of prisons, life in exile, and the legal processes.

Although some scholars maintain that the petitioners usually used “discursive strategies” or “fictions”, the stories told in the petitions are worth considering. To some extent, I agree with Werner’s assessment that “As with other forms of peasant action the petitions bespoke multiple peasant discourses; each document in effect contained several texts. Their language was both a means for and a reflection of contesting space. As a result, many peasants’ demands need to be

viewed as discursive objects that were marked by considerable epistemological elasticity.”⁶³ However, in the framework of social history, it is important to see “what” they told in their stories as well as “how” they tell them.

Natalie Davis’ work on pardon supplications views these supplications as “tales” and “fictions” told to secure pardons by the convicts.⁶⁴ The supplicants tried to highlight some features to legitimize their actions such as innocence and unpremeditated situations. They related their stories by giving exact dates, persons, places, movements and gestures to include the witnesses and to make the story more credible.⁶⁵ Van Voss, however, criticizes Davis’ accounts and maintains that although these sources are different from autobiographies, they are useful for seeing how people described their everyday lives and the circumstances.⁶⁶

The pardon petitions from the Hamidian era do not give details about the crimes unlike in the cases of Davis. Actually the “fictions” did not work to get a pardon in Ottoman Empire. As will be seen throughout the cases, whatever the petitioner wrote, an investigation process took place after the petition reached to the Sublime Porte. The governors, the Ministry of Police, the Ministry of Inferior Affairs and the local courts all collaborated in order to reach the real story of the supplicants. The “fictions” became useless in these circumstances for the petitioner. Therefore, people used other ways. Rather than disproving their guilt, they tried to negotiate with the authority by accepting the accusations and showing regret. Instead of

⁶³ Werner, p. 88.

⁶⁴ Davis, “*Fiction in the Archives...*”.

⁶⁵ Ibid., p. 45.

⁶⁶ van Voss, p. 9.

legitimizing their acts with fictions, they preferred to express their regret. Examples will be presented below.

For Davis' cases of sixteenth century France, the letter of remission was something sold, unlike the cases of the Ottoman Empire. Also, the supplicant needed ratification by a local court either in the higher court in the regional jurisdiction where the crime had occurred or in the Parliament, which was the Supreme Court for that jurisdiction.⁶⁷ For our cases, as mentioned above, the petitions were usually sent as telegraphs and most of the times the supplicant wrote it by himself or a scribe wrote for him. Furthermore, many of the petitions were submitted by the relatives of the convicts.

Another fact which makes the petitions of the French pardon seekers more structured is they follow similar paths, different from Ottoman petitions. For example, Davis presents the text of jurist Jean Papon, in which the cases were listed for which the judge could be more moderate in his sentence and for which the king could offer his pardon. The king alone had the power to remit, then, but he could do it in at least thirteen situations, each one offering possible story lines for a supplicant.⁶⁸

How far did good story telling effect the pardon of the supplicant? What about other factors in the pardons? Davis asks these questions in her study and asserts that only in a few cases, in those of people exceptionally close to the king, was favoritism valid. However, their stories were also prerequisite for the pardons. Davis writes, "True or false assisted by favor or not, the remission tale could not be

⁶⁷ Davis, p. 10.

⁶⁸ Ibid., p. 12.

shelved in the struggle for grace.”⁶⁹ Davis explains the high rate of pardons with the good stories of the supplicants, with their claims to previous good life, was good enough to satisfy the judges and victim’s kin. Close relations with the authorities worked as well for acquiring a pardon. Dukes, local courts or parliament had no right to pardon (dukes and some churches had before), but still they could recommend pardons for others.⁷⁰

Beside the concern of freedom, what were the possible factors encouraging a petitioner to request pardon or generally to write a petition? The miserable conditions in prisons, epidemic diseases, old age, illness, and being the bread-winner of a family can be accounted as possible factors. There was another one, the petitioners were encouraged by the “pardoned ones.” In other words, if a friend of a convict had been pardoned he submitted petitions referring to the case of that friend. For example, Şaban, who was convicted to life imprisonment, sent a telegraph to the Sublime Port and asserted that he had heard his friends were going to be released upon their requests and he was upset about this situation.⁷¹ He claimed that he was living thanks to the daily stipend in prison and as a *sadakat-ı sermülkdar* “alms of the Sultan” he requested to be released.⁷²

Let me start with the case of Mardiros from Arabgir to examine the stories of the petitioners. Mardiros was sentenced to exile to Kastamonu. He wrote a petition to the Kastamonu governor and asserted that he had nothing for livelihood and his family was living in poverty. He did not mention his accusation, he just skipped this

⁶⁹ Davis, p. 51.

⁷⁰ Ibid., p. 52.

⁷¹ BOA. Y.PRK.AZJ. 12/96 1305 Ca 14.

⁷² Ibid.

part as “*ba’zi esbabdan*” meaning due to some reasons. In addition, in case of the refusal of his pardon he requested a daily stipend. After the arrival of his petition to the Sublime Porte, an investigation was held by the Ministry of Internal Affairs and the police. Eventually, the governor of Kastamonu had the final say and he wrote to the Sublime Porte that Mardiros had found a way to provide his livelihood. He brought his family to Kastamonu and now they were working on twilling, as the police reported. Therefore, the governor asserted, there was no longer a need for a stipend or pardon.⁷³ Most probably, after Mardiros wrote the petition, he understood that an answer for his request would not come easily. He could not bear the poverty any longer and found the only solution in bringing his family and having them work in the weaving workshop. We do not know the exact date of Mardiros’s petition, however it took approximately two months upon the order from the Sublime Porte to reach investigation.⁷⁴

Many of the petitions emphasized the circumstances of prison and the hard living conditions of the families of the convicts this became an effective way to be granted a pardon. To illustrate, on 17 August 1896, a letter was sent from Maraş to the Ministry of the Police.⁷⁵ The stamp on the document is detached; therefore the author of the letter is unknown. The letter was sealed in Armenian and apparently by an Armenian institution. Most probably the author was a clergyman in Maraş and he was Protestant; he referred to the Armenians as Christians and although the Armenian people usually submitted their petitions to the Patriarchate, he did not do so. Also, although these kinds of letters usually were issued with the Ministry of

⁷³ BEO 486/36425 1312 R 01.

⁷⁴ Ibid.

⁷⁵ ZB. 18/29 1312 A 05 (17.08.1896).

Interior Affairs or the Ministry of Justice, he sent it to the Ministry of the Police. In my opinion, this shows that he was not familiar with the official procedure.

Expectedly, the Ministry of Police delivered the letter to the Ministry of Internal affairs.

With his simple and unsophisticated words he tried to describe the situation of the convicts in Maraş, who had been arrested during the events in 1895.⁷⁶ Having stated that he had been in Maraş for two months, he told that after the 1895 events 300-400 Christians had been arrested, some had been released and some had been died due to typhoid. However there had been still a hundred people in the jail. He maintained that these convicts were arrested regardless of their guilt during the events: “(...) Zaten bunlar iğtişâşat-ı malume zamanında suçlu suçsuz aranılmayarak hemen toplanıverilüb habs edilmiş olduklarından...”⁷⁷ Their houses were left empty and they had become miserable in the prison for nine months. The children of the convicts had begun to beg. He also said that these children were coming to see him every day and sighing about their situation.⁷⁸ After these lines he praised the Sultan with an emphasis on the Sultan’s mercifulness and just rule and asked for mercy for these convicts.⁷⁹ The circumstances that the author described

⁷⁶ See Chapter Two.

⁷⁷ ZB. 18/29 1312 A 05 (17.08.1896). “(...) Since they were arrested during the well-known events disregarding their crimes...”

⁷⁸ This is also another expression that made me think that he was a cleric in Maraş.

⁷⁹ Ibid. “(...) dâileri iki mahdan berü Maraş'ta ikamet etmekte olub geçen sene vuku' bulan iğtişâşat sebebiyle üç dört yüz Hristiyan kulları taht-ı tevkife alınmış ve bunlardan bir kısmı tifo illetinden vefat ettiği gibi bir kısmı da men-i muhakeme olunarak veya mahkemece beraat ederek tahliye olunmuş ise de yüz nefere karib eşhası hala mevkuf bulunmuşdur. Zaten bunlar iğtişâşat-ı malume zamanında suçlu suçsuz aranılmayarak hemen toplanıverilüb habs edilmiş olduklarından mağduriyetleri derkar-u hususıyla haneleri ve canen malen bir çok müteferrid olmuş ve kendileri ise dokuz mahdan berü mevkuf bulunmuş olmağla sefalet ve perişanlıkları son dereceye gelmiş olduğu aşikardır. Mevkufiyyenin çocuğu ve çolukları aralıklarda kalub tese'ül ile fevt-i yevmiyyelerini tedarik etmekte oldukları ve el-yevm nezd-i aciziyye gelüb sızlanmakta ve ah ve ini itmekte bulundukları cihetle şu halden bizar ve ... olarak hakpaye merahim (...) arz-ı keyfiyete mecbur oldum (...)lütfen ve

such as the desperate lives of the children, convicts suffering from diseases and the accusations which seem to have been unfair that people who had been arrested without trials are worth considering in understanding the experiences of the convicts in the late Ottoman era. Although amnesties were declared after big events for the ones whose cases were related to the Armenian events,⁸⁰ in my opinion the petitions played a significant role in these processes of amnesties.

Stories of the desperation, poverty of the convicts and lack of any livelihood are among the main ones in the pardon petitions. The case of Mehmet Ali from Maraş is an example of this kind of pardon requests. Although we do not have his petition, there is a correspondence between the Sublime Porte and the Ministry of Justice summarizing it.⁸¹ He was sentenced to fortress imprisonment in Akka due to an act of *fezahat-ı lisaniye* (obscene language). He mentioned that his mother was sick and his family was living in misery. He expressed his regrets in his petition and stated that he had been rehabilitated enough during his imprisonment at Akka. The local assembly of Akka also confirmed his good behavior.⁸² Almost 8 months later, he was granted a pardon.⁸³

Actually the act of obscene language was one of the leading reasons for exile penalties during the Hamidian era.⁸⁴ Usually the offenders submitted the petitions after being convicted and requested their release, indicating that they had

terahhumen şu mevkufın mağdurinin çağiraneleri sefalet ve perişaniyyetin kafi adiliye 'afv-ı âli cenab-ı müllükaneye mazhariyetleri için (...) hazret-i şehriyariye arz-ı müracaat buyrulmasını..."

⁸⁰ See Chapter Four.

⁸¹ BEO., 193/14469 1310 L 17 (15.06.1893)

⁸² Ibid.

⁸³ BEO., 324/24227 1311 Ca 28 (06.01.1894)

⁸⁴ Georgeon, p. 181.

suffered enough. Also the local assembly, as we saw in this case, constituted a control mechanism on the behavior of the convicts in exile places. The local assembly confirmed or disconfirmed the well-behavior of convicts by the special notifications, which were sent to the center after the request of pardons. Also *islah-ı nefis* (self-rehabilitation) was among the prominent discourses cited in the pardon petitions as a good ground to be pardoned as we see via this case.

Most of the pardon petitions came from the people who were convicted due to “*fezahat-ı lisaniyye*” which means obscene language. In the late Ottoman context, the definition of obscene language was broad and many words could be included in this category. As far as I have seen in the documents, to talk about a governor, about the government, about the Sultan or sometimes about someone could easily be sentenced by this act. The obscene language has not been the subject of a study yet. However, this is not due to the absence of documents. This is because of the broad definition of this term. It seems fair to say that any word could be considered obscene in those times. The punishment for this accusation was exile. We also should keep in mind that this sentence was not unique to the Hamidian era. However in the context of autocratic rule, this sentence was issued frequently.

The case of Ammareli Süleyman bin Ali constitutes a good example of the issue.⁸⁵ Also we can see the process of granting pardon through this case. On 20 October 1891, Süleyman wrote a petition to the Diyarbakır Attorney Generalship. He was from Bagdad, almost 18 months earlier he had been exiled to Diyarbakır due to a curse that came out of his mouth, which he described in the petition as “*ağzımdan savur olan küfürden dolayı*”⁸⁶. We do not know what the word was and to whom he had said it; however, use of it was sentenced in the context of *fezahat-ı lisaniye*

⁸⁵ All the documents about this case is in this folder: BEO 449/33628 1312 S 2.

⁸⁶ Ibid. “a curse that came out of my mouth”.

(obscene language). He also attached the *şehadetname* (testimonial) of the Diyarbakır *ihiyar meclisi* (the assembly of elders) to his petition. The testimonial was dated two days before the petition. This gives us a clue about the process of pardons. Most probably he wanted to increase his chance by submitting a report from the assembly. Actually the ordinary process was that the convict wrote the petition and in case of necessity the local assemblies recommended his name after the petitioning process. So I can say that this was an exceptional case. In his petition Süleyman asserted that he was praying day and night and devoted himself to obedience to the Sultan. He claimed that he had been rehabilitated and he did nothing against sharia or the law. Actually, with regard to the date of testimony which was written before the petition, his words signify that he wrote the petition according to the testimonial report of the assembly of elders.

In fact while Süleyman did not mention his profession in the petition, the report claimed that he was busy with *kar-ü kesb* (trade). Most probably he thought that poverty could be a good point in order to be pardoned. Rather than his livelihood, he emphasized the situation of his children who were miserable in Baghdad. In addition, he was not a noble man, if he had been this statute would be reflected in his petition. Instead, Süleyman's petition is a simple one, which is formed only in 5 lines, without complicated words and a simple signature.

Upon the arrival of this petition, the *Meclis-i İdare Başkitabeti* (The Chief Secretary of Administrative Assembly) requested a written notification from Baghdad about Süleyman. After the investigation of the Diyarbakır Police Office and the Baghdad Court, the local Diyarbakır assembly sent a letter to the Ministry of Justice. The Ministry of Justice summarized the case and indicated that the local assembly and other authorities had agreed on the release of Süleyman. The process

officially had started with the petition of Süleyman on February 27, 1894. The date of his release was decided on 5 August 1894 for the day of enthronement, which was September 1.⁸⁷ We can say that approximately eight months had passed after the beginning of the pardon process.

The case of Vahan[sic], who was imprisoned due to obscene language, is an interesting case both in the sense of its story and the language of the petition.⁸⁸ In this case, the petition came from the father of Vahan, Bagros [sic]. He wrote a petition requesting the pardon of his son who had been arrested and exiled to Sivas. In the petition, he listed all the conditions in which Bagros and his son Vahan were living. He and his son were living in a room (like a guesthouse) in İstanbul after the events caused by the Armenian rebel Kirva Menruh [sic]. He started his petition with these words as an indication that they were not involved in politics and had nothing to do with the Armenian events. His son, together with a man called Agop, was arrested and exiled. According to him, his son was an ignorant and a simple boy and had no connection with Agop. He was oblivious and he did not deal with politics at all.

In addition, Bagros told that he was an old man suffering from illness. He was miserable and had nobody to take care of him. He had not heard from his son since the arrest and did not know where he was. However, after this petition he was not able to receive an answer and tried again with another petition almost five months later. Upon this an investigation started through the correspondences of the Sublime Porte and the Ministry of the Police. The Ministry of the Police demanded

⁸⁷ Süleyman's release was consciously delayed until the day of enthronement. For the pardons of enthronement days see Chapter Four.

⁸⁸ A.MKT.MHM. 627/35 1314 Ra 2.

information about Vahan from the Chief Police Office of Istanbul. According to the police report, Vahan and Agop had been found guilty of having had a conversation about a Bulgarian scribe who had bought grocery store. In reality, they were sitting in front of the grocery of Arzuhalci Ali Efendi and while talking together they said: “*Yazık bizi yoruyorlar iki paralık Bulgar bakkal aldı biz alamadık*” meaning “What a shame, they are ruining us, a worthless Bulgarian bought a grocery, and we could not.” These words caused the arrest of Vahtan and Agob. Vahtan was exiled to Sivas while Agob was sent to his hometown Eğin.⁸⁹

The stories behind the pardons tell much about the period. For the case of Vahan, there is also the story of two Armenians living in Istanbul, one from Eğin and the other from Istanbul. Vahtan was living with his father in a room where single men reside. He was working as an apprentice to a cook. Agop, as he was referred to in the documents, was an upholsterer artisan. They were complaining about their situation comparing theirs with the scribe. The time of Abdulhamid II can be considered as the golden age of petitions. Therefore, a scribe could make a lot more money than these two people and could have a grocery of his own. This situation drew their attention as they got tired of working as well. Also, since the scrivener was a Bulgarian, these two Armenians expressed their reaction by emphasizing the nationality of the scribe as “a worthless Bulgarian”. Most probably famous *hafiyeler* (informants) of Hamidian era heard them and then they were arrested by the order of *idare komisyonu* (the administrative commission).

Story of Vahtan’s father is another interesting point of the petition. Bagros was left alone after his son was arrested. He was old and he had nobody to help him. Most probably, as he told in his petition, Vahan was so illiterate that he could not

⁸⁹ Ibid.

write his own pardon petition or could not write a letter to his father letting him know where he was. Instead, Bargas wrote two petitions describing his situation, emphasizing that they had nothing to do with politics and requested the release of his son. We do not know whether his son was pardoned or not; however, this case is important to see the stories behind the pardons and also the situation of the accusations.

The disability or elderliness of the convict constitutes a common story in the pardon petitions. This is seen in the case of Mehmed Agah.⁹⁰ He was sentenced to hard labor for 15 years after having murdered his wife. He was imprisoned in Rhodes from 1886. After seven years, he wrote a petition to the governor requesting a pardon. He was 72 years old and suffering from hernia. He said that he could not move his body himself. Also, he attached the medical report of a doctor confirming his condition. After many correspondences between the Rhodes Attorney Generalship, the Ministry of Justice and the governor of Algeria concerning the accuracy of the information given in the petition and appropriateness of the granting pardon, Mehmed Agah was released. For this kind of pardons usually there was the prerequisite of having completed at least one third of the sentence.⁹¹ However in this case Mehmet Agah was released although he had not completed that amount of his penalty.

Some supplicants emphasized their innocence by telling their story in detail and claiming that the accusation had been a slander. The petition of a man named Torunoğlu constitutes a good example of this. Torunoğlu was exiled to Kastamonu from Ankara. He was a Catholic and dealing with the drapery trade. Almost a year

⁹⁰ All the documents concerning this case are in this folder: İ.AZN. 9 1310 C 25.

