

## The Dowry of the State?

The Politics of Abandoned Property and  
the Population Exchange in Turkey, 1921-1945

Ellinor Morack



University  
of Bamberg  
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hg. von Lale Behzadi, Patrick Franke, Geoffrey Haig,  
Christoph Herzog, Birgitt Hoffmann, Lorenz Korn  
und Susanne Talabardon

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## Note on transcription and names

Many of the Ottoman Turkish sources cited here (such as the parliamentary minutes) are available as transliterated texts. All of these are cited in accordance with the respective publication. Only those sources that I cite directly from the original Ottoman text in Arabic script are transcribed using the system of the *İslam Ansiklopedisi*, at times with some minor modifications that correspond to modern Turkish usage (vergi instead of vergü etc.). Ottoman and Turkish terms that appear in the main text are written without diacritics, apart from those used in contemporary Turkish (“Kâzım Paşa” etc.). Therefore, it is “tefviz” in the main text and “tefvîz” in the footnotes when the term appears in an Ottoman Turkish document, but “teffiz” when cited from an early republican law. Names are spelled according to modern Turkish conventions, unless when cited from other works.

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During my archival research, the staff at the Politisches Archiv of the German Foreign Office in Berlin, the Başbakanlık Cumhurbaşkanlığı Arşivi in Ankara, the Evangelisches Zentralarchiv in Berlin, the APİKAM newspaper archive in İzmir, the National Archives at Kew/London, and the National Archives at College Park/Maryland, have helped with their great competence, their friendliness and their patience.

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E.M.



## Introduction

On March 28, 1925, Richard Reibel, a German citizen and resident of Mytilene, Greece, wrote a letter to the German embassy in Athens on behalf of a business acquaintance, a certain Mr. Illiopoulos. As Mr. Reibel explained in the letter, Mr. Illiopoulos had once been British vice-consul in Dikili, Turkey, where he owned “eines der groessten und bestbewirtschafteten Gueter Kleinasiens.” He was now willing to lease or sell it, possibly to a German company. On behalf of his friend, who stressed that he was in possession of all the relevant documents of ownership, Mr. Reibel now inquired whether the restitution of property owned by Greek citizens was proceeding smoothly.<sup>1</sup> In his response letter to Reibel, the German consul at İzmir wrote:

Über die Art und Weise, nach der die Rückgabe griechischer Staatsangehöriger (sic) in Anatolien erfolgt, kann eine allgemeine Auskunft nicht erteilt werden. Nach einem Gesetz vom 19. Januar d. Js. Sollen die Güter der in der Türkei nicht ansässigen Griechen durch das Finanzministerium wie die „nationalen Güter“ (emlak-i - millie) verwaltet werden. Über die Verteilung der Einnahmen trifft das Gesetz ebenfalls Bestimmung. Es ist danach wohl anzunehmen, dass ein freier Verkauf griechischer Güter nicht ohne weiteres zulässig ist.<sup>2</sup>

Throughout the 1920s, great numbers of Greeks and Armenians from Turkey wrote letters similar to Reibel’s to the embassies and consulates of Western countries in Turkey.<sup>3</sup> (Illiopoulos also wrote to the British; the story of his dispossession can be traced through the documents filed in London and is discussed further on in this study).

1 PA AA, Izmir 93/50, Bd. 1, Grundbesitz Allgemeines.

2 Ibid. The consul wrote about the “restitution of Greek citizens” – a Freudian slip?

3 The archives of the American consulate in İzmir (kept at the National Archives and Records Administration in College Park, Maryland) hold hundreds of such letters.

Having been forced to leave the country at the end of the Greco-Turkish war in 1922, Greeks and Armenians were trying to sell or lease the land and houses they had left behind. As Mr. Illiopoulos, they were in possession of all documents of ownership, and thus assumed that they continued to enjoy their property rights in Turkey. Yet it turned out that this was no longer the case. As the German consul's response letter makes clear, Turkish legislation made their property and the income it generated subject to administration by the Ministry of Finance.

Estates such as that of Mr. Illiopoulos, who had resided in Turkey as a Greek citizen, as well as those owned by Ottoman Greeks (*Rum*) and Armenians, were known as "abandoned property" (*emval-i metruke*) or "national estates" (*emlak-ı milliye*) to contemporaries in Turkey.<sup>4</sup> (For reasons of practicability, both euphemisms are used without citation marks throughout this study). The owners of abandoned property had either been killed or forced out of the country after the Balkan Wars, during World War I or the subsequent Turkish War of Independence (1919–22), and their houses, farms, fields, vineyards, workshops and factories, including machinery, furniture, stocks, and personal belongings, were taken over by those who had stayed, usually local Muslims. From at least 1915 onwards, these widespread practices of appropriation were declared illegal by a set of laws which stipulated that abandoned property be administered by the state. Between 1915 and 1945, a multitude of laws were issued, modified, revoked and rewritten in order to regulate the proper distribution and administration of this property, which was claimed not only by the Ministry of Finance, but also by a variety of other institutions and actors.

Turkey is by far not the only country in which genocide and ethnic cleansing were accompanied and followed by the spoliation of the

4 The terms "Rum" or "Rum Ortodoks" go back to the medieval word for the Byzantine Empire, which simply was Rum – (Eastern) Rome. I shall use "Rum" throughout this study in order to refer to Ottoman Greeks. Citizens of the Greek nation state, on the other hand, shall be called "mainland Greeks." Whenever the difference is negligible, I refer to both groups together as "Greeks".

victims' wealth. The best-studied example for this economic side of genocide is the Nazi appropriation of Jewish wealth between 1938 and 1945, which, thanks to the Allied victory over the Reich, was followed by limited policies of restitution and compensation.<sup>5</sup> Those who were dispossessed in Turkey, however, were never compensated, and the Turkish case has more in common with British India and Mandate Palestine, where large-scale expulsions of the Hindu, Muslim, and Palestinian populations facilitated the establishment of modern nation-states: Pakistan, India and Israel, respectively. The idea of an "exchange" of populations was discussed in both cases (before violent expulsions forced great numbers of people to leave), and Turkey was presented as a supposedly successful and peaceful precedent.<sup>6</sup> India, Pakistan and Israel also developed policies for dealing with "abandoned property" that resemble the Turkish ones in important respects.<sup>7</sup>

- 5 See Dan Diner and Gotthart Wunberg, eds., *Restitution and Memory: Material Restoration in Europe* (New York, Oxford: Berghahn Books, 2007); François Guesnet, "'These are German Houses' Polish Memory Confronting Jedwabne," in *Restitution and Memory: Material Restoration in Europe*, ed. Dan Diner and Gotthart Wunberg, 141–60 (New York, Oxford: Berghahn Books, 2007).
- 6 See Onur Yıldırım, *Diplomacy and Displacement: Reconsidering the Turco-Greek Exchange of Populations, 1922-1934* (New York, London: Routledge, 2006), 13.
- 7 However, it is important to point out that both India and Israel continue to have substantial Muslim minorities which are comprised of people who were able to stay. Israel created a "custodian" office for abandoned property, which was treated as de facto state property. See Jacob Metzger, "Jewish Land - Israel Lands: Ethno-Nationality and Land Regime in Zionism and in Israel, 1907-1967," in *Land Rights, Ethno-Nationality, and Sovereignty in History*, ed. Stanley M. Engermann and Jacob Metzger (London: Routledge, 2004). For (failed) UN attempts at creating a compensation scheme for Palestinians, see Michael R. Fischbach, "The United Nations and Palestinian Refugee Property Compensation," *Journal of Palestine Studies* 31, no. 2 (2002). For India/Pakistan, see Vazira F.-Y. Zamindar, *The Long Partition and the Making of Modern South Asia: Refugees, Boundaries, Histories*, Cultures of history (New York: Columbia Univ. Press, 2007).



The Turkish sociologist Çağlar Keyder has dubbed the property of Armenians and Greeks the “dowry of the state”.<sup>8</sup> The metaphor illustrates the great significance that these houses, companies, and land had for the state-led creation of a Turkish bourgeoisie during World War I and the 1920s. The present study borrows Keyder’s metaphor, but takes it one step further by arguing that this “dowry” – and the discourses and practices surrounding its distribution – was instrumental for the creation of a Turkish bourgeoisie, and, more importantly, for the establishment and internal legitimization of a Turkish nation-state. Calling abandoned property a dowry also makes it possible to take inspiration from anthropological approaches to gift exchange, and thus to shift the focus away from the actual objects in question and towards their function in the establishment of social relations between people.<sup>9</sup> This implies that the present study is not so much concerned with the whereabouts and new owners of the stolen property in question (which included movable objects of all kinds, companies, workshops, businesses, landed estates, mansions, but also more humble dwellings, small fields, and orchards). Rather, it examines the social practices, rules and negotiation processes that shaped its distribution among the population of Turkey in the 1920s. The focus, so to speak, is on the other part of the gift exchange, that is, not the handing over of material things, but rather the discursive creation of political legitimacy and popular consent to the idea of a

8 Çağlar Keyder, “The Consequences of the Exchange of Populations for Turkey,” in *Crossing the Aegean: An Appraisal of the 1923 Compulsory Population Exchange between Greece and Turkey*, ed. Renée Hirschon, 39–52 (New York, Oxford: Berghahn, 2003), 45.

9 These approaches can be traced back to Marcel Mauss’ groundbreaking essay first published in 1925. I worked with the English translation here: Marcel Mauss, *The Gift. Forms and Functions of Exchange in Archaic Societies* (London: Cohen&West, 1966). The studies inspired by his work are too numerous to be listed here. My colleagues Sabine Hanisch and Rune Reyhé at BGSMCS in Berlin inspired me to think about the theoretical implications of the dowry metaphor. Moreover, the work of Vazira Zamindar has been of great importance in this respect: Zamindar, *Partition*.

Turkish nation-state. The temporal focus is on the years between 1922 and 1930, which mark the emergence of Turkey first as a nation-state and then as a republic. These years also witnessed the Greco-Turkish population exchange and state policies of property compensation and distribution among immigrants, which further complicated the question of abandoned property.

Debates and conflicts concerning property distribution can be traced through laws, parliamentary minutes, newspapers, petitions and bureaucratic documents that were produced in the course of those years. This study analyzes these sources as residues of an overarching discourse that was part of the transition from the Ottoman Empire to the Republic of Turkey. These debates, as well as the popular and administrative practices that accompanied them, reshaped the way people perceived themselves, other groups in society, and the state. By focusing on discussions of abandoned property, this study shows that laws and bureaucratic practices for the distribution of abandoned property were shaped in a complex process of negotiation between different groups in society and state administrations. It thus contributes to the growing field of studies interested in the social history of early republican Turkey, and more generally, something one may call the social history of nationalism. Resting on the contention that “[n]ations do not make states and nationalisms but the other way round,” this study shows how property previously owned by *Rum*, Greeks and Armenians came to be regarded as “national”. Moreover, it demonstrates that this category of property helped to produce another category for both people and the state which could only later be regarded as self-evident: Turkishness.<sup>10</sup>

While chapters One, Two and Four are concerned with all of Anatolia (and partly, the Balkans), number Three and Five are mostly devoted to a specific location: İzmir/Smyrna, the most important port city of

10 Eric Hobsbawm, *Nations and Nationalism since 1780* (Cambridge: Cambridge University Press, 1992), 10.

Anatolia, and the surrounding province of the same name.<sup>11</sup> İzmir is an interesting, yet no exemplary case for Anatolia: It held tremendous importance in the imagination of contemporary Turkish nationalists as the city's military occupation, and eventual military re-conquest, was regarded as both the starting point and end of the Greco-Turkish War (1919–22).<sup>12</sup> Due to its large Christian and Jewish population, the city was known as “Infidel” (*Gavur*) İzmir among Muslims in late Ottoman times. The almost complete forced migration of İzmir's *Rum*, Greek and Armenian inhabitants at the end of the Greco-Turkish war was therefore in itself regarded as a victory in the Turkish nationalist mind-set. Economically, İzmir was the most important city of Anatolia, as well as the one that was most integrated to the global capitalist market. The Kaystros and Meander valleys offered rich, alluvial soil, and two railroad lines made it possible to ship the countryside's agricultural products to the port. Sixty percent of late Ottoman exports, most notably dried fruit, nuts, olive oil and carpets, were handled in İzmir. The agricultural richness of the area translated into urban wealth among the traders and bankers of İzmir. Thanks to commercial agriculture, the area was one of the very few in Anatolia that had a full-grown market in land and real-estate. Prior to World War I, İzmir was one of the most important cities of the Mediterranean, featuring a multilingual and cosmopolitan population.<sup>13</sup> Very

11 Similar to Istanbul/Konstantinople, İzmir had two names in the period I am studying here. As in the case of Istanbul, these names were highly politicized and symbolized the struggle over cultural hegemony between Christians and Muslims in the city. Known as “İzmir” among authors writing and speaking in Turkish, the city was usually referred to as “Smyrna” by those writing in Greek, English, French, and German. Except for citations, I use “İzmir” throughout this study.

12 See Çağlar Keyder, “A History and Geography of Turkish Nationalism,” in *Citizenship and the Nation-State in Greece and Turkey*, ed. Thalia G. Dragonas and Faruk Birtek, 3–17 (London: Routledge, 2005).

13 On İzmir's importance in late Ottoman times see Ethem Eldem, Daniel Goffman and Alan Masters, eds., *The Ottoman City between East and West: Aleppo, Istanbul, and Izmir* (Cambridge, New York: Cambridge University Press, 1999); Léon Kontente, *Smyrne et l'Occident* (Montigny le Bretonneux: Yvelinédition, 2005); Philip Mansel, *Levant: Splendour and Catastrophe on the Mediterranean* (London:

much like the Çukurova plain in southern Anatolia, it also was a place where the development of commercial agriculture led to the emergence of large landed estates which were often owned by *Rum* and Greeks (around İzmir) and Armenians (around Adana). This overlapping of class and ethnicity was increasingly politicized during the early 20<sup>th</sup> century. It is the contention of the present study that this politicization of private property and wealth along ethno-religious lines (i.e., the tendency to explain class conflict as a problem of religious and/or ethnic difference) did not end when the Greeks and Armenians of Anatolia and Thrace were expelled, deported or killed between 1912 and 1922. Crucially, “Armenianness” or “Greekness” of abandoned property (i.e., the identity of absent or dead owners) continued to matter throughout the 1920s, and informed the way in which various groups and institutions sought to legitimate their economic claims to these assets.

İzmir was re-taken by the Turkish nationalist army on September 9, 1922. On September 13, a devastating fire (which is discussed in more detail in Chapter Three) broke out. The blaze destroyed most of the city, but still left enough wealth to trigger a major wave of internal migration from all of western Anatolia to İzmir. The agricultural richness (and sudden lack of manpower) in the surrounding countryside also attracted important numbers of people. As a result, İzmir became one of the few areas in early Republican Turkey that experienced a scarcity of land and housing, along with soaring rents and property prices, during the first years of the Republic. It is this exceptional combination of ideological and economic importance, a mass emigration followed by equally large-scale immigration and a capitalist conception of property that characterized İzmir during the 1920s. Comparable developments in other parts of Turkey only started in the late 1940s.

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John Murray, 2010); Marie-Carmen Smyrnelis, ed., *Smyrne, la ville oubliée? Mémoires d'un grand port ottoman, 1830-1930* (Paris: Éditions Autrement, 2006).

## State of the art

The problem of “abandoned property” has mostly been studied as a secondary aspect of the history of the Armenian Genocide.<sup>14</sup> As early as the 1930s, several Armenian scholars wrote about the fate of Armenian property. Their works, however, were written in Armenian only and have not reached a wider scholarly public.<sup>15</sup> Recently, scholarly interest in the material side of the genocide has started to increase again.<sup>16</sup> In the wake of this development, important and hitherto unpublished work on the subject has finally been published.<sup>17</sup> While it is completely uncontroversial and part of common wisdom that stolen Armenian property helped to create a Turkish bourgeoisie, very little work has been done in the way of actual case studies. Mehmet Polatel and Ümit Üngör’s monograph, which includes two chapters on Diyarbakır and Adana, constitutes a mere first step in that direction.<sup>18</sup> The fate of Armenian property constitutes a “taboo within the taboo” of the genocide in Turkey, and important sources therefore

14 Taner Akçam, *A Shameful Act: The Armenian Genocide and the Question of Turkish Responsibility* (New York: Metropolitan Books, 2006); Fuat Dündar, *Modern Türkiye’nin Şifresi. İttihat ve Terakki’nin Etnisite Mühendisliği (1913– 1918)* (Istanbul: İletişim, 2008).

15 For a discussion of these early studies see Der B. Matossian, “The Taboo within the Taboo: The Fate of ‘Armenian Capital’ at the End of the Ottoman Empire,” *European Journal of Turkish Studies*, Complete List (2011): 1, <http://ejts.revues.org/4411> (accessed June 26, 2013).

16 See Hrayr S. Karagueuzian, *A Perfect Injustice. Genocide and Theft of Armenian Wealth* (New Brunswick, New Jersey: Transaction Publishers, 2009); Mehmet Polatel, “Turkish State Formation and the Distribution of the Armenian Abandoned Properties from the Ottoman Empire to the Republic of Turkey (1915-1930),” (MA thesis, Koç University, 2009).

17 Neither the French original nor the English translation has been available to me: Kévork K. Baghdijian, *La confiscation, par le gouvernement turc, des biens arméniens dit ‘abandonnés’* (Montreal, 1987); Kévork K. Baghdijian, *The Confiscation of Armenian Properties by the Turkish Government Said to be Abandoned* (Antelias: Printing House of the Armenian Catholicosate of Cilicia, 2010).

18 Mehmet Polatel and Uğur Ü. Üngör, *Confiscation and Destruction: The Young Turk Seizure of Armenian Property* (London, New York: Continuum International, 2011).

still remain unavailable.<sup>19</sup> However, as Taner Akçam and Ümit Kurt have recently shown, even the easily available sources (most notably laws) offer important insights into the process of dispossession, provided they are read against the grain.<sup>20</sup>

One greatly understudied aspect of economic dispossession during that period is that other groups were affected as well. The laws for “abandoned property” that were issued between 1915 and 1922 dealt not only with Armenian, but also with *Rum* and Greek property. Among the works addressing this point are some written by officials such as Salahaddin Kardeş of the Turkish Ministry of Finance. Kardeş’s book, which applies a rather positivist approach to these texts, is hardly more than a collection of laws, and is clearly intended for use as a handbook in Turkish governmental offices today.<sup>21</sup> Governmental circles are clearly worried because heirs of Ottoman Greeks and Armenians have started to sue the Turkish state for compensation or restitution of their property at the European Court of Human Rights. Therefore, the subject is also studied by scholars who are looking for legal arguments to fend off such claims.<sup>22</sup>

The journalist Nevzat Onaran and the Greek political scientist Anastasia Lekka study Greek and Armenian property in conjunction. Lekka’s article is valuable insofar as it conceptualizes the dispossession of Armenians and Greeks as part of the same policy, which it

19 Matossian, “Taboo.”

20 Taner Akçam and Ümit Kurt, *Kanunların Ruhu: Emval-i Metruke Kanunlarında Soykırımın izini sürmek* (İstanbul: İletişim, 2012); Taner Akçam, “Kanunların Ruhu ya da Emval-i Metruke Kanunlarında Soykırımın İzini Sürmek,” *Altüst*, no. 7 (2012); Taner Akçam and Ümit Kurt, *The Spirit of the Laws. The Plunder of Wealth in the Armenian Genocide* (New York: Berghahn, 2015).

21 Salâhaddin Kardeş, “Tehcir ve Emval-i Metruke Mevzuatı,” (2008), <http://eskiportal.sgb.gov.tr/Publications/Tehcir%20ve%20Emval-i%20Metruke%20Mevzuat%C4%B1.pdf> (accessed November 3, 2013).

22 For a recent example, see Cavid Abdullahzade, “Emval-i Metruke Kapsamındaki Mülkiyet Davalarının Avrupa İnsan Hakları Mahkemesi Süreci Açısından Değerlendirilmesi,” *Ankara Üniversitesi Hukuk Fakültesi Dergisi* 62, no. 2 (2013): 317 – 347.

traces through the 20<sup>th</sup> century. It is, however, full of mistakes and based on secondary sources written in European languages only.<sup>23</sup> Onaran's monograph provides a very valuable discussion of both laws and parliamentary debates that centered on "abandoned property" between 1915 and 2001(!).<sup>24</sup> While taking a much more critical perspective than Kardeş's, the book largely fails to provide an interpretation of its sources. Moreover, the fate of Greek and Rum property is not traced beyond 1922. This gap is partly filled by a follow-up publication, which again does not provide much more than a (admittedly very helpful and important) list of laws and policies.<sup>25</sup>

The seizing and appropriation of "abandoned property" has been described as part of a policy known as "Turkification" (*Türkleştirme*), which forms a somewhat distinct area of research. Ayhan Aktar has defined "Turkification" as all policies

aiming at the complete dominance of an ethnically Turkish identity in all dimensions of social life, on all levels and without any concessions from the language spoken on the street to history lessons to be taught in school, from education to industry, from trade to the recruitment policy of state agencies, from private law to the settlement of certain citizens in certain parts of the country.<sup>26</sup>

23 For instance, Lekka insinuates that the Ottoman Empire was ruled from Ankara in 1914. See Anastasia Lekka, "Legislative Provisions of the Ottoman/Turkish Governments Regarding Minorities and their Properties," *Mediterranean Quarterly* 18, no. 1 (2007): 137.

24 Nevzat Onaran, *Emvâl-i Metrûke Olayı: Osmanlı'da ve Cumhuriyette Ermeni ve Rum Mallarının Türkleştirilmesi* (Istanbul: Belge, 2010).

25 See Nevzat Onaran, *Cumhuriyet'te Ermeni ve Rum Mallarının Türkleştirilmesi* (Istanbul: Evrensel, 2013).

26 "Burada Türkleştirme politikalarından kasıt, sokakta konuşulan dilden okullarda öğretilen tarihe; eğitimden sanayi hayatına; ticaretten devlet personel rejimine; özel hukuktan vatandaşların belli yörelerde iskân edilmelerine kadar toplumsal hayatın her boyutunda, Türk etnik kimliğinin her düzeyde ve tavizsiz bir biçimde

The term thus goes far beyond the realm of economic nationalism. In a narrower sense, it is used to refer to the “transfer of wealth from non-Muslim minorities to the other part of the population.”<sup>27</sup> Much like the “Aryanization” of Jewish property in Nazi Germany and Nazi-occupied Europe, “Turkification” can be regarded as a euphemism for a multitude of acts that ranged from forced sales to confiscations to outright robbery. Like “Aryanization”, “Turkification” as a research topic poses the theoretical question whether it was ideology or economic interest that primarily informed the actions of those who profited from policies of dispossession.<sup>28</sup> The term “Turkification” was hardly used by contemporaries, who instead spoke of their goal of a “national” economy (*milli iktisat*). The first one to use the term appears to have been Tekin Alp, who published a booklet with that title in 1928.<sup>29</sup> Today, the term “Turkification” is mostly used from a critical perspective. One important, yet hitherto unaddressed, difference concerns the chronology of events: In the case of Armenian property, its transfer to Muslim hands was largely performed after the genocide, while “Aryanization” started years before the Shoah and actually helped to prepare it.<sup>30</sup>

Early republican policies of economic Turkification were clearly rooted in those pursued by the Young Turk Committee of Union and

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egemenliğini ve ağırlığını koymasındır.” Ayhan Aktar, *Varlık Vergisi ve “Türkleştirme” Politikaları* (Istanbul: İletişim, 2000), 101.

