



## Summary :

The presentation of “marginal” groups in Istanbul (Constantinople) includes the analysis of delinquent behaviour of several social strata during that time, as well as the analysis of the main beliefs on morals and delinquency.

## Date

15th-20th centuries

## Geographical Location

Istanbul (Constantinople)

## 1. Law enforcement regulation systems

The importance of order in political ideology is reflected in both police and judicial practice, where a well-organized system of control and suppression ensures a low level of criminality.

Being a combination of the holy law (*şeriat*) and secular law (*kânûn*), the Ottoman penal system maintained the distinction between crimes against religion (eg. illegal fornication or theft), prosecuted ex officio and by the meting out of fixed punishment, and “private” crimes, which were considered a contestation between the perpetrator and the victim or his/her relatives (like homicide or assault); this distinction, however, was supplemented by a system of sentences, paid in money or otherwise, which was enforced in both kinds of crimes and imposed by the state.<sup>1</sup>

Law enforcement was ensured by a refined hierarchy of police officers or inspectors, from the **kaymakam** and the *subaşı* to the market official (*muhtesib*) and commissioner of police (*asesbaşı*), as well as the judicial system, that enforced monetary and corporal punishment (death, incarceration, galleys, exile).<sup>2</sup>

The state also used the districts’ inhabitants, especially **imams** and priests, as informers and guards of morality; more specifically, the subjects were not only obliged to find and report wanted men or possible criminals, but they could also report “immoral” or trouble-making neighbours as well.<sup>3</sup>

## 2. Lower strata of urban population

By focusing on certain marginal or semi-marginal groups, we must first examine the poor, not so because they are connected to crime or deviancy -a feature that is not part of the Ottoman beliefs, in contrast to the European ones of the same period – but because they constitute a pool of possible criminals, in order to supplement their income. This is mainly true for the ex-farmers immigrating to [Constantinople \(Istanbul\)](#) in the hope of a better life, the so-called *çift bozan* or “pair-breakers” (within the capital the name *manav* is also recorded).

This kind of migration – which was illegal if the “pair-breaker” did not leave somebody in his place or pay the respective tax – increased dramatically during the end of the 16<sup>th</sup> and the beginning of the 17<sup>th</sup> century, because of the agricultural and political crisis of the period, and exerted pressure on the capital’s economy.<sup>4</sup> The great bulk of these people appear to have originated from the Muslim rural areas of Asia Minor, but there are also reports of Albanian or Greek Christians, mainly involving skilled workers labouring on various infrastructural works of the time.<sup>5</sup>



The state tried – unsuccessfully – to stop this flow in many ways. In its efforts, it often associated the “pair-breakers” with a – supposed – rise in criminality.<sup>6</sup> Indeed, these people were hard to control, since it was not easy to integrate them into guilds or other collective bodies; moreover, it is easy to understand that their plight would have pushed them towards delinquency. The same applies to unemployed men or street vendors working outside the guild system. Apart from the orders for them to be registered and then relocated, very little is known about the life of immigrants in the imperial capital. Apparently, they lived in the guest houses of the several *waqf*, in inns (*han*) and rooms being let to bachelors, while they also seemed to sleep in stores, where they were obviously employed, a practice that was repeatedly prohibited.<sup>7</sup>

On the other hand, small-scale merchants and craftsmen of Constantinople were not always quiet and law-abiding subjects; they took part in several rebellions, like the ones in 1651<sup>8</sup> or in 1688<sup>9</sup>. Moreover, servants and slaves were not always devoted to their masters and are frequently cited in criminal cases. Lastly, another semi-excluded group, the Gypsies or Roma – who in Constantinople mainly inhabited the free open spaces along the city walls –<sup>10</sup> were definitely treated better than their counterparts in western, central and eastern Europe or even Walachia; however, a certain contemptuous attitude towards them by the Ottoman elite is recorded, which in certain cases is accompanied by mass persecutions. This is mainly due to their nomadic way of life, although there are occasional accusations of repeated delinquent behaviour from their side; Gypsies, however, were not systematically excluded from social life, since they were often ranked among the “intruders” irregularly registered in the *janissaries*’ records.<sup>11</sup>