⁹¹ See Chapter Four.

earlier, he asserted, the disagreements on commercial issues with a few people had caused hostility among them. This hostility had resulted in a slander told by his rivals. These people had claimed that they had seen Torunoğlu in the house of a woman named Havva and sent a detailed letter to Havva's husband Yusuf, who was a soldier in Istanbul. Then Yusuf sued Torunoğlu. Almost ten months earlier Torunoğlu had been sentenced to exile. Torunoğlu argued that he had lived innocuously and had had a simple life with his family. He claimed that he had never attempted "*ef'al-i memnu*" (forbidden acts). In his petition he emphasized that he had left his family in poverty and had had to close his store after the sentence.⁹² Upon his petition, an investigation was carried out on the order of the Sublime Porte to the governor of Ankara. In the report of investigation the governor asserted that the accusation had not been slander, Torunoğlu had raped Havva and now Havva had lost her mind, which was said in the document in following words: '*kendüsü mücerred ve şurada burada dolaşmakda olduğu*'.⁹³

There are also collective petitions requesting pardons sent particularly from the prisons where there were a few literate people to write on behalf of all. These

⁹² BEO 606/45432 1312 L 28. "*Kendileri Ankaranın hisar mahallesi ahalisinden ve teba-yı devlet-i aliyyenin Katolik milleti efradından olup vilayet mezkureye tabi ... kazası manifatura 'ahz-ı itasıyla on seneyi mütecaviz meşgul bulunduğum halde bundan tahminen bir çok sene makdem kaza-yı mezkurenin Karnik? karyesi ahalisinden ba'zı kimseler ile miyanımızda müteheddis ahz-ı itadan tevellüd iden ağyar-ı husumettedden dolayı ... tarafından karye-yi mezkure sakinelerinden Yusuf bin Hüseyinin zevcesi Havvanın hanesinde çağırlerini müşahade eyledik diye (...) dersaadetde selek-i askerde bulunan zevcine dahi büyük mektub tahrir ... etmeleriyle merkum Yusufun (...) makam-ı celil seraskeriyeye takdim eylemiş olduğu şikayetnamesi üzerine makam-ı müşarunileyhden acizlerinin Ankara vilayetinden teb'id ve infası hususuna da'ir vilayet-i mezkureye vürud iden emrname-yi sami üzerine bundan on mah makdem Ankaradan Kastamonu vilayetine menfien iğram kalınıb el-yevm burada zabtiye nezareti altında bulunduğumdan (...) gerek bu misüllü ve gerek suver-i saireye dair bir güne ef'al-i memnu'ya cüret etmemiş (...) iken(...) memleketdeki hane-yi çağiranem ailesini sefalet halde terk ve kaza-yı mezkurda bulunan muamelat tüccariyemi ... ta'til iderek Kastamonu vilayetinde menfien perişan kalmaklığıma düşar olmuş olduğumdan lütfen şu ahval-i maruzaya mesduraneme merhameten (...) çağiranemin afvıyla ıtlakım ve memleketim canibine avdetime da'ir müsa'ade ... "*

⁹³ Ibid. "*She is insanely wandering around*".

collective letters are important as a uniting factor of the people on main points.⁹⁴ In this context it can be said that this unity on common points formed a kind of collective action. A petition coming from the prison in Sivas written by Doctor Altuyan [sic] and signed by 80 convicts, dated on 24 April 1894 constitutes a good example for the collective petitioning for pardons.⁹⁵ The petition begins with a sentence of praise for the Sultan's rule to be everlasting until the end of the world. Immediately after the praise part, the sentence below comes which is very important for our analysis to reveal a discursive strategy of the non-Muslim subjects of the empire: "As we already know our Sultan is just and graceful both for Muslims and non-Muslims, We, the ones who think they deserve his benevolence and mercy, dare to present our situation by kissing the hem of his cloth, rubbing our faces and eyes to merciful Sultan."⁹⁶ The expression of the Sultan's mercifulness both for Muslims and non-Muslims was not to say "the Sultan is merciful to all" because as it is clear from the petitions they were suffering from injustices or harsh measures taken by the state for the sake of security and public order. Therefore the expression constitutes a strategy to invoke the Sultan to reconsider rendering justice among the subjects fairly.

The petition continues with the miserable situation of the convicts and the reason for their imprisonment. Altuyan writes that while some of them had been arrested on weak evidence, many of them had been arrested due to some forbidden publications that had been found in their houses. He stated that in previous times these publications had not been banned, therefore they had forgotten to get rid of

⁹⁴ Andrew Werner mentioned this point in the context of Russian peasantry. See Werner, "Discursive Strategies..." p.72.

⁹⁵ Y.A.HUS. 295/78 1311 L 18.

⁹⁶ İbid, "Müslim ve gayr-i Müslim kaffe-yi sınıf teba-yı kulları haklarında zat-ı ekserisi şehinşahlarını rahim ve adil tanıdığımızdan vicdanen sezavar-ı qfv-ı inayet ve merhamet olan şu hal esef-i iştimal ahkaranemizi rikab-ı merahimnab-ı şehinşahiye yüzlerimizi gözlerimizi sürerek arz-ı beyana ictisar eyleriz".

them and some hostile people had used these against them by informing on them to the police.⁹⁷ Also, he maintained that the rebellious ideas were attributed to all Armenian people and this gave an opportunity to their personal enemies. Their children and families became miserable outside and the convicts were suffering from cholera in the prison. As the only way to be freed from imprisonment they asked for the mercy of the Sultan, with the cry “Long live my Sultan!”

After the Armenian Events, Muslims also were arrested beside Armenians. The accused Muslims expressed their discontents through petitions. I believe that these kinds of petitions might be a key to understanding the ideas of the Muslims about pardons, justice, the Armenian people and the Armenian events. As will be seen, the Muslims were discontent with the situation after the events. They reacted against the amnesties for Armenian convicts. A collective petition from Tokat prison signed by nine Muslim convicts illustrates this aspect.⁹⁸

They started the petition with emphasis on the Armenian rebels in Tokat and stated that these events were not peculiar to the region and were part of the big Armenian plans. They blamed “*heyet-i fevkalade*” (emergency commission) which probably had been founded to investigate the events, by defining these events as “*hususî*” (peculiar). They told that although they were imprisoned, and even some had been sentenced to death and some were forced to do to hard labor, the real actors of the events had been the Armenians.⁹⁹ According to them Armenians, referred in

⁹⁷ Y.A.HUS. 295/78 1311 L 18. “(...) vaktiyle neşri memnu’ olmayan neşriyatdan hane köşelerinde ehemmiyetsizliğinden dolayı unutulub kalmış ve ez-cümle bazı kisanın menfaat-i şahsiyyelerine ve iğraz-ı ... alet-i ittihaz ile güne gün ... fırsat add edilmesiyle ve bazıları su-i zan şübhe üzerine ... mahpusiyete müstefrik olub...”.

⁹⁸ Y.PRK.AZJ. 34/61 1315 M 22.

⁹⁹ Ibid. “*Envai’ hayale ve desayiş (büyük oyun) ameliyle nice cinayat-i azmiye iğfaliyle bazı (...) islamiyeyi heyecana düşürerek ihtilal saikinin bir nebzesinde geçende Tokadda zuhuruyla (...) müstakil Ermeni maksadları olduğu gibi heyet-i fevkalade dahi hadise-yi siyasiyeye hususi nazarıyla bakılarak husumetleri mütehakik Ermeni adanilerin (alçaklar) şehadet zoruyla ve delail-i zaife (...) ile*

the document as *adaniler* (traitors), and had been pardoned despite their betrayal and disloyalty. The pardons for the Armenian people who had betrayed the state were the *im'an-ı şükran* (ironic expression meaning excessively grateful) in their eyes.¹⁰⁰ With the emphasis of being Muslims, they asked for the mercifulness of the “Caliph”, who even would not hurt a fly (*bir karıncayı bile incitmeyen*) would not want to hurt them either. By emphasizing the desperate conditions of their children and families they plead for mercy.¹⁰¹

Another collective petition came from Rhodes, one of the exile regions of the Ottoman Empire. This petition was penned by six women of Mosul's Hemvend tribe. The authors of the petition stated that they had been exiled to Rhodes 12 years earlier, due to the mistakes of their tribal leaders.¹⁰² At first they had been 176 people in Rhodes, but a hundred of them had been granted pardons. They asserted that while even those tribal leaders had been pardoned and allowed to return to their towns, they were still waiting with their children on Rhodes:

(...) while we were not involved the events which resulted in the exile sentence, we believe that sparing mercy from us, the poor people is not fair in justice of the religious law. We requested mercy before a few times by sending telegraphs. Although it was said that an answer for our request would given from Mosul we have been waiting for more than a month. We have fallen

yetmiş kadar fıkradan bazılarımız idam ve bazılarımız kürek cezalarıyla mahkum edildik halbuki mahiyet-i hale 'atf ve anzar (nazar) buyrulursa fail-i hakiki yine fesede-yi merkume olacağı ma'lum hakaik şinastıyladır(...)”

¹⁰⁰ Ibid. “(...) devlet-i aliye ve milletine hıyaneti tahakkuk olan o gibi canilere bile şime-yi lütf-u 'atıfet-i celileleri iktizası afv ile muamele buyurduğunuz im'an-ı şükran ile görülmekte olmağla(...)

¹⁰¹ Ibid. “(...)ve her birinin üçer beşer yavrucakları mahpushane ve il kapularında ve aileleri şurada burada sızlanarak sürünen bu halde yine avkat-ı (vakit) hemsede (ilk zamanlar) temadi-yi umur ve iclal-i şevket ve her gune muvaffakiyet nusret-i hazret-i hilafetpenahilerine (...) müdavim bulunan biz biçare kul ve cariyeleriniz isdika-yı itbaen (...) haklarında da meşmul'el-afak olan ve arz-ı mülükanelerinde bir karıncayı bile incitmek mu'tad hasafet-i(...)atileri bulunan merhamet -i seniyyelerinin diriğ buyurulmayacağına...”

¹⁰² DH.MKT.558/42 1320 Ca 7. “(...) Halbuki rüesa-yı aşiretimizin hareketleri üzerine teğrib olunmuş idik...”

into miserable conditions and we plead for mercy. Even though our husbands got involved in the events and all are dead now, isn't it expected that our children cannot be accused for their acts? If it is so, it is not proper in the eyes of people and merciful Sultan. In addition it is clear that it is unfair to keep us here although our tribal leaders have been released. We request our release before the winter comes...¹⁰³

Although we do not have any detailed information about the events that emerged between government and the Hemvend tribe it can be assumed that these events can be considered in the context of the usual clashes between tribes and government in the decentralized areas of the Empire.¹⁰⁴ What makes this petition unique is that it was submitted by the women of the tribe respectively, with a direct speech that was different from that of other petitions. Also these women signified the unjust situation of being punished for the accusations of their husbands and leaders and claiming that they were not responsible for their acts through an indirect discourse by saying that “our children are not responsible”. By referring to the mercifulness of the Sultan in the eyes of other people they tried to say, “Other people are seeing this injustice which is not favorable for the Sultan’s merciful and just rule.”

Considering all these cases in the context of the Hamidian era, it would be reasonable to say that both Muslims and non-Muslims were aware of the Hamidian rule’s emphasis on Islam and the consideration of a merciful image of the Sultan. For example, the Armenian petitioner’s emphasis on the phrase of ‘*bütün aleme*

¹⁰³ Ibid. “...bizim hiçbir şeyde medhalimiz olmadığı halde (...)acizünden diriğ edilmiş şer’i adalet olamayacağı itikadındayız. Birkaç kere bi’t-telgraf makam devletlerine müracaat ettik ve dehalet ettik (...) merhamet buyurularak Musuldan badelistilam bizlere tebliğ edileceği cevabı ihsan buyrulmuş ise de oradan bir mahı mütecaviz müddet geçtiği halde müsiretimizi icab edecek bir tebşidata mazhar olmadık calib-i merhamet bir hale geldik (...) tahliflerimizi yine atıfet ve merhamet celile-i (...) bekliyoruz müteveffa zevcelerimiz zat-ı müsaillede midhaldar olsa bile ifna-yı vücudları sebebiyle onlara aid mesuliyetin sabilerimize tevcihi raha-yı ahaliye ve raha-yı padişahiye ve merhamet celilerine tevafuk etmeyeceği aşıkardır bununla beraber ruesa-yı merkumenin afvıyla haksız yere biz biçaregane (...) teğrib edilmiş şefkat-ı adileye tevafuk etmeyeceği de meydanda olduğundan biz kullarının da kış gelmeden bir an evvel mazhar-ı atıfet ile tahliye-i sebillerimizin icrası her neye mütevakıf ise ...”

¹⁰⁴ See, Chapter Three.

merhametli’ (merciful to all) was to say “mercy not only for the Muslims but also for us.”

The petitioners had been convicted due to the repressive laws of the autocratic rule and asked for mercy rather than justice by emphasizing these two together. They tried to use the official discourses of the Sultanic regime such as a just and merciful Sultan, and tried to benefit from the Sultan’s position above the law. Being pardoned meant a great deal to the convicts and their families and in the third chapter we will see the state’s point of view and the role of pardons.

CHAPTER THREE

DOCUMENTS IN CONTEXT

This chapter presents the main developments of the Hamidian era in an analytical way by pointing out the topics related to the pardons and pardon petitions. Throughout the chapter the relevant documents and cases will be placed into the historical context as well. As this thesis maintains that pardons and petitions had a vital role in the context of the Hamidian era as a policy of negotiation and reconciliation, this chapter will focus on the related developments which influenced and shaped the use of pardons and the way that petitions were written. These main developments will be analyzed in the categories of: the Armenian Events and Abdulhamid II's policy, the faces of Hamidian rule, judicial developments, and tribes and brigands during the Hamidian era regarding their relations with the state.

Tension between the monarchy and the constitution marked the Hamidian era. Despite the declaration of the Constitution of 1876, Abdulhamid II was never comfortable with it. The Russian-Ottoman War and Istanbul's insecure position constituted the proper conditions for the suspension of the General Assembly and Kanun-i Esasi for an indefinite period of time. From this time on, Abdulhamid II held the power not only as Sultan, but also as absolute ruler.¹⁰⁵

There are two main perspectives on the characteristics of Hamidian rule, the first is one of which defines the Hamidian rule as tyranny and the Sultan himself as a reactionist while the second perspective defines the regime as a sequel and peak

¹⁰⁵ E. J. Zürcher, *Modernleşen Türkiye'nin Tarihi* (İstanbul: İletişim yay., 2000), p. 17.

point of Tanzimat era. Zürcher asserts that both are true, but they reveal only one side of the coin.¹⁰⁶

During the Hamidian regime, while many Tanzimat reforms were carried out, a new form of rulership emerged which was focused on the palace. As one of the reforms which was carried out from the Tanzimat and important for our subject we can mention the administrative centralization. Thanks to the developments in the realms of communication the centralization became more effective. The developments in communication have a distinctive place for our subject as well. During the Crimean War, telegraph networks were established between Europe and Istanbul. Soon telegraph lines were laid throughout the Empire and every provincial city had a telegraph network.¹⁰⁷ For our subject, the telegraph made the submission of petitions much easier and the communication between the Sublime Porte and the people became more intense. The telegraph format petitions as an easier and simple way provided the increase in the number of supplications for pardons. Also this format transformed the traditional petition writing. The petitions became much shorter and concentrated had little epilogues of praise for the Sultan in a direct language.¹⁰⁸

The centralization also was provided by the newly constructed railroads. For tax collection, conscription and the maintenance of public order the railroads changed the traditional patterns and made the state eligible to reach the distant areas.¹⁰⁹ However as will be discussed, Hamidian policy differed from that of the

¹⁰⁶ Ibid., p. 117. For example, Shaw and Shaw refer to the era as “The Culmination of Tanzimat Era.”

¹⁰⁷ Zürcher, p. 117.

¹⁰⁸ See Chapter Three.

¹⁰⁹ Zürcher, p. 117.

Tanzimat in many aspects, especially in the methods of centralization. On the other hand, censorship and surveillance marked this period as the government became more suppressive toward any kind of opposition.¹¹⁰

The Armenian Events, Convicts and Hamidian Policy toward Armenians

The Armenian Events, which took place during the Hamidian era, are one of the landmarks in the history of the Ottoman Empire. These events have a distinguished place for this study since hundreds of the cases are related to the Armenians who were convicted or arrested during the era. After the events, many people were found guilty for the events and for carrying the nationalist ideas and obviously many petitions and pardon cases belong to them.

As one of the highly complicated and critical issues in the history of Ottoman Empire, the Armenian Question can be traced back to the 1878 Berlin Treaty, which changed the historical path of the Armenian community in the Ottoman Empire. According to this treaty, consistent reforms would be enacted under the supervision of European powers in the *Vilayet-i Sitte* ‘six provinces’, Erzurum, Van, Bitlis, Mamuratülaziz, Sivas and Diyarbakir, where the Armenian population lived. The reforms foreseen were the: readjustment of police department, the formation of counties, the expansion and improvement of judicial organization, and rearrangement in tax collecting by the exclusion of the police and gendarmerie as tax collectors.¹¹¹ More specifically, the employment of Christians in the gendarme

¹¹⁰ Ibid., p. 119.

¹¹¹ Nadir Özbek, “ ‘Anadolu Islahatı,’ ‘Ermeni Sorunu’ ve Vergi Tahsildarlığı, 1895-1908.” *Tarih ve Toplum Yeni Yaklaşımlar*, no. 9 (2009) p. 59

and the execution of new arrangements in the prison system had a distinguished place.¹¹²

Actually the pardon documents suggest the malfunction of the judicial system. The conditions in the prisons were one of the main concerns of the pardon petitions which also constituted a reason for requesting pardons. In addition, the gendarme as a representative of the state in the provinces was a powerful instrument which collected taxes, fought with rebels and brigands and maintained public order.¹¹³ In the light of archival documents, it is possible to say that the pardons had a role in the recruitment of gendarme members. For example some Armenian brigands became gendarme after being pardoned while they had been condemned to death before. To illustrate with a case, a man called Makar was imprisoned in Muş and sentenced to death due to banditry. He was pardoned after informing on his friends among the bandits of Sason who had murdered Şerif Ağa, one of the notables of Muş, and burned Mongök village.¹¹⁴ Makar was released from jail and applied to the governor of Bitlis to be a gendarme.¹¹⁵

As another document suggests, his application was accepted and he became a gendarme in Sason.¹¹⁶ However, his old friends did not leave him easily (actually thanks to this event we can see that he became a gendarme later). They sent letters to

¹¹² Enver Ziya Karal and İsmail Hakkı Uzunçarşılı, *Osmanlı Tarihi*, vol. 8 (Ankara: Türk Tarih Kurumu yay., 1996). p.140.

¹¹³ See Nadir Özbek, “Tarihyazıcılığında Güvenlik Kurum ve Pratiklerine İlişkin Bir Değerlendirme,” in *Asayis: Fransız ve Türk Tarihyazımına Çapraz Bakışlar*, edited by Noemi Levy, Nadir Özbek and Alexandre Toumarkine, 1-19 (İstanbul: Tarih Vakfı Yurt Yayınları, 2009).

¹¹⁴ DH.TMIK.M.. 106/71 1319 R 08. Also BEO 1891/141762 1320 R 20 “*Makar’ın hizmet-i sadıkanesine binaen Bitlis valiliğine vuku’ bulan iş’arı üzerine hakkında afv-ı ali buyrulduğu...*”

¹¹⁵ Ibid.

¹¹⁶ DH.TMIK.M.. 131/47 1320 C 13.

him to join them and told their plans. Markar showed the letter to the governor.¹¹⁷

Actually this might have been a tactic of the bandits in Sason, they probably knew that Markar would show the letter to governor. The striking point for our subject is the use of pardon here. Markar was a bandit and condemned to death. He used the method of informing on others to be pardoned. Then, most probably, he knew that the protection of state or in other words to carry a gun -this time a legal one- was necessary to survive as a traitor therefore he wanted to become gendarme. It should also be noted that being a gendarme after having involved in banditry was not rare in Abdulhamid II's era, as will be evaluated in detail with other examples.