27 “gayrimüslim azınlıklardan nüfusun diğer kesimine doğru bir servet transferi(nin)(...)” Aktar, “Türkleştirme”, 10.

28 Polatel and Üngör, *Confiscation*, 6.

29 See Tekin Alp, *Türkleştirme* (Istanbul: Resimli Ay Matbaası, 1928).

30 The differences and similarities between the dispossession of Jews on the one hand and Armenians on the other have hardly been studied. For a first preliminary outline of these, see Ellinor Morack, “‘As a Matter of Fact, it has Become Ownerless’ – Text and Subtext in the Turkish National Assembly’s Deliberations on the ‘Abandoned Property Law’, 1921-22,” (Paper presented to the conference “A Civilisation Destroyed. The Wealth of non-Muslims in the Late Ottoman Period and Early Republican Era,” Istanbul, November 22, 2015). The conference proceedings are going to be published by the Hrant Dink Foundation.



Progress (henceforth: CUP) after 1909.<sup>31</sup> The Young Turks, who had at first advocated economic liberalism, came to embrace ideas of economic nationalism around 1908. Early nationalist writers such as Ziya Gökalp, Yusuf Akçura, Ömer Seyfeddin and Tekin Alp criticized the predominance of foreign (and later on, of non-Muslim Ottoman) traders and capital in the Ottoman economy, advocating the idea of a “national economy” (*milli iktisat*).<sup>32</sup> This concept was first translated into boycott campaigns directed against mainland Greek and Austrian and then, from the Balkan Wars onwards, against non-Muslim businesses.<sup>33</sup>

Some studies on Turkification concentrate on the propaganda of economic nationalism, while others have focused on practices of actual

31 See Murat Koraltürk, *Erken Cumhuriyet Döneminde Ekonominin Türkleştirilmesi* (İstanbul: İletişim, 2011), 14.

32 See Polatel and Üngör, *Confiscation*, 30. The development of Turkish nationalism has been studied for a long time. Standard works include Uriel Heyd, *Foundations of Turkish Nationalism: The Life and Teachings of Ziya Gökalp* (Westport, Connecticut: Hyperion, 1979); François Georgeon, *Aux Origines du Nationalisme Turc: Yusuf Akçura, 1876–1935* (Paris: ADPF, 1980); Taha Parla, *The Social and Political Thought of Ziya Gökalp, 1876-1924* (Leiden: Brill, 1985).

33 See Yücel Terzibaşoğlu, “Land Disputes and Ethno-Politics: North-Western Anatolia, 1877-1912,” in *Land Rights, Ethno-Nationality, and Sovereignty in History*, ed. Stanley M. Engermann and Jacob Metzger, 153–80 (London: Routledge, 2004), 173. For a discussion of the problem of foreign economic penetration from the perspective of labor history, see Donald Quataert, *Social Disintegration and Popular Resistance in the Ottoman Empire, 1881-1908: Reactions to European Economic Penetration* (New York: New York University Press, 1983). The book includes a discussion of the 1908 boycott of Austrian goods, which is also studied in more detail in Y. D. Çetinkaya, *1908 Osmanlı Boykotu: Bir Toplumsal Hareketin Analizi* (İstanbul: İletişim, 2004); Y. D. Çetinkaya, *The Young Turks and the Boycott Movement: Nationalism, Protest and the Working Classes in the Formation of Modern Turkey* (London: Tauris, 2014). On the idea of *milli iktisat*, and a detailed discussion of these boycott campaigns, see Zafer Toprak, *Milli İktisat, Milli Burjuvazi* (İstanbul: Tarih Vakfı Yurt Yayınları, 1995); Zafer Toprak, “Nationalism and Economics in the Young Turk Era (1908-1918),” in *Enjeux et rapports de force*, ed. Roland Perez and Salgur Kaçal, 259–66, *Varia Turcica / Institut Français d’Études Anatoliennes* (Paris: L’Harmattan, 1996).

confiscation and appropriation, especially those directed against Jews in republican times.<sup>34</sup> As Polatel and Üngör have pointed out, earlier studies have generally failed to address the relationship between anti-Christian ideology and practices of economic Turkification.<sup>35</sup> They themselves have attempted to close this gap by discussing theories on the one hand and practices on the other, arguing that both were intricately interconnected. However, their discussion neglects the debates that took place among Ottoman Muslims, which, as this study shows, mark the very place where intellectuals' ideas and bureaucratic and popular practice came into contact and influenced each other.

This gap between studies of ideology and those of practice is probably rooted in a conceptual limitation which restrains almost all works dealing with the phenomenon of Turkification and abandoned property: They usually study the issue only as a part of the history of minorities in Turkey, and therefore do not consider the time after the minorities' forced emigration. The questions that can be addressed from this perspective are limited to the whereabouts of stolen goods, the names of new owners, and, possibly, their use of the stolen property. Anything beyond this point does not seem relevant as long as "Turkification" is conceptualized as the mere act of property transfer from one owner to the other. Things change completely once we conceptualize Turkification as a process within society that continued for a long time even after property had been stolen from non-Muslims. In this light, theft and confiscation appear merely as the starting point of the story. It becomes possible to also consider the distribution of abandoned property among the Muslim population of Anatolia, and their appropriation of this wealth, which had material as well as discursive dimensions. Furthermore, this shift has the advantage of making it possible to consider a whole range of sources that are rela-

34 Ayhan Aktar, "Economic Nationalism in Turkey: The Formative Years, 1912–1925," *Boğaziçi Journal: Review of Social and Administrative Studies* 10, 1–2 (1996); Aktar, *Varlık*; Rifat Bali, *Bir Türkleştirme Serüveni 1923-1945. Cumhuriyet Yıllarında Türkiye Yahudileri* (Istanbul: İletişim, 2010).

35 Polatel and Üngör, *Confiscation*, xi.

tively easily available: much of the original appropriation, whether in late Ottoman or Republican times, went unregistered and was performed according to principles that were never spelled out in laws.<sup>36</sup> The follow-up debates about abandoned property in republican times, however, are documented very well.

First conceptual steps towards such an approach have already been taken: Bedross Der Matossian distinguishes between *confiscation* in Ottoman and *appropriation* in republican times. Nevzat Onaran and Murat Koraltürk cite from parliamentary debates about abandoned property and thus draw attention to the fact that there was a good deal of controversy about the whereabouts of abandoned property among contemporary Muslims.<sup>37</sup> Mehmet Polatel points at the importance of property distribution as a means of winning support for the new republican regime in Turkey and analyzes a number of republican laws.<sup>38</sup> Justin McCarthy states that the “emigration of the Ottoman minorities from Anatolia and Thrace created a Turkish middle class” which had “every reason, economic and social, to appreciate the new order in Turkey.”<sup>39</sup> Çağlar Keyder calls abandoned property the “dowry of the state” whose distribution “served both to expedite the creation of a native bourgeoisie and also to make it beholden to the state.”<sup>40</sup> Both Keyder and McCarthy make these statements with regard to all abandoned property, i.e., both that of Armenians and of

36 For the Ottoman case, see *ibid.* For the early Republican one, see Koraltürk, *Erken*, 23.

37 Koraltürk has written about the debate on the looting of İzmir. See Murat Koraltürk, “Türk-Yunan Nüfus Mübadelesinin İktisadi Sonuçları,” in *Erken Cumhuriyet Döneminde Ekonominin Türkleştirilmesi*, 51–94 (İstanbul: İletişim, 2011).

38 Polatel, *Turkish*, 13.

39 Justin McCarthy, “Foundation of the Turkish Republic: Social and Economic Change,” *Middle Eastern Studies* 19, no. 2 (1983): 144.

40 Çağlar Keyder, “The Consequences of the Exchange of Populations for Turkey,” in *Crossing the Aegean: An Appraisal of the 1923 Compulsory Population Exchange between Greece and Turkey*, ed. Renée Hirschon, 39–52 (New York, Oxford: Berghahn, 2003), 45.

Ottoman Greeks. They suggest that the function of abandoned property was essentially the same, regardless of the ethno-religious background of its owners. This observation is very important for the present endeavor, as it shifts the focus towards a field of study that has already been worked on quite extensively: The mutual forced migration commonly known as “population exchange” that took place between Greece and Turkey between 1923 and 1925. Both governments agreed on an “exchange” of their respective Muslim and Greek Orthodox minorities in the course of the Lausanne peace conference, and signed a convention to that effect on January 30, 1923. The document contained detailed regulations on the exchange not only of people, but also of movable and immovable property. It insinuated that migrants would be compensated through the appropriation of the property that their counterparts left behind: Muslim property abandoned in Greece and Greek (*Rum*) property in Turkey. As a result, both countries started to develop a distinct set of administrative techniques dealing with property owned by people who were now referred to as “subject to the exchange” (*mübadeleye tabii*- for Ottoman Greeks) or “exchangee” (*mübadil*- for Muslims from Greece) in Turkey. They were supposed to be compensated for their losses, which were appraised and verified during the course of a highly bureaucratic process. This gargantuan task created impressive amounts of red tape, and thus archival material which, unlike that produced with regard to Armenian property, is accessible for research.

According to Keyder, contemporaries regarded the population exchange as a “negotiated and legally acceptable – hence civilised – version of ethnic cleansing.”<sup>41</sup> It seems to be this notion of legality (as opposed to the blatant illegality of the Armenian case) that to this day leads historians to assume that the story of Greek (*Rum*) property is essentially different from that of its Armenian counterpart. As a result, the fate of *Rum* property (at least after January 1923) has hardly been

41 Keyder, “Consequences”, 40.

considered in works dealing with abandoned property.<sup>42</sup> Moreover, this notion greatly facilitated the archival research conducted for this study.

Existing studies of the population exchange have suggested that property distribution was far from being a pacifying and consent-creating device. In his seminal study of the exchange, Onur Yıldırım argues that the settlement and property distribution policies of the Turkish government were largely unsuccessful, leading to numerous conflicts that went on “well into the later years of the 1930s.”<sup>43</sup> Exchangees actually held a public protest meeting in Istanbul in 1924, which, according to Mehmet Ali Gökaçtı, was the “first and only political activity” of that group.<sup>44</sup> Ayhan Aktar, Kemal Arı and Murat Koraltürk have shown that there was severe criticism of the settlement and distribution process in the Great National Assembly of Turkey (*Türkiye Büyük Millet Meclisi*, henceforth: TBMM) and the contemporary press.<sup>45</sup> Working with local newspapers from İzmir, Kemal Arı has also shown that abandoned property was already contested and hotly debated before the exchangee refugees’ arrival, and remained so throughout the early 1920s.<sup>46</sup> To this day, however, nobody has sys-

42 Neither Onaran’s first book nor Kardeş, both of whom work with a thematic focus on abandoned property, consider legislation for *Rum* property issued after 1922. Onaran’s second book considers some of these laws, but by far not all the relevant ones.

43 Yıldırım, *Diplomacy*, 150.

44 M. A. Gökaçtı, *Nüfus Mübadelesi: Kayıp bir Kuşağın Hikâyesi* (Istanbul: İletişim, 2004), 218.

45 Ayhan Aktar, “Homogenising the Nation, Turkifying the Economy: The Turkish Experience of Population Exchange Reconsidered,” in *Crossing the Aegean: An Appraisal of the 1923 Compulsory Population Exchange between Greece and Turkey*, ed. Renée Hirschon, 79–95 (New York, Oxford: Berghahn, 2003); Kemal Arı, *Büyük Mübadele: Türkiye’ye Zorunlu Göç (1923–1925)* (Istanbul: Tarih Vakfı, 1995); Murat Koraltürk, “Türk-Yunan,” in *Erken Cumhuriyet Döneminde Ekonominin Türkleştirilmesi*.

46 Kemal Arı, “Yunan İşgalinden sonra İzmir’de “Emval-i Metruke” ve “Füzuli İşgal” Sorunu,” *Atatürk Araştırma Merkezi Dergisi* 5, no. 15 (1989), <http://www.atam.gov.tr/index.php?Page=Dergiler&IcerikNo=891> (accessed

tematically studied the distribution of property to exchangees from the perspective of social history, nor regarded this topic as connected to the larger story of abandoned property in Turkey.

Compensation policies and popular reactions to them are a promising field for anyone interested in the social history of early Republican Turkey. With regard to the messy details of property assignment (*tahsis*) to exchangees, important work has been done by Nedim İpek for the area around Samsun and by Tülay Alim Baran for İzmir.<sup>47</sup> Both have worked with state records documenting the distribution of property to exchangees (*tahsis defterleri*) and thus offered first insights into the bureaucratic procedure on the ground. However, the voices of the exchangees remain inaudible in their sources. Autobiographies and oral history projects provide some important information, but merely provide retrospective accounts.<sup>48</sup> A noteworthy exception is a short article written by a first-generation exchangee in the 1930s, (and first published in the 1980s) which suggests that exchangees were

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June 3, 2010); Kemal Arı, “1923 Türk-Rum Mübadele Anlaşması Sonrasında İzmir’de “Emval-i Metruke” ve Mübadil Göçmenler,” *Atatürk Araştırma Merkezi Dergisi* 6, no. 18 (1990).

47 Nedim İpek, *Mübadele ve Samsun* (Türk Tarih Kurumu, 2001); Tülay A. Baran, *Bir Kentin Yeniden Yapılanması (İzmir 1923-1938)* (Arma, 2003).

48 Autobiographies of exchangees include Zehra Kosova, *Ben İşçiyim*, ed. Zihni T. Anadol (Istanbul: İletişim, 1996); Engin Berber, *Rumeli’den İzmir’e Yitik Yaşamların İzinde*, Kent kitaplığı dizisi (İzmir: İzmir Büyükşehir Belediyesi Kültür Yayınları, 2002). For works based on oral history projects see Tuncay E. Sepetçioğlu, “Cumhuriyetin İlk Yıllarında Girit’ten Söke’ye Mübadele Öyküleri,” (M.A. thesis, Adnan Menderes Üniversitesi, 2007), <http://www.belgeler.com/blg/1895/cumhuriyetin-ilk-yillarinda-girit-ten-soke-ye-mubadele-oykuleri-in-the-first-years-of-the-republic-population-exchange-stories-from-crete-to-soke> (accessed June 28, 2013); İskender Özsoy, *İki Vatan Yorgunları Mübadele Acısını Yaşayanlar Anlatıyor* (Istanbul: Bağlam, 2003); Raif Kaplanoğlu, *Bursa’da Mübadele* (Bursa: Avrasya Etnografya Vakfı, 1999); Tolga Köker, “Lessons in Refugeehood: The Experience of Forced Migrants in Turkey,” in *Crossing the Aegean: An Appraisal of the 1923 Compulsory Population Exchange between Greece and Turkey*, ed. Renée Hirschon, 193–208 (New York, Oxford: Berghahn, 2003).

intensely unhappy with what they received in the way of compensation.<sup>49</sup>

Writing in 2006, Gavin D. Brockett suggested that the social history of the republican period “has yet to be written.”<sup>50</sup> There is still very little in the way of studies that actually seek to enlighten the impact of early republican (reform) policies on ordinary people’s lives and the relationship between both. Western scholars have until very recently all but neglected the early republican period, and the available literature has been described as “completely dominated by the centre, its ideas, its plans and ambitions and its infighting.”<sup>51</sup> Critical scholarship in Turkey itself was cut off almost completely by the 1980 coup.<sup>52</sup> Turkish historians writing after that date have been blamed for merely providing “minimal assessments” of social history, based on an “assertion that what the Kemalist elite believed should happen was indeed taking place.”<sup>53</sup>

Over the past few years, the situation has markedly improved. This positive development has become possible with the opening of the Republican Archives in 2005: Hale Yılmaz studied reforms in the realm of dress, the alphabet, and public gatherings as arenas in which ordinary people negotiated their relationship to the new regime, whereas Yeşim Bayar looks into the politics of language and citizen-

49 Ömer D. Tesal, “Azınlıkların Mübadelesi: Türk-Yunan İlişkilerinin Geçmişinden Bir Örnek,” *Tarih ve Toplum* 9, no. 53 (1988).

50 Gavin D. Brockett, “Revisiting the Turkish Revolution, 1923– 1938: Secular Reform and Religious “Reaction”,” *History Compass* 4, no. 6 (2006): 1062.

51 Erik J. Zürcher, *The Young Turk Legacy and the National Awakening: From the Ottoman Empire to Atatürk’s Turkey* (London: I.B. Tauris, 2010), 212.

52 The two most interesting books on the period were written prior to the coup and remain standard works of reference: Mahmut Goloğlu, *Devrimler ve Tepkileri, 1924–1930* (Ankara: Başnur, 1972); Mete Tunçay, *Türkiye Cumhuriyeti’nde Tek Parti Yönetimi’nin Kurulması: 1923-1931* (Ankara: Yurt Yayınları, 1981).

53 Gavin D. Brockett, “Collective Action and the Turkish Revolution: Towards a Framework for the Social History of the Atatürk Era, 1923–38,” *Middle Eastern Studies* 34, no. 4 (1998): 45.

ship during that period.<sup>54</sup> Issues such as girls' education and prostitution have also been studied.<sup>55</sup> As for the 1930s, Yiğit Akın analyzes petitions addressed to the ruling People's Party as sites of contention of and negotiation with the Republican regime.<sup>56</sup> Murat Metinsoy points out that the Kemalist regime of the 1930s did indeed listen to popular demands and considered them in its decision-making on the Kurdish south-east.<sup>57</sup> A recent edited volume makes a first attempt at gathering different approaches to the social history of the years immediately before and after the establishment of the Republic in 1923.<sup>58</sup> Contributions to this volume deal with issues such as surname legislation, family and nation, mid-level elites, and the provincial press. However, they are again mostly limited to a discussion of the 1930s and 40s.<sup>59</sup> So far, Hale Yılmaz (who considers petitions) has been the only one to include voices from below dating from the first

54 Hale Yılmaz, *Becoming Turkish: Nationalist Reforms and Cultural Negotiations in Early Republican Turkey, 1923-1945* (Syracuse, NY: Syracuse University Press, 2013); Yeşim Bayar, "Turkish Nation-Building Process: An Analysis of Language, Education, and Citizenship Policies during the Early Republic (1920-1938)," (PhD thesis, McGill University, 2008).

55 Elif E. Akşit, "Girls' Education and the Paradoxes of Modernity and Nationalism in the late Ottoman Empire and the Early Turkish Republic," (PhD thesis, State University of New York, 2004); Mark D. Wyers, "The New Republic's 'Other' Daughters: Legislating National Sex and Regulating Prostitution in Istanbul, 1880-1933," (PhD thesis, University of Arizona, 2008).

56 Yiğit Akın, "Reconsidering State, Party and Society in Early Republican Turkey: Politics of Petitioning," *International Journal of Middle East Studies (IJMES)* 39 (2007).

57 Metin Metinsoy, "Fragile Hegemony, Flexible Authoritarianism, and Governing from Below: Politicians' Reports in Early Republican Turkey," *International Journal of Middle East Studies (IJMES)* 43 (2011).

58 Gavin D. Brockett, ed., *Towards a Social History of Modern Turkey* (Istanbul: Libra, 2011).

59 The only exception is Ryan Gingeras' contribution, which nevertheless does not consider sources written or commissioned by ordinary people. See Ryan Gingeras, "Gangsters, Kidnappers, Killers and Other Patriots: The Writing of a New Social History of the Turkish War of Independence," in *Towards a Social History of Modern Turkey*, ed. Gavin D. Brockett, 39–58 (Istanbul: Libra, 2011).



six years of the republic (prior to the introduction of the Latin script in 1928). She has had access to the otherwise closed archive of the Turkish Ministry of the Interior.

The present study takes a first step towards a consideration of ordinary peoples' experiences of the very first years of the Turkish Republic by analyzing petitions that immigrants (as well as locals) sent from İzmir to Ankara in those years. It seeks to provide a better understanding of the relationship between ordinary people and the early republican state, arguing that property distribution was one of the arenas in which this relationship was re-configured along national lines. By scrutinizing petitions, newspapers, parliamentary debates and archival documents dealing with Greek and Armenian abandoned property, this book provides insights into the process by which the Ottoman state was transformed into a republic and studies the impact this change had on ordinary peoples' lives. The main assumption is that the process of distribution was an important site in which both individual identities and that of the emerging state were re-enacted along the requirements of a nation-state. Relationships were established through far more than simple transactions of wealth from one subject to the other. Rather, they took place in a setting in which abandoned property was already charged with a multiplicity of meanings and expectations. Debates about abandoned property, however much they may have centered on objects, were also struggles over the character of the nascent nation state and the identities of the people living in it.

The gap between studies of practices and ideology outlined above can be bridged with the help of an approach that conceptualizes abandoned property both as a discursive and a practical problem. Administrative practices (such as auctions, but also non-administrative ones, such as squatting), were both shaped by and took place within the context of a major debate on the meaning, as well as definitions of the proper and improper use of these assets. As this book shows, these meanings had to a large extent been shaped in the time preceding the population exchange. It is therefore both difficult and conceptually

misleading to separate the issues of Greek and Armenian property as problems in early republican history. For reasons of practicality (mostly related to the availability of sources), this study mostly focuses on Greek and *Rum* property.

Until very recently, historians were mostly interested in İzmir/Smyrna before 1922 as the major trading hub that it was up until 1912, and in the political, economic and cultural activities of its overwhelmingly non-Muslim trading bourgeoisie, particularly the Greeks.<sup>60</sup> Emre Erol's study of the district of Foçateyn (a peninsula comprising two coastal towns south of İzmir) is the first to bridge this gap by studying the two towns from late Ottoman to Republican times.<sup>61</sup> It was, unfortunately, published too recently for detailed consideration in this book.

Other studies have paid virtually no attention to İzmir's history after 1922, which was characterized by the loss both of its Greek and Armenian inhabitants, and, largely as a result of that, of its economic importance. It comes as no surprise that the three recent studies covering this post-war history focus on those non-Muslim groups that were able to stay, i.e., Jews and Levantines. Moreover, one of these

60 A few examples of the rich literature on Ottoman İzmir include Daniel Goffman, "İzmir, from Village to Colonial Port City," in *The Ottoman City between East and West: Aleppo, Istanbul, and İzmir*, ed. Edhem Eldem, Daniel Goffman and Alan Masters, 79–134 (Cambridge, New York: Cambridge University Press, 1999); Alexander H. de Groot and Maurits H. d. van Boogert, eds., *Ottoman İzmir: Studies in Honour of Alexander H. de Groot* (Leiden: Nederlands Instituut voor het Nabije Oosten, 2007); Elena Frangakis-Syrett, *The Commerce of Smyrna in the Eighteenth Century* (Athens: Centre for Asia Minor Studies, 1992); Elena Frangakis-Syrett, *Trade and Money: The Ottoman Economy in the Eighteenth and Early Nineteenth Centuries* (Istanbul: Isis Press, 2007); Vangelis C. Kechriotis, "The Greeks of İzmir at the End of the Empire: a non-Muslim Ottoman Community between Autonomy and Patriotism," (PhD thesis, Leiden University, 2005); Bülent Senocak, *Levanî'n Yıldızı İzmir: Levantenler, Rumlar, Ermeniler ve Yahudiler* (İzmir: Senocak, 2008); Julia P. Cohen, "Fashioning Imperial Citizens: Sephardi Jews and the Ottoman state, 1856-1912," (PhD thesis, Stanford University, 2008).