### 3. Taverns and coffee-houses

According to the dominant mentality, the most deviant groups of people were those connected to public places like taverns or coffee-houses; here we are dealing more with a rather moralist than social view of the “marginal”. A particular social group, the so-called “city boys” (*şehir oğlanları*), linked the uneducated and rebellious city “mob” to the world of Epicurean poets and lower *ulemas*.<sup>12</sup> Deviant behaviour like wine-drinking, homosexuality or drug use was common among members of these groups, though they were not always stigmatized due to the “double standards” in the morals of the Ottoman elite.<sup>13</sup> It should also be noted that the Ottoman writers seem to have held a disputable stance towards the professionals of *recreation* (storytellers, musicians and singers, acrobats etc), who belong to the same “coffee-house culture”, but these professions cannot by definition be considered as “marginal” for the Ottoman society.<sup>14</sup>

### 4. The underworld and criminality

It is harder to study the underworld itself, that is the habitual criminals.<sup>15</sup> Relevant sources are rare, with the exception of isolated cases recorded in *kadi* archives and some folk tales of story tellers (*meddah*). The state appears to sometimes identify systematic criminal behaviour with immigrants; in other cases, the state is more concerned about the general moral “debauchery” or about crime *ad hoc*, without appearing distrustful of a specific social group. The underworld’s self-image, however, cannot be distinguished, at least until the 19<sup>th</sup> century; there are, of course, certain indications that there were criminal “gangs”, operating communication and solidarity networks, that may correspond to the patronage system or the *dervish* fraternities. Of special interest is the religiously mixed character of some of these gangs, a fact that indicates that, sometimes, social stratification would circumvent religious differences. Consequently, mixed gangs of *Muslims* and *Orthodox*, *Jews* or *Armenians* are recorded to have been operating.



By examining specific forms of crime, it can be noted that thieves appear to belong mostly to the poorest strata of the population, frequently being servants, slaves or women, while they sometimes formed professional gangs. On the other hand, violent crimes were usually committed by military men or minor craftsmen. Other forms of crime recorded in our sources are counterfeiting offence, smuggling and systematic perjury. As regards prostitution, the case is somewhat more complex; in any case, it is not possible to make a sharp distinction between prostitution itself and "lax morals", as they appear in judicial documents.<sup>16</sup> From the judicial aspect, the state did not actually prosecute prostitutes themselves, who could just move to another district without further consequences, but the panderers. Four models of prostitution can be found in sources: prostitutes working at home, usually divorced or widowed; poorer girls hustling the streets, taverns and other public spaces; panderers, usually women, using their houses as brothels; and finally, slave-traders who "rented out" slaves by using nominal sales, a process continually prohibited by the state. Similar models appear in the case of male prostitution as well, often closely connected to the world of "the city boys" as described above.

Public places like taverns, coffee-shops, inns, barbers' shops, public baths and "bachelor rooms" (*bekâr odaları*) comprise the main centres of deviant behaviour although they were in no way by definition disreputable. Coffee-shops especially were associated by the Ottoman elite with criminal behaviour, sloth and the mingling of people from different social and/or cultural backgrounds, a fact that broke the principle of "boundaries" (*hadd*) and posed a threat to the maintainance of order, on an ideological as well as on a political level. Occasional prohibitions on such public spaces are based on that specific threat to social order.<sup>17</sup>

Generally, different areas and districts of Istanbul were connected in a way to delinquency, even if they were in no way perceived as a criminal "ghetto". Taverns were in abundance by the seaside, as much along the Sea of Marmara as along the Golden Horn, and mainly in areas densely populated by Christians or Jews. Two of these quarters were [Kumkapı](#) (Kontoskali) and [Samatya \(Psamathia\)](#); even more disreputable were the quarters of [Galata](#) – known for its innumerable taverns, located next to the naval yard in Kasımpaşa – and the neighboring Tophane, as well as [Balat](#), located next to gypsy camps and to one of the largest commercial docks of the city.