Usually foreign intervention into the internal politics of the administration of the Eastern provinces is debated in the context of the Berlin Treaty. However, in the conjuncture of the international balance of politics, the extent of foreign intervention to the Armenian events remained weak. Although to some extent Russia tried to encourage the Armenians, as Shaw and Shaw state, "...Czar Alexander soon realized that the efforts to undermine the sultan were being accompanied by radical doctrines that might well stimulate revolt among his own subjects as well, and he soon withdrew his support."¹¹⁸

Two groups were accepted as the leaders of the Armenian uprisings: the Hunchak, founded in 1887 in France and Switzerland, and the Dashnaks, founded in 1890 in Russia. While the Dashnaks organized in Istanbul, Trabzon, and Van, the Hunchaks established centers in Erzurum, Harput, Izmir, Aleppo and Geneva. These times also coincided with the arrival of Muslim refugees from different countries like Russia, Bulgaria, and Bosnia who were in the search of new lives carrying out

¹¹⁷ Ibid.

¹¹⁸ Stanford J. Shaw and Ezel Kural Shaw, *History of the Ottoman Empire and Modern Turkey*, vol.2 (Cambridge University Press, 1988). p. 202.

nationalist feelings, which stirred up the Muslims due to their fate in those countries.¹¹⁹

Chronologically, the main events related to the Armenian subject which took place during the Hamidian regime were the Kumkapı demonstrations, the assassination of provincial governor of Van, Merzifon, Yozgat, Sasun, and Yozgat (1894); Babiali events, uprisings in 25 cities and towns (Trabzon, Kayseri, Çorum, Erzincan, Gümüşhane...); Zeytun, Maraş, Van (1896); the Capture of Ottoman Bank; Sasun (1901,1904); the Yıldız Assassination (1905); and Adana events of 1909.¹²⁰

Among these, some events drew the attention of the international powers. In Sason, a big uprising emerged under the leadership of the Hunchaks when the local governor tried to collect taxes in 1894. The Hamidiye Cavalry stepped into the area and a “countermassacre” took place.¹²¹ The Ottoman government was found guilty of the destruction of 25 villages in the area and the execution of 20,000 Armenian villagers by the European powers. Detailed investigations were held by mixed commissions of Europeans and the Ottoman Empire. For the reconciliation, Abdulhamid II promised to make the reforms and tried to eliminate foreign intervention. A demonstration took place in Istanbul led by the Hunchaks in response to the reports of commissions in 1895. When the demonstrations spread to the areas where Europeans resided in Istanbul, the European powers allowed Abdulhamid II to suppress the movement. On August 1896, the capture of Ottoman Bank took place. In another event, a group headed toward the Sublime Porte, threatening the Grand

¹¹⁹ Shaw and Shaw, p. 203.

¹²⁰ Bilal Şimşir, *Ermeni Meselesi 1774-2005* (Ankara: Bilgi Yay., 2006), pp. 277-288.

¹²¹ Shaw and Shaw, p. 204.

Vizier. A bomb was thrown during the Friday Prayer of the Sultan in Aya Sofya.

Eventually, their demands were declared as follows:

(...) dispatch of a new investigation commission to the Eastern provinces, the appointment of Christian governors and kaymakams to administer them, of Christian police, gendarme, and militia forces to replace those of the government, pardoning of all taxes for five years and their reduction by four-fifths thereafter, increases in state expenditures in the area for schools and other local needs, a general pardon for all Armenians accused and/or convicted of crimes during the previous incidents, and restoration of all confiscated property.¹²²

Abdulhamid II did not accept all these conditions, but he declared a general amnesty and appointed Christian administrators to the East.¹²³ Furthermore, in 1905 he granted a pardon to the unsuccessful assassin of the event called the Yıldız Assassination, which meant to kill Abdulhamid II, after Friday Prayer. Abdulhamid II used the assassin, Jorris, in his own service of intelligence.¹²⁴

After all these events many arrests were made of both from Muslims and Armenians. These detention processes were complicated and the crimes were not clear as well. The political offenses were confused with others most of the time. The description of crime was made by the government as usual. Not only people who took part in the rebellious individually, but also people who sang a *muzır* “harmful” song, or who carried illegal journals or documents, were arrested. Sometimes the ones who only wondered about the reason for meetings were arrested.

Therefore the population of the prisons increased during these times. For example a petition mentioned that three or four hundred people had been arrested

¹²² Ibid., p. 205.

¹²³ Ibid.

¹²⁴ Mustafa Turan, *II. Abdulhamid Han: Ulu Hakan mı Kızıl Sultan mı?* (İstanbul: Elit Kültür Yayınları, 2008), p. 205.

after the events of 1895 in Maraş.¹²⁵ Keeping in mind the capacities of Ottoman prisons, the situation became worse.¹²⁶ Epidemic diseases like typhoid and cholera spread throughout the prisons and caused the deaths of many people. Some petitions referred to these conditions to emphasize how they had become miserable in the prisons.

Documents concerning the pardons of the Armenian subjects appear beginning from the 1890s. From this time on, the pardons of the Armenian subjects entered the state agenda and the issue of Armenian convicts became an issue between the Ottoman State and the European powers. For example the case of 15 Armenian convicts who were sentenced to death became an issue between the British authorities and the Ottoman Empire. In a confidential report, the Minister of Foreign Affairs said that British Ambassador had requested information about 15 Armenian convicts. He asked why British Ambassador was interested in the cases of these convicts. The British Ambassador told him that in case of any questions asked in the British Parliament, they wanted to strengthen the words of the Council of Ministers and request the commutation of capital penalties since this sentence for 15 people would not be welcomed in British public opinion. The Minister told the ambassador that these people were murderers and plunderers and if they were not punished for their crimes, others would be encouraged.¹²⁷

In another report, Rüstem Pasha asserted that he had a conversation with Lord Kimberley, the British Minister of Foreign Affairs, and Lord Kimberley

¹²⁵ ZB. 18/29 1312 A 05 (17.08.1896).

¹²⁶ See Hasan Şen, 'Osmanlı'da Hapishane Mefhumu,' *Osmanlı'da Asayiş, Suç ve Ceza 18.-20. Yüzyıllar*, eds. Noemi Levy, Alexandre Toumarkine (İstanbul: Tarih Vakfı Yurt Yayınları, 2007).

¹²⁷ T.C. Devlet Arşivleri Genel Müdürlüğü, *Osmanlı Belgelerinde Ermeni-İngiliz İlişkileri (1894-1895)*, vol.3, no. 75 (Ankara: Osmanlı Arşivi Daire Başkanlığı, 2006) p.16. Y.A.HUS. 293/12, 10.04.1894.

emphasized that the execution of 15 Armenian people would create politically negative consequences. He also asserted that Armenian committees would use the executions to gain the support of European public opinion. Therefore their sentences should be commuted.¹²⁸ After many correspondences between British officials and Ottoman ministers, the Sublime Porte sent an urgent letter to the Minister of Foreign Affairs indicating that neither in the Ottoman Empire nor in other countries could a murderer be pardoned, but the Sultan's well-known mercy could be extended on others.¹²⁹

The amnesties also were the result of the intervention of foreign powers. In other words, Abdulhamid II issued the amnesties in order to eliminate foreign intervention and thus tried to reduce the foreign impact in the eyes of the Armenian subjects. Upon the expressed concern of the British Embassy and other foreign powers such as Russia about the Armenian convicts, the issue became a problem in the international arena. Although the foreign powers mentioned specific names for pardons, the general amnesties were issued to reveal the power and mercy of the Sultan rather than to negotiate on suggested names. For example, after the declaration of the amnesty Salih Münir wrote to the Sublime Porte and clearly indicated that:

It is heard that the British Ambassador will attempt to interfere in the pardons and release of Armenians (...) However as far as I know, most of the Armenians were released three months ago and for the rest an imperial order was issued. If the imperial order has not been executed yet either by the Sublime Porte or another office it won't be nice to execute that upon the application of the British Ambassador. Since this will result in the increase of importance and influence of British the Ambassador in

¹²⁸ Ibid., Y.MTV. 93/77, 19.04.1984.

¹²⁹ Ibid., Mektubi-i Sadr-ı Ali Kalemî/197, 02.05.1894.

the eyes of the Armenians it is necessary to act in time in a way that the Ottoman government decides.¹³⁰

The amnesties for the Armenian Events were issued sporadically. After the events, in January 1891, April 1893, July 1895 amnesties were declared for the political offenders whose cases were related to the Armenian Events. The death sentences were mitigated to *kal'abend* imprisonment in a fortress until self-rehabilitation, "*ıslah-ı nefis*". Murderers also were exempt from the amnesty. Also there was an amnesty on 27 February 1897 for the convicts of the Trabzon and Samsun events. On 13 December 1896 there was another one for the convicts in Erzurum, Erzincan, Diyarbakir and Aydın provinces whose crimes were related to the Armenian events.¹³¹

The pardons also became an issue between the Armenian community and the Sultan in some cases. Yebisgobos Ormanyan, the Patriarch of the Armenians in the reign of Abdulhamid II, when he was elected Patriarch by the Armenian Community Public Assembly on 17 November 1896, went to the Court to present his gratitude to Abdulhamid II and requested the release of more than 1200 Armenian political prisoners. Abdülhamid II, in order to please the new Patriarch, accepted his request ad-hoc and additionally reduced 30 death sentences to life-long imprisonment.¹³²

¹³⁰ Ibid. Y.PRK. HR. 20/78, 22.07.1895. "*Siyasi suçlardan mahkum olan Ermenilerin affedilip salıverilmeleri için İngiltere büyükelçisi tarafından bir girişimde bulunulacağı (...) haber alınmıştır. Ancak bildiğime göre bu şekilde tutuklu olan Ermenilerin birçoğu tahminen bundan üç ay önce Padişah'ın affına mazhar olmuşlar, kalanına da gerekli işlemler yapılarak salıverilmeleri için yaklaşık bir ay kadar önce Padişah iradesi çıkmıştır. Eğer iradenin hükmü Babiali veya başka daire tarafından henüz uygulamaya konulmamış ise İngiliz büyükelçisinin müracaatından sonra yapılması hoş görünmeyecektir. Bu durum İngiliz büyükelçisinin Ermeniler üzerindeki nüfuz ve öneminin artmasına sebep olacağından, konuya ilişkin Osmanlı Hükümeti tarafından nasıl bir karar alınacak ise zamanında davranılması durumun gereğidir.*"

¹³¹ See Chapter Four.

¹³² Levon Panos Dabağyan, *Sultan Abdulhamid II Han ve Ermeni Meselesi* (İstanbul: Kum Saati yay. 2001), p. 88.

On the other hand, there was a lack of communication between the Armenian community and the Sultan. Abdulhamid II tried to stand with the church hierarchy through the Patriarchate and clerics. However, the authority of the clerics was usually questioned among the Armenian community. Although the authority partly had been in the hands of the secular Armenians since 1863 with '*Ermeni Milleti Nizamnamesi*' (Regulations of Armenian Subject), Abdulhamid II reversed this with the suspension of the code after the events led by the Hunchaks.¹³³ For the pardons and amnesties, the Patriarchate played an essential role as well. The Sublime Porte, as it is clear from the archive documents, always considered the Patriarch as the only representative of the Armenian community, therefore all the procedure of pardons were held in collaboration with the Patriarch. For example, the Patriarch's approval was compulsory in order to pardon an Armenian convict. Moreover the Patriarch himself requested the pardons of some convicts by the Sultan.¹³⁴

Abdulhamid II's attitude toward the Armenian community changed in time after all the events. As Shaw and Shaw state:

(...) he now changed his attitude, playing into the latter's hands by accusing Armenian officials of disloyalty and ordering the government to crack down on the Armenian merchants of Istanbul to lessen their substantial economic power, and also by organizing the local Hamidiye tribal gendarmes to help the army suppress terrorism in the east.¹³⁵

Shaw and Shaw have a tendency to explain the Armenian events of the Hamidian era as the usage of terror in order to gain political support from the European powers for the establishment of a national state. However, Özbek's

¹³³ François Georgeon, *Sultan Abdülhamid*, translated by Ali Berkay (İstanbul: Homes Kitabevi, 2006). p. 328.

¹³⁴ See Chapter Four.

¹³⁵ Shaw and Shaw, p. 203.

approach to the issue focusing on taxation and Anatolian reforms seems more reasonable. After the Berlin Treaty the reforms that were promised by the Sublime Porte were neglected despite the efforts of the European states. In order to eliminate foreign intervention, the Hamidian regime tried to extend the scope of the reforms for the Eastern provinces to the whole country. When the postponement of the reforms became impossible after the period started with the events of Sasun in 1894, three commissions were formed to carry out the reforms. Additionally another reform decree was issued in 1896 for the provinces except for Hidjaz. The reforms concerned with the maintenance of public order, rendering justice, the reorganization of tax collection, the elimination of the pressures of gendarme and the Kurdish tribes and Caucasians on Armenian people, improving the living conditions and the political representation of Armenians.¹³⁶

The Hamidian policy towards the Armenian community went hand in hand with Kurdish policy as described by Deringil as:

The Sultan's policy was to kill two birds with one stone—to cow the Armenian population and to secure the loyalty of the Kurds. In a manner of speaking, the Armenians were to be the bait for Kurdish obedience and loyalty: By thus providing paid employment of high prestige and a virtual license to raid, the sultan hoped to install in the Kurds a strong loyalty to him personally.¹³⁷

While centralization attempts by forming an intimate relationship between state and subjects were accelerated during the Hamidian era, Özbek states that these

¹³⁶ Nadir Özbek, "Anadolu Islahatı..." pp. 60-61.

¹³⁷ Selim Deringil, "Ottoman to Turk: Minority-Majority Relations in the Late Ottoman Empire," in Dru Gladney, ed., *Making Majorities: Constituting the Nation in Japan, China, Korea, Malaysia Fiji, Turkey and the U.S.* (Stanford, 1998) p. 217–26. quotation in Selim Deringil, " 'The Armenian Question is Finally Closed': Mass Conversions of Armenians in Anatolia during the Hamidian Massacres of 1895-1897," *Comparative Studies in Society and History* 51 (2009), pp. 344-377.

attempts were interrupted by the priority of security concerns, inadequate budgetary resources and attempts to increase the amount of taxes at any cost. The attitude of Hamidian regime, with the formation of the Hamidiye Cavalry, the neglect of the problems of the local people and the reduction of all complaints to security problem and suppression of any kind of oppositions led to the alienation of people to the regime, contrary to the aims of reforms.¹³⁸ Also when a face to face relationship could not be provided by the state, the local powers gained strength and the pressure on the people increased.¹³⁹

The conflicts took place in the ethnically heterogeneous Eastern provinces were not simply ethnic or religious conflicts. The land disputes and power struggles caused discontent in the area and although the leading group affected by these disputes was Armenians, the Kurds, Turks and Muslims were also aggrieved during this process. Among the actors of repression of the Armenian people, the infrastructure of state institutions as police and tax collectors should be taken into account beside the tribal forces.¹⁴⁰

Actually the Armenian events had many impacts on the Hamidian policy. Along with the other factors, after all these events, the autocratic tendencies became more clear like the personalization of the regime, consolidation of power, denunciation and spies. The public opinion of Europe targeted Abdulhamid II himself as a consequence of the personalization of the power. However, this created an illusion of one responsible man from all events and caused the negligence of a deep analysis of the Ottoman system and passed over the responsibilities of the great

¹³⁸ Özbek, "*Anadolu Islahatı...*" p. 74.

¹³⁹ Ibid., p. 83.

¹⁴⁰ Ibid., pp. 80-81.

powers. Also the foreign press declared Abdulhamid II “the Grand Assassin” and by this tried to conceal the massacres in the colonies of the Western powers.¹⁴¹ The image of the Ottoman Empire and the Sultan became a matter in both the international and domestic area, which will be discussed in the following.

The Faces of Hamidian Rule: Legitimacy, Autocracy and Symbolism

Abdülhamid’s image in Europe was deeply affected by the harsh suppression of the Armenian Events of the 1890s. This image of the Sultan as reflected in the public “the Red Sultan” or “Terrible Turk” influenced the politics of image and symbolism in the international arena.¹⁴² Also, as Deringil states there was a concern that “the whole world is watching”¹⁴³ as an obsession with prestige which I believe had an impact on the declaration of amnesties especially for political offenders in order to restore the image of the regime and to reveal the “mercifulness” of the Sultan.

Abdülhamid, contrary to Tanzimat era, carried out an Islamic agenda by using the symbols of the caliphate. This also reflects the time right after the wars which caused the arrival of Muslim refugees to the Empire. The Muslims gained a high proportion in the population. The benevolent father image of the Sultan carried out this Islamism through ceremonies like the Friday Prayer.¹⁴⁴

¹⁴¹ Georgeon, p. 354-356.

¹⁴² Selim Deringil, *The Well-Protected Domains: Ideology and the Legitimation of Power in the Ottoman Empire, 1876–1909* (London and New York: I. B. Tauris, 1998). p.18.

¹⁴³ Ibid.,154.

¹⁴⁴ Özbek, “Imperial Gift...,” p. 212. See also Deringil, “The Well Protected Domains...”

As Georgeon asserts, the keyword of the era was “morality.”¹⁴⁵ Obedience and compliance to the Sultan himself became more important than obedience to the law which had been a characteristic of the Tanzimat era. This loyalty, according to Georgeon, was a triangle of obey the rules of God, the Prophet and the Caliphate.¹⁴⁶ Thus, Abdulhamid II contributed to the foundation of religious lodges, tried to control the Hijaz area with troops and rendered special service to the holy places. To illustrate, the revenues of the holy places had been almost 255,000 liras between 1884-1885, while during the reign of Abdulhamid II this revenue declined to 15,000 liras. This budget deficit was met from Ottoman treasury as the cost of strengthening the image of the Caliphate.¹⁴⁷ The Hamidian rule employed policies which were appropriate to the Sheria and Caliphate. Especially during Ramadan, some measures were taken to control the clothes of women and alcohol consumption in order to provide the visibility of Islamic rule.¹⁴⁸

The Islamic tendency of the Sultan reflected in the petitions as well. Especially the petitions of non-Muslims reveal that they were aware of the Hamidian Islamism and by using some specific expressions they tried to attract the attention of the Sultan to this fact. For example, in a collective petition from Sivas prison, the praising parts of the Armenian convicts Sultan’s just and merciful rule to all the subjects without exception was expressed consciously in order to draw the attention to their situations.¹⁴⁹ The Muslims also tried to benefit from the regime’s tendency to Islam by emphasizing the title of Caliphate in their petitions. For example, Sofyalı

¹⁴⁵ Georgeon, p. 228.

¹⁴⁶ Ibid., p. 231.

¹⁴⁷ Georgeon, pp. 231-239.

¹⁴⁸ Ibid., p. 381.

¹⁴⁹ Y.A.HUS. 295/78 1311 L 18. See Chapter Two for the analysis of this petition.

Hacı Şerif, who was exiled to Rhodes due to the act of obscene language, requested his pardon by saying that he wanted to make a pilgrimage in that year.¹⁵⁰ Also from Yemenis who were imprisoned on Rhodes a petition was submitted to the Sublime Porte as a telegraph only saying that: “For the sake of the Mawlid and the day of enthronement of the Caliphate, we request to be released.”¹⁵¹ Even they did not write their names or accusations so the Sublime Porte sent a letter to Algerian province to investigate who those Yemenis were.¹⁵²

Legitimacy

The legitimacy practices of the Hamidian era had an important part in the systems of pardons. Above all, granting pardons was a demonstration of the benevolence and mercifulness of the Sultan, which legitimated Abdülhamid’s rule as rendering justice to those who plead for it. Also as a strategy, through petitions and supplications, pardons became a legitimate way to suppress the opposition, who accused the regime of being an autocracy.