61 See Erol Emre, *The Ottoman Crisis in Western Anatolia: Turkey's Belle Epoque and the Transition to a Modern Nation State* (London New York: I.B. Tauris, 2016).

books considers İzmir in tandem with Beirut and Alexandria.<sup>62</sup> Written for a non-scholarly public, all three monographs are based on extensive use of secondary and primary sources, but not on archival material from Turkish state archives. Apart from a few articles and monographs focusing on the economic history of Republican Turkey, most scholarly works on İzmir after 1912 and during the early Republican period have been written for a Turcophone public.<sup>63</sup> There is

62 See Henri Nahum, *Juifs de Smyrne XIXe - XXe siècle* (Paris: Aubier, 1997); Kontente, *Smyrne*; Mansel, *Levant*. Kontente (b. 1947) and Nahum (b. 1928) were both born in İzmir, where they grew up as members of the Jewish community, whose history, unlike that of the Ottoman Greeks and Armenians, covers Republican times. Both authors know Turkish and have a connection to the city that goes far beyond the nostalgia of Smyrniote Greeks living in far-away Greece, Australia or the USA. For information on the Kontente family, see [www.levantineheritage.com/jaquinon.htm](http://www.levantineheritage.com/jaquinon.htm). On Henri Nahum, whose family was originally from Manisa, but was forced to move to İzmir in 1922, see [www.iletisim.com.tr/kişi/henri-nahum-662.aspx](http://www.iletisim.com.tr/kişi/henri-nahum-662.aspx) (both last accessed on July 10, 2013).

63 See Çağlar Keyder, *State and Class in Turkey: A Study in Capitalist Development* (London, New York: Verso, 1987); Çağlar Keyder, *The Definition of a Peripheral Economy: Turkey 1923-1929* (New York: Cambridge University Press, 1981, 2009); Michael M. Finefrock, "Laissez-Faire, the 1923 İzmir Economic Congress and Early Turkish Developmental Policy in Political Perspective," *Middle Eastern Studies* 17, no. 3 (1981); Cem Emrence, "Turkey in Economic Crisis (1927–1930): A Panoramic Vision," *Middle Eastern Studies* 39, no. 4 (2003); Devrim Dumludağ and Bülent Durgun, "An Economy in Transition: İzmir (1918–38)," *Middle Eastern Studies* 47, no. 6 (2011); Eyüp Özveren and Erkan Gürpınar, "Competition as Rivalry: İzmir during the Great Depression," in *Cities of the Mediterranean: From the Ottomans to the Present Day*, ed. Biray Kolluoğlu and Meltem Toksöz (London: I.B. Tauris, 2010). Studies in Turkish include Çınar Atay, *Tarih İçinde İzmir* (İzmir: Tifset Basım ve Yayın Sanayi, 1978); Nail Morali, *Mütarekede İzmir, Önceleri ve Sonraları* (İstanbul: Ülkü, 1976); Engin Berber, *Bir İzmir Kâbusu. Mütareke ve İşgal Üzerine Yazılar*, Kent kitaplığı dizisi 25 (İzmir: İzmir Büyükşehir Belediyesi Kültür Yayınları, 2002); Engin Berber, *Yeni Onbinlerin Gölgesinde Bir Sancak: İzmir* (İstanbul: Tarih Vakfı, 1999); Erkan Serçe et al., *Küllerinden Doğan Şehir: The City which Rose from the Ashes* (İzmir: İzmir Büyükşehir Belediyesi Kültür Yayınları, 2003); Erkan Serçe, *Tanzimat'tan Cumhuriyet'e İzmir'de Belediye: (1868-1945)* (İzmir: Dokuz Eylül Yayıncılık, 1998); Baran, *Bir*; Mesut Çapa, "İzmir Müdafaa-i

also the biography of Ferit S. Eczacıbaşı<sup>64</sup> and a growing number of M.A. theses<sup>65</sup> which have a strong focus on İzmir.

## Theoretical approach

“Abandoned property” was (and continues to be) a legal term. My analysis of its development is informed by years of reading both Foucault and scholarly works that rely on him without explicitly citing him. What Foucault once said about Marx is now also true for the importance of his own work for the present book:

I quote Marx without saying so, without quotation marks, and because people are incapable of recognizing Marx’s texts, I am thought to be someone who doesn’t quote Marx. When a physicist writes a work of physics, does he feel it necessary to quote Newton and Einstein? (...) It is impossible at the present time to write history without using a whole range of concepts directly or indirectly linked to Marx’s thought and situating oneself within a horizon of thought which has been defined and described by Marx.<sup>66</sup>

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Hukuk-ı Osmaniye Cemiyeti (Aralık 1918– 1920),” *Atatürk Araştırma Merkezi Dergisi* 7, no. 21 (1991); Pelin Böke, *İzmir (1919– 1922)* (Istanbul: Tarih Vakfı, 2006).

- 64 S. F. Eczacıbaşı, *Bir Kent, Bir İnsan. İzmir’in Son Yüzyılı, S. Ferit Eczacıbaşı’nın Yaşamı ve Anıları*, ed. Yaşar Aksoy (Istanbul: Eczacıbaşı Vakfı, 1986).
- 65 Hakan Erterzi, “Terakkiperver Cumhuriyet Fırkası ve İzmir basını: The Progressive Republican Party and the İzmir Press,” (M.A. thesis, Dokuz Eylül Üniversitesi, 2000), <http://www.belgeler.com/blg/27ao/terakkiperver-cumhuriyet-firkasi-ve-zmir-basini-the-progressive-republican-party-and-zmir-press>; Gül Karacaer, “Türkiye Kent Yaşamı ve Mübadiller (1923-1930),” (M.A. thesis, Dokuz Eylül Üniversitesi, 2006), <http://www.belgeler.com/blg/r4c/turkiye-kent-yasami-ve-mudadiller-1923-1930-the-city-life-and-emigrants-in-turkey> (accessed June 28, 2013).
- 66 Michel Foucault, *Power/Knowledge. Selected Interviews and Other Writings* (Harvester, 1980), 52–53.

Although Foucault himself hasn't written much about law, there is a rich literature that utilizes his conceptualization of power for studying the character of law in modern societies:<sup>67</sup> Law in modern societies can thus be described as relational and productive, as constantly adapting to and containing popular resistance and demands.<sup>68</sup> Rather than disappear with the advent of modernity, law merely changed its main function from prohibiting (and punishing) to normalizing certain kinds of behavior. Normalization, in turn, "tends to be accompanied by an astonishing proliferation of legislation."<sup>69</sup> This form of legislation, which Ewald calls "social law", is "not concerned with defining universal principles of right but rather with balancing the partial and contesting rights claims of members of a political community, and in doing so it has resort, perforce, to the norm."<sup>70</sup>

Such a conceptualization of law as productive, relational, and as an object of struggle has already been applied to the late Ottoman context with regard to the establishment of private property in agricultural land. Huricihan Islamoğlu has shown that the Ottoman Land Code (OLC) of 1858, which formally established exclusive, private property rights for agricultural land, nevertheless accommodated several other forms of land-rights (such as nomads' grazing rights, and village commons). She argues that these elements of the OLC need to be seen as "attempts on the part of its drafters to mediate and reconcile" the interests of villagers and nomads.<sup>71</sup> Martha Mundy shows that the

67 Ben Golder and Peter Fitzpatrick, *Foucault's law* (Milton Park: Routledge, 2009), 16.

68 Ibid., 54.

69 François Ewald, "Norms, Discipline and the Law," in *Law and the Order of Culture*, ed. Robert Post, 138–61 (Berkeley: University of California Press, 1990), 138. To be sure, the punishing side of law continues to exist to this day. Ewald's work, however, is concerned with Foucault's writings on sexuality, whose regulation very much changed from one of prohibition to normalization.

70 Golder and Fitzpatrick, *Foucault's*, 38.

71 Huri İslamoğlu, "Politics of Administering Property: Law and Statistics in the Nineteenth-Century Ottoman Empire," in *Constituting Modernity: Private Property*

three categories of property owner, property-thing, and tax obligation and their specific relationship as a “triangle of knowledge” were crucial for the establishment of the modern Ottoman state.<sup>72</sup> Far from being pre-existing categories, they were created in a “gargantuan task” of registration.<sup>73</sup> This was a lengthy process in which bureaucrats literally walked from village to village, gathering local knowledge about existing property relations, and translating it into the language of the new land law, thus creating the registers that “could finally appear as merely rubber-stamping evidently distinct entities: person, property, family and tax.”<sup>74</sup>

The present study is partly concerned with urban property, private property rights in which had been in existence for centuries. As far as agricultural land is concerned here, it had been treated as a commodity for decades, and was usually located in the area around İzmir, where commercial agriculture was common. (Things looked very different in remoter parts of the countryside, where such a conception of land was only fully established in Republican times).<sup>75</sup>

The changes in rights that will be traced here were not ones from older, and usually pre-modern, forms of multiple rights to modern, exclusive, private ownership. They were private property rights that had been granted to Christian subjects by the Ottoman state and were later transferred to Muslims by the Turkish Republic. These Muslims

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*in the East and West*, ed. Huri İslamoğlu, 276–319 (New York: I.B. Tauris, 2004), 280.

72 Martha Mundy, “The State of Property: Late Ottoman Southern Syria, the Kazâ of ‘Ajlun (1875-1918),” in *Constituting Modernity: Private Property in the East and West*, ed. Huri İslamoğlu, 214–47 (New York: I.B. Tauris, 2004), 236.

73 This is how Richard Saumarez Smith has called the registration process that took place in Anatolia and Rumelia in the 1840s. Martha Mundy and Richard S. Smith, *Governing Property, Making the Modern State: Law, Administration and Production in Ottoman Syria* (London: I.B. Tauris, 2007), 42.

74 Martha Mundy, “The State of Property: Late Ottoman Southern Syria, the Kazâ of ‘Ajlun (1875-1918),” in *Constituting Modernity: Private Property in the East and West*, ed. Huri İslamoğlu, 214–47 (New York: I.B. Tauris, 2004), 236.

75 See Nuray E. Keskin, *Türkiye’de Devletin Toprak Üzerinde Örgütlenmesi* (Kızılay, Ankara: Tan, 2009).

were often migrants from rural areas of Greece and Anatolia who may have been unfamiliar with a full-grown capitalist market in land. This may be one of the reasons why the acts of resistance against republican legislation and administrative practice that are studied here show traces of older perceptions of land rights that prioritized need over ownership rights. In this sense, legislation for abandoned property distribution (and their implementation) form an important site of the full establishment of private property rights in the Republic of Turkey. Laws are studied here both as sites and as residues of struggles over the meaning of public vs. private property, the common good, and, by extension, of the new state. By considering legal texts alongside parliamentary debates, petitions and administrative documents surrounding the problem of abandoned property, this book will show how the categories which the law was supposedly built on were shaped: far from being pre-existing, national identity (both that of the new state and of its population) and private ownership were created and negotiated between various groups in society. Once established, privately owned property could be taxed and mortgaged. Laws for property distribution and the practices tied to them can thus be seen as sites in which the nascent nation-state translated older Ottoman rights (as we shall see, both those of the previous owners and those of the exchangees) into ones intelligible and exploitable within the new, national framework. This approach is inspired by the work of Vazira Zamindar, who has shown how a system of travel permits, politics of abandoned property, and compensation claims actually brought about the notions of national identity in what only later came to be regarded as Pakistan and India.<sup>76</sup> She has argued that “(i)t was through the making of refugees as a governmental category, through refugee rehabilitation as a tool of planning, that new nations and the borders between them were made.”<sup>77</sup>

Zamindar is by far not the only anthropologist whose work is methodologically important for this book. Akhil Gupta and Aradhna Sharma

76 See Zamindar, *Partition*.

77 *Ibid.*, 3.

have studied the sites of bureaucratic interaction between people and state administrations as the very places where “the state” actually comes into existence as a social reality in ordinary people’s lives. They have argued that the process of state formation can be traced through “such apparently mundane practices” as tax-collection, social services, and the issuance of official documents.<sup>78</sup> Gupta has shown how bureaucratic interaction and notions of corruption form what he has called the “imaginary state” in people’s minds.<sup>79</sup> Inspired by his work, this study pays special attention to popular notions of corruption. The sources used here include relatively humble texts such as petitions and readers’ letters, which are conceptualized as part of a discourse in the Foucauldian sense, a “Gesamtheit erzwungener und erzwingender Bedeutungen, die die gesellschaftlichen Verhältnisse durchziehen.”<sup>80</sup> Foucault’s use of both “enforced” and “enforcing” is critical here: Meaning can be described both as a product of social conditions and as producing them. People cannot say anything they want: Their thinking, speaking, writing, and their actions are structured by certain patterns which limit the things they are able to say (or write or do). Analyzing laws, petitions and parliamentary debates as part of an overarching discourse implies that abandoned and “national” property as meaningful categories were created not by one specific person or group (such as the central government), but by the interaction of a great number of different actors. In this sense, the abandoned property discourse can be thought of as a battlefield in which

78 Akhil Gupta and Aradhana Sharma, eds., *The Anthropology of the State: A Reader* (2005), 9 This conceptualization has been applied to both contemporary Turkey and late Ottoman eastern Anatolia: See Çağrı Yoltar, “When the Poor Need Health Care: Ethnography of State and Citizenship in Turkey,” *Middle Eastern Studies* 45, no. 5 (2009); Nadir Özbek, “The Politics of Taxation and the ‘Armenian Question’ during the Late Ottoman Empire, 1876-1908,” *Comparative Studies in Society and History* 54, no. 4 (2012).

79 See Akhil Gupta, “Blurred Boundaries: The Discourse of Corruption, the Culture of Politics, and the Imagined State,” *American Ethnologist* 22, no. 2 (1995).

80 Michel Foucault, *Geometrie des Verfahrens: Schriften zur Methode*, ed. Daniel Defert and François Ewald (Frankfurt am Main: Suhrkamp, 2009), 213.



“the arms constantly changed sides,” sometimes ending up serving other purposes than those they were originally intended for.<sup>81</sup> While the battlefield might be too strong a metaphor for the conflict at hand, (which took place in a post-war setting), it is nevertheless important to note that there were certain groups involved, which, more often than not, were conscious of their group interests, and who in rare cases even spoke as groups. That said, the question of authorship is relatively unimportant here. The conceptualization as discourse implies that individual writers could only operate within a limited field of more or less well-established patterns of meaning, which were prescribed by everything that had already been said on the subject (including laws) and had been taken up by others.<sup>82</sup> However, it is at times possible to observe how individual experiences of war and deprivation were woven into rather common narrative patterns. In other cases (especially in the parliamentary debates, but also some petitions) it is sometimes possible to observe how older patterns of argumentation became incomprehensible. These cases fit Lyotard’s concept of “differend”:

Im Unterschied zu einem Rechtsstreit [litige] wäre ein Widerstreit [differend] ein Konfliktfall zwischen (wenigstens) zwei Parteien, der nicht angemessen entschieden werden kann, da eine auf beide Argumentationen anwendbare Urteilsregel fehlt. Die Legitimität der einen Argumentation schliesse nicht auch ein, daß die andere nicht legitim ist. (...) Ein Unrecht resultiert daraus, daß die Regeln der Diskursart, nach denen man urteilt, von denen der beurteilten Diskursarten abweichen.<sup>83</sup>

81 “Hier nun geht es darum, den Diskurs als ein strategisches Feld auszuweisen, auf dem die Elemente, die Taktiken und die Waffen unaufhörlich von einem Lager ins andere wechseln, sich zwischen den Gegnern austauschen und sich gegen diejenigen selbst wenden, die sie verwenden.” Foucault, *Geometrie*, 213.

82 Natalie Zemon Davis has observed this for 16<sup>th</sup> century petitions from France: Natalie Z. Davis, *Fiction in the Archives: Pardon Tales and Their Tellers in Sixteenth-Century France* (Stanford: Stanford University Press, 1987), 6.

83 Jean-François Lyotard, *Der Widerstreit* (München: Fink, 1987), 9.

Such *differend*-type conflicts frequently arose in the course of the abandoned property debate. One of these conflicts revolved around the question whether land and houses ought to be sold, auctioned or rented out as commodities, or rather be used for (free) housing and small-scale agriculture.

It would be presumptuous (and probably misleading) to conceptualize the debate on abandoned property as a discursive formation in its own right. The debate at hand did certainly not bring about a major new category of thinking like the ones Foucault traces (such as population, sexuality, or madness). What the abandoned property discourse helped to firmly establish, however, was the idea that private property ought to have a national character. This was only possible in the ideological climate of a strong, if not yet hegemonic, Turkish nationalism, which was essentially anti-Christian.<sup>84</sup> Moreover, this development rested on the pre-existing conceptualization of private property rights in the late Ottoman Empire.

It is possible to describe property as both an institution and as a concept which constantly influence each other.<sup>85</sup> Property has, in other words, both a discursive and a practical dimension. In a famous essay written in 1927, Morris Cohen points out that property, contrary to liberal conceptions, is “a relation not between an owner and a thing, but between the owner and other individuals in reference to things.”<sup>86</sup>

84 Erik J. Zürcher, “Young Turks, Ottoman Muslims and Turkish Nationalists: Identity Politics 1908-38,” in *The Young Turk Legacy and the National Awakening: From the Ottoman Empire to Atatürk’s Turkey*, 213–35 (London: I.B. Tauris, 2010), 231.

85 See C. B. MacPherson, ed., *Property: Mainstream and Critical Positions* (Toronto: University of Toronto Press, 1978), 1.

86 Morris Cohen, “Property and Sovereignty,” in *Property: Mainstream and Critical Positions*, ed. C. B. MacPherson, 153–75 (Toronto: University of Toronto Press, 1978), 159; Huri İslamoğlu, “Towards a Political Economy of Legal and Administrative Constitutions of Individual Property,” in *Constituting Modernity: Private Property in the East and West*, ed. Huri İslamoğlu, 3–34 (New York: I.B. Tauris, 2004), 8; Martha Mundy, “The State of Property: Late Ottoman Southern Syria, the

This relationship can be described in terms of rights. Although the term “property” is commonly used to refer to things, from a legal point of view, any talk about these things implies a reference to the rights certain persons have on these things.<sup>87</sup> Rights, in turn, can be described in terms of inclusion or exclusion: while private property is the right of one legal person to exclude all others from the use of a thing, common property is the right of everybody not to be excluded from the use of the object in question.<sup>88</sup> Property relations therefore are power relations.<sup>89</sup> The difference between property and mere possession is that the first will be enforced “by society or the state, by custom or convention or law.”<sup>90</sup> As this study will show, the abandoned property discourse can be read as one in which the young nation state slowly, but steadily established its claim to being the only granter and enforcer of property rights – and one that only granted this privilege to those people whom it regarded as Turks.

Petitions form an important part of the sources used in this study, and the available methodological literature on this kind of texts has strongly influenced my approach to them. These studies deal with petitions from various times and societies, such as early modern central Europe, Stalinist Russia, and Ottoman Istanbul, Palestine, and Egypt (in the 1860s). Petitions are texts in which petitioners (whether they actually wrote them themselves or not) positioned themselves towards the sovereign power they addressed.<sup>91</sup> They have been de-

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Kazâ of ‘Ajlun (1875-1918),” in *Constituting Modernity: Private Property in the East and West*, ed. Huri İslamoğlu, 214–47 (New York: I.B. Tauris, 2004), 2.

87 See MacPherson, *Property*, 2.

88 See MacPherson, *Property*, 4.

89 Cohen Morris has gone so far as to describe property itself as having the character of “sovereign power compelling service and obedience.” Morris Cohen, “Property and Sovereignty,” in *Property: Mainstream and Critical Positions*, ed. C. B. MacPherson, 153–75 (Toronto: University of Toronto Press, 1978), 159.

90 See MacPherson, *Property*, 3.

91 These are Heike Winkel, “Kollektive Korrespondenzen, individuelle Praktiken: Das öffentliche Briefwesen im Stalinismus der Vorkriegszeit,” (Dissertation, Freie Universität Berlin, 2010); John Chalcraft, “Engaging the State: Peasants and Peti-

scribed as a “traditional instrument of political communication” between rulers and the ruled.<sup>92</sup> A petitioner needs to performatively acknowledge the legitimacy of the ruler he or she is addressing – otherwise a petition makes no sense at all.<sup>93</sup> Provided that this condition is met, however, there is ample space for negotiations of grievances, claims and demands to be made by the petitioning subjects. There are two forms of petitions or grievances: the first was typical for pre-modern states, which essentially governed by granting privileges to individuals or groups.<sup>94</sup> In this form, a petition used to be a demand for the granting of a privilege. A second form were complaints that addressed local grievances directly to the respective highest authority.<sup>95</sup> Modern states have tended to restrict the first form of petitioning (demands for privileges) while continuing to maintain the second. Possible causes for petitions were now limited to cases in

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tions in Egypt on the Eve of Colonial Rule,” *International Journal of Middle East Studies (IJMES)* 37, no. 3 (2005); Yuval Ben-Bassat, “In Search of Justice: Petitions sent from Palestine to Istanbul from the 1870s Onwards,” *Turcica* 41 (2009); Erdem Kabadayı, “Petitioning as Political Action: Petitioning Practices of Workers in Ottoman Factories,” in *Popular Protest and Political Participation in the Ottoman Empire: Studies in Honor of Suraiya Faroqhi*, ed. Eleni Gara, Mustafa E. Kabadayı and Christoph K. Neumann, 57–74 (Istanbul: Bilgi University Press, 2011); Andreas Würzler, “Voices from among the ‘Silent Masses’: Humble Petitions and Social Conflicts in Early Modern Central Europe,” *International Review of Social History* 46, Supplement 9 (2001).

92 David Zaret, “Petitions and the “Invention” of Public Opinion in the English Revolution,” *American Journal of Sociology* 101, no. 6 (1996): 1513.

93 Ibid.

94 This typology is taken from Nora Lafi, “Petitions and Accommodating Urban Change in the Ottoman Empire,” in *Istanbul as Seen from a Distance: Centre and Provinces in the Ottoman Empire*, ed. Elisabeth Özdalga, Sait Özerverli and Feryal Tansuğ, 73–82 (Istanbul: Swedish Research Institute in Istanbul, 2011).

95 See Ali F. Başgil, “Vatandaşların Büyük Millet Meclisine Müracaat Hakkı,” in *Tedris Hayatının Otuzuncu Yıldönümü Hatırası Olmak Üzere Medeni Hukuk Ordinaryüs Profesörü Ebül’ula Mardin’e Armağan*, ed. Ebül’ulâ Mardin, 537–66 (Istanbul: Kenan, 1944).

which a state agency had violated a principle of positive law.<sup>96</sup> The petitions analyzed here clearly belong to the second type. The Ottoman, as well as the Turkish constitution, only recognized such grievances related to cases of abuse and corruption. As we shall see, this limitation had a profound impact on the way in which people framed their demands to the republican state. They did, however, find interesting ways to also address problems that went beyond this frame, which I therefore shall analyze as – limited – challenges to the present state of affairs. In an article about petitions from Egypt in the 1860s, John Chalcraft observes that they contain “sophisticated engagement and negotiation with state practice and discourse.”<sup>97</sup> Likewise, Yiğit Akin finds that petitioners in Turkey in the 1930s

mediated and/or transformed the regime’s nationalist and populist discourse to further their own interests. In this sense, the regime’s founding principles and master narrative turned into a discursive field on which the meanings of state, nation, and citizen were being constantly redefined and contested.<sup>98</sup>

Such redefinitions and contentions were arguably facilitated by conflicting motifs and elements within what Akin has called a “master narrative”. As Heike Winkler points out with regard to the Soviet Union of the 1930s, it is especially in times of rapid change that different, conflicting or contradictory narratives co-exist.<sup>99</sup> The very same

96 This difference has often been described as one between the arbitrariness of despotism and the reliability of the rule of law. For an example of this view with regard to the Ottoman case, see Başgil, “Vatandaşların.” However, in such cases in which individual interests or grievances were at odds with positive law, the older, pre-modern conception would certainly have been more advantageous for petitioners.