## 5. Madmen and beggars

There are some other groups also traditionally placed on the margins, at least in regard to European history: madmen and beggars. In the Ottoman context these groups can be characterized as "the accepted fringe" since they were not excluded by definition. Islamic law provided mentally ill people with some rights and deprived them of others, the main purpose being to protect them. The madman belonged to a questionable social area and his persona could acquire different shades of respect, fear or contempt: "holy madmen" were abundant in the Ottoman society (as well as in the Byzantine and the medieval European one), and were treated with respect even by high officials or ulemas. In reality, however, the madman was usually treated as a patient, without being demonized; this is attested by the occasional treatment of madmen in hospitals without this indicating the existence of special asylums like in the western European societies.<sup>18</sup> The same, more or less, applied to lepers or cripples; in general, the sharp distinction between body and spirit does not appear in Islam, a fact that made it hard to connect physical defects to the concept of sin.

Beggars, on the other hand, were fully accepted on an ideological level, since charity is a primary concept in Islam. In reality, however, "professional beggars" were under close scrutiny by the Ottoman state: they were integrated into a particular guild and provided with special documents (*tezkere*), while the authorities occasionally undertook purges



among the beggars in pursuit of criminals.<sup>19</sup> More frequent are the reports on non-Muslim beggars, possibly because the Muslims had greater access to welfare institutions and solidarity networks, like those of dervish fraternities. Generally, the Ottomans kept a dense network of charitable establishments (*imâret*), based on the *wakf* institution, which appeared to keep urban poverty at a reasonable level.<sup>20</sup>

1. For the Islamic and the Ottoman penal law see Schacht, J., *An Introduction to Islamic Law* (Oxford 1979), pp. 175-87; Heyd, U., *Studies in Old Ottoman Criminal Law*, Ménage, V.L. (ed.) (Oxford 1973).
2. See Σαρηγιάννης, Μ., «Μηχανισμοί ελέγχου και καταστολής στην οθωμανική Κωνσταντινούπολη, μέσα 16ου-αρχές 18ου αιώνα», *Περί Θράκης. Επιστημονική περιοδική έκδοση* 3 (2003), pp. 209-226; Gerber, H., "Sharia, Kanun and Custom in the Ottoman Law: The Court Records of 17th-Century Bursa", *International Journal of Turkish Studies* 2/1 (1981), pp. 131-147, esp. see pp. 139-142; Uzunçarşılı, İ. H., *Osmanlı Devleti teşkilâtından: Kapukulu Ocakları*<sup>2</sup>, vol. I (Ankara 1988), pp. 187-88; And, M., *Istanbul in the 16th century. The city, the palace, daily life* (Istanbul 1994), p. 87; Mantran, R., *Istanbul dans la seconde moitié du XVIIe siècle. Essai d'histoire institutionnelle, économique et sociale* (Paris 1962), pp. 157-59. The bibliography on the judicial system is quite rich. See *EF*<sup>2</sup>, vol. II, entry "Mahkama" (C. V. Findley, H. İnalcık) and compare to Beldiceanu, N., *Recherche sur la ville ottomane au XVe siècle* (Paris 1973), pp. 115-9; Heyd, U., *Studies in Old Ottoman Criminal Law*, Ménage, V.L. (ed.) (Oxford 1973), pp. 212-19; Ginio, E., "The Administration of Criminal Justice in Ottoman Selânik (Salonica) during the Eighteenth Century", *Turcica* 30 (1998), pp. 185-209, esp. pp. 191-200.