The legitimacy crisis of the Hamidian regime arose from the shift and transformation of the rule. Unlike during the Tanzimat Era, the palace, Yıldız, became the main executor in all administrative issues during the reign of Abdulhamid II. As Özbek states, the characteristics of rulership changed and was transformed into a personal and intimate rule.¹⁵³ Therefore the opposition targeted

¹⁵⁰ DH.MKT. 46/33 1310 Za 21.

¹⁵¹ DH.MKT. 424/50 1313 Ra 19

¹⁵² Ibid.

¹⁵³ Özbek, “Imperial Gift...” p. 216.

Abdulhamid II himself while the 1860s opposition of the Young Ottomans was targeting the high ranks of bureaucracy. Özbek writes that,

This contestation illustrates that from the 1860s to the late nineteenth century the legitimation crisis of the monarchical/sultanic system of rule had deepened seriously. Parallel to this, the sacred or divine conception of the figure of the sultan eroded considerably. Accordingly, as the civil and military bureaucracy expanded and a corresponding new intellectual class emerged in the nineteenth century, the tension between a monarchical/sultanic rule and a liberal constitutional form of politics intensified. This tension deepened the legitimation crisis of the monarchical system of rule, forcing Abdulhamid II to reframe the symbolic and ceremonial representation of rulership.¹⁵⁴

Abdulhamid II not only eliminated the bureaucracy but also carried out a new policy centered on the palace through a welfare and charity system. This system intended to legitimize his rule as a paternal figure for his subjects.¹⁵⁵ On the image of the Sultan and legitimacy crisis, Deringil asserts, “In the history of states there occur periods of crisis during which the established relationship between monarch and people collapses.” This crisis was not unique to the Ottoman Empire and to Hamidian period, “...it began in Mahmut II era and reached its peak in Abdulhamid II reign.”¹⁵⁶

Furthermore, I believe that the reciprocal relationship in the imperial gift context is valid for pardons as well. The imperial gifts carried political messages; this influenced not only to the receiver, but also other people.¹⁵⁷ The pardons were also a kind of gift or alms from the Sultan as was indicated in the petitions. For example,

¹⁵⁴ Ibid., p. 205.

¹⁵⁵ Nadir Özbek, *Osmanlı İmparatorluğu'nda Sosyal Devlet: Siyaset, İktidar, Meşruiyet, 1876-1908* (İstanbul: İletişim Yay., 2002) p. 31.

¹⁵⁶ Deringil, “Well Protected...,” p. 8.

¹⁵⁷ Özbek, “Osmanlı İmparatorluğunda...,” p. 204.

Ammareli bin Süleyman mentioned the pardon as “the alms of the Sultan” (*padişah sadakası*) in his petition.¹⁵⁸

Özbek writes that: “During the Hamidian period great efforts were made to carry on the personal, paternalistic, and unbureaucratic aspect of the monarchy.”¹⁵⁹ The pardons can be evaluated in this context. The approval of the pardons by an imperial order of the Sultan had many meanings which bound people directly to himself, eliminating the bureaucratic processes of seeking for justice and showing mercy like a benevolent father. As Deringil states: “In all societies the legitimating ideology of the state is in many respects the ‘no mans land’ where a tacit process of bargaining takes place between the state and its people.(...) In periods of legitimation crisis this period of bargaining is intensified.”¹⁶⁰ The pardons were one of these tacit contracts through which a negotiation process took place as a bargain of life and death.

Moreover, the pardons issued on the enthronement days constitute a good example among the legitimacy practices. In these days, great ceremonies were held emphasizing the benevolence of the Sultan. This imperial bayram aimed at embracing everyone. Abdülhamid’s 25th year enthronement anniversary a new title was added among others *velinimet-i minnet* (gratitude for benefactor) which reveals how the Sultan wished to be known. He granted pardons on the day of enthronements, generally to the convicts who had completed their two-thirds. Also from the various parts of the empire petitions were submitted before this day requesting pardons for the sake of this “blessed day.” Georgeon says, referring to the *Imperial Self Portrait*,

¹⁵⁸ BEO 449/3362, 1312 S 2.

¹⁵⁹ Özbek, p. 206.

¹⁶⁰ Deringil, p. 10.

the Sultan was choosing the ones who would receive pardons by looking at photos of the prisoners.¹⁶¹ We will discuss this kind of pardon in the following chapter.

Autocracy

One of the ongoing debates on the Hamidian era is the characteristic of the regime, which was labeled as “autocracy.” The personality of the Sultan had much on this label. The constitutional struggle before him and the critical political situations along the borders of the Empire and also the international conjuncture influenced the cautious and meticulous politics of Abdülhamid. Consequently, denunciation gained importance and informants an integral part of the system.¹⁶² Particularly after 1880, autocracy was strengthened in the country. The “internal passport” (*mürur tezkeresi*) for free travel within the borders of the state, became compulsory for everyone. Also censorship of the press was exercised heavily. Every newspaper had to be checked by the censor officers before being published. In order to become the only man, Abdulhamid II eliminated the leading figures who had helped him to seize the crown. Also the frequent change of grand viziers signified that he was the only power above the Sublime Porte.¹⁶³

For this thesis, the Sultan’s concerns about information constitute a distinctive place. Priority of information had an important role while granting pardons especially for political crimes. That is to say, denunciation became the backbone of negotiations between the state and pardon supplicants. For example,

¹⁶¹ Georgeon, pp. 402-404.

¹⁶² Zürcher, p. 121.

¹⁶³ Georgeon, pp. 133-134.

Abdulhamid kept the pardon way open for brigands in order to obtain information about the committees from those who submitted to the state.

Negotiation with the Sultan through pardons also was related to the characteristics of the Hamidian regime, which tried to form a direct relationship with subjects by providing personal loyalty to the Sultan himself. As Zürcher asserts, the policy of loyalty to the Sultan himself resulted in patronage relationships and favoritism. Especially in the bureaucracy and military, this policy caused discontent among young people.¹⁶⁴ The pardons were one of the areas of the establishment of patronage relationships which was a direct negotiation between the Sultan and people.

Judicial Developments of the Hamidian Era

The concept of justice was one of the backbones of Ottoman governance. The nineteenth century witnessed many important developments in the realms of judicial reforms. The period beginning with the reforms of Mahmut II's reign and followed by issue of *Gülhane Hatt-ı Humayunu* (Edict of Rose Chamber) and *Islahat Fermanı* (Edict of Reform Decree) new penal codes were issued in 1838, 1840 and 1858. The code of 1838 was actually concerned with the penalties for the members of bureaucracy.¹⁶⁵ The *Gülhane Hatt-ı Humayunu* guaranteed the security of life, property and honor of all Ottoman subjects without regard to their millet:

Until the pleas of the criminal are examined and adjudged publicly, in accordance with the laws of Şeriat, no one shall be executed, secretly or publicly; and no one may attack the reputation and honor of another; everyone shall be free to possess and use his properties completely and fully, without interference from anyone; and if a person commits crime, and his heirs are free of complicity in that crime, the latter shall not be deprived of their rights of

¹⁶⁴ Zürcher, p. 122.

¹⁶⁵ Ahmet Mumcu, *Osmanlı Devleti'nde Siyaseten Katl* (Ankara : Ankara Üniversitesi, 1963). p. 173.

inheritance. All the subjects of our illustrious Sultanate, both Muslims and the members of the other millets, shall benefit from these concessions without exception.¹⁶⁶

Accordingly, in order to issue the laws the *Meclis-i Ahkam-ı Adliye* (Council of Judicial Ordinances), founded by Mahmut II, became the consultative and legislative body together with *Divan-ı Humayun* (Imperial Council). However, the decree did not restrict the power of Sultan; his authority was still above the law, but the responsibilities of state were determined.¹⁶⁷

Another important development in the judicial arena was the establishment of the Ministry of Justice (*Adliye Nezareti*) in 1870 as a further step of the Ministry of Applications (*Nezaret-i Deavi*) formed by Mahmut II to expand the secular court system of the empire. Towards the end of the nineteenth century Ministry of Justice included different departments as Supreme Judicial Council (*Encümen-i Adliye*), Court of Cassation (*Mahkeme-i Temyiz*) which was divided into civil, criminal and administrative sections, and an Appeals Court (*Mahkeme-i İstinaf*) which had sections such as criminal, civil, correctional and commercial justice.¹⁶⁸ Courts of New Order (*Nizamiye Mahkemeleri*), as the secular alternatives to the religious courts were established with Tanzimat and Supreme Council of Judicial Ordinances (*Divan-ı Ahkam-ı Adliye*) as the final court for *Nizamiye* courts stand to settle the cases connected with the secular laws.¹⁶⁹

¹⁶⁶ Shaw and Shaw, p. 61.

¹⁶⁷ Ibid., p. 61.

¹⁶⁸ Shaw and Shaw, p. 75.

¹⁶⁹ Shaw and Shaw, p. 80. See also Fatmagül Demirel, *Adliye Nezareti: Kuruluşu ve Faaliyetleri (1876-1914)* (İstanbul: Boğaziçi Üniversitesi yay., 2008); Ekrem Buğra Ekinci, *Osmanlı Mahkemeleri: Tanzimat ve Sonrası* (İstanbul: Arı Sanat, 2004); Sedat Bingöl *Tanzimat Devrinde Osmanlı'da Yargı Reformu (Nizamiye Mahkemeleri'nin Kuruluşu ve İşleyişi 1840-1876)* (Eskişehir: Anadolu Üniv. yay., 2004).

1840 penal code, as a guarantee of the Edict of Rose Chamber, was based upon the equal rights of all subjects before the law. It was a combination of traditional and modern systems of punishment. The execution of the death penalty, which was issued for certain crimes, was in the hands of the Sultan. Since the code was insufficient a new penal code was issued in 1851. Another more comprehensive was introduced in 1858, following the *Islahat Fermanı* (Reform Edict).¹⁷⁰ This code was valid throughout the Abdulhamid II era although there were some modifications in 1863 and 1873. The code, having benefited from the French code of 1810 and have been combined with Sheria, consisted of three parts, 32 sections, and 264 articles, including the definition of crimes and punishments.¹⁷¹ Also, the limits of the Sultan's authority in granting pardons were issued by the law. According to Article 47, "The mitigation of the death penalties to hard labor or hard labor to fortress imprisonment or fortress imprisonment to exile and imprisonment to exile can only be possible with an imperial order. Without an imperial order and outside the law any kind of pardon is impossible."¹⁷²

Deal argues that the criminal justice system functioned in a predictable way during the Abdulhamid II period in the context of penal code. But then he added that he did not study the rule of law in political offenses.¹⁷³ According to him although the Sultan could take a role in changing sentences and execution of death penalties

¹⁷⁰ Roger Deal, *Crimes of Honor, Drunken Brawls and Murder: Violence in Istanbul under Abdülhamid II* (İstanbul: Libra yay., 2010.). p. 39.

¹⁷¹ Ahmet Akgündüz, *İslam Hukuku ve Osmanlı Tatbikatı Araştırmaları*. (Diyarbakır : Dicle Üniversitesi, Hukuk Fakültesi, 1986). p. 26-35.

¹⁷² Ahmet Akgündüz, *Mukayeseli İslam ve Osmanlı Hukuku Külliyyatı*, (Diyarbakır: Dicle Üniv yay, 1986). p. 841. "İdam cezasının küreğe ve kürek cezasının kalabendlığe ve müebbed kalabendlığın nefy-i ebade ve muvakkat kalabendlık ile hapsin nefy-i muvakkate tebdili mutlaka irade-yi mahsusa-yı Padişahiye menüttür. Ve ber vech-i muharrer irade-i seniyye-yi mahsusa olmadıkca ve kanunnamede sarahat bulunmadıkca bir vechile cezanın afvı veyahut tebdil ve tahfifi caiz değildir."

¹⁷³ Deal, pp. 47-48.

he never attempted to increase the sentences.¹⁷⁴ However, after having evaluated the pardons, I can say that while the law was in effect in many cases, the prerogative right of pardoning was an open door in the law for the accused. The pardons also blurred the line between politics and law.

The malfunction of the judicial system was compensated with the use of pardons as well. As Fatmagül Demirel notes the judicial system was inadequate to hold the trials in time, therefore many people in prisons were waiting for their trial rather than fulfilling sentences.¹⁷⁵ For example, she says there was a case of a murderer who was in jail for 15 years without any trial.¹⁷⁶ In the documents related to the pardons it is possible to see the people's petitions regarding the malfunction of the judicial system. For example, a man named Atanas wrote a petition from Selanik telling that although his innocence had been proven, he was still in prison.¹⁷⁷ Also some petitions indicated that the accused had been convicted by an imperial order without a trial. For example, the gun smugglers Mustafa and his friends' sentences were given the imperial order without a trial. Their cases were meant as an "example for others" (*emsal-i ibret*) for the sake of public order.¹⁷⁸

Tribes and Hamidian Policy

Pardons were one of the tools of negotiation between tribes and the government. There are many documents confirming this negotiation both as petitions

¹⁷⁴ Ibid., p. 48.

¹⁷⁵ Fatmagül Demirel, "Osmanlı Adliye Teşkilatında Yaşanan Sorunların Hapishanelere Yansıması (1876-1909)," in *Osmanlı'da Asayiş...* pp. 190-199.

¹⁷⁶ Ibid., p. 193.

¹⁷⁷ BEO 623/ 46717 1312 Za 21.

¹⁷⁸ BEO 271/20323 1311 S 24.

and as correspondences between different offices. Not only the tribal leaders but also the people of the tribes held this negotiation especially in times of military campaigns to the area after problems arose related to tax collection and conscription. Usually for the sake of agriculture and commerce, the maintaining of public order and restoration of state authority, the pardon requests were welcomed by the government. The tribal leaders handed petitions presenting their regrets after their “disobedient” actions. In fact, in some cases they had to reconcile with the state since they had lost all their property during the military campaigns. Since the government and tribal leaders needed each other for the control of the concerned area, the pardons provided a peaceful way to come to an agreement without losing prestige from the state’s point of view. For this thesis, as we discuss the pardons as a state policy, the Eastern policy of Abdülhamid II is a vital issue. The role of pardons in this reconciliation and negotiation power of both the state and the tribes is crucial to understanding how the Hamidian balance policy worked in the region and how it differed from that of the Tanzimat era.

Although it is hard to describe the tribes with a common definition, we can say that tribes were traditional units, organized on the basis of kinship or on the “myth of common ancestors”, usually “self-sufficient”, “sharing common interests,” “customs” and “cultural assets.” They are politically united and carried out political duties especially in the frontiers.¹⁷⁹

The relationship between the tribes and the state was kind of a dialectical symbiosis, while sometimes they supported each other, other times they clashed. Beside the military power and political organization of the tribes, tribal values and life styles which influenced society had a role in this dialectic form of relationship.

¹⁷⁹ Philip S. Khoury and Joseph Kostiner, *Tribes and State Formation in the Middle East* (Berkeley : University of California Press, 1990), pp. 5-6.

Khoury and Kostiner write: “(...) tribes are just as likely to resist states by acting as antistates as they are to coexist with states.”¹⁸⁰

In the Ottoman Empire, taxation and conscription marked the difficulties especially in the frontier regions throughout the nineteenth century. The strong tribal networks in the Kurdish and Arab regions drew the borders of the power of the Ottoman Empire.¹⁸¹ However, during the Hamidian era, there occurred a policy shift which was different from that of the Tanzimat era. Instead of the *Fırka-yı Islahiye* policies of sedentarization which were an expensive and difficult way, Abdulhamid II tried to ensure the loyalty of the tribes by binding the tribal leaders directly to himself.¹⁸² In other words, although the centralization attempts continued, the method of these attempts was quite different. Hamidian policy was not based only on punishment and force:

Particularly in nineteenth century, the state was in desperate need of reliable population, it was simply not in a position to dismiss the population as rebellious and to crush insurgency, even if it had the material means to do so, which more than often it did not.¹⁸³

Therefore the government chose reconciliation with the tribal leaders when possible. Many petitions signed by the leaders requesting pardons were taken into consideration. As an example to these petitions the Caf tribe's leader Mahmut's can be given:

If there is someone in this world to whom no one hesitates to confess and confirm, it is renowned, almighty, merciful and benevolent, supreme justice of his grace. There, that is he,

¹⁸⁰ Ibid., p. 7.

¹⁸¹ Özbek, “Anadolu Islahatı...” p. 73.

¹⁸² Georgeon, p. 310.

¹⁸³ Deringil, “Well Protected...” p. 40.

benevolent and just, his grace Sultan I came to the Sublime Porte after unfortunate situations and actions with regrets for everything. (...) I was involved in disobedient and unruly events for a while. Soon I realized that I am loyal and obedient to his grace in the deepest thought. (...) I request the mercy of the Caliphate.¹⁸⁴

There are also collective petitions of tribal leaders requesting the mercy of the Sultan. For example, the leaders of the Hemvend Tribe sent a petition signed by 12 leaders, in their language, Sorani (a Kurdish dialect).

The attitude of the regime to the tribal areas is worth consideration in order to understand the Hamidian policy behind the alliances established by the pardons. For example, there were many conversion attempts in the frontier regions in accordance with the Islamic policy of Abdulhamid II. The attitude of the state towards the residents of the areas can be summarized as follows:

Those Yezidis, Iraqi Kurds, who were targeted for conversion to Hanefi Islam, the people themselves were seen as “simple folk who cannot tell good from evil.” They were being led astray by their leaders, who were “fooling and provoking them.” In another, totally different, context the same words come up. When refugees from Greece who had been settled on the Ottoman side of the border threatened to go back to Greece because they had not been given the land promised them by the state, they too were termed as ‘those who cannot tell good from evil and who had been led astray by the Greeks.’¹⁸⁵

Muslim unity, especially after the 1878 Berlin Treaty, became important to keep control of the Eastern provinces. The Eastern part of the empire, where the reform program was to be carried out after the treaty, became a concern of the state to prevent the Armenian separatist movements by new policies. One of them was to

¹⁸⁴ Y. PRK. AZJ. 25/62 1310. “Dünyada hiçbir kimsenin itiraf ve tasdikinden çekinmediği birisi var ise o da münteşir-i ikdar-ı cihan olan lutf ve adalet-i seniyye-yi hazret-i zat-ı âlileridir. İşte mahza-yı atıfet ve adalet hazret-i padişahilerinin eşr-i irşadidir ki her ahval ve hareket nabeca müddet nedomve pişman olarak arz-ı dehaletle darsaadete geldim. Bir müddet (...) ahval-i serkeşane esnasında bulundum[sic]. Derinde eman ve selamet azm oldukça saltanat-ı seniyye-i mülükanelerine arz-ı sadakat ve ve hidmette olduğumu anladım (...) .hilafetpenahiye dehalet ediyorum.”

¹⁸⁵ Deringil, “Well Protected...” p. 40.

ensure loyalty and form alliances with the Muslim, especially Kurdish tribes.

Abdulhamid II carried out a kind of balance of power policy in the Eastern provinces.