97 Chalcraft, “Engaging”: 304.

98 Akin, “Reconsidering.”

99 “Und gerade in der Sowjetunion in der seit Beginn des Jahrhunderts politische, kulturelle und soziale Umbrüche in enger Folge einander ablösen, sind soziale Identitäten kontingent und fließend. Dementsprechend bestehen mehrere, ei-

was probably true for the 1920s in Turkey, when the republican regime was established. One major question in dealing with petitions as historical sources is the role of the petition-writer. In the case of 19<sup>th</sup> century workers in Istanbul, Kabadayı finds that “scribes consistently overshadow the(se) genuine voices” of the petitioners.<sup>100</sup> Akin, on the other hand, argues that the professionals “largely employed the structures to frame substance that was provided by the petitioner.”<sup>101</sup> His observation is supported by the sources analyzed here. Indeed, professional petition writers can be regarded as multipliers of state discourse and legal knowledge, i.e. as the very people who enabled ordinary people to develop their own views on the law within a framework that remained comprehensible to state agencies.<sup>102</sup>

## Sources

This study makes extensive use of local newspapers from the period such as *Ahenk*, *Anadolu*, *Seda-yı Hakk*, *Türk Sesi* and *Hizmet* which have been accessed at the Ahmet Pıřtina Town Archive and Museum (APİKAM) in İzmir. So far, these newspapers have by far been the most important source for historians of the period, who have shown that there were intense discussions on the issues of abandoned property, squatting practices and refugee settlement in İzmir.<sup>103</sup> These discussions have largely been based on editorials, which usually cover more than a third of the papers’ title page, and presumably formed their most widely read pieces.<sup>104</sup> Literacy in the city of İzmir was cer-

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nader scheinbar ausschließende oder zumindest stark divergierende Narrative nebeneinander fort, die alle als legitim gelten.” Winkel, *Kollektive*, 45.

100 Erdem Kabadayı, “Working for the State in a Factory in Istanbul: The Role of Factory Workers’ Ethno-Religious and Gender Characteristics in State-Subject Interaction in the Late Ottoman Empire,” (PhD dissertation, LMU München, 2008), 70.

101 Akin, “Reconsidering”: 455.

102 See Chalcraft, “Engaging”: 307.

103 These works include Arı, *Büyük*; Arı, “Yunan”; Arı, “1923”; Baran, *Bir*.

104 To this day, editorials are widely read and discussed in the Turkish public, with some famous editors receiving princely salaries for their work.

tainly higher than in the national average, and practices of public reading were still alive in the countryside.<sup>105</sup> We can thus assume that the editorials were indeed read by the literate public, and listened to by a certain percentage of the illiterate. That said, Eric Hobsbawm has rightly pointed out the danger to “confuse (...) editorials in select newspapers with public opinion.”<sup>106</sup> One limitation of these sources is that İzmir’s editorials were written by a very small circle of less than ten individuals, all of whom had been living and working in İzmir for a long time, and actively favored the interests of local homeless people over those of exchangees from Greece. Sympathetic reports on the fate of recent immigrants, which feature prominently in Istanbul-based *Cumhuriyet*, cannot be found in the İzmir press.

A second important – and complementary – source are the records produced by the British, American and German consulates in İzmir. These documents have been accessed at the National Archives at Kew, London, the National Archives of Records and Administration in College Park/MD, and the Political Archive of the German Foreign Office (Politisches Archiv Auswärtiges Amt) in Berlin. Records of the German Protestant church in İzmir, which are today available at Evangelisches Zentralarchiv (EZA) in Berlin, have also been used. Consular reports often discuss events that the press does not mention at all, and can thus be used as an indicator for the extent of both self-imposed and government censorship. Especially for the time after 1925, when press censorship came to be applied very heavily, consular records form an essential source. The value of these documents varies greatly: the German consul appears to have been all but indifferent to local events and conditions, while the British and American ones (who usually spoke Turkish) often wrote rather interesting reports.

105 The official rate of literacy among males in 1924 was 9 percent. See Geoffrey Lewis, *The Turkish Language Reform: A Catastrophic Success* (Oxford: Oxford University Press, 1999), 37. To this day, many of the coffeehouses where Turkish men sit and sometimes spend their whole day preserve the ancient name *kıraathane*, literally: (public) reading house.

106 Hobsbawm, *Nations*, 11.

The Foreign Office in London also gathered a number of reports written by travelers or other civilians touring the country. In sum, consular records turned out an indispensable source for the present study. The most important archive for this project has been the Republican Archive of the Prime Ministry in Ankara. Unfortunately, the Ministry of Finance and that of the Interior have not opened their archives yet. The Prime Ministry archive, however, grants access to the records of certain ministries and directorates, which have made it possible to consider important aspects that have until now largely been neglected. The Prime Ministry files (*Başvekalet Fonu*, Number 30) proved most valuable for a discussion of the inter-ministerial level. Yet, most of the documents cited throughout this study were produced at the directorate for settlement affairs (*iskan müdüriyeti*), which was in charge of matters related to the population exchange from 1925 onwards. These documents include petitions addressed to various institutions, including the TBMM, President Mustafa Kemal, Prime Minister İsmet (İnönü), and the Ministry of the Interior. In 2009, the petitions were part of the refugee (*muhacirin*) fund (Number 272), and they are cited using those numbers.<sup>107</sup> These petitions reached the settlement directorate either by telegraph, or, rather rarely, by mail. The directorate usually forwarded petitions to its offices in İzmir, which were part of the provincial administration (*vilayet*), asking for further information or demanding investigations into the case at hand. This practice made it essentially impossible to track cases of corruption on the level of the provincial administration. A small official-cum-petitioner complained about this in a petition on his own behalf:

107 The fund, whose documents used to be available in digital form, has been undergoing a process of “re-organization,” which unfortunately continues to this day, at least the petitions cited here at currently not part of the online catalogue. It seems that the Republican Archive is creating a separate fund for all documents pertaining to the population exchange, and will probably create a new system of signatures. I have digital copies of all petitions administrative documents cited here and will be happy to show them to anyone interested.



The helpless small officials, hoping to protect the law, write petitions full of truth, paying for stamps and transport out of their own pocket with that day's bread money, and send them to their ministry. The ministry sends them back to the provincial governor asking for an explanation. The governor blames everything on the small official (...). There is no one to protect the law against the governor!<sup>108</sup>

Since fair copies of the requests were sent to İzmir (or to other ministries), they have only been archived as unsigned drafts, which are often exceptionally hard to read. Original petitions were usually forwarded to the investigating institution, which not always sent them back. Many files therefore contain either petitions or requests for further information; only a limited number also provides the answer letters (occasionally including inspectors' reports) from İzmir. Clearly, an archive of the İzmir province (provided it existed and would be made accessible for researchers) would provide a much more vivid picture than the documents held in Ankara, which rarely offer clues as to their actual effect. A serious flaw of the petitions is the limited time span they cover. Those kept in the refugee fund (number 272) only start in 1925, suggesting that previous ones sent to the Ministry for the Exchange were archived elsewhere. For these early years, however, I was able to find some petitions in other funds that have helped me to at least get an idea of common complaints. It is remarkable that not a single petition dates from 1929 or 1930. This is especially problematic since important changes in property distribution policies only came to be implemented after 1928. The obvious explanation for this lack of petitions is the change from the familiar Arabic script to the Latin one in 1928. A British diplomat observed:

108 "Biçare küçük me'mûrlar hûkûku muhâfaza edeceğim diye çarpınır (...) hâkîkâtlar dolu 'arzuhâllar yazar yiyeceği o günlük ekmek parasından pul posta parasını verir mensûb olduğu makâma gönderir makâm da arzuhalı tekrâr vâliye havâle eder izâhât ister derken isnâdât konurlar. Biçare küçük me'mûruñ yazdığı hâkîkatlar kendine tehevvl eder (...) Çünkü vâli ile uğraşmak hûkûku muhâfaza etmek için önünde bir mahkeme yok." (...) CA 272...12.48.91.38.

(E)ven high officials of the Ministry of Foreign Affairs still make personal notes in the old script. What then, can be said of the Governor and its clerk in Marash or Erzerum(...) who have never learned a European language? All have, it is true, passed examinations in the new script, but many months must elapse before they can use it with the facility of the old. In the meantime, what will happen with the petitions of the Mehmeds and Rizas, which have, after great efforts, been addressed to them in the new characters?<sup>109</sup>

The lack of petitions written in these years indeed suggests that petitions were not only not read, but hardly ever written in the critical interval of 1929–30. This is curious, because the population was certainly not happy at that point. 1930 was a year of exceptional social unrest which produced at least two “incidents” that we know of today: a small-scale messianic uprising in late December, which is today known as Menemen “incident” (*Menemen olayı*), and a major riot in İzmir.<sup>110</sup> The latter took place in September 1930, when Fethi Okyar, chairman of the newly founded oppositional Free Republican Party (*Serbest Cumhuriyet Fırkası*), visited the city.<sup>111</sup>

Very few files in the refugee fund include copies of individual decisions of the commissions in charge of the property distribution process (*tahsis komisyonları/kararları*). Nonetheless, these few have turned out instructive for a better understanding of the bureaucratic procedure employed on the ground. It has, however, been beyond the scope and interest of the present study to consider larger numbers of these decisions, which are kept in the archives of the directorates for village affairs (*Köy Hizmetleri Müdürlükleri*). A statistical analysis of

109 FO 371/13810/E 916, A.K. Helm, Memorandum on the Present General Position of Turkey, February 10, 1929.

110 For a detailed and insightful discussion of the Menemen incident, see Umut Azak, *Islam and Secularism in Turkey. Kemalism, Religion and the Nation State*. (London: I.B. Tauris) 2010, 21–44.

111 Turgut Hulusi, *Atatürk'ün Sırdaşı. Kılıç Ali'nin Anıları*, (İstanbul: Türkiye İş Bankası Kültür Yayınları) 2005, 269–75.

decisions taken in İzmir has already been provided by Tülay A. Baran.<sup>112</sup> Exchangees' applications for property compensation (*tasfiye talepnameleri*), which were originally filed by the Mixed Commission in Istanbul, became available at the Republican Archive in 2011. This fund (number 130) could only be considered in the form of a very limited, yet instructive, sample.

It is clear from inter-ministerial correspondence in the refugee and Prime Ministry funds that the Ministry of Finance (*Maliye*) played an important, possibly the most important, part in the administration of abandoned property. Some files contain letters written within that ministry, and are used in this study in order to shed light on the relationship between the *Maliye* and the settlement directorate. Pending the (unlikely) opening of the *Maliye*'s archive, however, a full discussion of its role will unfortunately remain impossible.

Minutes of open as well as closed sessions of the Great National Assembly of Turkey (TBMM) have recently become available online, as scans of the 1975 transcribed version of the original publication in Ottoman Turkish.<sup>113</sup> My analysis of parliamentary debates provided here is completely based on these transcribed minutes and cited accordingly. Some laws are available online, while others are cited from the printed *Düstur* collection of laws and regulations.

The chapters of this study focus on different thematic aspects, but are organized, where possible, according to the chronology of the events they discuss. Chapter One deals with the nexus of private property and forced migration and traces the emergence of abandoned property as a problem first, of international relations, and then of domestic affairs in the Ottoman Empire. It also provides an analysis of the numerous laws and regulations issued in the course of the Armenian Genocide. Chapter Two provides an analysis of parliamentary debates

112 See Baran, *Bir*.

113 These can be browsed online at [http://www.tbmm.gov.tr/develop/owa/tutanak\\_dergisi\\_pdfler.meclis\\_donemleri?\\_meclisdonem=0](http://www.tbmm.gov.tr/develop/owa/tutanak_dergisi_pdfler.meclis_donemleri?_meclisdonem=0). I provide the respective sessions' URLs in the footnotes. A list of the URLs is also provided in the list of published sources at the end of this book.

in the Turkish national assembly between 1920 and 1922, whereas Chapter Three traces those debates that took place in İzmir after 1922. Chapter Four discusses the international background of Turkish policies towards abandoned property during the 1920s, namely, the negotiations about the Greco-Turkish population exchange which took place in the course of the Lausanne conference, as well as the follow-up negotiations between the two governments. Chapter Five provides a local case study on the politics of distribution of abandoned property among exchangees, local homeless and Balkan War refugees in İzmir and the surrounding countryside. The Conclusion sums up the findings with regard to five overarching problems: the emergence of abandoned property as a legal concept, the importance of Armenian and Greek property for the establishment of new relationships between state and (Muslim) people, the impact of the population exchange on property distribution policies in Turkey, arguments about the relationship between nation, state and the people, and the conceptualization of land and houses as commodities.



# 1 Forced migration, settlement, and the emergence of “abandoned property” in Ottoman times

On first glance, “*emval-i metruke*” appears to be a rather self-explaining term: it is usually translated as “abandoned property” and “was the official euphemism and established term in Young Turk propaganda to characterize the expropriation of Armenians.”<sup>1</sup> While this is true, there is much more to be said about it: abandoned property was a concept whose meanings changed considerably over time and which were closely bound up with such violent practices as illegal appropriation or state seizure of land, which usually went hand in hand with violence against that land’s owners, workers, and inhabitants.

This chapter is devoted to a discussion of the legal concept and the material practices concerning abandoned property both before and after the Armenian Genocide of 1915. The aim of this discussion is to trace the emergence of abandoned property as a problem and an object of state policies in Ottoman and Turkish history in order to show how notions of property were connected to the emergence of inter-religious conflict, and eventually, forced migration and genocide. If abandoned property was a euphemism – and it certainly was – what did it hide? How was this category of property conceptualized in the Ottoman and Turkish societies? Writing about the Kemalist policies towards Christian property in Turkey, one author has argued that declaring property “abandoned” amounted to declaring it as being state-owned.<sup>2</sup> I principally agree on this point, with the reservation that the conceptualization of abandoned as state-owned did not represent the views of the majority of the Turkish population and society,

1 Polatel and Üngör, *Confiscation*, 6.

2 Lekka, “Legislative”: 140.

but only that of the government. I argue that “abandoned” property, both discursively and materially, was at the heart of major conflicts throughout the first decades of the 20<sup>th</sup> century, and its history therefore can be instructive for a better understanding of the relationship between state and society during that time. This importance did by no means end when most non-Muslims were either expelled or killed and actually extends far into republican history. Specific connotations of “property” and “abandonment” were deeply rooted in two intertwined phenomena of (not only Ottoman) modernity: the experience of forced mass migration and the establishment of private property rights in land.

### 1.1 Property and forced migration

Historically, the establishment of private property rights in land has led to involuntary migration all over the world. The enclosures in England, which made large numbers of rural people landless and thus pushed them to the cities, are but the most prominent example among many. Marx has pointed at the considerable violence that was extorted in order to enforce this “so-called original accumulation” (*die sogenannte ursprüngliche Akkumulation*), which is better described as the “expropriation of the rural population from their land” (*Expropriation des Landvolkes von Grund und Boden*).<sup>3</sup> Once a private property regime (and a financial market) is established, landowners can mortgage their land – and lose it to a creditor once they fail to pay back the loan. In that event, they either become sharecroppers on their former land or are forced to move away. There is substantial evidence that this mechanism of expropriation was at work all over late 19<sup>th</sup> century Anatolia, where it often unfolded along ethno-religious lines: while Armenian peasants in eastern Anatolia lost their land to big Muslim (often Kurdish) landowners (either due to indebtedness or to outright theft), Muslim ones around İzmir and Adana, respectively, often lost

3 Karl Marx, *Das Kapital: Kritik der politischen Ökonomie: Der Produktionsprozeß des Kapitals*, Marx Engels Werke 23 (Berlin: Dietz, 1963), 741–91.

theirs to *Rum* and Armenians.<sup>4</sup> Pre-existing religious identities were thus increasingly bound up with new economic inequalities. In eastern Anatolia, it was arguably not only private property itself, but the fact that the state was not able to guarantee this right (as well as those to dignity and life) that eventually led to disaster: Armenian peasants, unlike their Muslim counterparts, were able to voice their complaints about double taxation, violent attacks on their villages, and the illegal appropriation of their land to the Great Powers from the late 1870s onwards. The “Armenian Question” thus became a problem in the international relations of the Ottoman Empire.

Property relations in the countries of origin were crucial in determining whether migration became permanent or kept a transnational character: We know that those Tatars and Circassians who continued to own property in their homelands (and kept their original citizenship) often traveled to and fro between the Ottoman and Tsarist Empires. Those who had sold their land before their departure, however, were usually not allowed to return.<sup>5</sup> The very times when large-scale forced migration started to become an issue were the same in which zones of high capitalism (such as İzmir and Adana) developed a high demand for labor, which translated into high wages.<sup>6</sup> In and around İzmir, much of this labor was provided by Greek Orthodox people from mainland Greece and the islands, who either migrated permanently or as seasonal workers.<sup>7</sup> Those men who worked as dock work-

4 Stephan H. Astourian, “The Silence of the Land: Agrarian Relations, Ethnicity, and Power,” in *A Question of Genocide: Armenians and Turks at the End of the Ottoman Empire*, ed. Ronald G. Suny, Fatma M. Göçek and Norman M. Naimark, 55–81 (New York: Oxford University Press, 2011).

5 James H. Meyer, “Immigration, Return, and the Politics of Citizenship: Russian Muslims in the Ottoman Empire, 1860-1914,” *International Journal of Middle East Studies* 39, no. 1 (2007).

6 Isa Blumi, *Ottoman Refugees, 1878-1939: Migration in a Post-Imperial World* (London: Bloomsbury, 2013).

7 Omri Paz, “The Usual Suspect: Worker Migration and Law Enforcement in Mid-Nineteenth-Century Anatolia,” *Continuity and Change* 30, no. 2 (2015); Nicolas



ers, boatmen and porters were usually temporary migrants from the Black Sea or from eastern Anatolia. Many of them walked through much of Anatolia in order to make the money they needed to pay their taxes back in the villages.<sup>8</sup> The Armenian Genocide and the ethnic cleansing of the Greek Orthodox population destroyed the Christian part of this workforce, whose lack made itself felt throughout the 1920s. In and around İzmir, it was exchangee migrants, but also impoverished locals from the surrounding countryside who quickly replaced these people as agricultural wage laborers, tenants, and urban workers. The present study provides some insights into this greatly understudied aspect of the population exchange.

### 1.1.1 Land rights and property rights

The Ottoman-Turkish term *emval-i metruke* is not to be confused with *arazi-yi metruke*, which is used in the Ottoman Land Code (henceforth: OLC) of 1858 to refer to commons, i.e. roads and all other stretches of land that were used by all members of a given community, such as pastures.<sup>9</sup> While it is true that these two terms refer to different categories of land and emerged at different times, the word *metruk*, which can be found in both, points at the fundamental tension between notions of the public interest (rights nobody can be excluded from) vs. the interests of either private persons or the state (the right to exclude

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Doumanis, *Before the Nation: Muslim-Christian Coexistence and its Destruction in Late Ottoman Anatolia* (Oxford: Oxford University Press, 2013).

- 8 Florian Riedler, "Armenian labour migration to Istanbul and the migration crisis of the 1890s," in *The City in the Ottoman Empire: Migration and the Making of Urban Modernity*, ed. Ulrike Freitag et al., 160–76 (London, New York: Routledge, 2011).
- 9 "Arazi-yi metrukü iki kısımdır. Biri 'umûm-u nâs için terk olunmuş olan yerlerdir ki târik-i 'âmm bu kabldendir. Bir çarve ve kaçaba veya kurâ ve kaçabâtı müte'addidenîñ umûm ahâlisine terk ve taşşîş olunan yerlerdir ki." OLC, §5. I would like to thank Ahmed Amara (New York University) for providing me with the original Ottoman text of the paragraph. An English translation can be found in F. Ongley, *The Ottoman Land Code. Translated from the Turkish* (London: William Clowes and Sons, 1892), 6.

all others from the use of a piece of land).<sup>10</sup> Depending on the context, *metruk* can mean anything from “estate”, over “ceded by someone for someone else,” to “left behind involuntarily.” Leaving the specifics of their use to local customary law, the Ottoman Land Code acknowledged that roads and pastures (*arazi-yi metruke*) were subject to collective rights that dated from times immemorial. *Arazi-yi metruke* could therefore not be sold, nor could anyone own it individually.<sup>11</sup> In the context of the OLC, it was, however, defined as an exception to the new rule that most land had to be owned individually. Moreover, the paragraph defining the category did not explicitly mention who exactly had “left” the land to the village, and even spoke of places that had been “assigned” (*tahsis olunan*), suggesting that it had been the state, not the community, who had done so.<sup>12</sup> By contrast, *emval-i metruke*, a term that was not used in the OLC, refers to *private* property abandoned by its owners. “Abandonment” implies two things: first, that owners in a given time and place left their property (which brings up the question why they did so) and secondly the idea that legal rights can stay when property owners move away. Paragraph 111 of the Ottoman Land Code, which discussed the handling of property left behind by Ottoman subjects who had taken on citizenship of another state, did not yet subscribe to this idea (in this case, it was not necessarily movement in space, but in identity):

The land of a person who has abandoned the Ottoman nationality does not pass by inheritance to his children, father or mother who are Ottoman or foreign subjects. It becomes vacant by the act, and without seeking the pos-

10 This conceptualization of public vs. private and state use is taken from MacPherson, *Property*, 4.

11 Mundy and Smith, *Governing*, 46.

12 Yaşar Karayalçın, “Kanunlarımız, Doktrin ve Uygulama Açısından Mer'a ve Yaylaklar, ‘Emval-i Metruke’,” *Ankara Üniversitesi Hukuk Fakültesi Dergisi* 32, 1-4 (1975): 62. Interestingly, Karayalçın discusses both pastures and abandoned property in his article, thus suggesting at least some conceptual proximity between the two.

sessors of the right to Tapu it is put up to auction and given to the candidate.<sup>13</sup>

This rule was changed in 1867, when foreign subjects were given the right to own land in the Ottoman Empire (which they had done anyway, but only through proxies, up to that point).<sup>14</sup> If it had stayed in place, it would have rendered the very idea of abandoned property obsolete: Most of the Armenians and Ottoman Greeks (*Rum*) who left Anatolia between 1912 and 1922 acquired the citizenship of another country, and thus would have automatically lost their property rights in Turkey. Many among the more privileged ones even held dual citizenship.

This, of course, is a contra-factual argument that I make only in order to stress that property regimes form a vital part of the social context in which forced migrations took place.