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4. Cezar, M., *Osmanlı tarihinde Levendler* (İstanbul 1965), pp. 41-45; Akdağ, M., *Türk halkının dirlik ve düzenlik kavgası: Celalî isyanları* (İstanbul 1995), pp. 69-74, 446-50, 455 ff.; Todorov, N., "Quelques aspects de la ville balkanique aux XVe et XVIe siècles. Nombre et population", in Todorov, N., *La ville balkanique sous les Ottomans (XV-XIXe s.)* (London 1977), pp. 217-219; Alexander, J. C., *Toward a History of Post-Byzantine Greece: The Ottoman Kanunnames for the Greek Lands, circa 1500-circa 1600* (Athens 1985), pp. 438-441; Refik (Altınay), A., *On altıncı asırda İstanbul hayatı (1553-1591)*<sup>2</sup> (İstanbul 1988), pp. 117-18 (IX/27).
5. Faroqhi, S., *Stories of Ottoman Men and Women: Establishing Status, Establishing Control* (Istanbul 2002), pp. 267 ff., esp. pp. 278-81.
6. See eg. Refik (Altınay), A., *On altıncı asırda İstanbul hayatı (1553-1591)*<sup>2</sup> (İstanbul 1988), pp. 139-40 (X/5); Refik (Altınay), A., *Hicrî on ikinci asırda İstanbul hayatı (1100-1200)*<sup>2</sup> (İstanbul 1988), pp. 80-81, 105-6, 121-23, 199, No. 109, 136, 152, 241.
7. Eg. Refik (Altınay), A., *On altıncı asırda İstanbul hayatı (1553-1591)*<sup>2</sup> (İstanbul 1988), pp. 145-46 (X/13).
8. According to a Greek informer of the Tsar, the followers of the new order raised the holy flag and called all men to the arms. Tchentsova, V., "Le coup d'état constantinopolitain de 1651 d'après la lettre d'un métropolitain grec au tsar russe Alexis Michailovich", *Turcica* 32 (2000), pp. 389-423, esp. p. 402; Also see Kâtib Çelebi, *Fezleke*, Vol. I (İstanbul 1869-70), pp. 373-4; Mustafâ Na'imâ, *Tarih-i Na'imâ*, Vol. 5 (İstanbul 1864-65), pp. 98-101.
9. Silâhdâr Fındıklılı Mehmed Ağa, *Silâhdâr Tarihi*, Ahmed Refik (ed.), Vol. II (İstanbul 1928), pp. 335-36. Also interesting, especially concerning terminology, are the Greek sources. Ζερλέντης, Π. Γ. "Ιωάννου του Καρσοφύλλου Εφημερίδες", *Δελτίον της Ιστορικής και Εθνολογικής Εταιρείας* 3 (1889), pp. 275-315, esp. pp. 312-13. D. Ramadanis also gives a spectacular account in Σάθας, Κ. Ν., *Μεσαιωνική Βιβλιοθήκη*, Vol. III (Athens 1972), pp. 37-9.
10. See eg. Mantran, R., *Istanbul dans la seconde moitié du XVIIe siècle. Essai d'histoire institutionnelle, économique et sociale* (Paris 1962), maps 4 & 5, and Ιερεμιά Τσελεμπί Κιομουρτζιάν, *Οδοιπορικό στην Πόλη του 1680, Μπόζη, Σ.* (ed.) (Athens 1992), pp. 22, 64 ff.
11. For Gypsies in the Ottoman Empire see the general overview of contemporary research by Marushiakova, E. – Popov, V., *Gypsies in the Ottoman Empire. A Contribution to the History of the Balkans* (Hatfield 2001) and (emphasizing their social and legal status) Ginio, E., "Neither Muslims nor