Although the reform commissions started to work in the area, and the British

demands rose for the exile of the Kurdish notables, this measure was not taken in

order to prevent rebels in the region. Duguid summarizes the Kurdish policy of

Abdulhamid II as follows:

It was common Ottoman practice to reward known Kurdish offenders, pardon exiled Kurdish leaders, and generally turn the other cheek to Kurdish acts of minor lawlessness. This practice was common throughout the Hamidian period and was linked with another practice, that of using the Kurds to balance the power of the urban notables and the provincial governments. Rather than pursuing centralization, the Ottoman government was instead trying to maintain a balance of forces in the region, preventing any one of the indigenous power groups from attaining a dominant position. Eventually, after slowly eroding both the position of the notables and the Kurds, the government could once again begin seriously to attempt to be the decisive influence in the region.¹⁸⁶

The formation of the Hamidiye Cavalries was part of this project of ensuring loyalty and keeping a balance of powers in the Eastern provinces by strengthening the weaker tribes with weapons and exemptions against the stronger ones.¹⁸⁷

The situations of nomadic populations were also seen as a problem to solve by the state. The problem was closely connected to the taxation and conscription issues. The attitude toward nomadic populations was almost the same as the others:

(...) Bedouin Arabs, or the Kurdish tribes, was that they 'live in a state of nomadism and savagery *'hal-i vahşet ve bedeviyetde yaşarlar.'* The Yezidi Kurds who lived in this state were to be 'gradually brought into the fold of civilization *'peyderpey daire-yi medeniyete idhal'*, which was to be done through schooling

¹⁸⁶ Stephen Duguid. "The Politics of Unity..." p.145. As he continues his words, this policy was unsuccessful due to the Armenian revolutionary movement.

¹⁸⁷ Ibid., pp. 145-146.

and the constitution of a municipal authority in their area, Sincar.¹⁸⁸

In a report by Osman Nuri Paşa, an Ottoman provincial administrator, after having stated his arguments indicating that Yemen religious courts were better to solve the problems, asserted it was better to use the local influence of the sheiks and sharifs for the benefits of the state and achieve the awaited goals without using force.¹⁸⁹

The Arab regions of the empire became important in the context of the Hamidian regime. Therefore Abdulhamid II reordered the hierarchy of provinces and brought the Arab provinces to the top of this hierarchy. The aim was to provide the integration of these parts to the central authority and compensation for the land loss in Balkans.¹⁹⁰

Brigands and State

For a relatively early period, the seventeenth century, Karen Barkey evaluates the Ottoman state centralization from a different perspective considering the incorporation and legitimization of internal powers: “The Ottoman state bargained and used banditry to consolidate its position and to maintain its predominance over society.”¹⁹¹ She maintained that the Ottoman state formation followed a different method than states in the Western countries; it was an outcome of negotiation and battle with bandits.¹⁹²

¹⁸⁸ Deringil, “Well Protected...” p. 41.

¹⁸⁹ Cited in Deringil, p. 52.

¹⁹⁰ Georgeon, pp. 211-213.

¹⁹¹ Karen Barkey, “Bandits and Bureaucrats...” p. 2.

¹⁹² Ibid., p. 8.

Amnesty was a method of reconciliation between the state and outlaws. In the Ottoman Empire, brigands were a type of outlaws. As a concept, banditry may refer to all outlaws including disobedient tribes and Armenian committees in the documents. The tension between government and these kinds of “rebellious” groups never ended and this clash even continued throughout the early Turkish Republic. However, these two also collaborated especially in times of emergency for the security concerns. The pardons were one of the tools of this collaboration. After the submission of brigands to the local representatives of the region negotiations between the state and brigands took place on the conditions determined by state. Also, the conditions could be determined by the brigands too, by offering what they had in their hands. For example, in a letter written in a response to the questions of the Yanya provincial governor, it was asserted that brigands who gave up the hostages to the governor should not be pardoned. However if the government saw any necessity they may be pardoned.¹⁹³

The nature of the relations between state and banditry varied from region to region. In the regions closer to the center the bandit activities were forced to cease while in the remote regions banditry became what Barkey describes as “a relatively organized phenomenon which, although not directly threatening to the state, willy-nilly involved it in a process of negotiation.”¹⁹⁴

In Greece, during the formation of Greek statehood after independence, brigands became a big problem which resulted in a number of memoranda. Among the factors which favored banditry in Greece were “the refuge and protection given to brigands by the Turkish authorities in charge of security on the Turkish side of the

¹⁹³ DH.MKT. 1359/64 1303 Za 10.

¹⁹⁴ Barkey, p. 13.

frontier.”¹⁹⁵ In the documents of pardons it is possible to find clues about these alliances. For example, Aleksi Kara Livano and his seven companions requested pardon (*istiman*) through “the Commandership of Greek Frontier” (*Hudud-u Yunaniye Komutanlığı*). The commander reported the submission of the bandits by coming to the governor on 5 November 1899. He said that these bandits would be granted pardons on the basis of conditions defined by the commander.¹⁹⁶

In the correspondence of Yıldız Palace, there is more detailed information about the case of pardon.¹⁹⁷ On 5 November Aleksi Kara Livano and his companions were granted pardons. Although they were exempted from the sentences for public acts due to the civil act fine they had to pay 1000 liras. Therefore the governor of Manastır province decided on a trial in the Military Court. However, the imperial order emphasized that these bandits would serve for the sake of state and they were granted pardons by the Caliph. Thus no one could intervene or oppose the pardons of the Caliphate. In another document it was asserted that, the conditions of pardon were known by the commander and the province must behave according to the imperial order.¹⁹⁸ This document reveals the negotiation and reconciliation between the bandits and state. The “conditions” of pardon mentioned in the documents are not clear, but predictable in the expression of “services for the favor of state.” Moreover,

¹⁹⁵ John S. Koliopoulos, *Brigands with a Cause: Brigandage and Irredentism in Modern Greece 1821-1912* (New York: Oxford University Press, 1987). p. 105.

¹⁹⁶ İ.HUS.78/1317B-27 1317 B 1.

¹⁹⁷ İ.HUS. 78/1317B/27 1317 B 11.

¹⁹⁸ Ibid. “...halbuki merhumların istimanlarının kabulü halinde hizmet-i hesnada bulunacakları beyanıyla ve hizmet-i mezkurenin neden ibaret olacağının tasrihiyle haklarında ‘afv-ı ‘aliye şayan buyrulması münasib ve müraca’ata muvafık olacağına dair mezkur kumandanlıktan akdemce vaki olan iş’ar üzerine kabul-u istiman ve dehaletleri hususuna müsaade-yi seniyye-yi mülükane-yi şayan buyrulmuş ve mücrim ve caninin afvı hukuk-u mukaddese-yi cenab-ı hilafetpenahi cümle-yi aliyyesinden olmasıyla buna hiçbir taraftan müdahale ve itirazına hak ve salahiyet olamayacağı derkar bulunmuş eylediğinden ve şera-it istimana dahi kumandanlıkca ma’lum olduğundan hüküm-ü irade-yi seniyye mentuk-u aliyyesine tevfikân ifa-yı mu’amele olunması...”

although the law necessitated the payment of a fine, the Sublime Porte intervened with the indisputable power of “the Caliph”.

Actually for the administration of frontier regions, Albania (İşkodra, Yanya, Kosovo, Manastır), Yemen and Tripoli, Abdülhamid’s rule was based on tribes and brigands. As Georgeon asserted, in Kosovo the rule of Abdulhamid II was carried out by tribal leaders, even by chief brigands; in return for the recruitment of irregular troops to support the army to maintain the public order. The Sultan rendered gifts, made them office holders and made them exempted from taxation.¹⁹⁹

In some regions, not necessarily the frontier ones, banditry was supported by the state during the Hamidian era to serve some causes. For example, in Izmir, to some extent banditry was colluded and even supported secretly to discourage foreign entrepreneurs from farming.²⁰⁰

Actually Barkey’s accounts for that seventeenth century share very similar arguments to those of Abdulhamid II era. I believe that this similarity stems from the fact that the reign of Abdulhamid II although accepted as “the culmination of Tanzimat,” the centralization attempts could not be achieved in the nineteenth century. Therefore, banditry became a tool for state power in the distant areas and gained new impetus with the conscription and taxation attempts and lately within the nationalist movements. The pardons were the means of this negotiation, a tacit one through the supplication of bandits, which we will evaluate in the following chapter in detail.

¹⁹⁹ Georgeon, p. 213.

²⁰⁰ Ibid., p. 276.

CHAPTER FOUR

STATE POLICY OF PARDONS AND NEGOTIATION THROUGH SUPPLICATION

“The king’s special pardons when he entered a town for the first time after his coronation were as important as his touching for scrofula”²⁰¹ says Davis in order to emphasize the strength of the ruler’s power of pardon in her book. Actually, for the late periods the pardoning power of the monarchs still existed and usually filled the gaps in early modern law.²⁰² Since pardons can be examined as a political tool in the hands of the ruler, they reflect the political agenda of the state very well.²⁰³ It seems fair to claim that granting pardons was an imperial policy of Abdulhamid II in the context of consolidation of loyalty and just image of the Sultan. Especially the pardons on enthronement days and Sultan’s birthday reveal that this policy was one of the legitimization policies of Abdulhamid II and these days constituted the justification of pardons. Also granting pardon had a religious side which found its terms in the religious discourse of justice. Therefore most of the time the approval of the pardons were done under the title of caliphate and the pardons were called “*merhamet-i seniyye*” (mercy of the grace).

²⁰¹ Davis, p. 53.

²⁰² See Douglas Hay, “Property, Authority and Criminal Law...”; and also Nancy Shields Kollman, “The Quality of Mercy in Early Modern Legal Practice” *Kritika: Explorations in Russian and Eurasian History*, vol. 7 (2006) pp. 5-22.

²⁰³ For example looking at the pardons would help us to see with whom state collaborated or clashed, see Kesselring, “*Mercy and Authority...*”.

The Policy of Pardons

Özbek begins to his work on imperial gifts and Sultanic legitimation with the elimination of Abdülhamid's gift system just after the Young Turk revolution, which indicates that the legitimacy practices during Hamidian regime provided to extend and legitimize the power of the regime.²⁰⁴ I would like to add a similar argument with regard to pardon practices. According to the Constitution of 1876 the Sultan had the right to pardon with an imperial order. However, this right was not based on principles. In the 7th article, the sovereign rights part, it was stated that: "(...) he (Sultan) carries out the provisions of the Şariat (the sacred law), and of the other laws; he sees to the administration of public measures; he respites or commutes sentences pronounced by the criminal courts (...)"²⁰⁵ According to Keyman, this article was adopted from the Belgian Constitution of 1831 in which the 73rd article allowed the King to grant pardons or mitigate sentences without any intervention. However, he says, in Belgium while the members of the parliament had the bill of law, Ottoman deputies had not. Therefore, the only executer both for amnesties and private pardons was the Sultan.²⁰⁶ However, as is well-know, the constitution was not put into practice due the abolition of the parliament after a while. This prerogative rule was in the hands of the Sultan before the constitution and after the abolition of the constitution it stayed in his hands as well. After the revolution of 1908 some articles of the former constitution were renewed. Strikingly, the 7th article was

²⁰⁴ Özbek, "*Imperial Gift...*", p. 204.

²⁰⁵ Belgenet.com. (23 April 2001). *Kanun-i Esasî Değişiklik Metinleri*. [15 March 2011]. <http://www.anayasa.gen.tr/1876constitution.htm>

²⁰⁶ Selahattin Keyman, *Türk Hukukunda Af* (Ankara Üniversitesi Basımevi, Ankara: 1965). p.85.

changed and the sole executive power of pardons became the parliament.²⁰⁷ This renewal can be evaluated in two ways; first is the prerogative use of pardons disturbed the constitutionalists during the opposition because this was an important tool in the hands of the Sultan to use against the oppositions by binding people directly to himself and the second is the consideration of an amnesty in order to free the convicted political offenders. Actually, an amnesty was declared in 1908 for political offenders and after a while the scope of the amnesty was broadened.²⁰⁸

In a time when the absolute regime of the Sultan was disregarded with the Tanzimat reforms, the pardons emerged as a supplementary force. The use of this supplementary force was important in the context of the Hamidian rule concerning the image of the Sultan, whose power was above the law. Also, once we call it a pardon policy, the evaluation of these pardons emanates from legal context and situates in a political one. However, since this study puts the agency as “pardon seekers,” we try to investigate the requests from below and responses of the government accordingly.

Pardons for Death Penalties

The pardons for death penalties as it is discussed below also signify the presence of the pardon policy of Abdulhamid II. The disapproval of death penalties is a debatable issue in the context of the Hamidian autocracy. During the Hamidian era only a few death penalties were carried out.²⁰⁹ Some popular historians and researchers use this fact in order to highlight the mercifulness of Abdulhamid II and

²⁰⁷ Ibid., p. 86.

²⁰⁸ Taner Aslan, “II. Meşrutiyet Dönemi ...”, p. 42-43.

²⁰⁹ Georgeon, p. 181.

a clue to disprove the oppressive autocracy as an argument against the ones who claim that Abdulhamid II was a “red sultan.”²¹⁰ In fact, this subject was debated during those times as well.

An article of “*Deba*” newspaper evaluated the disapproval of the death penalties issue through the cases of Müşir Fuat Paşa and Salih on December 31, 1882.²¹¹ The newspaper was in French and among the Yıldız main documents the translation of the related article is available. Most probably due to the importance of the issue the Sultan himself wanted it to be translated. The article begins with the case of Müşir Fuat Paşa, who was the chief of Circassia Troops and accused with an alliance against the Sultan. He was imprisoned in the jail of Yıldız Palace. He decided to starve to himself death. When Abdulhamid II heard about this, he wanted to see Fuad Paşa. But at first he ordered him to eat his meal. As was told in the article, Abdulhamid II said: “Take a chair and sit, but at first eat something,” “just like in the Akornin’s play of Roman Emperor Augustus.” After that, Fuad Paşa appeared before the Sultan. Abdulhamid II asked him: “Fuat Paşa you made an alliance against me. Tell me, wasn’t it me who appointed you as commander when you were only 42 years old and showed all kinds of grace including the payment of your salary?” Upon this Fuad Paşa answered as follows: “No, my Sultan. I did not participate in that alliance; however, I knew of the existence of it. I was afraid therefore I could not tell it to you.” Abdulhamid, again “like the emperor Augustus”: “Then give me your hand and be friends again and now I will pay your salary until now.” Fuad Paşa was astonished upon the words of the Sultan and confirmed his gratitude as such: “My God, what a big mercy, justice and grace is this!” After this story it was asserted that

²¹⁰ See Chapter One.

²¹¹ Y.EE. 42/2 1300 R 20.

while in France violence was in use against the opposition, Abdulhamid II did not use that way.

The case of Salih was another concern of the article. Salih had murdered the Valide Mosque preacher by claiming that he was the Mahdi. Salih had nothing to do with politics, however, he was a murderer. In the article it was also noted that, in France there was a man called Verje who had claimed that he was the Mahdi and murdered someone. But he was punished. It was asserted in the article: “Because Abdulhamid II Han hates to approve the death penalties it seems that this murderer will be also forgiven.”²¹²

Actually, both cases were chosen consciously. One was a political offender and the other was a murderer who called himself the Mahdi of which there were similar cases in France. While these kinds of offenders were condemned to death in France, they were pardoned in the Ottoman Empire by Abdulhamid. The ironic tone of the article is another striking point. Abdulhamid II was portrayed as the Roman Emperor Augustus and, just like him, dispensing justice of his own. Augustus is a historical figure of autocracy as the first emperor of the Roman Empire who eliminated the powers of the Senate. Abdulhamid II just like Augustus did not approve the decisions of the court and used his discretionary authority.

The disapproval of the death penalties might be related to the “mercifulness” of the Sultan. However, there are many concerns behind this “mercifulness” which most of the time is ignored by historians. First of all, a convict who was condemned to death could do anything in return of forgiveness. Actually, Abdulhamid II benefited from this fact. It was not only the practice of the granting of pardon, but

²¹² Ibid. “Sultan Abdülhamid Han hazretlerinin i'dam cezası fermanı imzalamak inayet-i menfur-u şahaneleri olduğundan canı merhum müstehak olduğu i'dam cezasından ne çare ki tahlis edecek gibi görünmektedir.”

also an alliance with the convict established on the service in return for the pardon. Instead of signing the death order Abdulhamid II successfully carried out a reciprocal relationship with the convicts. Above all, he could restrain his image as a Caliph as the only executer of the death penalties. To disregard law or order above his power was a characteristic of his rule; therefore he was associated with Augustus. Furthermore, as is well-known, one of the main components of his autocratic rule was the “spy service” *hafiyeler*. The rulership of Abdulhamid II as we can see was different from those of previous rulers. Rather than approving a death penalty as an “*ibret-i alem*” example to others, he preferred to benefit from the situation and tried to get information because it was information on which his rule based. Also in the context of Hamidian rule, pardons helped to provide a personal loyalty to the Sultan himself.

Pardons on Ceremonial Days

On the anniversary of the Sultan’s enthronement day (1st September) and his birthdays, pardons became an official part of the ceremonies. These days provided an opportunity for pardons both for the state and society as a legitimate ground for pardons. Using the “sake” of these days the people were granted pardon as a favor of the Sultan himself. The case of the Bulgarian political offenders constitutes an example of this kind of pardon. Almost 20 Bulgarian convicts, most of them sentenced to life imprisonment in Üsküp and Bodrum, were granted pardons on 1 September 1902. Among these convicts there was the name of Doctor Hristo Tatarchev, the famous socialist founder of the IMRO.²¹³

²¹³ BEO 1912/143367 1320 Ca 27.

Leading up to these days the convicts wrote pardon petitions to the Sublime Porte emphasizing the dignity of the date. Even if the request of the pardon had been accepted, the release of the convict was delayed until this day. The government held an investigation into the petitions and although it was clear that the convict deserved a pardon, his release was suspended until the day of enthronement. For example, the case mentioned in Chapter Two, Ammareli bin Süleyman constitutes a good example of this delayed releases. After his petition he received an answer almost eight months later, on 5 August and, according to the notifications, his release was to be on the day of enthronement.²¹⁴

The pardons on the enthronement day also were expected from people. Emphasizing the “sake of this day,” the convicts or their relatives demanded releases. Before the day of enthronement and the birthday of the Sultan, the Patriarchate suggested possible names to be pardoned and gave information about the accusations of the convicts, the type of their punishments and their places.²¹⁵ Many petitions were sent to the center requesting pardons. The case of Mustafa and his companions constitutes an example of this kind of requests. Mustafa and his companions had been exiled to Rhodes for the act of gun smuggling (*esliha-yı memnu*).²¹⁶ Mustafa’s brother wrote a petition to Sublime Porte from İşkodra in the form of a telegraph. He said that Mustafa and his friends had been exiled to Rhodes without trial. For the sake of the day of enthronement as a holy day, *ayd-ı sa’id*, he requested their release by emphasizing the mercifulness of the Sultan.²¹⁷

²¹⁴ BEO 449/33628 1312 S 2.

²¹⁵ DH.MKT. 1536/41 1305 Z 19.

²¹⁶ BEO 271/20323 1311 S 24.