The land discussed in §111 of the OLC belonged to the category of *miri* land. Prior to the 19<sup>th</sup> century, this meant that full ownership to the land belonged to the sovereign, which granted usage rights to individuals or groups, often to several at once (for instance, one person or group would be allowed to work the land, while another would be allowed to let sheep graze there after the harvest). These rights were granted by the issuing of *tapu* documents, and the act with which these limited rights were granted was called *tefviz*. Individuals could not sell land to each other. Over the course of the 18<sup>th</sup> century, *tapus* came to be seen as documents of full ownership, and it became common to sell land – the Land Code of 1858 eventually legalized this practice. It did, however, only grant full ownership (*mülk*) on the condition that land was continuously worked. Owners had to make sure that their land was worked, otherwise they lost their titles after a period of three years. Previously worked land whose title had fallen back

13 Ongley, *Ottoman*, 59–60. By 1282/1867, it became possible for foreign subjects to own and inherit land in the Ottoman Empire.

14 Attila E. Aytakin, “Agrarian Relations, Property and Law: An Analysis of the Land Code of 1858 in the Ottoman Empire,” *Middle Eastern Studies* 45, no. 6 (2009): 939 (accessed March 11, 2015).

to the Treasury was called *mahlul*. Land that had never been cultivated before was called *mevad*. The Land Code was intended to encourage cultivation and therefore granted rights to people who first took *mevad* land under cultivation.<sup>15</sup> As a liberal state that respected private property rights, the late Ottoman state could freely dispose only of *mahlul*, *mevad* and *emiriye* land (private property of the sultan). All other land was either *miri* land to which private property rights had been granted or subject to customary and/or collective rights (*metruk*) or part of pious endowments (*mevkuf*). As we shall see, such existing rights were often violated in the course of refugee settlement.

Historically, the concept of abandoned property is bound up with two phenomena of modernity: Forced mass migration and the establishment of private property rights in land, both of which started to affect the rural population of the Ottoman Empire almost simultaneously, during the second half of the 19<sup>th</sup> century. This chapter is devoted to the peculiar interconnection between mass immigration and conflicts in land in Anatolia from the 1860s onwards. The first section discusses the nexus of property and mass migration, paying special attention to the question if and how mass migration and notions of property may have mutually influenced each other.

As far as immigration to the Empire is concerned, the sheer (and enormous) number of refugees who poured into the empire in general and Anatolia in particular do not suffice to explain the scarcity of

15 For the emergence of private ownership in land, see Richard Samirez' study in Mundy and Smith, *Governing*. A discussion of the changing meaning of *tapu* rights and documents can be found in Anton Minkov, "Ottoman Tapu Title Deeds in the Eighteenth and Nineteenth Centuries: Origins, Typology and Diplomats," *Islamic Law and Society* 7, no. 1 (2000). On early forms of private ownership (*mülk*) in land, see Halil İnalçık, "Land Possession Outside the Miri System," in *An Economic and Social History of the Ottoman Empire: 1300–1600*, ed. Halil İnalçık, 120–31 (Cambridge: Cambridge University Press, 2005). A general discussion of land rights in the Ottoman Empire and beyond can be found in Roger Owen, ed., *New Perspectives on Land and Property in the Middle East* (Cambridge, Massachusetts: Harvard University Press, 2000); Huri İslamoğlu, ed., *Constituting Modernity: Private Property in the East and West* (New York: I.B. Tauris, 2004).

settlement land, and the emergence of land conflicts between refugees and locals. Rather, the arrival of the refugees coincided with (and probably in many places accelerated) the registration of land according to the OLC of 1858. Refugee settlement and distribution of land to them took place in the context of an all-encompassing negotiation between customary, and often overlapping, rights in land and the new requirements for clear-cut, taxable ownership. These conflicts were increasingly interpreted with reference to concepts of ethnicity, an aspect that may be called the ethnification of property conflicts, and, as I will argue, forms the ideological prerequisite for later perceptions of abandoned property.

The second part of the chapter deals with state policies and laws for abandoned property issued between 1901 and 1918. These policies were characterized by the evolution from a rather need-oriented policy of distribution to refugees (usually for free) to one that prioritized the sale and liquidation of assets in order to fill the coffers of the state. The laws for abandoned property also display an intriguing tendency to develop distinct policies for property owned by members of certain ethno-religious groups. My main argument here is that these laws display the very same tendency one can observe in the land conflicts of the late 19<sup>th</sup> century: an increasing disrespect of customary rights and practical value, paired with an ethnification of property conflicts. Moreover, the development from distribution for free to sale brought about a tension within the logic of a “national economy”, bringing up the question of the relationship between “the nation” and “the state.”

### **1.1.2 The international dimension**

The emergence of abandoned property as a legal and political concept (at least in the Ottoman Empire) is a result of modern forced mass migration, or, to use an anachronistic term, ethnic cleansing.<sup>16</sup> At

16 “Ethnic cleansing” only became prominent as a political term during the Yugoslav Wars of the 1990s. I have chosen to use the term here because it has the advantage (over “massacre” or simply “forced migration”) to focus on the intention of the perpetrators, rather than on their means. For a critical discussion of the term, see

first, such forced migration mainly affected Muslims. The very first Muslim refugees who came from the Crimea and the Danube Principalities to the Ottoman Empire in the late 18<sup>th</sup> and early 19<sup>th</sup> century might still have come by their own free will, wishing to live in a Muslim land rather than under Christian rule.<sup>17</sup> Most of the later arrivals, however, came because they had no other choice. From the Greek War of Independence onwards, large-scale seizure or destruction of property was a regular feature of the wars these people escaped from, and one of the reasons why they could not or didn't dare to return. Even when violence merely worked as a threat and left time for preparations, it often had the effect that people sold their property at very low prices before they fled or migrated to another place. Therefore, the stipulations I shall discuss in the following need to be taken with more than just a pinch of salt. They certainly were little more than products of the European diplomats' rather idealistic ideas, negotiated in the face of conditions that clearly contradicted them. That said, it is all the more interesting to note that these ideals nevertheless display considerable change over the course of the 19<sup>th</sup> century.

Tellingly, the first international document to mention property in formerly Ottoman territories is the protocol signed on April 4, 1826, by representatives of Great Britain and Russia, which paved the way for the subsequently established of the first post-Ottoman nation-state: the Kingdom of Greece, four years later. After laying out general principles regarding the future government of Greece (as an autonomous, but not independent territory), the protocol suggested that

in order to effect a complete separation between individuals of the two nations, and to prevent the collisions which must be the necessary consequence of a contest of such duration, the Greeks should purchase the prop-

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Norman M. Naimark, *Fires of hatred: Ethnic cleansing in twentieth-century Europe* (Cambridge, Mass: Harvard University Press, 2002).

17 See Mehmet Yılmaz, "Policy of Immigrant Settlement of the Ottoman State in the 19th Century," in *The Great Ottoman-Turkish Civilisation: Economy and Society*, vol. 2, ed. Kemal Çiçek, 594–608: Yeni Türkiye, 2000), 595.

erty of Turks, whether situated on the continent of Greece or in the islands.<sup>18</sup>

Measured against the standards of diplomatic language, the mentioning of “collisions” in this declaration of intent must have been a rather blunt acknowledgment of the ongoing violence in the Morea. Interestingly, not only ethno-religious separation, but also purchase of property (apparently between individuals) was suggested as a remedy to the ongoing war: sales were considered as a kind of guarantee for the permanence of emigration. Article 7 of the Treaty of Constantinople of July 12, 1832 signed by France, Great Britain, the Tsarist, and the Ottoman Empire (which determined the future boundaries of Greece), eventually accorded a period of 18 months for the sale of estates to “such individuals as may desire to quit” the future territory of Greece. The same article stipulated that a commission of arbitration was to oversee the process, “causing the sales to be effected at a fair price.”<sup>19</sup> While the case of Greece is quite poorly documented, it is clear that only a minute Muslim population remained after the war.<sup>20</sup> It has been estimated that almost the complete Muslim population of the Morea, which numbered about 20,000, was killed.<sup>21</sup> It therefore seems doubtful that anyone was able to make use of this regulation by selling their property.

18 Thomas E. Holland, ed., *The European Concert in the Eastern Question: A Collection of Treaties and Other Public Acts, ed. with Introduction and Notes*, 2nd ed. (Aalen: Scientia, 1979), 5.

19 Holland, *European*, 16. The previous Protocol of London, which had been signed by Great Britain, France and Tsarist Russia on February 3, 1830, and accepted by the Porte on April 24<sup>th</sup>, had suggested that almost identical terms (one year) for sales would also apply to Greeks who wished to emigrate from the Ottoman Empire to Greece. *Ibid.*, 30.

20 Fuat Dündar, *İttihat ve Terraki'nin Müslümanları İskan Politikası (1913– 1918)* (Istanbul: İletişim, 2001), 145–46.

21 Justin McCarthy, *Death and Exile: The Ethnic Cleansing of Ottoman Muslims 1821–1922* (Princeton, NJ: The Darwin Press, 1995), 12.

### 1.1.3 The 1870s

The next treaty to mention refugees' property rights was the short-lived Treaty of San Stefano, which ended the Russo-Turkish war of 1877–78. It included provisions for eastern Anatolia very similar to those negotiated for Greece in 1826: Muslims living in the districts of Kars, Ardahan and Batum (which were ceded to the Tsarist Empire) and wanted to leave for Ottoman territory were granted three years' time for the sale of their property. Anyone present after that time was to be considered a subject of Russia.<sup>22</sup> The rules for the Balkans were different: The regulations for Serbia (Art. 4) and the new principality of Bulgaria (Art. 11) stated that Muslims who held lands within those territories could "preserve their real property by having them farmed out or administered by others."<sup>23</sup> The Treaty of Berlin made similar declarations for Bulgaria, Montenegro, and Serbia.<sup>24</sup> Absentee ownership across borders became possible.

Both models certainly were little more than declarations of good-will in the face of wide-spread expulsion, seizure and destruction of property. It is, however, interesting to note that they approached the matter at hand differently: the earlier regulation for Greece, as well as the provisions of 1878 for Tsarist Russia, obscured the *fait accompli* of expulsion and loss of property, pretending that people were still present and thus able to sell their property, and to emigrate by their own free will. Both treaties' negotiators apparently assumed that anyone migrating from a place lost their property rights there by virtue of his or her physical absence. Things were very different with respect to the Balkans: The Treaty of San Stefano, as well as its successor, the Treaty of Berlin, admitted that expulsions had taken place, but insisted on the possibility that migration not necessarily have to result in the loss of property rights. There might have been practical reasons for this

22 Art. XXI of the Treaty of San Stefano. Holland, *European*, 345. This last point suggests that Tsarist Russia was more interested in gaining territory (and population!) than in the ethno-religious composition of this territory's population.

23 Art IV of the Treaty of San Stefano, *ibid.*, 338.

24 Art. 12 (Bulgaria) Art 30 (Montenegro), Art. 39 (Serbia). *Ibid.*, 286.



shift towards absentee ownership, and even technological ones (such as the introduction of the telegraph, which greatly facilitated far-distance communication). Whatever these reasons may have been, they effectively introduced a distinction between the physical movement of people and their legal presence as property owners, even across borders. Enjoyment of property rights in the sense of receiving revenues was certainly only applicable to large landowners. As the Balkans were more economically developed than eastern Anatolia and included areas that were very much part of world markets, it might be this point (and lobbying activities of big landowners, or possibly their creditors) that led to the introduction of the absentia-rule in the treaty.<sup>25</sup> Moreover, Tsarist Russia was still a multi-ethnic empire, while the new states on the Balkan were nation-states. Even more than other historical cases of legislation that banned aliens from property-ownership, the absentia rule can be seen as an elegant solution to the perpetual conflict between the twin ideologies of nationalism and liberalism:<sup>26</sup> It facilitated the physical removal of people by protecting their property rights on a given territory.

This accommodation, however, was mostly theoretical. Throughout the early 1880s, questions of property restitution to Muslim citizens (who had indeed returned) and absentee landownership became a frequent subject of diplomatic correspondence, marring the relations between the Ottoman Empire and the new Balkan nation states, and

25 Isa Blumi goes so far as to suggest that European and North American banking interests may have played a part in Great Power support for the creation of Balkan nation states: Blumi, *Ottoman*, 20–30.

26 “On a conceptual level this [legal limits for property ownership by foreign citizens] may reflect some kind of an accommodation between nationalism, whose basic attitude towards land as a place – a homeland belonging to the nationals – made its thinking often blur the distinction between sovereignty and ownership, and liberalism, in which land is perceived as alienable property to be freely traded in the market place.” Stanley M. Engermann and Jacob Metzger, “Some Considerations of Ethno-Nationality (and Other Distinctions), Property Rights in Land, and Territorial Sovereignty,” in *Land Rights, Ethno-Nationality, and Sovereignty in History*, ed. Stanley M. Engermann and Jacob Metzger, 7–28 (London: Routledge, 2004), 10.

discouraging many Muslims from returning to their homes.<sup>27</sup> The national laws passed often contradicted the high-flying promises made on an international level, and in some instances resembled later Turkish legislation. A regulation issued in Bulgaria in 1879 allowed municipalities to assign abandoned houses for public use and also to have them appraised and purchase them to these rather low prices. The owners had a month to protest against this procedure. After that month, the houses were sold, and the sums obtained were only paid to those owners who managed to return within a period of three years. 20 percent of this sum had to be paid for “road construction.” Property not claimed within eight years was to be transferred to the municipality. The regulation was revoked in 1880, and property was given back to those returning refugees who could produce title deeds.<sup>28</sup> In Serbia, it was a law for agrarian reform that made it difficult for absentee landlords to reclaim their land. As many as 5000 landlords jointly commissioned a proxy to act on their behalf, only to find out that the sums paid as compensation for expropriated land were disappointingly low.<sup>29</sup>

The numbers of refugees, casualties, and returnees during and after the Russo-Turkish war to this day remains a highly politicized issue, and it goes beyond the scope of the present study to discuss them here. However, it is important to note that Turkish scholarly works tend to gloss over the relative improvement of the situation after 1880,

27 See Wolfgang Höpken, “Flucht vor dem Kreuz? Muslimische Emigration aus Südosteuropa nach dem Ende der osmanischen Herrschaft (19./20. Jahrhundert),” *Comparativ: Leipziger Beiträge zur Universalgeschichte und vergleichende Gesellschaftsforschung* 6, no. 1 (1996): 6.

28 M. Schefer, Agent Diplomatique de France a Sophia, a M. de Freycinet, president du conseil des ministres et ministre des affaires etrangeres, 31. Juillet 1880, in: Bilal N. Şimsir, ed., *Rumeli'den Türk Göçleri - Belgeler III* (Ankara: Türk Tarih Kurumu, 1989), 281. Nedim İpek cites the document extensively, failing to mention that the law in question had been revoked. See Nedim İpek, *Rumeli'den Anadolu'ya Türk Göçleri (1877–1890)* (Ankara: Türk Tarih Kurumu, 1994), 144–45.

29 Şimsir, *Rumeli'den*, 398.

understating the number of those who actually returned.<sup>30</sup> A recent study of relations between Muslims and Christians in what was to become the principality of Bulgaria (i.e. including Eastern Rumelia, which was de facto included in 1885) suggests that great numbers of Muslims indeed returned. Many landowners among them encountered serious difficulties in collecting the rent due for their land. Muslim peasants in Eastern Rumelia were confronted with the replacement of the tithe by a fixed property tax which they were often unable to pay. According to Anna Mirkova, it was the introduction of this tax which eventually forced many rural Muslims to sell their land and migrate (again) to the Ottoman Empire. Interestingly, she also mentions that many Christians from Eastern Rumelia chose to emigrate to the Bulgarian principality for the same reason.<sup>31</sup> A change in rural taxation thus forced both Muslims and Christians to leave Ottoman Eastern Rumelia, but both groups chose different destinations for their migration.

The idea that property could be liquidated in the name of owners who had already emigrated seems to have first come up in the course of the Ottoman cession of Crete to the British in 1875. A special commission was set up in order to liquidate the property left behind by Cretans who had left for Anatolia.<sup>32</sup> At the end of the Second Balkan War, the peace treaty concluded between Greece and the Ottoman

30 Nedim İpek speaks of 1,3 million who migrated during the war, calculating the numbers of returnees (about 200,000) according to Ottoman figures only. See İpek, *Rumeli'den*, 129. Justin McCarthy speaks of 1,5 Muslims in the pre-war provinces of Tuna and Edirne, 500,000 of whom ended up as refugees in the Ottoman empire. He also cites the 1887 Bulgarian census, which recorded 672,215 Muslims in Bulgaria. See McCarthy, *Death*.

31 See Anna M. Mirkova, "Land Ownership and Modernization in the Transition from Imperial Ottoman to National Bulgarian Rule (1879-1908)," (unpublished PhD dissertation, University of Michigan, 2006).

32 On the work of the 1897 refugee commission, see Mehmet Yılmaz, "Policy of Immigrant Settlement of the Ottoman State in the 19th Century," in *The Great Ottoman-Turkish Civilisation: Economy and Society*, ed. Kemal Çiçek, 594–608 2 (Ankara: Yeni Türkiye, 2000), 598.

Empire (known as the Treaty of Athens) stipulated that the Muslim residents of territories ceded to Greece (i.e. Western Thrace) had a period of three years to opt for either state's citizenship. Those who chose Ottoman citizenship had to leave the country, but were allowed to keep their property rights to land.<sup>33</sup>

## 1.2 Migration and refugee settlement in the 19<sup>th</sup> century

During its time of expansion in the Balkans, the Ottoman state regularly settled Muslims in newly conquered territories and along borders, thus making sparsely populated areas more secure and bringing up the ratio of Muslims. In some cases, groups and families were exiled in this way.<sup>34</sup> Scholarly works on this period do not mention any land conflicts with the existing population, and there is no reason to believe that emigration from these territories was encouraged. Migration within the empire, however, was a serious problem and posed a threat to food production. The period of almost incessant warfare during the 17<sup>th</sup> century brought about economic hardships for the rural population, causing it to leave their villages and migrate to the towns and cities of the empire. Abandonment of land became widespread, and state policies aimed (without much success) at bringing people back to their places of origin.<sup>35</sup> By the 1770s, the first territorial losses to Russia on the Crimea brought about the as yet unfamiliar experience of Muslim immigration. These first Muslim refugees (who were relatively few in numbers) have left no trace in the archives, leading scholars to believe that their settlement, usually in close proximity to their places of origin, must have proceeded rather

33 Stephan Ladas, *The Exchange of Minorities: Bulgaria, Greece and Turkey* (New York: MacMillan, 1932), 403.

34 See Yusuf Halaçoğlu, "Colonisation and Inhabitation," in *The Great Ottoman-Turkish Civilisation: Economy and Society*, vol. 2, ed. Kemal Çiçek, 577–83 (Ankara: Yeni Türkiye, 2000).

35 Ibid.

smoothly and without much state interference.<sup>36</sup> (They might just as well have starved to death.)

Up to the 19<sup>th</sup> century, the Ottoman Empire was characterized by a relative abundance of land, combined with a relative lack of manpower.<sup>37</sup> Immigrants (usually rather small groups such as the Spanish Jews), or deserters from Tsarist Russia<sup>38</sup> were welcome, while emigration (which would have aggravated the manpower problem, hampered agricultural production and thus diminished tax revenue) did not take place in considerable numbers until the 1890s, when the Hamidian massacres triggered emigration to the United States (missionary contacts probably facilitated emigration there). Rifat Bali cites a total number of 64,000 Armenians and less than 10,000 Jews who emigrated from the Ottoman Empire to the United States between 1890 and 1914.<sup>39</sup>

The migration of Muslims from the Morea is equally ill-documented. It was only after the Crimean War, in the context of the Russian advances in the North Caucasus, that large-scale Muslim immigration took place. At some point in the late 1850s, the Tsarist and Ottoman governments agreed on a limited migration of North Caucasian Muslims, originally expecting only about 40,000 to move. In the face of further Russian advances and large-scale expulsions of the Muslim population, this number soon became obsolete, and the Ottoman

36 Abdullah Saydam, "The Migrations from Caucasus and Crimea and the Ottoman Settlement Policy (1856-1876)," in *The Great Ottoman-Turkish Civilisation: Economy and Society*, vol. 2, ed. Kemal Çiçek, 584–93 (Ankara: Yeni Türkiye, 2000).

37 Meltem Toksöz, *Nomads, Migrants and Cotton in the Eastern Mediterranean* (Leiden, Boston: Brill, 2010), 73.

38 Will Smiley, "The Burdens of Subjecthood: The Ottoman State, Russian Fugitives, and Inter-Imperial Law, 1774-1869," *International Journal of Middle East Studies (IJMES)* 46, no. 1 (2014).

39 For Greeks, he gives the number of 78,262 who came to the US between 1900 and 1923 (plus much higher numbers after that). About 22,000 immigrants arriving in the United States between 1900 and 1925, most of them males, identified themselves as Turkish. Rifat Bali, "From Anatolia to the New World: The First Anatolian Immigrants to America," *International Journal of Turkish Studies* 12, 1&2 (2006): 55–59.

state set up a special commission for refugee relief and settlement, the *muhacirin komisyonu*, in 1860. Located in Istanbul, it did not have branches in the provinces, but officials would travel to settlement regions occasionally.<sup>40</sup> From the 1860s onwards, more than a million North-Caucasian Muslims (known as Çerkes/Circassians in Turkish) poured into the Empire.<sup>41</sup> According to Kemal Karpat, both governments negotiated some kind of limited population exchange which foresaw the emigration of Christians from Kars in the late 1850s or early 1860s. However, few Ottoman subjects were willing to go, while some who did emigrate soon decided to return.<sup>42</sup> Return migration also occurred among Muslims from the Caucasus and the Crimea. The Tsarist authorities allowed this on the condition that the returnees still owned land that they could return to.<sup>43</sup> Chochiev and Koç mention that 300 refugee families were settled in houses that had been left behind by the Greek population of the district of Kars in 1860.<sup>44</sup> These may have been part of the few families who had agreed to leave for the Tsarist Empire (and may also have decided to return later on).

40 Mehmet Yılmaz, "Policy of Immigrant Settlement of the Ottoman State in the 19th Century," in *The Great Ottoman-Turkish Civilisation: Economy and Society*, ed. Kemal Çiçek, 594–608 2 (Ankara: Yeni Türkiye, 2000), 596. For a detailed study of the commission's work, see David C. Cuthell, "The Muhacirin Komisyonu: An Agent in the Transformation of Anatolia, 1860– 1866," (PhD thesis, Columbia University, 2005).

41 Erik J. Zürcher, *Turkey: A Modern History*, New rev. ed. (London New York: I.B. Tauris, 1998), 81.

42 Kemal Karpat, *Ottoman Population 1830-1914: Demographic and Social Characteristics* (London: University of Wisconsin Press, 1985), 68.

43 Meyer, "Immigration."

44 Georgi Chochiev and Bekir Koç, "Migrants from the North Caucasus in Eastern Anatolia: Some Notes on their Settlement and Adaptations," *Journal of Asian History*, no. 40 (2006): 83.

## 1.3 Migrations from the North Caucasus

### 1.3.1 Settlement in western Anatolia and the Balkans

Although eastern Anatolia would have been closer to their homelands, most Circassians were settled in the Balkans and western Anatolia, where economic conditions were more favorable and the grip of the state was tighter. Moreover, the Tsarist government strongly opposed settlement of Caucasian refugees in eastern Anatolia. In 1867, the Porte agreed not to settle them east of a line extending roughly from Samsun in the north through Amasya and Tokat, to Erzincan.<sup>45</sup> Large-scale refugee settlement in eastern Anatolia was therefore delayed for several years.