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12. Saryannis, M., " 'Mob', 'Scamps' and Rebels in 17th Century Istanbul: Some Remarks on Ottoman Social Vocabulary", *International Journal of Turkish Studies* 11/1-2 (2005), pp. 1-15.

13. See Saryannis, M., "Law and Morality in Ottoman Society: The Case of Narcotic Substances", in Kolovos, E. – Kotzageorges, Ph. – Laiou, S. – Saryannis, M. (eds.), *The Ottoman Empire, the Balkans and the Greek Lands: Studies in Honor of John C. Alexander* (Istanbul 2007); Andrews, W.G.– Kalpaklı, M., *The Age of Beloveds. Love and the Beloved in Early-Modern Ottoman and European Culture and Society* (Durham 2005); Ze'evi, D., *Producing Desire. Changing Sexual Discourse in the Ottoman Middle East, 1500-1900* (Berkeley – Los Angeles – London 2006).

14. Saryannis, M., «'Neglected Trades': Glimpses Into the 17<sup>th</sup>-Century Istanbul Underworld», *Turcica* 38 (2006), p. 173 and note 73, where bibliography is provided.

15. For the Ottoman underworld of the 17<sup>th</sup> century see Saryannis, M., " 'Neglected Trades': Glimpses Into the 17th Century Istanbul Underworld", *Turcica* 38 (2006), pp. 155-79, where bibliography is provided; for other cities see Rafeq, A.K., "Public Morality in 18th-Century Ottoman Damascus", *Revue du Monde Musulman et de la Méditerranée* 55/56, 1-2 (1990), pp. 180-196; Ginio, E., "The Administration of Criminal Justice in Ottoman Selânik (Salonica) During the Eighteenth Century", *Turcica* 30 (1998), pp. 185-209. For 19<sup>th</sup> century Constantinople see Tanilli, S., "Frers-à-bras et mauvais garçons à Istanbul au siècle dernier", in Georgeon, F. – Dumont, P. (eds), *Vivre dans l'Empire Ottoman. Sociabilités et relations intercommunautaires (XVIIIe-XXe siècles)* (Paris 1997), pp. 115-22. Also see Işın, E., *İstanbul'da gündelik hayat. Tarih, kültür ve mekân ilişkileri üzerine toplumsal tarih denemeleri* (Istanbul 1999), esp. pp. 273-98. From the Greek bibliography the most notable editions are written outside rigid scientific intention and methodology : Τζελέπης, Π.Ν., *Στον καιρό των σουλτάνων...* (Athens 1965) and by the same author *Ένας νταής* (Athens 1971); Πετρόπουλος, Η., *Υπόκοσμος και καταγκιόζης* (Athens 1978), esp. pp. 10-60, and by the same author *Ρεμπετολογία* (Athens 1990); for the underworld in Greece during the modern period the most recent, but also most detailed study is the one by Ζαϊμάκης, Γ., *"Καταγόγια ακμάζοντα". Παρέκκλιση και πολιτισμική δημιουργία στο Λάκκο Ηρακλείου (1900-1940)* (Athens 1999).

16. For prostitution see Kermeli, E., "Sin and the Sinner: *folles femmes* in Ottoman Crete", *Eurasian Studies* 1/1 (2002), pp. 85-96; Andrews, W.G. – Kalpaklı, M., *The Age of Beloveds. Love and the Beloved in Early-Modern Ottoman and European Culture and Society* (Durham 2005), esp. pp. 274 ff.; Tucker, J.E., *Women in Nineteenth-Century Egypt* (Cambridge 1985), p. 150 ff.; Fahmy, Kh. "Prostitution in Egypt in the Nineteenth Century", in Rogan, E. (ed.), *Outside In. On the Margins of the Modern Middle East* (London – New York 2002), pp. 77-103; Semerdjian, E., "Sinful Professions. Illegal Occupations of Women in Ottoman Aleppo, Syria", *Hawwa* 1:1 (2003), pp. 60-85.

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






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## Glossary :

	<b>dervish</b>
A member of one of the religious fraternities of Islam that were characterized by spirituality, a mystical relationship with the divine, and a modest way of life. The most known among the dervish orders in the Ottoman Empire are the Mevlevi and the Bektashi.	
	<b>imam</b>
A spiritual and religious leader in Islamic communities. He' s the head of a mosque and a preacher. In shiite tradition this term refers to the leader of the faithful, without seperating the spiritual/religious jurisdictions from the socio-political ones.	
	<b>imâret</b>
A complex of public buildings and foundations which were funded by the walkf (vakif)	
	<b>kadi</b>
Office that combined judicial, notarial and administrative duties. The kadi, who held court at the kaza's seat, registered all legal acts and documents in the court's codices (sicil). The kadi passed judgement based on the saria (the holy law of Islam), taking also into consideration the kanun (sultan law) and the customary law (örf). Resort to his court had all the subjects of the Empire. The kadi had also administrative duties, which he performed in collaboration with the officials of the kaza., and he had to supervise tax collection.	
	<b>kaymakam</b>
An Ottoman official, governor of the administrative unit that succeeded the kaza in the late Ottoman period.	
	<b>ulema</b>
A graduate of an Islamic religious-school ( <i>medrese</i> ) who has the prospect of becoming a <i>kadi</i> (religious judge) or a <i>moufti</i> (interpreter of the religious law), an <i>imam</i> or to occupy some other religious office.	
	<b>wakf (vakif)</b>
A foundation, a grant of land or other source of income, including tax revenues, which was considered to be dedicated according to the sacred law (şeriat) and was used for religious and charitable purposes.	

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