²¹⁷ Ibid: “*Esliha-yı memnu*’dan dolayı bi’la-hükm mevkufen Rodos’a menfi biraderim Mustafa ve refiklerinin cümleye ‘ayd-ı sa’id olan işbu cülus-u humayun mevahib-i makrununda bu

Brigands and Pardons

The penalties for brigands were declared in the 63th article of Ottoman Penal Code as: “Those who led to any brigand community or had any kind of position in commanding are condemned to the death penalty. Those who became a member of these communities will be sentenced to hard labor.”²¹⁸ However, there was a place for the negotiation of these sentences through pardons. In some instances, the government used the pardons as a strategy to eliminate the banditry. Therefore, when a bandit asked for pardon it was accepted at least in order to halt his activities. As an example, one of the leading bandits in Manastır, Tahir Ağa, asked for a pardon from the governor. The governor gave notice of this to the Ministry of Internal Affairs by emphasizing that if they disregarded the request, Tahir Ağa would run away to mountains and continues to attack the villagers. Therefore, he recommended pardoning Tahir Ağa in order to cease his activities.²¹⁹ Whether he was granted a pardon or not, the words of the governor give us a clue about the ideas behind the pardons: “If he was not granted pardon he will continue banditry,”²²⁰ which shows that the only way to stop him was to grant a pardon.

In another example, one bandit was pardoned in order to capture others. Hızır, one of the companions of the famous bandit Muharrem, asked for mercy through the governor of Ankara. The Administrative Department of Council of the

gibiler haklarında ibzal mümkün ve menzuru bulundukları merahim-i seniyyeye mazhariyetle itlakları müsterhimdir.”

²¹⁸ Ahmet Akgündüz, *Mukayeseli İslam ve Osmanlı Hukuku...* p.841: “Her kim eşkıya cemiyetine baş olur veyahut bu cemiyet içinde bir kumanda sahibi bulunur ise idam olunur. Ve bu makule eşkıya cemiyetlerinde bulunanlardan ol cemiyetlerde söz ve kumanda sahibi olmayanlar mahall-i fesadda tutuldukları halde muvakkaten küreğe konulur.”

²¹⁹ DH.MKT.2074/75 1313 Z 14.

²²⁰ Ibid. “(...) merhumun istimanı kabul eylenmeyecek olursa hasb-el yevm avanesiyle beraber şekavete çıkararak ahaliyi bizar etmesi (...) bahisle kabul-u istimanı...”

State (*şura-yı devlet mülkiye dairesi*) and Ankara governor agreed on maintaining the public order by halting the activities of these bandits. If Hızır was granted a pardon, as it was told in the telegraph of the Ankara governor, Muharrem would ask for pardon as well.²²¹ The correspondence asserts that Hızır was granted a pardon and after taking his oath and promising that he would be under the control of the state and that if he did not keep his promises the legal process would begin.²²²

The pardons of the bandits caused opposition among the people in the places where the bandits lived. Hacı Zeynel, a bandit in Albania, forced people to request pardons from the Sultan on his own behalf. He chose this way because most probably he thought that his personal request would be rejected. However, the notables from İpek and Yakova resisted his demands and wrote many petitions to the government. They emphasized that if he was granted a pardon and continued to live in the region they would do whatever was necessary for their security. Therefore, the government decided not to accept Zeynel's request and he was imprisoned. Also the Sublime Porte ordered that his trial must be carefully conducted in order not to annoy the people.²²³

What can be the reasons for a bandit to submit to the government? There might be several reasons for this such as disagreements among bandits, the fading power of the bandit in a specific region, and more generally due to the power conflicts among themselves. As many of the pardon requests came from the

²²¹ DH.MKT.2594/60 1319 Za 19. "...Muharrem'in refiki Hızır istiman eyleyeceğini beyan ettiğinden ve merkum afv-ı aliye mazhar olacağını derk ederse bu hal dehalet-i Muharrem'in dahi ona mutaba'at edeceği iş'ar-ı mahallinden anlaşıldığından...".

²²² Ibid. "...merkum Hızır'ın afv-ı aliye mazhariyeti led'el-arz asayış-i umumiye muhafazaen ve halkı zarardan vikayen merkum ba'dezin o misülli hareketde bulunmayacağına dair tahlif edilmek ve nezaret altında bulundurulmak şayed atiyen yine şekavete cür'et ederse ol vakit ona göre muamele-i kanuniye icra kılınmak üzere(...)'afvı hususuna irade-yi seniyye-i cenab-ı hilafetpenahi şerefimüte'alik buyurularak..."

²²³ Y.MTV.80/211 1311 M 28.

companions of the bandits the idea of the power struggles among themselves gains strength.

Political Crimes, the Armenian Events and Pardons

Political crimes were a prominent concern during the Hamidian era. For the centralization attempts, the suppression of the nationalist movements and political criticism the scope of what constituted a political crime was broadened. This reflected the pardons of the Hamidian era and many political offenders were granted pardons. First of all, I would like to start with the Armenian events and the pardons related to the political offenders of these events. Since many of the political crimes were related to the Armenian Events, the number of documented pardons is high. Documents concerning the pardons of the Armenian community appear beginning from the 1890s after the turmoil of the Armenian Events. After the events, detentions were introduced for Muslims and Armenians. These detention processes were highly complicated and the crimes were not clear as well. Political offenses were confused with others most of the time. Not only the ones who took part in the rebellious physically, but also people who had sung a *muzır* (provocative) song, who carried illegal journals or documents were arrested. Sometimes people who had just been trying to understand the reason for the meetings were also arrested. Therefore the population of the prisons increased during these times. Keeping in mind the capacities of the Ottoman prisons the situation became worse. Epidemic diseases like typhoid and cholera spread and caused the deaths of many people.²²⁴

From this time on, the pardons of Armenian subjects and the issue of Armenian convicts entered the agenda of the state. Beside pardons there were

²²⁴ Demirel, "Kastamonu Hapishanesi...".

amnesties declared occasionally. I believe that the petitions played an important role in the declaration of the amnesties. Also the Armenian convicts became an international issue between the Ottoman Empire and the European powers, which I think makes the petitions more valuable to evaluate. Actually, the process of releasing the convicts usually operated after the requests of the convicts. It seems that the offenders knew that the way of petitioning for pardon was always effective and most of the time they used it. Instead of waiting for foreign intervention many people wanted to negotiate with the authority. Also most probably they knew that if they became a subject to intervention their release would be harder.

Therefore in this thesis, it is suggested that the evaluation of the pardons for the offenders of the Armenian Events should include the debatable role of the European powers, the demand from the people and the state policy. As was discussed above, general amnesties were issued occasionally for the political offenders of the Armenian Events. In order to give an overlook and not to lose the chronology, a general amnesty was declared on July 1895 for the political offenders whose cases were related to the Armenian Events. The death sentences were remitted to *kal'abend* (fortress imprisonment) until the convicts '*ıslah-ı nefis*' (self-rehabilitation). Murderers also were exempt from the amnesty. Also there was an amnesty on 27 February 1897 for the convicts of Trabzon and Samsun events. On 13 December 1896 there was another one for the convicts in Erzurum, Erzincan, Diyarbakir and Aydın provinces whose crimes were related to the Armenian events.²²⁵

The patriarchate played an important role during these processes, both in the realm of pardons and in the amnesties of Armenian people. The institution suggested names, took the oath of the convicts and became the guarantor of the released people.

²²⁵ All these information are gathered from different documents. See Chapter Four.

Also many of the convicts sent their pardon petitions to the Patriarchate. As far as I saw, while the political offenders sent their petitions to the Patriarchate, the others usually sent their petitions to the provincial governor or the Sublime Port. Also after the declaration of the amnesties the government collaborated with the Patriarchate during the process of the release of the convicts. The guarantee of the Patriarch was an important reference for the release of these convicts. The ceremony *tahlif* (exculpatory oath) was done in this place after the pardons. In these oaths the convict promised to be loyal to the Sultan with the expression of his regret. In the documents this situation was called “*teminat*” which means “guarantee.”

The government did not leave the investigation of the convicts to the Patriarchate alone. When the Patriarch requested the pardon of some convicts the government held a special investigation into these convicts through the Ministry of Justice. For example, the Patriarchate requested the release of Armudanlı Arhanyan Kalost and his twelve companions, who had been imprisoned in Erzincan. The Sublime Port requested an investigation from the Ministry of Justice about these convicts. In the report of the Ministry it was stated that these convicts had been involved on muggings, injury and murder. Therefore they were not released.²²⁶

In a document dated in 4 February 1895, the Sublime Port sent an order to the Ministry of Internal Affairs about two convicts in Halep. One was Herlekyan Keyforuk, a member of Local Assembly (*Meclis-i İdare*) and one of the nobles from the Maraş Catholic community. His offence was defined in the document as crime of planning uprisings (*isnad-ı taaruz-u tefevvühat*) by the Armenian rebels which probably means to talk about the Armenian rebellion as a gossip. The other was a 16 years old boy called İhsan Muzyan who was condemned to lifelong prison labor in

²²⁶ BEO 2048/153583 1321 M 22.

Bitlis. His offense was *sabükma'azanın iğfaletine kapılma*, which means to be misled by some “foolish” people in Bitlis. The Armenian Catholic Patriarch became the guarantor of Herlekryan and the Chief Dragoman of Serbia Embassy [sic] guaranteed the boy and they demanded the release of the convicts for the sake of Easter. In the end, the convicts were granted pardons and released.²²⁷ Actually this document tells a lot about the guarantee of a foreign state and the role of the Patriarchate in the pardons. These two convicts were pardoned when there was no amnesty. Pardons for religious days were not rare; however, these days usually belonged to Islam. This is the only document among the ones I studied in which I saw pardons for Easter. However, as was mentioned before, the ceremonial days justified the granting of pardons.

Foreign intervention is another debatable issue in the context of pardons of the Armenian people. It is fair to say that the role of the European states in the pardons should not be exaggerated. Actually the intervention was clear during the process of the release of the convicts rather than the declaration of the amnesty. The notifications of six states (*düvel-i sitte*) hastened the process of the release of the convicts. There are many reports in the archive written by the Ministry of Foreign Affairs to the Sublime Port concerning the release of the Armenian convicts suggested by the foreign consulates. However, the government pardoned when it was possible and most of the time did not show tolerance for the interventions.

²²⁷ DH.MKT. 340/51 1312 Ş 09 “...Herlekryan efendinin Ermeni erbab-ı fesadı tarafından isnad-ı taaruz-u tefevvühat maddesinden evvelce beraati tebeyyin ederek men-i muhakemesine karar verilmiş iken bera-yı muhakeme Halebe celb ettiğinden bahisle mumaileyhin ve Bitlis'te bazı sabükma'azanın iğfaletine kapılmasından dolayı müebbed kürek cezasına mahkum edilmiş olan on altı yaşında İhsan Muzyan nam çocuğun paskalyalar münasebetiyle merhameten afv-ı aliye mazhariyetleri Ermeni Katolik Patriki ile Sırbıya [sic] Sefareti Sertercümanı tarafından istida' ve patrik mumaileyhin Herlekryan Efendi'ye ve sertercümanın dahi mumaileyh çocuğa kefalet etmekte oldukları (...) haklarında afv-ı ali şayan buyrularak muamele-yi lazımenin ifası ...”

To illustrate, the case of three Armenian convicts who murdered a man called G mleksizog lu (also called Mehmed bin İsa G mleksiz) in Mara  is a good example. On December, 29 1898 the Minister of Foreign Affairs wrote that the French Consulate had demanded the immediate release of the three Armenian convicts who murdered G mleksizog lu two days before the events in Mara . The murder was related to the Armenian Events, more specifically, the reason for the murder was to start an uprising in Mara . Therefore according to the articles of the amnesty, the convicts had to be released. The Mara  Deputy of the French Consulate and the Armenian delegate applied to the Patriarchate for the release of these convicts. The government tried to investigate the facts and asked the Halep governor. The governor said that after the investigation of the events and arrival of the documents to Halep the convicts would be released.²²⁸ Having read this part one would assume that these three convicts were granted pardons. However, they were not. Almost a year later, the wives of the convicts wrote petitions to the Patriarchate requesting the release of their husbands.²²⁹

In another interesting case, Doctor Dikran Hekimyan Sunn , gives us clues about the extent of foreign intervention and the response of the government. The case is also important to see the story of an Armenian convict whose offense was blurred between a political and a simple act. There were many requests from different actors demanding the release of Dikran: The British consulate, the Russian consulate, the provincial assembly of Algeria and Dikran's wife Eznif. However these requests did not work and he was not released from Rhodes where he was imprisoned. He stayed in jail for three years and after then his sentence was mitigated to fortress

²²⁸ A.MKT.MHM. 539/6 1314 B 25.

²²⁹ A.MKT.MHM. 653/10 1315 C 19.

imprisonment. As far as can be followed through documents, the fortress imprisonment lasted five years on Rhodes.

On 28 January 1896, the British consulate sent a diplomatic note for Doctor Dikran and stated that he was a hard-working, honorable and inoffensive person who did not deal with politics. Therefore, it was asserted, he deserved the royal pardon.²³⁰ Subsequently, the Sublime Port asked for information about Dikran from the Ankara governor because Yozgat was a province of Ankara in those times. In the telegraph of the governor, he indicated that Dikran had been sentenced to death and imprisoned on 27 January 1894. Because he was a murderer he could not be amnestied and his punishment was already reduced to exile in the Rhodes fortress.²³¹

Dikran's wife, Eznif, wrote a petition to the Ministry of Defense (*Seraskeriye*) and demanded the release of her husband in 1897. She said that, although Dikran was not guilty he had been in prison for two years in Yozgat and then he had been sent to Rhodes five months earlier.²³²

On April 2, 1897 the Rhodes Russian Adjunct Consular requested the release of the seven Armenian political offenders on Rhodes on the behalf of the Russian consulate in Istanbul.²³³ He sent his request to the governor of Algeria province. Among these seven people, there was the name of Doctor Dikran. The governor transmitted the request of consulate to the Sublime Port. The answer was the same as that of the Ankara governor, Dikran's sentence had already been reduced

²³⁰ A.MKT.MHM. 618/26 1313 N 12.

²³¹ Ibid.

²³² A.MKT.MHM. 618/28 1313 Z 18.

²³³ DH.TMIK.M.. 30/37 1314 L 29.

to fortress imprisonment from the death sentence. Also the Sublime Port warned the governor not to tolerate the requests of the consulate.²³⁴

In the official report of the military court in Yozgat, the case of Dikran was told in detail.²³⁵ Dikran was accused of the murder of Ahmet Efendi in Yozgat during the events called “the church events” in the document. Ali Efendi, the brother of Ahmed Efendi brought the issue to the court and sued Dikran. Ali Efendi found many witnesses for the event and claimed that his brother had been wounded by Dikran. The witnesses, almost six people, said that they had seen Dikran shouting at Ahmed Efendi from the window of Bedros, the pharmacist brother of Dikran. When Dikran and Bedros were asked they said that they had not seen each other on that day. Dikran said he had heard the church bells and after having understood the reason of the bell he had had his lunch with his family. After the events, two people had come to call him to examine the wounded people. On the other hand, the witnesses claimed that Dikran and Bedros together with two other Armenian people had fired their guns from the house of Bedros during the events. The medical report confirmed the claims of the eye-witnesses, Ahmed Efendi had been shot by Doctor Dikran. The court decided to condemn Dikran to death and to sentence the other three people to exile imprisonment in a fortress for twelve years.²³⁶

What is striking is that the local assembly of Cezayir province was also in favor of Dikran’s release. In the assembly report of Dikran’s case, the members stated that Dikran was a favorable and helpful person. He examined patients on Rhodes for free. The members also asserted that they had not seen any misbehavior

²³⁴ DH.TMIK.M.. 31/28 1314 Za 5.

²³⁵ A.MKT.MHM. 662/32 1315 Ca 17.

²³⁶ Ibid.

by Dikran when he was on Rhodes. Therefore the assembly sent a report to the Ministry of Internal Affairs, together with the court record of Yozgat above, confirming their opinions about Dikran and stated that Dikran deserved a pardon.²³⁷

After all these correspondences one might think that Dikran was granted pardon at the end. However he was still on Rhodes on September 10, 1901. On this date, a report of the Cezayir provincial assembly concerning the appropriateness of granting pardon for Dikran was sent to the Ministry of Justice. The assembly report confirmed that having spent three years in jail and five years in fortress was enough for him.²³⁸ However, most probably the government found Dikran suspicious and did not let him to go Yozgat. Therefore he was kept in the Rhodes prison until 21 May 1901 and on this day the Sublime Port decided to release him from prison on the condition that he would stay on Rhodes.²³⁹ However, I did not see a document about the pardon of Dikran. Most probably he was not granted one. As is clear from a document dated on 20 October 1911 of Ministry of Police about the advancement of Dikran's daily wage he was still on Rhodes until 1911. Through Dikran's story we see that foreign intervention was not enough to receive a pardon.

Delayed releases were another concern of the European powers. In another document it says that, although amnesties affected the European public opinion positively, the release of the convicts should be faster in order not to lose this positive atmosphere.²⁴⁰ These statements belong to the Austrian ambassador on

²³⁷ Ibid.

²³⁸ BEO 1717/128759 1319 Ca 26.

²³⁹ Y.A..RES. 116/27 1320 S 12.

²⁴⁰ A.MKT.MHM. 539/10 1310 Ş 01."Ermeniler hakkında ihsan buyrulan afv-ı umuminin memurin-i saltanat-ı seniyye tarafından ba'hususı dersi'adette mevki-yi icraya suret-i zımmi işbu tedbir-i merhamet şiarının te'sirini izale eylemekde olduğu ve bu babda icraat-ı acelede bulunulması tatmin-i efkar ideceği derkar iken (...) işbu heyecanın devam ve tezayirine mahal vermekde olduğu beyanıyla afv-ı umumiden müstefid olan bi'l-cümle Ermeni mevkufinin ol babdaki iradat-ı seniyye-yi

behalf of the Great Powers. In the same folder, there is another notification of the Minister of Foreign Affairs concerning the request of the British embassy for the release of 75 Armenian convicts in Sivas who had been imprisoned for political offences.²⁴¹ After then the Sublime Porte asked the Ministry of Police whether this information was true or not. The ministry stated that the amnestied Armenians had been released successively and had been sent to the Patriarchate. There were a few suspects in the prison; however, they were released in the end.²⁴²

Another development which might give a clue about the intervention of foreign powers is the disagreements between the Ottoman government and consulates on the place of exile of the convicts. According to the general order of the amnesties, the convicts who had been condemned to corporal punishment would be imprisoned in a fortress, in this case, Tripoli. However, the chief dragomans of the Great Powers confirmed that these convicts could not adapt to the climate conditions of Tripoli and they would become miserable (*duçar-ı felaket*). Therefore they suggested changing the fortress or providing to leave the convicts in their hometowns.²⁴³ However there is no document concerning the rearrangement of their place of exile.

hazret-i tacdari mentuk müniğine tevfikeyn derhal ihla-yı sebili için iktiza edenlerde ikası düvel-i muazzama namına Avusturya sefiri baş tercümanı vasıtasıyla iltimas kılınmağla iktizasının icrası...”
23 kanun-u evvel 1312.

²⁴¹ A.MKT.MHM. 539/10 1314 Ş 01. “Sivas’ta mahbus yüz kırk Ermeniden altmışının politika töhmetiyle yirmi beşinin idam cezasıyla mahkum olduklarından bunların afv-ı umumiden müstefid olmaları İngiltere sefaretinden iltimas edilmeğle keyfiyetinin...”

²⁴² Ibid.