Most Circassians came to Anatolia and Rumelia by boat. Upon their arrival in the port-cities of the Black and Aegean Sea, many of them were half-dead. Their numbers greatly exceeded the capacities of the local authorities for relief efforts. The diseases that they brought with them – among them the plague – posed serious public health problems.<sup>46</sup> The central government was concerned about the possibility of inter-communal strife and therefore explicitly ordered that settlement of Circassians in close proximity to Christian settlements be avoided.<sup>47</sup> Land conflicts between refugees and locals started as early as the 1860s in northwestern Anatolia, and the migrants' arrival aggravated pre-existing struggles. Much of the land that was first considered "empty" and therefore earmarked for refugee settlement later

45 Chochiev and Koç, "Migrants": 86.

46 Musa Şaşmaz, "Immigration and Settlement of Circassians in the Ottoman Empire in British Documents," *Osmanlı Tarih Araştırmaları Merkezi* (1999).

47 Abdullah Saydam, "The Migrations from Caucasus and Crimea and the Ottoman Settlement Policy (1856-1876)," in *The Great Ottoman-Turkish Civilization: Economy and Society*, vol. 2, ed. Kemal Çiçek, 584–93 (Ankara: Yeni Türkiye, 2000), 589; Yücel Terzibaşoğlu, "Land Disputes and Ethno-Politics: North-Western Anatolia, 1877-1912," in *Land Rights, Ethno-Nationality, and Sovereignty in History*, ed. Stanley M. Engermann and Jacob Metzer, 153–80 (London: Routledge, 2004), 163.

turned out to be anything but that: it was either registered in the name of absentee landlords or was subject to customary rights of local villagers and nomads.<sup>48</sup> Therefore, many refugees received too little or very infertile land.<sup>49</sup> Others seem to have been given land, but not the means to work it: in September 1864, the British consul in İzmir reported on fears among the local population that refugees who lacked permanent housing, seeds and agricultural implements were likely to turn to robbery for a living.<sup>50</sup> There are reports from north-western Anatolia about refugees who forcefully seized land from their neighbors in the 1860s.<sup>51</sup> Even more optimistic authors agree that all available land had been distributed by the 1890s.<sup>52</sup> It was also around this time that the earlier principle to avoid refugee settlement in close proximity to Christian villages was abandoned for its exact opposite. From then on, and particularly during and after the Balkan Wars, refugees were deliberately settled in Christian villages.<sup>53</sup> The Balkan refugees' traumatization and their desire for revenge has often been identified as the beginning of the end of inter-communal cohabitation in western Anatolia. Arnold Toynbee, who traveled in western Anatolia during the Greco-Turkish war, wrote:

The arrival of the Rumelian refugees from the end of 1912 onwards produced an unexampled tension of feeling in Anatolia and a desire for revenge; and so the Balkan War had two harvests of victims: first, the Rumeli

48 See Terzibaşoğlu, "Land": 163–69.

49 Ibid., 163.

50 Şaşmaz, "Immigration": 351.

51 Yücel Terzibaşoğlu, "Land Disputes and Ethno-Politics: North-Western Anatolia, 1877-1912," in *Land Rights, Ethno-Nationality, and Sovereignty in History*, ed. Stanley M. Engermann and Jacob Metzger, 153–80 (London: Routledge, 2004), 166.

52 Mehmet Yılmaz, "Policy of Immigrant Settlement of the Ottoman State in the 19th Century," in *The Great Ottoman-Turkish Civilisation: Economy and Society*, vol. 2, ed. Kemal Çiçek, 594–608 (Ankara: Yeni Türkiye, 2000), 602.

53 Yücel Terzibaşoğlu, "Land Disputes and Ethno-Politics: North-Western Anatolia, 1877-1912," in *Land Rights, Ethno-Nationality, and Sovereignty in History*, ed. Stanley M. Engermann and Jacob Metzger, 153–80 (London: Routledge, 2004), 163.



Turks on the one side, and then the Anatolian Greeks on the other.<sup>54</sup>

### 1.3.2 Eastern Anatolia

The situation in eastern Anatolia was even worse. Whole books have been written and continue to be written about the vicious circle of events that was (certainly unintentionally) set off in the 1830–40s, when Istanbul destroyed the traditional power structures in the area, thus creating a dangerous, and ultimately disastrous, power vacuum. The occupation of southern and eastern Anatolia by Muhammed Ali of Egypt was ended with the help of the Kurdish dynasties that had traditionally ruled the area in 1839. The Ottoman state then proceeded to crush the Kurds, but was unable to establish more than a very unstable and precarious direct rule in the area. The power vacuum left by the great Kurdish dynasties was filled by various smaller warlords and religious leaders (*sheikhs*) whose attacks and illegal taxation of the (Muslim and Christian) sedentary population would become notorious over the course of the 19th century.<sup>55</sup> The OLC of 1858 made matters worse, as it turned land into a commodity that soon became the object of land-grabbing and outright theft. The nomadic or semi-nomadic warlords started to appropriate peasant land by various, mostly illegal, and often violent means, reducing many to mere sharecroppers on the land they had owned.<sup>56</sup> It goes beyond the purpose of this study to explain the deadly cocktail of limited state control, increasing state demands for taxes and soldiers, peasant demands for security, and the commodification of land that were at work there.<sup>57</sup>

54 Arnold Joseph Toynbee, *The Western Question in Greece and Turkey* (London: Constable, 1923), 139.

55 See Martin van Bruinessen, *Agha, Shaikh and State: The Social and Political Structures of Kurdistan* (London, New York: Zed Books, 1992); David McDowall, *A Modern History of the Kurds*, 3rd ed. (London: I.B. Tauris, 2004).

56 See Janet Klein, *The Margins of Empire: Kurdish Militias in the Ottoman Tribal Zone* (Stanford: Stanford University Press, 2011), 128–52.

57 For a longue durée study of this topic, see Hans-Lukas Kieser, *Der verpasste Friede: Mission, Ethnie und Staat in den Ostprovinzen der Türkei 1839-1938* (Zürich: Chro-

For the purpose of this study, suffice it to say that conflicts over land rights were already common when the first refugees arrived there. As mentioned above, refugee settlement in eastern Anatolia came to a halt after the agreement with Russia in 1867. It was only in the late 1870s, after the disastrous defeat in the latest Ottoman-Russian war, and in the midst of the next major migration waves from the Caucasus and the Balkans, that the Ottoman state made serious attempts at settling refugees in eastern Anatolia. This time, it was not only Circassians from the Caucasus, but also Circassian refugees previously settled in Rumelia that had been uprooted a second time during the 1877–78 war with Russia. The *muhacirin komisyonu* was dissolved in 1877, apparently shortly before the war broke out, and was replaced by a new “commission for the administration of immigrants” (*İdare-i Umumiyye-i Muhacirun Komisyonu*) which was set up in the same year. This time, provincial and district branches were established.<sup>58</sup> Previous agreements with Russia about the exception of eastern Anatolia from settlement schemes became obsolete with the 1877–78 war, and refugees were sent there. Taking place during and after the Berlin conference, refugee settlement in the area was highly politicized, attracting considerable attention on the part of the Great Powers. Settlement of Balkan refugees (many of whom were originally from the North Caucasus) was especially unpopular: “(n)o one, Muslim or Christian, wanted a Circassian settlement in their district.”<sup>59</sup> Armeni-

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nos, 2000). The nexus of growing tax demands and limited state control is discussed in Özbek, “Politics” and Stephan H. Astourian, “The Silence of the Land: Agrarian Relations, Ethnicity, and Power,” in *A Question of Genocide: Armenians and Turks at the End of the Ottoman Empire*, ed. Ronald G. Suny, Fatma M. Göçek and Norman M. Naimark, 55–81 (New York: Oxford University Press, 2011).

58 Mehmet Yılmaz, “Policy of Immigrant Settlement of the Ottoman State in the 19th Century,” in *The Great Ottoman-Turkish Civilisation: Economy and Society*, ed. Kemal Çiçek, 594–608 2 (Ankara: Yeni Türkiye, 2000), 597.

59 McCarthy, *Death*, 47–48. There is no reason to believe that the Muslim population was happy about the prospect of refugee settlement among them either. However, the Armenians of eastern Anatolia were the first local community who succeeded

an protests against refugee settlement were taken up by the Great Powers. According to Chochiev and Koç, these objections in turn led the Ottoman government to almost completely abandon the idea in 1879.<sup>60</sup> Other studies, however, suggest that settlement in the area continued in the following years.

As in western Anatolia, land turned out to be much less abundant than it had first seemed. The settlement agencies might have reasoned like a British official who failed to understand the principle of extensive agriculture in 1879: reporting about the area around Maraş, he complained that existing villages were cultivating “enormous tracts of land,” refusing to give any of it up for the refugees, instead preferring to use “different pieces different years”. The same report mentioned that refugees were not given any assistance in establishing new villages, and were lacking the most basic means for establishing new livelihoods.<sup>61</sup> The local sedentary population, however, had good reasons to be hostile towards refugee settlement since the state, itself always short of money, demanded them to help out the new arrivals while they themselves lived on meager local resources. Although officially illegal, seizure of local infrastructure for refugee relief was rather common, and took place even during the harvest, thus jeopardizing food security.<sup>62</sup> A British report about the famine of 1879–80 in eastern Anatolia named the “arrival of large bodies of refugees” as one of the reasons.<sup>63</sup>

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at bringing their grievances to the attention of the international public; therefore their complaints remain the most audible.

60 Chochiev and Koç, “Migrants”: 88.

61 Lieutenant Chermiside, November 1879, in: David Gillard, ed., *The Ottoman Empire in Asia, 1860–1880, British Documents on Foreign Affairs: Reports and Papers from the Foreign Office Confidential Print. Pt. 1: From the Mid-Nineteenth Century to the First World War Pt 1, Series B, vol. 6* (Frederick, Md: Univ. Publ. of America, 1984), 372.

62 Chochiev and Koç, “Migrants”: 96.

63 Tenterden, Foreign Office, May 21, 1880, cited in Gillard, *Ottoman*, 373.

### 1.3.3 Emigration from the Ottoman Empire prior to 1900

Emigration from the Ottoman Empire was rather uncommon for a long time, traditionally being perceived as a threat to the economic prosperity of the state. First reports of non-Muslim emigration from north-western Anatolia date from the late 1860s and were probably written in the context of the above-mentioned agreement between the Ottoman and Tsarist Empires. At this point the Ottoman Tanzimat reforms had resulted in the imposition of new taxes, which many peasants and tenants were unable to pay. Tsarist Russia, having expelled many Muslim inhabitants of the North Caucasus, and eager to settle Christians in the vacated lands, started to encourage the Christian population of northeastern Anatolia to immigrate.<sup>64</sup> Nedim İpek, who doesn't mention an exchange agreement with Russia, cites an Ottoman report about the situation in Giresun, where many Christian people were eager to emigrate. The report suggested that the state distribute empty land to them for free, and, if necessary, expropriate land that exceeded the needs of its owners for that purpose.<sup>65</sup> In some cases, non-Muslims who had emigrated to Russian Caucasia only to find that the living conditions there were worse, actually returned to their places of origin. İpek cites the case of emigrants from a village in Sivas who successfully reclaimed their property (which in the meantime had been seized by Caucasian refugees) upon their return.<sup>66</sup>

It is hardly possible to distinguish between economic conflicts and security issues: Many of the Armenian complaints about Kurdish and Circassian violence included reports about illegal land appropria-

64 Nedim İpek, *İmparatorluktan Ulus Devlete Göçler* (Trabzon: Serander, 2006), 284.

65 Ibid., 285. Hacı Yusuf Efendi'nin hazırladığı rapor, BOA MV, Nr. 21649. The case suggests that empty land, just like in northwestern Anatolia, was in shorter supply than the central authorities thought.

66 Ibid., 287. (Sivas Dereköy'e dönenler Kafkas göçmenlereince zapt olunan mesken ve emlaklerini geri alabildiler. BOA, AD, Nr. 1141/70-2: Muhacirin Komisyonuna tezkere, 30 Ağustos 1869.) The special mention of their success actually suggests that other returnees were not as lucky.

tion.<sup>67</sup> Moreover, refugees were not necessarily perpetrators, but further complicated the picture. Chochiev and Koç cite the case of an Armenian village by the name of Hamzaşeyh/Lapbudak in the province of Muş whose population, intent on migrating towards the Russian border in 1893, hired the Caucasian refugees from a neighboring village as an armed escort for their trek. The refugees not only successfully protected the villagers from the raid of a neighboring Kurdish tribe, but proceeded to take over the Armenians' village, thus profiting twice from the conflict between the two other groups. The case later culminated in a feud between the refugees and the Kurds.<sup>68</sup> It illustrates that conflicts did not only run along the lines of religious and ethnic affiliation, but more importantly along the divide between sedentary and nomadic communities. In this particular case one might even say that the Muslim refugees not only "inherited" their neighbors' village, but also their conflict with the Kurdish nomads. According to Justin McCarthy, emigration of Armenians from insecure and poor areas became rather common during the 1890s, despite government attempts at discouraging it.<sup>69</sup> He even mentions that some Armenian peasants spread rumors of their imminent departure in order to keep the government from settling refugees in their villages.<sup>70</sup> Though over-taxation, lack of security, and exploitative working conditions affected both Muslim and Christian peasants, the first lacked the option of migration to Russia.<sup>71</sup> The period McCarthy refers to coincides with the Hamidian massacres of 1894–96, which certainly need to be taken into account as a

67 Stephan H. Astourian, "The Silence of the Land: Agrarian Relations, Ethnicity, and Power," in *A Question of Genocide: Armenians and Turks at the End of the Ottoman Empire*, ed. Ronald G. Suny, Fatma M. Göçek and Norman M. Naimark, 55–81 (New York: Oxford University Press, 2011).

68 Chochiev and Koç, "Migrants": 94.

69 At this point, McCarthy fails to mention the Hamidian massacres of the 1890s.

70 McCarthy, *Death*, 132, FN 64.

71 *Ibid.*, 121.

push-factor for emigration.<sup>72</sup> It is uncontroversial that the killings of tens of thousands of Armenians in the six eastern provinces (*vilayat-i sitte*) were to a certain extent instigated and encouraged by the Ottoman authorities, and possibly Sultan Abdülhamit himself.<sup>73</sup> European demands for reforms in these provinces had brought up the question of Armenian population ratios, and it has been argued that the massacres need to be studied in the light of these politics of numbers.<sup>74</sup> The Hamidian massacres were accompanied by large-scale confiscations of Armenian land, often by members of the Kurdish *Hamidiye* militias.<sup>75</sup> By 1908, the land had not been returned, and all Armenian platforms campaigning for the parliamentary elections were united in demanding that such restitution be performed.<sup>76</sup> These demands yielded some minimal results: A British report written in 1914 about the general situation in the northeastern provinces mentions that two missions were sent there in 1912 and 1913 “with a view to the restoration of their lands to Armenians dispossessed during the massacres.”<sup>77</sup> A total of 20,000 Lira had been earmarked for the compensation of Armenians in the Erzurum province and sent to the provincial administration, where it ended up being used for other ends because no Armenians were forthcoming to claim the money. The explanation offered for their reluctance to claim the money is particularly interesting:

All Turkish schemes for tinkering with the land question are indeed based on a principle unacceptable to the

72 There is surprisingly little secondary literature that deals with this topic. A very brief overview can be found in Zürcher, *Turkey*, 94.

73 A good discussion of the historical background and a typology of the massacres can be found in Robert Melson, “A Theoretical Enquiry into the Armenian Massacres of 1894-1896,” *Comparative Studies in Society and History* 24, no. 3 (1982).

74 See Fuat Dündar, *Crime of Numbers. The Role of Statistics in the Armenian Question (1878–1918)* (New Brunswick, New Jersey: Transaction, 2010).

75 For a detailed account, see Klein, *Margins*, 136–52.

76 See Der B. Matossian, *Shattered Dreams of Revolution: From Liberty to Violence in the Late Ottoman Empire* (Stanford: Stanford University Press, 2014), 102–4.

77 FO 371/2137/E 59383, September 1914.

Armenians, that of monetary compensation. The Armenians wish for the actual land taken from them to be restored to its past owners and nothing less. Their papers publish long list (sic) of communal lands and houses taken from them and to accept money in lieu would in their view be to admit the legality of its transfer.<sup>78</sup>

The Armenians, in other words, wanted to return to their land rather than take the money and move away. For them, land had qualities that far exceeded its monetary value. They also refused to legitimate the confiscations by accepting monetary compensation.

The earliest document to use the term *emval-i metruke* that my research yielded is a decree on refugee settlement issued in 1901: the document includes the interesting distinction between that category and “*arazi-yi mahlule*”, i.e. *miri* land the title of which had fallen back to the treasury of the Ministry of Finance after having officially been declared abandoned by its owner.<sup>79</sup> Apparently, land of both categories had been distributed (*terk ve tahsis*) for free to refugees, who turned out to be unable to pay the pre-existing tax arrears due for the land. The decree stipulated that these tax arrears of former owners, (provided that the land in question was *arazi-yi mahlule*, not *emval-i metruke*) would be canceled, and the refugees would thus be allowed to obtain title (*sened-i hakani*) to the land.<sup>80</sup> The law was possibly part of the aftermath of the massacres of 1895–96 (land of people killed in those years must have become *mahlul* from 1898 onwards). The distinction made here was probably one between land that had fallen back to the state (*mahlul*) and land that continued to be owned by those who left it (*metruk*) – either because it had not been abandoned long enough to become *mahlul*, or because it was urban land (including buildings), and thus not subject to the Ottoman Land Code. It is

78 Ibid.

79 On the category of *mahlul* land, see Mundy and Smith, *Governing*, 129.

80 Bilâ bedel muhacirine terk ve tahsis edilip sahibi evvellerinin emvali metrukesi olmayan arazii mahlule müterakim vergilerinin terkinini kaydi hakkında irade, 9 Nisan 1317/1901, Düstur 1. Tertip, Cild 7, 672.

also possible that land which had been confiscated illegally, but had been used for cultivation ever since was not considered as *mahlul*, and that the term *emval-i metruke* was minted to express this situation. The law suggests that the owners of *emval-i metruke* mentioned here had not been expropriated, and that the state did not attempt to transfer the title to this category of land from one owner to another. Precisely this was done in the case of the other category, that of *mahlul* land.

#### 1.4 The Balkan Wars

Refugee settlement in the Ottoman Empire during the late 19th century was already complicated by pre-existing land conflicts, inter-communal violence, limited availability of distributable land, and a growing ethnification of conflicts concerning land use. All of these were closely linked to and aggravated by the introduction of private ownership rights in agricultural land. Large-scale immigration took place, but emigration was not encouraged by the Ottoman government before the 1860s. Agricultural production depended on rural manpower, and the settlement authorities tried to avoid inter-communal conflicts as much as possible, at least before the 1890s. The same cannot be said about the Young Turk governments, whose policies differed most prominently from those of their “traditional” Ottoman predecessors in their encouragement of Muslim immigration and their conscious effort at using Muslim settlers as a counterweight against Christian local populations. In other words, the CUP policies of emigration targeted Christians, while those of immigration were aimed at Muslims. Both are inextricably linked and part of the same, overarching policy of economic, social and linguistic Turkification.<sup>81</sup>

The first excitement about the Young Turk coup of 1908, which was welcomed by the Ottoman population as a step towards freedom and justice in the empire, was immediately muffled by the declaration of independence of Bulgaria and Austria-Hungary’s full annexation of

81 Dündar, *İttihad*, 11–12.



Bosnia-Herzegovina. Deeply shaken by these events, key members of the CUP such as Dr. Nazım started a campaign for the encouragement of Muslim immigration from both countries to Ottoman Macedonia. The aim of this program was to prevent any future territorial claims to the province by creating a Muslim majority. In the course of this program, the campaigners considered to encourage Muslim landowners to make room for Muslim settlers by getting rid of Christian tenants.<sup>82</sup> It is interesting to note that one demand in the joint ultimatum of Greece, Bulgaria, Montenegro and Serbia at the beginning of the First Balkan War was that the Ottomans promise to stop this policy of increased Muslim immigration. Dündar even claims that this shared concern about Ottoman settlement policies actually helped to bring the Balkan League about.<sup>83</sup>

Even prior to the Balkan Wars, which in many respects mark the “point of no return” in modern Turkish history, officials became concerned about the ethnic composition of the population, and particularly so about that along the borders.<sup>84</sup> Refugee settlement in close proximity to Christian villages and towns was therefore no longer avoided, but deliberately encouraged in order to bring up the ratio of Muslim inhabitants of districts featuring a Christian majority.<sup>85</sup> Not only population ratios, but also the religious affiliation of landowners came to be seen as a possible field of state intervention. In 1910, an internal memo of the Ministry of the Interior warned that “Muslims are selling their lands, small or big, everywhere, and the majority of these lands are being purchased mostly by Christians who form a minority of the general population.”<sup>86</sup> The document extensively discussed the ongoing policies of Greece, Serbia and Bulgaria aimed at the transfer of land from Muslim into Christian hands. Pointing out the Bulgarian case, in which such measures ranged from cheap government loans

82 Dündar, *Modern*, 175.

83 *Ibid.*, 177.

84 Zürcher, *Turkey*, 106.

85 Terzibaşoğlu, “Land”: 170.

86 BOA, DH.ID 135-1 /3. cited in *ibid.*, 171.

for aspiring Christians over quick dispossession of defaulting Muslim debtors to intimidation, forced sale and expulsion, it suggested that it was necessary to raise awareness of the political implications of increasing Christian landownership and to encourage Muslims to stay put.<sup>87</sup> The report suggested that cheap credits be offered to Muslims in order to enable them to buy, rather than sell, land.<sup>88</sup> As Terzibaşoğlu makes clear, it is impossible to establish if the report ever had any direct influence on Young Turk policies. But the document proves that the Young Turks studied anti-Muslim policies of their neighboring states only years before they started to apply even harsher ones to their own Christian populations. Terzibaşoğlu also notes that the report was written at a time when both rural and urban conflicts were increasingly staged with reference to ethno-religious categories. 1909 saw the beginning of a two-year boycott of (mainland) Greek businesses and goods in western Anatolia. In one case, a Greek landowner was not able to cultivate his olive groves for four years in a row and therefore was afraid that his land would be declared abandoned (i.e., *mahlul*) and sold off to someone else.<sup>89</sup>

#### 1.4.1 The impact of the Balkan Wars

According to Wolfgang Höpken, the forced migrations of hundreds of thousands of people (both Muslim and Christian) in the course of the Balkan Wars were the first instances of full-fledged ethnic cleansing in the sense that the expulsions, unlike those of 1877/78, were cen-

87 The document seems to be rather unclear about the geographic area in which the Muslim population was to be encouraged to stay. Terzibaşoğlu might have been a bit too quick in assuming that the author was referring to Ottoman-controlled territories only: The author might well have hoped for future re-conquests of lost territories. It was a common feature of all Balkan states' policies to encourage the continued presence of minorities behind their neighboring states' borders. The relatively high number of Muslims in Western Thrace is but one case in point.

88 Terzibaşoğlu, "Land": 171.

89 See Terzibaşoğlu, "Land," 173–74.

trally planned.<sup>90</sup> Moreover, the expulsions during this “population war” no longer followed the familiar pattern of hostility between religious groups, but were implemented along the lines of ethnicity.<sup>91</sup> For instance, Bulgarian expulsions targeted not only Muslims, but also Jewish and Greek inhabitants of Thrace.<sup>92</sup> According to estimates, approximately 890,000 people crossed the borders of Serbia, Montenegro, Bulgaria, Greece, and the Ottoman Empire in 1912–13.<sup>93</sup> Several authors mention that the issue of abandoned property first came up during the Balkan Wars. The Greek administration in Western Thrace set up a commission for abandoned property which was (at least officially) in charge of protecting the movable property of people who had fled the country.<sup>94</sup> On the other side of the border, the CUP government established the directorate for the settlement of tribes and refugees (*İskan-ı Aşiret ve Muhacirin Müdüriyeti, İAMM*), the first Ottoman refugee settlement agency that actually had the resources to effectively manage the migration and settlement of large numbers of people, in 1913.<sup>95</sup> The principles of the agency’s work were spelled out in a regulation for refugee settlement (*iskan-i muhacirin nizamnamesi*) issued on April 30, 1913.<sup>96</sup> According to §25 of the regulation, land “of the kind that can not be distributed for free” would be sold to refugees who would be allowed to pay off their debts in installments. Houses were only mentioned as ones that would be built

90 Höpken, “Flucht”: 8. Höpken only discusses the Balkans here, not the Caucasus, where systematic state-sanctioned expulsions already took place in the 1860s.

91 Dündar, *Modern*, 184.

92 *Ibid.*, 186.

93 Ladas, *Exchange*, 15–16.

94 Alexandre Antoniadès, *Le Développement économique de la Thrace* (Athens: Typos, 1922), 93.

95 Mehmet Yılmaz, “Policy of Immigrant Settlement of the Ottoman State in the 19th Century,” in *The Great Ottoman-Turkish Civilisation: Economy and Society*, vol. 2, ed. Kemal Çiçek, 594–608 (Ankara: Yeni Türkiye, 2000), 598; Dündar, *Modern*, 178.

96 *Düstur 2. Tertib, Cild 5* (Dersaadet/Istanbul: Matba‘a-yi ‘âmiri, 1332/1913), 377–79.

for the refugees.<sup>97</sup> However, as will be seen later on, the İAMM, as well as its successor, the general directorate for tribes and refugees (*Aşair ve Muhacir Müdüriyet-i Umumiyesi*, AMMU), settled massive numbers of refugees in abandoned homes. Though located on different sides of the new border between Greece and Turkey, the two key elements of abandoned property policies (custodian administration and refugee settlement) were introduced almost simultaneously.

Scholarly works on the Balkan Wars and the settlement policies implemented in its course frequently mention a phenomenon that is virtually absent in works on earlier periods. This is the confrontation between groups of people who had both already been subject to forced migration and were settled in each other's land and houses: All countries that participated in the Balkan Wars used the lands abandoned by local populations for the settlement of refugees from the other side, and people were often settled very close to their places of origin. As front lines shifted and maps were redrawn, many refugees were uprooted not only once, but several times, and one may argue that they not only fled the advancing armies of the enemy, but also the wrath of those returning refugees whose place and livelihoods they had taken. Eastern Thrace is a case in point: First conquered by the Bulgarian army in 1912, it was eventually regained by the Ottoman Empire in 1913, and the Muslim population returned, forcing the Bulgarian settlers (and the native Bulgarian population) to leave.<sup>98</sup> From this course of events, we can conclude that receiving a piece of abandoned property in a border region was a risky business whose success directly and inescapably depended on the ability of a given state to permanently keep the actual owners from returning. Settlers who themselves had experienced forced migration and deprivation were aware of this possibility and acted accordingly by living as if there were no tomorrow. As late as 1918, a British officer reporting from the Edirne

97 "Muḥâcirine taḥşîş olunan arazi meccânen tefvîz olunamayacak aksâmdan ise bedeli ḥazinece uzun vâdeli taḫşîṭler olunabilir." §25. Housing construction was mentioned in §§ 34 and 35. *Ibid.*, 381–83.

98 See Dündar, *Modern*, 180.

province remarked that Muslim settlers had “proved a most unprofitable exchange for their predecessors from an economic standpoint. Feeling insecure in their tenure of lands allotted to them they have cultivated but a small portion, and have confined their energies chiefly to deforestation.”<sup>99</sup> This sense of insecurity may have been one of the factors that contributed to the general economic decline reported from all over Anatolia and Thrace during early Republican times.

Not only did refugees have good reasons to fear for the worst and thus not to invest time and energy into their newly acquired land, they were also the first to become loyal supporters of the state that had settled them. So far, it has usually been argued that those who received goods, businesses and land were loyal to the state out of gratitude. There is, however, another factor that ought to be taken into consideration: fear. People who had received abandoned property had to be afraid of the eventual return of former owners, and thus afraid for the state, whose fate was directly linked to theirs.<sup>100</sup>

#### **1.4.2 Policies of eviction and the first “population exchange”**

Even though eastern Thrace had been successfully wrestled back from Greece in the Second Balkan War, the overall result of the Balkan Wars were disastrous territorial losses for the Ottoman Empire. Western Thrace went to Bulgaria, while Greece gained Macedonia and the Aegean islands of Chios, Lesbos, Samos and Limnos. The new borders in Thrace and in the Aegean were dangerously close to Istanbul and western Anatolia respectively, and the CUP government felt that it needed to frustrate any further territorial ambitions regarding those regions.<sup>101</sup> Given that Bulgarian and Greek territorial claims were usually justified with reference to the substantial Christian population in those areas, a systematic expulsion of these groups appeared as an

99 L.L.R. Samson to Fuller, FO 371/4157/521, December 7, 1918.

100 McCarthy, “Foundation”: 144; Keyder, “Consequences”. Polatel and Üngör discuss this pattern (gratitude) with regard to the profiteers of the Armenian Genocide.

101 Yıldırım, *Diplomacy*, 5.

obvious remedy and could serve the CUP's program of ethnic homogenization. In the summer of 1913, directly following the reconquest of Edirne, the CUP started a campaign of harassment and intimidation against the borderland Bulgarians in eastern Thrace.

In the wake of these systematic expulsions, the Ottoman and Bulgarian governments agreed on a population exchange to be applied along the new border between the two states, in an area covering 15 km on both sides.<sup>102</sup> As with later cases of "exchanges," most people affected by it had already left, and the main purpose of the agreement was "to confirm this situation by compelling the remaining inhabitants (...) to transfer their residence to the other side of the frontier."<sup>103</sup> When the CUP and its secret military organization, the *teşkilat-ı mahsusa*, proceeded to harass the Bulgarian population all over eastern Thrace, the exchange territories were broadened to include the whole area. In March 1914, the Bulgarian population of the southern Marmara coast was also forced out. As a result, Bulgaria ended up with a substantial Muslim minority, while virtually no Bulgarians continued to live in Turkey.<sup>104</sup>

With most people already having (been) moved, the main task of a soon-established mixed commission was the appraisal and liquidation of the affected people's property. The Bulgarian-Ottoman exchange convention stipulated that the exchange would be reciprocal in the full sense of the word: the population of one Bulgarian village was to be settled in a "partner" village abandoned by its Muslim inhabitants, and vice versa.<sup>105</sup> Approximately 100,000 people, Bulgarians and Muslims in almost equal numbers, were registered as exchangees. As in later exchanges, the appraisal and liquidation of property turned out

102 Ladas, *Exchange*, 18–19. Unless stated otherwise, the following discussion is based on Ladas' study.

103 Ibid., 19. Note that Ladas speaks of a "frontier", not "border" – the project really involved the creation of a border where there only was a frontier, along with virtually inexistent border controls.

104 Dündar, *Modern*, 189–90.

105 Ibid., 188. I haven't come across a single reference to such true reciprocity in any other population exchange.

to be an extremely tricky problem. After “une violente discussion” which has unfortunately not been recorded in detail, the commission members eventually agreed on keeping communal lands (pastures, forests etc.) out of the appraising scheme.<sup>106</sup> One may guess that these lands, which, according to Ottoman law, were not tradable, could not possibly have been appraised in the first place. As for privately owned property, the commission members agreed to appraise it by reference to the tax registers. This plan was never implemented due to the outbreak of World War I.

## 1.5 The expulsions of 1913–14

Having thus dealt with the Bulgarian population of eastern Thrace, the CUP started to apply similar techniques towards the region’s *Rum* and Greek inhabitants. Halil (Menteşe), the then chairman of the Ottoman parliament, later recalled the campaign in Thrace:

Now [after the Bulgarians] it was the Thracian *Rum*’s turn. This was a very delicate affair which could have brought about a new war. The measure taken was the following: Governors and other officials, though only officially, would appear not to be involved. The society’s organization [i.e. the *teşkilat-ı mahsusa*, the secret military arm of the CUP] would take care of the job, and without causing much of an incident, intimidate the *Rum*. The mission was started accordingly... Close to 100,000 *Rum* left for Greece, without so much as a nosebleed having occurred on either side. Later, the same pattern was followed in the surroundings of İzmir.<sup>107</sup>

106 Antoniadès, *Développement*, 172–73.

107 “(S)ıra Trakya’daki Rumlar’a gelmişti. Fakat bu çok ihtiyat isteyen bir işti. Zira yeni bir harbi doğurabilirdi. Alınan tedbir şu oldu: Valiler ve diğer memurin resmen ise müdahale eder görünmeyecek. Cemiyet’in teşkilatı işi idare edecek bir vaka ihdas edilmeyerek yalnız Rumlar ürkütülecek bu talimat dahilinde hareket başladı... 100 bine yakın Rum kimsenin burnu kanamaksızın Yunanistan’a çekilip

Menteşe mentions an important feature of the migrations which to this day causes heated discussions among historians of the period: The CUP took great care to make sure that government officials did not appear to be involved. Ottoman sources on these forced migrations (and even more so those on later events) therefore only provide a distorted picture of the events.<sup>108</sup> Through them, it is possible to trace migrations, but not the events or decisions that triggered them. Given the secrecy with which the CUP went about the forced migrations in 1913–14, it is remarkable that not only one, but several of those men who were involved in the expulsions have left accounts which shed light on the dark spots left out by official documents. The anti-*Rum* activities of the CUP started in late 1913, and, as Mentеше mentions, were later extended to the Aegean littoral. The man in charge of coordinating the “job” for the CUP in İzmir, the later Minister for the Population Exchange and Prime Minister Celal (Bayar)<sup>109</sup>, subsequently reported that the campaign in İzmir had resulted in the exodus of 130,000 *Rum* and Greeks to Greece.<sup>110</sup> In order to make these

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gittiler. Bundan sonra aynı tarzda İzmir civarında teşebbüs ele alındı.” İsmail Arar ed. *Osmanlı Mebusan Meclisi Reisi Halil Mentеше'nin Anıları*, ed., (İstanbul: Hürriyet Vakfı 1986) 165–66. Cited in Dündar, *İttihad*, 64.

108 See, for instance, Ahmet Efiloğlu’s scathing criticism in his review of Dündar’s book, in which he accuses Dündar of being unable to prove his accusations with Ottoman sources (that is, those things that Mentеше admits were left out of official correspondence). Efiloğlu does, however, admit that the consular records of foreign powers paint a picture very different from the Ottoman ones. Ahmet Efiloğlu, “Fuat Dündar’ın, Osmanlı Belgelerinde Kaybolan ‘Modern Türkiye’nin Şifresi’,” *Belleten* 74, no. 270 (2010). *Modern Türkiye’nin Şifresi* does have several major flaws, which are discussed in Ayhan Aktar and Abdülhamit Kırmızı, “Bon pour l’Orient’: Fuat Dündar’ın Kitabını Deşifre Ederken...,” *Tarih ve Toplum Yeni Yaklaşımlar* 8 (2009).

109 In 1914, Celal Bayar worked as secretary general of the CUP in İzmir. He later became Minister for the Population Exchange (in 1924), served as Prime Minister from 1937–38, and as Turkey’s third President (1950–60).

110 Celâl Bayar, *Ben de Yazdım: Milli Mücadele’ye Giriş* (İstanbul: Maha, 1967), 1568. Bayar’s numbers almost equal those given by Yannis Mourellos (150.000 refugees who had arrived in Greece by 1914): Yannis G. Mourellos, “The 1914 Persecutions



people move, the CUP resorted to “military, political, administrative and economic measures.”<sup>111</sup> The case of a landowner from the vicinity of Ayvalık illustrates how the migration was brought about: days after the local authorities had guaranteed him that he and his property were safe, Turkish militias (*çete*) attacked the workers of his farm, killing a shepherd and wounding several other men. Turkish people forcibly took over a garden in Dikili and stole all the horses and thousands of sheep from his farm. After all this, the people living on his farm “found life intolerable and decided not to remain.”<sup>112</sup> The Greek landowner in question appears to have been the same person as that mentioned in the introduction. Both the British and the German document mention that the man had worked as British vice-consul in Dikili prior to 1913, and both archives document his (futile) attempts at reclaiming his property.

Celal Bayar later cited extensively from the (at that point unpublished) memoirs of Eşref Kuşçubaşı, the head of the *teşkilat-ı mahsusa* and thus the man in charge of the uglier parts of the campaign. Celal Bayar depicted the anti-Christian policies of the time as an act of self-defense against a *Rum* civilian population that was armed to the teeth.<sup>113</sup> But Kuşçubaşı, and Bayar with him, offers another explanation for the necessity for large-scale *Rum* emigration: İzmir’s reputation as “Infidel İzmir’ was not only a metaphor”, but a fact that needed to be changed. According to Kuşçubaşı, Muslims were “far from

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and the First Attempt at an Exchange of Minorities between Greece and Turkey,” *Balkan Studies* 26, no. 2 (1985): 405.

111 Bayar, *Ben*, 1574. The citation appears to have been taken from an unpublished version of Kuşçubaşı’s memoir: Eşref Kuşçubaşı, *Hayber’de Türk Cengi*, ed. Philip J. Stoddard (Istanbul: Arba, 1997). I have not been able to obtain a copy of that book.

112 Report of E.J. Elridge to Foreign Office. Smyrna, June 17, 1914. FO 371/11556/E 4761.

113 According to Kuşçubaşı, all able-bodied Greek men along the coast regularly went to the islands, where they were trained in the Greek army, returning as soldiers of the Greek reserve. Bayar, *Ben*, 1572–74.

being its [İzmir's] owners," they "were not even night guards of that place."<sup>114</sup>

The secret anti-*Rum* campaign in eastern Thrace and western Anatolia coincided with the arrival of large numbers of refugees from the Balkans in those areas, and the wrath of the refugees was channeled into violent expulsions of local Ottoman Greeks. "Numerous reports" from the southern shores of the Marmara Sea mention that arriving Balkan refugees evicted local Greeks from their houses and even took over whole villages.<sup>115</sup> More than 30,000 Ottoman Greeks from the southern shores of the Marmara Sea reportedly left their homes and emigrated to Greece during and shortly after the Balkan Wars.<sup>116</sup> According to Fuat Dündar, the settlement of refugees was deliberately used as a method to expel local *Rum*.<sup>117</sup> However, conflicts with the local population were not limited to non-Muslims. For instance, a (Muslim) landowner from the district of Cebel-i Bereket in the Adana province complained in 1914 that land which he held title to had been used to settle refugees.<sup>118</sup> In May 1914, the CUP government prepared a directive for the expropriation of big landowners in order to settle refugees on their land, which, however, doesn't seem to have been turned into a law.<sup>119</sup> Moreover, the number of refugees who not only temporarily stayed in cities, but ended up living there increased, possibly also because of CUP encouragement. In İzmir, newly arrived Balkan refugees were encouraged to seek employment at the tobacco monopoly's (Regié's) factories, in jobs which had never before been

114 "Gâvür İzmir' sadece kıyasî tabir değildi. Biz orada, değil sahip, bekçi bile değildik." Ibid., 1574. (Note that "bekçi" does not refer to a military guard, but rather to a poor, miserable servant who takes care of a house or shop over night.)

115 See Gingeras, *Sorrowful*, 39.

116 See Gingeras, *Sorrowful*, 46.

117 Dündar, *Modern*, 207.

118 Yusuf Halaçoğlu, *Balkan Harbi Sırasında Rumeli'den Türk Göçleri (1912–1913)* (Ankara: Türk Tarih Kurumu, 1994), 94.

119 BOA, BEO, Şurayı Devlet Mazbataları Gelen-giden Defter No: 638, 6 Cemaziye-lahir 1332/19 Nisan 1330 (2 Mayıs 1914). Ibid., 108. I have found no other reference to this project.

performed by Muslims.<sup>120</sup> Celal Bayar doesn't mention the workers' gender here, but his readers probably knew that tobacco workers were usually women and children. Though indirectly, the incident shows that the poverty among urban Muslims now reached levels that forced women to work in jobs that had hitherto been considered unacceptable for them, and that this happened already before World War I.

### 1.5.1 Greek abandoned property in 1914

During the forced Greek migration of 1914, the CUP came up with detailed instructions for the handling of abandoned property, which were frequently sent to the local authorities along the Marmara and Aegean coasts. Like those regulations and law that were later drawn up for the administration of Armenian property, these texts are highly ambiguous. The letter of these directions, and those of the laws that followed them, might be taken as proof of the CUP's concern about protecting abandoned property, and there are some historians who have interpreted them in this way.<sup>121</sup> However, if we take into account the information given by key figures such as Celal (Bayar) and Eşref Kuşçubaşı, we have to keep in mind that official communication between central and local administrations tells us only one part of the story as it leaves aside two additional, and unofficial, factors: these are the local branches of the CUP and the *teşkilat-ı mahsusa*, which often cooperated with local bands of irregulars (*çete*). Ignoring this context,

120 According to Celal Bayar, the Regié had hitherto employed Muslims either as members of the Regié's notorious private army used against tobacco smugglers (*kolcu*) or administrators (*memur*). The Regié's director therefore was quite surprised when Bayar asked him to employ Muslims as tobacco workers, too. By relating this incident, Bayar indirectly admits that the female working class of İzmir was overwhelmingly non-Muslim, a fact that does not fit into the standard narrative about the richness of İzmir's non-Muslim population. It also suggests that the CUP abandoned previous policies which had (if often unsuccessfully) tried to avoid the settlement of refugees in urban environments. Bayar, *Ben*, 1554.

121 Efiloğlu and İvecan, "Rum." The article, which fails to offer an explanation of the "migration" that admittedly took place in 1914, includes numerous references to such communication.

İvecan and Efiloğlu argue that policies towards abandoned property were at first developed on a local level, as a reaction to demands of the *Rum* peasantry in Northwestern Anatolia, which had asked for protection of their property, and soon started to migrate to Greece. (İvecan and Efiloğlu fail to explain how these “migrations” came about in the first place.) According to this chronology, demands for property protection started to come in in May 1914, causing local administrations to ask for instructions in June. First directives from Istanbul were sent in July. They stipulated that movable property would be stored in government depots, livestock would be given to the care of “trustworthy” people, and immovable property would be rented out. The generated income would be paid to the owners upon their return.<sup>122</sup> İvecan and Efiloğlu also mention that property was at first sold in order to satisfy the demands of debtors, but that this practice was abandoned after the agreement about an exchange of populations between the Muslims of Greek Macedonia and the *Rum* of Thrace and İzmir was signed.<sup>123</sup>

Efiloğlu and İvecan cannot quite explain why the Council of Ministers at first – admittedly – decided to have the income generated by Ottoman Greek property paid to the Treasury (rather than to some kind of custodian office).<sup>124</sup> (The rule was revoked in July 1914). They also fail to discuss how successful local administrations could have been at “fighting the bands that were trying to take over property during the migrations, and giving the property back to the owners.”<sup>125</sup> As many other scholars, they never discuss the possible difference between policies and their actual application here.

122 Efiloğlu and İvecan, “Rum,” 126.

123 Ibid., 127.

124 Meclis-i Vükela’nın 22 Nisan [1]331 (05/05/1915) tarihli kararı, BOA, Meclis-i Vükela Belgeleri 197/114; Efiloğlu and İvecan, “Rum,” 127.

125 “Ayrıca göç esnasında Rumların mallarını ele geçirmeye çalışan çetelerle mücadele ediliyor ve ele geçirilen mallar sahiplerine iade ediliyordu.” Ibid., 126. Most of the documents they cite are petitions of Greek villages, along with instructions to the local district administrations (*mutasarrıflık*).

## 1.5.2 The first Greco-Turkish population exchange

The Greek and Ottoman governments negotiated an agreement about a mutual, but nominally voluntary, population exchange in 1914, when large numbers of *Rum* were leaving the Aegean and Marmara coast due to the CUP terror campaign against them. The agreement, which was not implemented due to the outbreak of World War I, stipulated that Macedonian Muslims would be “exchanged” against *Rum* Greeks from the Ottoman Empire.<sup>126</sup> It is unclear who first came up with the idea to perform this exchange, and thus to copy those already undertaken between Bulgaria and the Ottoman Empire, and Greece and Bulgaria, respectively. Celal (Bayar) cites Cemal Paşa, who said it was Talât Paşa who first suggested it. Alexander Pallis, however, points to Eleftherios Venizelos. According to Celal Bayar, who claims to have been present during the relevant conversation between Talât Paşa and the British consul in İzmir, Talât promised to do what he could “to stop these events and improve the situation.” Bayar suggests that this “improvement” was the emigration of the Ottoman coastal Greeks, triggered by the ongoing terror campaign that he himself was coordinating: “What a strange coincidence: Both the endeavors that have become known as “re-settlements” and the eventual completion of this task by way of the Lausanne agreement were put on my shoulders.”<sup>127</sup> (Bayar later became Minister for the Population Exchange in Republican times). Unlike most present-day Turkish authors, who blame the Greeks and *Rum* by beginning the story of the 1923 population exchange with the *Megali Idea* and the Greek occupation of İzmir in 1919, Bayar thus admits that CUP policies before the World War form an important part of it as well. The 1914 agreement, which included the idea of property liquidation on both sides, was never put into practice due to the outbreak of World War I.

126 Mourellos, “1914”.

127 Bayar, *Ben*, 1569.

### 1.5.3 The deportations of the Ottoman Greeks; 1915–16

The CUP's policies with regard to the *Rum* population of the Empire changed fundamentally with the Ottoman entry into World War I. Though the decision to join the Central Powers was already taken in August, the formal declaration of war followed only in November 1914.<sup>128</sup> Greek emigration, which had until then been more or less openly pursued, now contradicted Ottoman interests: Greece had not yet entered the war, and anything that would have given her a reason to join the Entente's side had to be avoided.<sup>129</sup> Moreover, the war immediately turned all men of age, including *Rum* Greeks, into potential soldiers, making it much more desirable to draft them into the notorious labor battalions (*amele taburları*) than to lose them to the Greek army. The emigration of *Rum* was therefore officially outlawed on October 22, 1914.<sup>130</sup> The terror of irregular armed bands (*çete*), while no longer desired, could only be stopped with a certain delay.<sup>131</sup> However, the overall plan of the CUP to Turkify Anatolia, and particularly those areas with strong Christian population ratios, was still in place, and soon morphed into a new policy that could be justified as being necessitated by the war: In order to prevent the coastal *Rum* population from spying and otherwise helping the expected Allied invasion at the Dardanelles, the *Rum* Greeks of Thrace were deported to inner Anatolia from early 1915 onwards. By July 1915, when the campaign at Gallipoli was in full swing, it was ordered that all Greek communities located within the radius of an hour's march from the coast would be deported.<sup>132</sup> Throughout 1915 and 1916, deportations continued first in western Anatolia, then on the Black Sea coast, and finally on the southern coast around Antalya.<sup>133</sup> Approximately

128 Zürcher, *Turkey*, 112–13.

129 Gingeras, *Sorrowful*, 45.

130 Dündar, *Modern*, 230.

131 *Ibid.*, 232.