²⁴³ A.MKT.MHM. 539/11 1314 Ş 2 “...bunların mahal-i mezkurun havasıyla imtizac edemeyerek duçar-ı felaket olacaklarına binaen bu tedbirin haklarında teşrid-i cezaya müstelzim bulunduğu beyanıyla ya şimdi bulundukları yerlerde ibkası veyahud yakın ve münasib yerlere iğramı düvel-i sitte sefaretleri baş tercümanları tarafından suret-i hususiyede iltimas kılınmış ...”

Armenian Bandits/Committees and Pardons

One of the important aims of the pardons was to capture the bandits by announcing amnesty for the “escapees” on the condition of their loyalty. The pardons worked to keep rebels under control as well as to capture the escapees. For example, after the declaration of amnesty in 1896 an imperial order was sent to the Armenian representatives and it was stated that the escapees as suspects and convicts had to clarify their identities to the government in order to benefit from the amnesty. Otherwise they would be declared committee members and legal process would begin.²⁴⁴

The loyalty expressed in the government correspondences means information about the committees. The word *istiman* or *dehalet* was used to refer to this declaration of loyalty both means asking for mercy and submission to the authority. Among many cases I will give place to the case of Minasoğlu, a famous bandit in the Sivas and Trabzon area. According to the amnesty declaration on 27 February 1897, the Armenian bandits and rebels both as suspects and convicts would be pardoned from their civil acts. The death sentences would be mitigated to fortress imprisonment until rehabilitation. In order to benefit from the amnesty they had to come to the government to clarify their identities.²⁴⁵ Minasoğlu and his friends, as it is told in the document, were pardoned after the amnesty through declaring

²⁴⁴ DH.TMIK.M.. 27/41 1314 Ş 29.

²⁴⁵ A.MKT.MHM. 539/17 1341 Ş 10. “...*Ermeni eşkıya ve fesedesinden maznunen veya mahkumen hal-i firarda bulunanların müddet-i ma'ine zarfında avdet edenlerin cezadan muaf olacaklarının ve avdet etmeyenler hakkında takibat-ı kanuniye kılınacağıнын ilan-ı şarefsadr olan irade-i seniyye-yi cenab-ı hilafetpenahi mentuk-ı alisinden olmakla beraber Ermeni iğtişaatından dolayı yalnız idam cezasıyla mahkum olan eşhasın muvakkaten kalabend edilerek (...) neşr ve ilan kılınan afv-ı ali müktezasında olmasına göre hal-i firarda bulunanlar meyanında idam cezasıyla mahkum olanların dahi muvakkaten kalabend edilmek üzere mütebakiyenin emsali vechile afv ailden hissedar edilmesi lazım geleceği meclis-i mahsus-u vükelanın 15 şubat 312 tarihli tezkire-yi ihbarı ile ...*”

“nedametle hükümetin emniyet ve itibarını kazanmaya hevesdar” which means they were regretful and ready to gain the trust of the government.²⁴⁶ After a while a correspondence of the Minister of Foreign Affairs arrived to the Sublime Porte concerning 75 and more Armenians who had been taken under custody in Samsun on the information of Minasoğlu and his friends. According to the correspondence, the Russian embassy notified that the government should regard the fact that these ordinary people were obliged to help the bandits because they were afraid of them.²⁴⁷

The story told here was the story of the Armenian people in the background. As is clear from this case the bandit had informed on the people who had helped him. They had been left between the bandits and the state and when these two reconciled through pardons they got in trouble. Most probably the reason for requesting the pardons in the eyes of the bandits was to threaten the people who opposed him in that area. They could become the informants of the state without any punishment while the situation of the people became worse.

Granting pardons for some bandits as an example for others in order to weaken the strength of the rebels was a frequent way used by government. Also the sake of public order was another concern while granting pardon and this indicates the presence of mutual benefits for both the state and bandits. Çakıcıoğlu Ermenak, one of the famous bandits in Tokat, was pardoned as an example for others and released

²⁴⁶ A.MKT.MHM.539/17 1314 Ş 10. *“...şaki-yi merkum Minas oğlu ve rüfekaşı afv-ı alinin daire-yi şumulunde görülerek hukuk-u şahsiyeden dolayı müdai zuhur ederse icab-ı kanuniyyenin icra olunmak şartıyla kabul-u istimanları (...) nedametle hükümetin emniyet ve itimadını kazanmağa hevesdar bulunduklarını mahallinden alınan malumatına mutabık olduğu...”*

²⁴⁷ Ibid. *“İstiman etmiş olan Minas oğlu nam şaki ile avanesinden dört kişi tarafından vuku bulan ihbar üzerine Samsun Mamurin (?) mahallesinden yetmiş beş mütecaviz Ermeni’yi eşkıya-yı merkumeye yataklık etmiş olmalarından dolayı taht-ı tevkife almış oldukları ve kendi iş ve güçleriyle meşgul ahalinin ilca-yı havf ve hiras ile eşkıyaya yataklık etmeye daima mecbur olanlarını nazar-ı dikkate almak lazım gelüb her halde bu hususun bir çok kimsenin tevkifine sebep (...) olabileceği Rusya sefaretinin suret-i hususiyede (...) ifade kılınmış olmağla emr-ü ferman”.*

after a compulsory oath in the church.²⁴⁸ He had been a bandit for six years and after robbing mail car he had been sentenced to life imprisonment. He supplicated for pardon from the government and, according to Tokat deputy (*mutasarrıf*) thanks to his supplication the public order was maintained: “There is no one left in the borders of the town like him and the peace has already been provided here.”²⁴⁹ Furthermore through the pardon of Ermenak, as it was asserted by the deputy, bandits like Amasyalı Nişan and Merzifonlu Nişan would supplicate following Ermenak.²⁵⁰

Pardons on the Borders

Another clue of the existence of a pardon policy of the state is the drafted pardons in the conflicted areas of the Ottoman Empire. Here, the pardons came on to the scene for the communities like an amnesty. These communities were usually different religious or ethnic groups on the frontiers. The pardons facilitated to eliminate ongoing conflicts between the state and these communities.

As an example, in Cebel-i Dûruz, the military campaigns caused discontent in the area and people ran away from the soldiers, leaving their houses. The letter of the Sublime Porte to the commander in Cebel-i Dûruz said that the story had been the same for almost a hundred years: “The military troops arrive there and fight with the militias. After the battles many people run away from the region and then request pardons from the government. However, after the withdrawal of the soldiers the region becomes uncontrolled again. To expel or punish is not enough to take the

²⁴⁸ Ibid.

²⁴⁹ DH.TMIK.M.. 38/3 1315 Ra 25. ‘*dahil-i livada bu gibi mefsedetten kimse kalmayub zaten berkemal olan sukût ve huzur bir kat daha te’yid edilmiştir*’

²⁵⁰ Ibid.

region under control.”²⁵¹ For this time again, the government decided to declare an amnesty for the people of the area. Furthermore, the sake of commerce and agriculture was another concern behind the amnesties.²⁵²

Another case is related to the people of the town of Zubeyr. This town, located on the borders of Basra province, was established around the holy tombs of the relatives of Prophet Muhammad. The people of Zubeyr demanded to be exempt from some taxes on fruits and vegetables on the grounds of religious sacredness of the place.²⁵³ At first their demands were not welcomed by the government, but after a year of resistance the taxes were abolished in order to maintain the public order.²⁵⁴ However the conflicts did not end. According to the Minister of Internal Affairs, they had become spoiled (*kendülerini şımartdırub*) due to this exemption and had robbed the mail car and smuggled guns to sell them to the Müntefik and Necd tribes. After the arrival of the reinforcements a few battles occurred in the region. Eventually the local people submitted to the government and requested a pardon.²⁵⁵

To grant pardon for the notables of a conflicted area sometimes provided a tool to solve the problems. The case of Debre-i Bâlâ is an example of this kind of pardons. Since some people from Debre-i Bala had participated to rebellious, a military campaign took place in 1891.²⁵⁶ In a letter written to Manastır province it

²⁵¹ BEO 824/61771 1314 Ra 02 (04.09.1896). “(...)eşkîya-ı Duruz yüz seneden berü bu vechile ilan-ı şekavet ile asker-i şahane tarafından te'dib olundukda ...satvet-i askeriyei gördüklerinde taleb-i afv ve eman eyleyerek asker-in avdetinden sonra yine tarik-i şekavete rica 'at etmekte olub...”

²⁵² BEO 913/68407 1314 N 26 (28.02.1897) “Harekat-ı askeriye esnasında terk-i meva ile şuraya buraya iltica eden eşhasın tekalif-i emriyeyi kamilen i'fa etmek şartıyla mevalarına avdet ve ziraat ve ticaretler iştigal ettikleri için Cebelce umumî afv ilanına...”

²⁵³ BEO 22622/302 1311 R 19.

²⁵⁴ MV. 40/81 1312 Ra 04.

²⁵⁵ BEO 1619/121383 1318 L 26.

²⁵⁶ DH.MKT. 1815/25 1308 B 23.

was asserted that the notables of the region escaped from Manastır to establish committees and the people were showing their support by closing their shops. The number of soldiers in the region was not enough as the region was under quarantine, and new forces would not arrive there easily. The most reasonable solution for this was to negotiate with the notables, to appoint other notables who were brought to Istanbul before as district governors by granting them pardons.²⁵⁷

Negotiation through Supplication

As was mentioned before, the petitioning was a way of communication and negotiation between the authority and the people. A distinctive study that focuses on these aspects is written by Cecilia Nubola, on early Modern Italy. She evaluated the use of petitions and supplications as a communication between rulers and ruled by emphasizing the intervention of the judicial process by the Italian prince. She says this intervention was a sign of grace rather than rendering justice. Also, there were many negotiation stories behind this specific kind of ‘justice’ where the *arbitrium* and the principle of negotiation played an elemental role.²⁵⁸ It was definitely a bargain between ruler and ruled the conditions of which were determined by the supplicant. This direct supplication was a possible short cut to justice or a means of filling the gaps in the law.²⁵⁹ Nubola asserts that the petitions gave people the chance to propose a strategy for the resolution of the problems, to negotiate a reduction or

²⁵⁷ Ibid.

²⁵⁸ Nubola, “Supplications Between Politics and Justice...”. p. 50.

²⁵⁹ Ibid., p. 49.

modification of a sentence, by offering a “favor” or a service, a token of their working professionalism in exchange for a positive answer.²⁶⁰

The scope of crime was really broad in the Hamidian era. Along with political offences there were many simple offenses as well. However for the political offenses the definition of crime was very broad so there were many accusations. The penalties also were heavy but there was the possibility of negotiating the sentence which was more practical and useful for the monarchy. However, people could use this for their own interests through offering what they had in their hands. These offers were the basis of the supplication as Nubola summarizes the examples from the “supplication ways” from early Modern Italy as follows:

From the prisons of Venice, for example, hundreds of supplications reached the magistracies in which the supplicants and their families and protectors contrived reasonable exchanges or offered compensation worthy of being taken into consideration. In this manner, a former guard of the Venetian prison, himself jailed for homicide, offered to work as a guard for half the regular pay in exchange for his release. Others offered to reveal the names of thieves or to disclose escape plans or conspiracies in exchange for freedom. Prisoners sentenced to death obtained grace by offering themselves as executioners.”²⁶¹

For the Ottoman Empire, it is evident that the pardons usually worked for a reason and played a negotiation role between the state and its subjects. However, these kinds of negotiations were “tacit,” therefore we do not have any petitions regarding the pardon supplication of accused people. Instead we have the correspondences of authorities which indicate detailed information about the negotiations regarding pardons.²⁶² Also these kind of tacit contracts were

²⁶⁰ Ibid., p. 47.

²⁶¹ Ibid., 47.

²⁶² It should also be noted that the pardons were only included the *hukuk-u umumi* the public law. The ones who had a private case *hukuk-u şahsî* were exempt from the pardons. The

documented in case a problem occurred or the pardoned person had had to communicate with the state. For the sake of analysis, I have categorized these tacit negotiations according to the supplicants as follows: Bandits, tribes and communities. Also, there are individual cases which do not belong in these categories.

On 8 November 1892, a general order was issued to all provinces concerning the pardons of the bandits.²⁶³ The order was a response to the correspondences between the Selanik governor and the Sublime Porte. According to the order, bandits who requested pardons would be granted them, but they would pay for their civil acts. The amount of payment would be fixed by the Sublime Porte. After this, the parts which concerned all the provinces come; the aim of these pardons, as it was clearly stated, was “to bring an end to the banditry” (*eşhas-ı muzırranın izale-i muzırrat-ı şekavetkaranelerinin maksadına müstenid*). The accused ones who did not request pardons would be exiled to distance regions (*bilad-ı baide*). Those who were convicted and requested pardons would be released after the payment of bail. All the exiles had to be facilitated through the consultations of the Sublime Porte regarding the strategic importance of the exile places. Furthermore, all the pardons had to be based on the orders of the Sublime Porte and the reasons for the pardons had to be clarified by the related province. A special case for a province, according to the order, was not an example for others and due to the importance of the issue instead of a general order including all the cases, the decisions had to be taken in respect to the special orders of the Sublime Porte.²⁶⁴

validity extent of this rule will be discussed in the case of Aleksi Kara Livano. This case indicates that, the order of Caliph was above the rules.

²⁶³ DH.MKT.2008/79 1310 Ra 17

²⁶⁴ Ibid.

The pardons of Armenian brigands have a distinguished place confirming my argument on the presence of a negotiation between state and subjects through pardons. In a time when the Armenian Events increased, the negotiation between Armenian bandits and the government became important to provide the bandits' loyalty to the state, to keep the critical areas under control, to get information about guerillas like their plans or places where they were situated and to destroy their unity. The Greek frontier was one of the regions for bandit activities. There are many documents concerning the bandits of the region in the archives. In this strategically critical area the pardons reveal the negotiation between state and bandits.²⁶⁵

The nineteenth century witnessed many conflicts between tribes and state in the realms of conscription and taxation. These conflicts continued throughout the Hamidian era. However, as was mentioned before, Abdulhamid II had a different approach to these conflicts. Most of the times the pardons had come to scene to negotiate the problems.

The frontier regions were the arena of these conflicts. Together with the ethnic and religious issues, tension arose during the military campaigns. I believe the pardons might be a key to understanding this tension and the attitude of Abdulhamid II toward the problems. As will be seen in the cases, the policy of Abdulhamid II was different from that of the Tanzimat era for these kinds of regions.

A striking case from Mosul, the Seyhan tribe of Ezidis reveals the negotiation of the tribal leaders and the state policy of using pardons specific to the region. Ali Pasha, as one of the leaders of the tribe, was exiled to Kastamonu and then sent to Sivas. He was paid an amount of 2000 kuruş while in exile. He wrote a petition to the Sivas governor requesting a pardon. The governor of Sivas forwarded

²⁶⁵ See Chapter Two, the case of Aleksi Kara Livano.

his request to the Sublime Porte together with his own opinions about Ali Pasha's good behavior in Sivas. Upon this, the reason for the punishment was requested from Mosul by the Sublime Porte. The answer is striking, during the campaign of *fırka-yı ıslahiye* Ali Pasha was invited to Islam by the commander of the campaign, Umur Vehbi Pasha; however, he refused to renounce his religion and did not convert to Islam. Due to his insistence on his Ezidi beliefs, he was exiled to Kastamonu by the commander. Here comes the striking point demonstrating the transformation of state policy: In the document it was asserted that exile was ineffective for these purposes as had been understood from the past cases. Instead of punishments, to grant a pardon for Ali Pasha as a person ready to fulfill all the orders of the government would be better. To grant a pardon to an Ezidi leader by his personal request would provide a collaborator for the government in the region and provide his assistance to build mosques and schools as he would become a man of government.²⁶⁶

Another example is from the province of Syria. Due to the uprisings which took place in the region, The Sadunis were expelled to the deserts of Damascus, where they lived as a "rebellious" tribe. When they were five or six hours far from Müntefik, the soldiers of the Ottoman Army started to desert with their weapons and take side with the Sadunîs. The governor of Bagdad declared that this problem

²⁶⁶ DH.MKT. 2073/62 1313 N 29. "Afv-ı aliye mazhariyeti istidasına dair Musul'a tabi' Seyhan aşiretinden Ali imzasıyla Sivasdan çekilen üzerine mumaileyhin sebeb ve müddet-i tebidinin Sivas vilayetinden ... alınan cevabda mumaileyhin yezidi taifesinden Ali Paşa olub Kastamonu'ya teb'id olunduğu halde ahiren Sivas'a gönderildiği kendüsüne şimdi iki bin gurus maaş virilmekte olarak esbab-ı tebidinin mechul itdüğü ve şimdiye kadar bir gune sui-hali görülmediğine binaen memleketine iadesi münasib olacağı iş'ar kılınmağla iadesinin mahalince bir gune mahzur olub olmadığının Musul vilayetinden dahi isti'lam olunmuş paşa mumaileyhin Seyhan nahiyesinde sakin yezidi taifesi ruelasından olub akaid-i yezidiyede ısrar göstermesinden dolayı ol vakit fırka-yı ıslahiye kumandanı bulunan ferik saadetlü Umur Vehbi paşa hazretleri canibinden ~~merkumun islamiyete davet edildiği sırada kendisi izhar-ı muhalefet etmesi üzerine komutan müşarunileyh tarafından vuku bulan ihbara binaen~~ vuku bulan işar üzerine Kastamonuya te'bid olunduğu ~~anlaşıldığına ve bunların izale-i~~ ve teğribinden bir faidesinin ma'mul olmayacağı gibi memleketine avdetinde de ~~bir~~ mahzur görülemekte bulunduğu nahiye ve yezidi köylerinde mukatib ve mesacid te'sisinde (...) icra eylemek ve hükümetin her dürlü evamir ve (...) itaat ve inkiyad etmek üzere yezidi birisinin ahz ile 'afv-ı aliye mazhariyeti münasib iddüğüne dair vilayet müşarunileyhe irade neticesinde..."

needed to be solved and he suggested two options, to fight the Sadunis and to expel them to the distant deserts or to grant them a pardon and negotiate. Actually the Sadunîs requested this pardon after the military campaign. Their properties had been confiscated by the military during the campaign. This might have been the reason for the request of pardon by the Sadunis.

The *Meclis-i Vükelâ* (Council of Ministers) came with their reports upon the telegraph of the governor. In the report it was asserted that if the Sadunîs were left in the deserts they would continue their disobedient lives (*efsed*). Instead of keeping them in the deserts as a rebellious tribe they would be pardoned on the condition of the accommodation of their leaders in Bagdad and if they wished, with their families. Their properties would be returned to them.²⁶⁷

Along with the tribes, bandits and communities, negotiation regarding the pardons took place on the individual level as well. However, if there was not an extraordinary situation, most of the times the secret alliances were not documented. The case of Umi [sic] constitutes a good example of this.²⁶⁸ Umi was condemned to death. Later he was granted a pardon. Then he became a soldier in the Hamidiye Cavalries. There is no detailed information about his accusation or the order of the lifting of his death penalty. In his petition he just wrote that his accusation had been a slander. However, the Hamidiye Cavalries as we know were one of the governance practices of Abdulhamid II to control the conflicted areas and to provide the loyalty

²⁶⁷ Y.A.RES. 16/19 1299 C 8. “...bunların şu halde çöllerde kaldıkca efsetetten hali kalmayub muhazırı dai olacağı derkar bulunmuş olunmasından mumailayhim Bağdadda ikamet etmek ve aileleri halkından istediklerini bağdadda ve küsurunu müntefikde ikamet ettirmekde muhtar kalmak ve esna-yı ma’rekede ahz ve zabt olunan emval ve mevaşidden mevcud olanları eshabına i’ta ve evvelce satılmış olanların dahi (...) kendilerine verilmek üzere saduniler hakkında qfv-ı umumi...”.

²⁶⁸ Y.EE. 133/28 1315 Ş 18 (12.01.1898).

of these areas. This document reveals that a convict who had been condemned to death could be a member of these cavalries after being pardoned.

I learned this upon reading of a problem that occurred between Umi and the Bayezid Mutasarrıfı (provincial governor) where he was serving. Umi wrote a petition to Şakir Pasha, the inspector in Samsun. He said that he had been forgiven by the Sultan and then became a sergeant in the Hamidian Cavalries. However, the new Mutasarrıf of Bayezid had arrested him in the bazaar of Karakilise. Actually if there had not been problem like this, we would not know that a convict who had been condemned to death went into the service of the Hamidian Cavalries after being pardoned.

After Being Pardoned

Actually being pardoned did not mean to be totally free. There were many procedures after the pardons that worked to keep people under control. For the Armenian people who were granted pardons, a procedure of compulsory oath at the Patriarchate took place as a promise to be loyal to the state. The convicts in Istanbul were sent to the Patriarchate at first and then they were obliged to take an oath in accordance with their beliefs and declare their loyalty to the Sultan. In the provinces, the Armenian delegates (*murahhashane*) carried out this formality.²⁶⁹ However, the oaths were not enough, as will be seen in the following.

On August 30, 1897 the *Tesri-yi Muamelat Komisyonu* (Emergency Action Commission) prepared a report for the Armenians in Istanbul who had participated in the events of the Babıali.²⁷⁰ In this report it is seen that the government was trying to

²⁶⁹ A.MKT.MHM. 539/11 1314 § 2 “Akka’da mevkuf dokuz Ermeni’nin merkez vilayete celbiyle murahhashanece tahliflerinin bi’l-icra sebillerinin ihla (...)”

²⁷⁰ DH.TMIK.M.. 24/64 1314 B 08.

get rid of the rebellious Armenians in Dersaadet. In the document the commission asserted that the ones who were not guaranteed by the Patriarch would be sent to their hometowns in order to “keep clean” Dersaadet (*payitahtın tathiri için*). According to this report the rebellious Armenians referred in the document as “*erbab-ı fesad*” (those who are carrying seditious ideas), consisted of two kinds; first were those who had not participated in the events individually and granted pardon before or after the imprisonment and now working in a simple job. In this first group the ones who did not participate the events were also mentioned and they were defined as “*henüz fiil-i mefsedete müşareketleri görülmemiş ve fakat hal ve sanları her türlü fenalığa müsta'id bulunmuş olan,*” which means “even though they did not participated the events, they are still carrying the rebellious ideas.” This group was from the provinces. In the document, these Armenians were defined as “*şuraya buraya uşaklık hamallık etmek ve emsali adi birer iş ile iştilal eden taşralı ve süfli Ermeniler*” (young Armenians who came from provinces, working in porters or at similar simple jobs in the service of someone no matter who he was). The second were residents of Istanbul and they previously had been convicted or found suspicious due to the rebellions. For all of these people the guarantee of the Patriarch was needed in order to allow them to stay in Istanbul.

However, the commission also stated that the Patriarch was under the pressure of the rebels, therefore he would probably guarantee everyone. It was asserted that the last events had revealed that the guarantee of Patriarch did not work and the ones who were under the guarantee had taken part in the events as well. Thus the commission decided to send the first group of Armenians to their hometowns with the help of the armed forces. They were to board ships in groups of three and five quietly. The second group of Armenians, who were residents of Istanbul, would

be listed according to their neighborhoods. The guarantee of the Patriarch would be asked for these people and the ones who were not guaranteed by the Patriarch would be sent to other suitable provinces.

These were the solutions of the commission to prevent an uprising in Istanbul and in their words, “to clean” the capital city of Ottoman Empire from the “poisonous” ideas together with the people who carried out these ideas. The security of Istanbul was always important for the Ottoman Empire and in this case the reason for sending these people to other provinces was probably to suppress the strongest resistance of Armenians and to “hide” this rebellion from the eyes of the European powers whose ambassadors were living in the city. Also, even those who had not participated in events, but were part of the working class were seen as dangerous and after the pardons they were going to be expelled to their hometowns. The report of the commission was welcomed by the government. On 15 October 1897, the Sublime Port sent a letter to the Ministry of Internal Affairs. In the letter, the execution of the commission’s decisions was ordered to the ministry.

After the pardons, the pardoned people were kept under the surveillance of the police. They were not allowed to travel across the borders of the state. Their photos were taken and distributed among other provinces.²⁷¹ Especially the gates of Istanbul were closed to the pardoned people with a general order.²⁷² However, after a while it was realized that there were many Armenian merchants and they had to

²⁷¹ Ibid.

²⁷² DH.TMIK.M..35/25 1315 M 26 13.12.1896. “Erzurum Van Bitlis Mamuretülaziz Diyarbekir Haleb Adana Trabzon Kastamonu Ankara Vilayetlerine,

İğtişaatda bir suretle zi medhal bulundukları halde muvahharen sebilleri ihla olunan veya serbest bırakılan Ermenilerin la’cet-tabik vilayet-i şahane dahilinde seyr-ü seyahatte mugayir olmak üzere şimdilik Dersaadete garabetlerine ruhsat verilmemesi Zabtiye Nezaretinin işarıyla icab eden vilayete bildirilmiş oraca da ona göre ifası...”

bring their goods to Istanbul. Therefore, for the sake of commerce another order was declared which made the merchants exempt from the former order.²⁷³

After the amnesties, some professions were banned to the pardoned people. Especially this rule was valid for teachers and priests. A general order was sent to the provinces which forbade the pardoned Armenians from these professions. According to the order, the background of the candidates had to be evaluated carefully.²⁷⁴

The European states welcomed the declaration of the pardons. A general declaration was sent to the consulates from the Sublime Porte on 23 July 1895. The Sublime Porte asked about the impact of the amnesty to the Ottoman embassies and many telegraphs from the embassies emphasized the “*hüsn-ü te’sir*”, which means good impact of the amnesty in abroad. The foreign press carried the declaration in their pages through the embassies.²⁷⁵

The Armenian notables and the representatives of the community also sent telegraphs with their best wishes to the Sultan for the pardons. As an example, on 26 December 1896, the Armenians and Protestant clergy sent a telegraph to the Sublime Porte from Malatya concerning their gratitude for the pardons. They emphasized the just and merciful rule of the Sultan and defined themselves as “*teba-yı sadıka*” (the loyal subject). They were grateful for the pardons of the Armenian subjects who had been disloyal to the state.²⁷⁶ After the pardons, the Armenian Patriarch sent his

²⁷³ DH. TMIK.M.. 27/23 1314 Ş 24.

²⁷⁴ A.MKT.MHM. 635/5 1324 M 01 25.02.1906.

²⁷⁵ HR.SYS. 2836/6 1895 07 25 A telegraph from London embassy: “*Gazetelerin sayfasına derc olunan bu havadis ahalice pek ziyade hüsn-ü te’sir etmiştir.*” Also from Brussel embassy: “*...bir takım meşedetlerin teşvikat-ı tahrikatına kapılarak tarik-i nahemvera sapmış teba-yı şahaneden bazıları hakkında sename-yi piday-ı sudur buyrulan (...) işbu asr-ı cedid-i atıfet ve merhamet-i seniyyeden suret-i münasibede isti’fade de tecvîz-i müşesver etmeyerek keyfiyeti gazetelerde dahi (...) keşd-i emasid yürüdüğüümü arz ederim efendim*”.

²⁷⁶ DH.TMIK.M.. 25/79 1314 B 25. “*Bunca asırlardan berü cenah-ı müstelzim el-felah şehriyarımızda bulunup envaî lutf ve müsadat-ı seniyye cenab-ı hüsvrehanelerine mazhariyetle (...)*

special thanks to the Sultan. There are reports in the archives from the governors concerning the reflections of the amnesties on the Armenian community. After these days the Armenian community prayed in the churches for the well-being of the Sultan. For example in 1896 the Armenian people of Edirne organized a meeting in the church to show their gratitude for the amnesty.²⁷⁷

The governors, as far as is evident from the documents, wondered about the disruption of public order after the pardons. Therefore they related the crimes of the Armenian prisoners in detail and their hesitation about the release of some convicts. The governor of Sivas, Halil, was one of these governors who expressed his ideas about the release of the Armenian convicts. His telegraph is also important to see the process of the amnesty and the role of the European powers (in this case the French and British) in this process. On 6 January 1897 the Sivas governor wrote that 43 Armenian convicts had been released after the imperial order of 5 January.²⁷⁸ However the British and French consulates demanded the release of 20 convicts more from Komodin village. He waited for an answer from the Ministry of Internal Affairs and the ministry confirmed the order as well. According to the order, 130 convicts would be released subsequently, but the governor maintained that there were many criminals among them whose releases were not appropriate. He thought that their crimes had been horrible, like murdering of a policeman, wounding women, felony, propaganda and banditry, and that they would disrupt the public order again if they were released.

adaletperver ve şehinşah (...) cema'atımız efradından ba'zı mahallerde mugayır-i sadakat ahvale cür'et etmelerinden dolayı mevkuf bulunanların bu kere mazhar-ı 'afv-ı âli hazret-i tacdarî buyurulduğu (...) bi'l-umum Ermeni teba-yı sadıkası kullarının ba'is server ve mahzuziyet olmağla..."

²⁷⁷ DH.TMIK. M..26/7 1314 § 2.

²⁷⁸ A.MKT.MHM. 539/19 1314 § 15.

Actually he had chosen these crimes carefully by emphasizing the murder of the policeman and wounding of the women. He suggested not releasing them, at least condemning to fortress imprisonment like the other convicts who had been condemned to death for the sake of the public order.²⁷⁹ He added that the Muslim convicts who had been arrested due to the Armenian events were wondering about themselves because there were only 4 or 5 of them who had benefited from the amnesty. By stating the mercifulness of Sultan, he asked for pardons for those Muslims who had completed their one-third of their sentences in the forthcoming holy days and an additional pardon for Muslims who had completed half of their sentences for the goodness of all (*da'vat-ı hayriyye-yi istihla'*).

The answer to this telegraph was debated in the Meclis-i Vükela and it was decided that the Armenian convicts whose accusations had been related to the Armenian events would be released if they had not been condemned to death. Also, the Muslims could only be released if their accusations had been related to the events.²⁸⁰

Young Turks and Pardons

As is mentioned before, for political offenders the pardons were a negotiation tool between the state and convicts. Also, in order to suppress the opposition, the government offered pardons to the leaders from time to time on the

²⁷⁹ A.MKT.MHM. 539/19 1314 Ş 15. “...hiç olmazsa bunlardan en muzır olanların bi't-tefrik 'idam cezasıyla mahkum olanlarla beraber ıslah-ı nefis edinceye kadar kal'abend edilmeleri saya-yı seniyye hazret-i hilafetpenahide tekerrür eden asayişin (...) ihyasını muceb olacağı cihetle iktizasının...”

²⁸⁰ A.MKT.MHM. 539/19 1314 Ş 15. “...idam cezasıyla mahkum olanlarla beraber kal'abend olmaları bildirilen ba'zı Ermeni mevkıfları madem ki idam ile mahkum olmamışlardır afv-ı umumiye nazaran emsali vechile tahlif olarak tahliyeleri icab edeceği eşhas-ı merkumiye hakkında ol suretle muamele edilmesi ve mahbus-u Müslümanın dahi sebep-i habis ve tevkifleri iğtişasata müte'alik olduğu halde onların da afv-ı umumiden hissemend edilmeleri meclis-i vükela kararıyla...”

condition that the organizations would halt their activities. These pardons constituted a peaceful way to eliminate the political opposition and granting pardons for the “traitors” also provided to create a merciful image for the Sultan.

Mithat Pasha, the leading figure of the constitutionalist movement, after the trial for the murder of Sultan Abdülaziz, was condemned to death. His capital punishment was mitigated to fortress imprisonment by Abdulhamid II himself. Georgeon states that Abdulhamid II benefited from this penalty by mitigating it the imprisonment as a demonstration of his mercifulness in the eyes of the foreign powers and society. However, the Pasha was murdered after three years of imprisonment, most probably on the order of Abdulhamid.²⁸¹

After the increase of the government control on the activities of the opposition in 1898, there were negotiations between the palace and the Geneva center of the Young Turks. Hanioglu writes that:

Palace agents proposed to three leaders, Tunalı Hilmi, Abdullah Cevdet and İshak Sukuti to cease contributing to central organ and other members be ordered to relax the inflammatory language used against Sultan in *Osmanlı*. They, in turn, asked for the release of all CUP members exiled in Tripoli of Barbary and Fezzan before the onset of negotiations (...) The ottoman government agreed upon this in the condition that the exiles must swear, in the presence of the mufti and high-ranking officers headed by the governor, ‘not to become involved in seditious activities’ in return they would be released.²⁸²

However, as Hanioglu states, release meant detention. The Geneva center of the Young Turks perceived the bargain “as an authentic rapprochement.” Although they accepted the conditions, they continued to write in *Osmanlı* journal so the bargain became invalid.²⁸³

²⁸¹ Georgeon, pp. 137-138.

²⁸² Şükrü Hanioglu, *Young Turks in Opposition* (New York: Oxford University Press, 1995) pp. 125-126.

²⁸³ Ibid.

Abdülhamid's way of suppressing the opposition was to offer such things as office holdings, promotions, scholarships and salaries. For example, Mizancı Murad accepted the offer of the palace and returned back to Istanbul in August, 1897. Even the newspapers announced that there would be a general amnesty on September 1 (enthronement anniversary) for the political offenders. The prisoners were not released but their sentences were commuted to exile. This resulted in the suppression of the opposition for two years.²⁸⁴ On the other hand, the opposing ideas to the Hamidian regime were able to spread to the provinces in which the political offenders were exiled.²⁸⁵

²⁸⁴ Georgeon, pp. 390-391.

²⁸⁵ Ibid.

CHAPTER FIVE

CONCLUSION

This research was initiated with the aim of understanding the forms and ways of the communication between ordinary people and the state. As the arena of law is a good place in which to see the confrontation between people and authority, the pardons and pardon supplications constitute the main research area of this thesis. Especially for the Hamidian rule which is considered to have been the most autocratic and centralized era of the Ottoman Empire this question comes into prominence. Since the petitions constituted the means of this communication and the language of the petitions presents us the forms, this study is mainly based on the petition documents in the Prime Ministry Ottoman Archives. For the pardon cases which had no written supplications I benefited from the correspondences between local authorities and the government.

For the Ottoman historiography there is still much to do to investigate the role of the ordinary people as the actors of historical processes. This study aimed to contribute to the historiography of the Hamidian era by considering the petitions as the voices of the ordinary people at the center of the analysis. By this it also aimed to reveal the forms of the relations between the authority and the people at a time when these two confronted each other in the legal area. Especially for the Hamidian historiography, which is usually subjected to debates around the characteristics of his regime, the merciful image of the Sultan was evaluated through the eyes of the people through the discourses and stories in petitions.

The petition literature offered a glimpse into the dynamics of state power reciprocally. For this study I approached the state power theoretically as a janus-faced process expressing that the state and society were not forms separate from each other. Therefore, while it is maintained that the pardons as a political tool in the hands of Sultan, as hundreds of petitions revealed the pardons were expected from below as well. For the state, the prerogative power of the Sultan in granting pardons was established on the basis of the Sultan's power above the law and Abdulhamid II enjoyed this power frequently to shape the autocratic regime through creating a Sultanic image of rendering justice. This study revealed that not only punishment but also pardons took place in the consolidation of autocracy. This "mercifulness" served the aims of the state by establishing personal loyalties as a more peaceful way to sustaining loyalty directly to the Sultan himself. The pardons became an important tool to stabilize the tensions in the Empire. In the light of the petition literature I tried to reveal the existence of a negotiation between authority and people on the basis of pardons by petitioning. These petitions show the conditions of this negotiation. Also the stories told in the petitions are useful to see the lives of the convicts and give a clue about what people did after the arrests.

Chapter Two presented the analysis of pardon petitions regarding the stories and language with which the petitioners both collectively and individually presented their requests. Also the authors of the petitions were analyzed in order to see the actors of the supplications. As hundreds of pardon petitions confirm, the pardons were expected from below as well. Before anything else, the hope for freedom was the main concern of the petitions. Many discursive strategies were used to reach this goal through the pardon petitions. The petitioners tried to prove their loyalty, show their regret and by these open a way for being pardoned. The length of the

imprisonment or punishment was a test of their loyalty to have a chance to request it as well as presenting good reasons to deserve the imperial pardon. The desperation stories of the convicts and relatives were told by the petitioners with emphasis on the merciful and benevolent Sultan. It was interesting to see the language of petitions signifying that the people were aware of the Hamidian policies emphasizing the rule of the Caliphate, religious discourses and personal loyalty to the Sultan himself.

Chapter Three presented some documents by contextualizing them in the framework of the Hamidian era. In this chapter the political and social context of the Hamidian era was evaluated according to their relation with the pardons and petitions under the subheadings of Armenian Events, the characteristics of Hamidian rule, the judicial developments of the era and the relations of state with tribes and brigands. Since the Armenian Events were one of the prominent reasons for the many arrests, the Armenian convicts, many of them political offenders, became subject to the pardons with their petitions and supplications. The rule of Abdulhamid II, which is considered in this thesis as legitimacy, symbolism and autocracy, had many connections with pardons, which became a tool with which to achieve these three concerns. Since the subject is connected to the judicial processes I gave place to judicial developments as well. With reference to my findings, tribes and brigands, as interrelated structures, constituted other ones in which to give an opinion on the Abdulhamid II policy towards these two as a background of the relationships established on the pardons.

Chapter Four analyzed cases which suggest that pardons were used as a state policy and a political tool to solve many problems and stabilize the tensions in the Empire. As a Sultan whose power was above the law, Abdulhamid II enjoyed issuing pardons frequently when it was possible. This was a tool against the

constitutionalist opposition, reminding them power of the Sultan as an open way of negotiation by the supplication of offenders. While popular historians claim that Abdulhamid II was a merciful Sultan who did not issue the death penalty, this chapter tried to give a different insight into this mercifulness by showing that the process of granting pardons signified alliances between the supplicants and the state. For example, usually the pardoned people were used in the service of information. Also, the loyalty of the tribes was provided through the pardons of their leaders by making them as men of the state. Some cases even reveal that the pardoned people served in the Hamidiye Cavalries or gendarme. In addition, for bandits, pardons constituted an open way to negotiate with the authority through supplication. This chapter also argued that the pardons contributed to extend the control of the state over the people with the process after being pardoned.

Pardons and pardon petitions have not been subject to another study for the Ottoman Empire. Since the pardons are closely related to judicial affairs, we need more information about the judicial processes. Moreover, there are many petitions that I could not incorporate into this study due to the time limitations. There are many questions which remain unanswered, like what about the pardons of the former Sultans, and in which respects did they differ from those of the Hamidian era. Although I based my arguments upon the context of the Hamidian rule, the answers for this question will either prove or disprove the idea that the pardons issued by Abdulhamid II were actually part of his policies and allow a comparison between rulers and their strategies. Hopefully, this study draws the attention of those who are interested in hearing the voices of people from the past and their roles in history.

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