132 Dündar, *Modern*, 234.

133 *Ibid.*, 232–38.

100,000 Greeks were deported to inner Anatolia, where they were mostly settled in *Rum* villages.<sup>134</sup>

All scholars of the subject agree that the *Rum* deportations differed from those of Armenians (which are discussed below) in some important respects: Possibly the most notable difference is that not all *Rum* communities were affected. Instead, it was the coastal communities only, and the deportees were usually settled not in the desert, but with co-religionist villages in inner Anatolia.<sup>135</sup> The anti-*Rum* terror campaign and subsequent deportations were, in other words, not driven by genocidal intentions. While reliable numbers are hard to come by, estimates place the death toll of the Greek deportations at several thousand.<sup>136</sup> Over the course of the war, *Rum* deportees became increasingly important for agricultural production in Anatolia.<sup>137</sup> Their labor must have been a much needed, yet insufficient replacement for that lost to military recruitment and the Armenian Genocide.

There are a number of explanations for this difference in policy towards *Rum* and Armenians. Taner Akçam argues that the deportation of *Rum* Greeks was a kind of rehearsal for the deportation of Armenians, suggesting that the success of the first radicalized the Unionists' plans for the Armenians. He also mentions that the beginning of the war allowed the CUP to ignore all those foreign affairs issues they had previously had to consider.<sup>138</sup> It is certainly true that the Armenian Genocide would not have been possible in times of peace. However, a major part of the Greek deportations went on throughout the war without taking on a genocidal character. Rather than the difference between war and peace, it seems to have been the existence of a Greek nation state (for which similar massacres would have been a *casus belli*)

134 According to Gingeras, some towns (such as Biga in northwestern Anatolia) were strangely spared from the deportations: Gingeras, *Sorrowful*, 45.

135 Dündar, *Modern*, 234.

136 Naimark, *Flammender*, 60.

137 Ibid.

138 Akçam, *Shameful*, 111.

that helped to protect the Ottoman Greeks from sharing the fate of the Armenians.<sup>139</sup> Moreover, Greece was a “homeland” that the Rum could be (and had already been) expelled to.<sup>140</sup> Practical and material difficulties taken aside, the Greek government was happy to settle Ottoman *Rum* in order to Hellenize the population. A comparable Armenian state did not exist.

## 1.6 The Armenian Genocide and abandoned property

The Armenian Genocide forms a research subject in its own right, and important studies dealing with it continue to be published. This paragraph merely aims at providing an overview over the general lines of the genocide in order to then turn to its economic aspects.<sup>141</sup>

The deportations of Armenians started in February 1915 and went on throughout 1915 and 1916.<sup>142</sup> The first ones were directed to Konya, but later sent to the desert district of Der Ez-Zor in present-day Syria, which became the final destination of later deportations as well.<sup>143</sup> Survival in this area was unlikely due to the desert climate and the

139 Dündar, *Modern*, 247; Naimark, *Flammender*, 59. The Ottoman government was nervous about the possibility of Greece entering the War on the side of the Entente (Greece eventually did so in 1917).

140 Polatel and Üngör, *Confiscation*, 11.

141 For a good summary of the available studies, complete with research problems and questions, see Ronald G. Suny, “Writing Genocide: The Fate of the Ottoman Armenians,” in *A Question of Genocide: Armenians and Turks at the End of the Ottoman Empire*, ed. Ronald G. Suny, Fatma M. Göçek and Norman M. Naimark, 15–41 (New York: Oxford University Press, 2011).

142 Fuat Dündar, “Pouring a People into the Desert: The ‘Definitive Solution’ of the Unionists to the Armenian Question,” in *A Question of Genocide: Armenians and Turks at the End of the Ottoman Empire*, ed. Ronald G. Suny, Fatma M. Göçek and Norman M. Naimark, 276–84 (New York: Oxford University Press, 2011), 281.

143 Akçam, *Shameful*, 145. Among the earliest deportees were those from Zeytun, where a local conflict had spiraled out of control: Aram Arkun, “Zeytun and the Commencement of the Armenian Genocide,” in *A Question of Genocide: Armenians and Turks at the End of the Ottoman Empire*, ed. Ronald G. Suny, Fatma M. Göçek and Norman M. Naimark, 221–43 (New York: Oxford University Press, 2011).



lack of any assistance. Starting in the area around Adana, where the Ottoman government feared an Allied invasion of the coast, the deportations were extended step by step, eventually covering all of Anatolia. The deportation notices were given days or, at times, only several hours in advance, forcing many people to sell their livelihoods for next to nothing. For Adana it is reported that Armenians were kept from selling their property in the first place.<sup>144</sup> Having to leave on foot, many deportees died of exhaustion, starvation or both. Moreover, the deportation treks were frequently and systematically attacked by irregulars and Kurdish militias (both of them under the command of the Special Organization), who robbed the deported of money, and if that could not (or no longer) be provided, their lives. Children and young girls were often pulled out of the treks, surviving as converts and wives among the local Muslim population.<sup>145</sup> Others survived by making it to the more densely populated parts of present-day Syria and Lebanon, often ending up in Aleppo, Damascus and Beirut.<sup>146</sup>

### 1.6.1 Laws for abandoned property, 1915-16

Destruction, theft and forced transfer of property are a common feature of genocidal violence as well as other forms of collective violence in modern times.<sup>147</sup> The Armenian Genocide is no exception to this rule. This sub-chapter is devoted to a detailed discussion of the laws and other legal texts with which the CUP government regulated the handling of property left behind by deported Armenians and Greeks. These texts mark the construction of a systematic legal and adminis-

144 Polatel and Üngör, *Confiscation*, 113.

145 See Dündar, *Modern*; Norman M. Naimark, *Flammender Hass: Ethnische Säuberungen im 20. Jahrhundert* (Bonn: Bundeszentrale für Politische Bildung, 2009), 28–50; Zürcher, *Turkey*, 114–18.

146 On survivors and their testimonies, see Donald E. Miller and Lorna T. Miller, *Survivors: An Oral History of the Armenian Genocide* (Berkeley: University of California Press, 1993); Keith D. Watenpaugh, “The League of Nations’ Rescue of Armenian Genocide Survivors and the Making of Modern Humanitarianism,” *The American Historical Review* 115, no. 5 (2010).

147 Naimark, *Fires*, 193; Astourian, “Silence.”

trative framework within which the CUP (and later the Republican governments) handled property of non-Muslims in Turkey. As the preceding discussion makes clear, the legal concept of abandoned property emerged somewhat earlier, and there are reasons to believe that state institutions for the handling of this issue were first developed in Balkan nation states such as Bulgaria and Greece. Moreover, Muslim refugees were already settled, or settled themselves, in houses that had been involuntarily left by their owners in 1913–14. In this sub-chapter I argue that, at least for Turkey, the laws of 1915 and 1916 mark the introduction of two most important aspects into the already existing concept of “abandoned” property: first, the idea that this category ought to be treated as a source of revenue for the state, and second, the creation of a conceptual link between owners of a certain ethnic affiliation with certain administrative measures towards their property.

These developments can be traced through three legal texts: A regulation for Armenian property issued on June 10, 1915, a temporary law for Armenian abandoned property that was issued on September 14, 1915, and which is known as “liquidation law” (*tasfiye kanunu*), and the much lesser known regulation (*talimatname*) for *Rum* abandoned property of February 21, 1916. The latter appears not to have been published at all, and it might be for this reason that it is rarely discussed in literature on abandoned property.<sup>148</sup> The temporary law dealing with Armenian property, on the other hand, can safely be said to be one of the (if not the) most controversial laws in modern Turkish history. It was called “temporary” because it had, like most other laws of the period, not been issued by the Ottoman chamber of deputies (*Meclis-i Mebusan*), which only in theory was required to retroactively sanction it.<sup>149</sup> In practice, the law was far from temporary, but

148 Neither Nevzat Onaran nor Mehmet Polatel and Ümit Üngör mention the regulation at all.

149 This kind of law-making was a regular feature of CUP rule, especially during the war: “Over time, temporary laws overtook legislation in the parliament as the principal lawmaking mechanism of the state. Many important decisions were con-

effective until 1986 (apart from a short period between 1920 and 1922), even becoming the subject of a verdict of the Turkish constitutional court in 1963.<sup>150</sup> The *tasfiye kanunu* is without doubt the central legal document for the dispossession of the Ottoman Armenians.

In light of the vast dimensions of the Armenian Genocide, we still know relatively little about the way in which Armenian property was transferred into Muslim hands. Research that focuses on (rather than just mentions) this material side of the genocide has only just begun, and it is probably for this reason that works on the subject devote particular attention to legal texts: laws, unlike the tens of thousands of documents produced during their implementation, are relatively easy to obtain.

### 1.6.2 Methodology

As Hilmar Kaiser has pointed out, many denialist historians tend to assume that Ottoman laws were applied exactly in the way prescribed in them, and therefore cite them as proof of the good intentions of the Ottoman authorities.<sup>151</sup> This tendency is by no means limited to Turkish nationalist studies of the “Armenian issue” and can, for instance, also be found in works on Republican reform projects. What Gavin D. Brockett has criticized in works on Kemalist reforms is equally applicable to abandoned property legislation: Brockett argues that this “literal” approach to legal texts “must be recognized for its normative idealization.”<sup>152</sup>

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firmated as temporary laws, without any discussion in the chamber.” Şükrü Hanioglu, *A Brief History of the Late Ottoman Empire* (Princeton: Princeton University Press, 2008), 163.

150 Onaran, *Emvâl-i Metrûke*, 375–84. The constitutional court produced not one, but three verdicts.

151 Hilmar Kaiser, “1915-1916 Ermeni Soykırımı Sırasında Ermeni Mülkleri, Osmanlı Hukuku ve Milliyet Politikaları,” in *İmparatorluktan Cumhuriyete Türkiye’de Etnik Çatışma*, ed. Erik J. Zürcher, 123–56 (Istanbul: İletişim, 2005), 123–24. A recent example for this approach is Yücel Güçlü, *Armenians and the Allies in Cilicia. 1914–1923* (Utah: University of Utah Press, 2010).

152 Brockett, “Collective”: 45.

But how to deal with these texts in a more sophisticated way? In many cases a given law might actually be the only surviving source, and this scarceness of additional evidence might force scholars to use laws a lot. In the case of Armenian, and later Greek, property in Turkey, the registers which were produced in the process of dispossession are, unsurprisingly, indeed not available. Thousands of telegrams sent to and fro between Istanbul and the provinces, however, are available today and have been studied by scholars working on the subject. A limited number of telegrams has even been published by the Turkish National Archives. It is therefore possible to trace at least some parts of the application of these laws.

All laws and regulations that will be dealt with here were issued in retrospect, i.e., after the actual practices discussed in them had been developed. This point is often mentioned in critical literature on the subject. For instance, Polatel and Üngör show that the seizure of Armenian goods in the spring of 1915 was at first improvised and only later codified. Hilmar Kaiser argues that a change in legislation of November 1915 was “without doubt reflecting the experiences that had been made during the auctions of the past few months.”<sup>153</sup> While they do not dwell on this point, the implicit methodological assumption is that laws can tell us something about the context they were written in. They reflect previous practices while helping to gradually develop new ones.<sup>154</sup>

It is not only that which is said in legal texts which is instructive to historians, but also that which remains unsaid. Calling the laws “structural elements of the period of genocide,” Taner Akçam points out that the deportation law of April 1915 mentions the possibility of land distribution and settlement aid to Armenians. Further regula-

153 “Şüphesiz, bu değişiklik geçmiş aylardaki müsaderele sırasında kazanılan deneyimleri yansıtıyordu.” Hilmar Kaiser, “1915-1916 Ermeni Soykırımı Sırasında Ermeni Mülkleri, Osmanlı Hukuku ve Milliyet Politikaları,” in *İmparatorluktan Cumhuriyete Türkiye’de Etnik Çatışma*, ed. Erik J. Zürcher, 123–56 (Istanbul: İletişim, 2005).

154 This point is based on Huri İslamoğlu’s work on the Ottoman Land Code. See İslamoğlu, “Property”.

tions that would spell out the details of such measures, however, are nowhere to be found. While mentioned in the law itself, it appears that no instructions for these measures were ever prepared.<sup>155</sup> On the other hand, there is an abundance of laws and regulations dealing with the treatment of the abandoned property of the deported Armenians, and the procedure by which refugees were to be settled in them. Akçam concludes that regulations for land distribution to Armenians were never written because such distribution did not take place. The administrators of the genocide were much more interested in the distribution of Armenian property than in providing for the Armenians. Akçam's argument can even be taken further: it is not enough to analyze laws as proof of their implementation, but an abundance of certain ideas and their reiteration in legal texts points towards an importance of these ideas in the minds of the law-makers. Moreover, changes in legislation and terminology may be seen as traces of changing practices and the evolution of certain legal concepts. The following sub-chapter is devoted to such a close reading of the laws and regulations issued in 1915–16 that dealt with Armenian as well as Greek abandoned property in Anatolia and Thrace.

### **1.6.3 The regulation for Armenian property (June 10, 1915)**

Even though deportations started in February 1915, the first law regulating them was issued on May 19, 1915.<sup>156</sup> It did not contain rules for the property of the deported. According to Akçam and Kurt, first instructions for the sale of Armenian property were sent to the provinces several days before that date, probably as early as May 17, and then again on May 23.<sup>157</sup> Immediately following the deportation of their

155 “Ana iddiam odur ki, gerek Osmanlı gerek Cumhuriyet döneminde çıkartılan bu kanun ve kararnamelerde Ermeni soykırımının izini sürmek mümkündür. Bu kanunlar esas olarak soykırım sürecinin bir parçası, onun yapısal bir unsuru olarak yaratılmış ve uygulamaya konmuşlardır.” Akçam, “Kanunların”: 2.

156 The original Ottoman text, along with a transliteration and a translation into modern Turkish, is provided in Kardeş, “Tehcir”, 17–20.

157 Akçam and Kurt, *Spirit*, 20.

inhabitants, Armenian villages and towns were settled by Muslim immigrants. This migration was centrally planned and sometimes even involved the resettlement of refugees who had already been settled elsewhere in the Empire.<sup>158</sup> Almost a month after the deportation law, the CUP government issued the first comprehensive “Directive for the Administration of Property and Land Owned by Armenians who Have Been Sent to Other Places Due to the War and the Special Political Situation”.<sup>159</sup> It is remarkable that the directive’s title so openly refers to Armenians as the ones who were deported (the deportation law had not done so). One explanation may be that there was no need to be vague about this point because the directive, unlike full-grown laws, was never published. Some historians even claim that it was secret.<sup>160</sup> I would rather say that it was a document intended for internal use by the officials working in the abandoned property commissions.

According to the directive, all houses of the deported Armenians were to be sealed and their movable property to be drawn up in registers by abandoned property commissions which would be set up for this purpose (Art. 2, 3). Accuracy and completeness appear to have mattered a lot to the law-makers: Article 7 reiterates that all goods, their character, number and value had to be listed in registers for every village and town. Perishable goods, livestock, and harvested crops would be auctioned and the obtained sums of money would be kept in accounts in the respective owners’ names. If an owner was unknown, the money would be kept in the name of his or her village or town (Article 5). Religious objects and books found in churches would also be registered, stored, and later sent to the respective communities’

158 Dündar, *Modern*, 289. Dündar cites the case of Turkish refugees who were moved on from Syria to Zeytun.

159 Selahattin Kardeş does not mention this directive at all. I have worked with the modern Turkish translation in “Arşiv Belgeleriyle Ermeni Faaliyetleri 1914-1915: Cilt I (1914-1915),” (Genelkurmay Başkanlığı): <https://docs.google.com/file/d/0BzTG7ZKYLQglSnRfQkMwZDM0ZTg/edit?pref=2&pli=1>, 139–42. An English translation is provided there on pages 143–46.

160 Polatel and Üngör, *Confiscation*, 44.

place of exile (Art. 6). Articles 1 to 10 of the *talimatname*, by often mentioning the owners and speaking of custodian care for their property, convey the impression to be concerned with the protection of these owners' rights. There are, however, suspicious points. For instance, Article 8 stipulates that crops would be auctioned unless no buyer could be found, in which case the produce could be sold for less than the estimated price. Certainly, no crop would have been hard to sell in the middle of the Great War. (The only exception to this may have been cash-crops which may not have been tradable due to the war).

Article 11 states that "refugees will be settled in the emptied villages." (Note that the text does not formulate a possibility but anticipates a fact). The following eight articles contain detailed stipulations pertaining to the settlement of these refugees, as well as to nomadic tribes, in Armenian houses. Here again, the text prescribes that the settlement and allocation process be documented in great detail: registers had to include information on the refugees' names, origin, the date and place of their settlement, as well as the characteristics (and value) of all the fields, houses etc. they were assigned. Refugees would be given one copy of a document that contained all this information.<sup>161</sup> Their settlement was at no point called temporary. Contrary to Article. 4, according to which immovable property would be sealed and kept under protection, Art. 20 mentions that "those houses and fields that no one wants to buy can be rented out for a period no longer than two years."<sup>162</sup> It appears that the limit of two years' tenancy was not intended to keep houses available for their owners, but to make sure that all houses were sold rather than rented out. The implication that property would indeed not be protected but sold is made explicit in Art. 21 and 22, which mention that the "sums obtained through sale or renting out will be kept in custodian accounts and, according to

161 "Arşiv," 140.

162 Ibid.

information which will be given later, paid to the owners.”<sup>163</sup> Arts. 24 to 34 deal with the abandoned property commissions, their structure, the appointment of officials, questions of responsibility, salaries, and the administrative framework they were to be established in. Each commission was to be comprised of three members: one specially appointed chairman would work together with one financial and one civil official (Art. 30). The salaries (1.5 Lira per day for the chairman, one each for the other members) were to be paid “out of what the refugees will pay” (Art. 33). The commissions would receive their orders and be responsible to the Ministry of the Interior only.

Most scholars of the subject agree that the *talimatname* (as well as later, similar regulations) said one thing and meant another.<sup>164</sup> That said, it is instructive to ask why the CUP government issued the directive, including paragraphs about protective care and custodian accounts, in the first place. One convincing answer is that it was impossible to admit that property taken by the state would never be given back. This would have amounted to theft, a “crime that the state can’t possibly be accused of.”<sup>165</sup> The second, equally plausible explanation points to the comforting effect of detailed instructions on those in charge of the dispossession:

the many orders camouflaged the plunder and lent it a juridical quasi-legitimacy. They possibly also played an important role for the officials and institutions charged with carrying them out. It structured their daily work and provided an impersonal, administrative-bureaucratic mask to hide behind. (...) It gave shape to a

163 This “information to be given later” concerned the new places of residence of the deported Armenians.

164 See Lekka, “Legislative”; Akçam, “Kanunların”.

165 “Ermenilerin tüm mal varlıklarına el koyarken, açıktan ‘bu mallar veya değerleri sahiplerine geri verilmeyecektir’ denmedi, denemedi. Çünkü bu devleti, doğrudan hırsız konumuna düşürürdü. Oysa, hırsız değildir, ve vatandaşının malına karşılıksız el koymakla, yani hırsızlıkla suçlanamaz.” Akçam, “Kanunların”: 2.



“just world fallacy”: if there were government laws about the dispossession, then surely they were legitimate.<sup>166</sup>

In other words, the *talimatname* was neither fake nor drawn up to be shelved. By providing a blueprint for the handling of abandoned property, it shaped the way bureaucrats as well as ordinary people came to think about proper or improper ways of dealing with it: from 1915 on, abandoned property was supposed to be administered by the state, and more than that, by specialized commissions in charge of registering, selling, and renting out the property. These commissions really performed their task (as we shall see later on, often in ways that made people judge their work as corruption). This process was immediately followed by the settlement of Muslim refugees in Armenian houses and villages. Officials involved in the implementation of the regulation did not need to read between the lines because the administrative tasks of sealing, registering, and renting out, (with the possible exception of sale), and even the settlement of refugees could really have served the purpose of protection. Indeed, the protection of houses from decay was useful as it could facilitate the settlement of refugees (and the other way around).<sup>167</sup> Likewise, information on more or less valuable goods, and their sale through officials could provide cash – if not for the refugees, then for the coffers of the state – or for the officials themselves. The difference between honest protection and dispossession made itself felt in details which the *talimatname* did not discuss, i.e., the “information to be given later” for payment of sums to the original owners of property. In order to use the text *against* rather than *for* the interests of the deported Armenians, it was possible to simply follow the instructions given in the regulation. The available information on the implementation of the *talimatname*, and of the dispossession of Armenians as a whole, is still scarce and scattered. This is due not to a scarceness of available sources, but rather to the fact that scholars have only recently begun to study the

166 Polatel and Üngör, *Confiscation*, 58.

167 Dündar, *Modern*, 294.

economic aspects of the genocide in greater detail. However, the general picture is clear: abandoned property commissions were set up in every province and every district affected by the genocide (i.e., with the exception of Istanbul, İzmir and Edirne). This is not to say that pillage only started after June 10. In Diyarbakır, for instance, rioting in and large-scale plunder of Armenian shops took place as early as August 1914, being tolerated by the police.<sup>168</sup>

Moreover, it is commonly known that people who had received their deportation orders rushed to sell their belongings for whatever price they could obtain. An employee of the German Red Cross who witnessed the deportations in Erzincan observed:

The Armenian women everywhere were sitting in front of the houses and offered all their household effects for sale. All went away for a song. (...) On 10 June the picture changed. The city was empty.<sup>169</sup>

Many reports mention that crowds of local Muslim people, especially women and children, looted Armenian houses, carrying away whatever they could. Üngör and Polatel see the participation of women as an instance of their taking part in the national cause of Turkification and “bridg(ing) the gender gap.”<sup>170</sup> Technically, this might be true. On the other hand, it is hardly possible to retrospectively determine the ideological background of theft. In many cases, especially those in which greatly impoverished people looted Armenian property, they might simply have been trying to survive. During wartime, when most working men from towns and cities were serving in the army, their wives, widows and children formed a majority among the poorest of the poor.<sup>171</sup>

168 Polatel and Üngör, *Confiscation*, 136.

169 PA AA, Botschaft Konstantinopel 96, B1.66–68, report by a Red Cross doctor in Erzincan, 29 June 1915. Cited in *ibid.*, 70.

170 Polatel and Üngör, *Confiscation*, 88.

171 This problem of female poverty (and not only the shortage of manpower) was certainly one of the factors that lead to first campaigns for employment of urban

The prices paid for movable as well as immovable goods did not go up when the commissions took over. A witness to the sale of Armenian goods in Diyarbakır later recalled:

You might see a carpet, worth thirty pounds, sold for five, a man's costume, worth four pounds, sold for two medjidies, and so on with the rest of the articles, this being especially the case with musical instruments, such as pianos, etc., which had no value at all.<sup>172</sup>

The auctions certainly offered an opportunity for local Muslims to enrich themselves, and low prices might well have been an expression of disrespect and even humiliation aimed at the deported Armenians. However, one can easily imagine that "real" demand also played a part: people might not have had any use for objects that had been valuable to the deported Armenians (as in the case of musical instruments they did not play). Moreover, the simultaneous offering of all Armenian goods must have eased competition among potential buyers. Polatel and Üngör argue that goods were sold to the lowest, rather than the highest bidder in order to allow the local Muslim population to benefit.<sup>173</sup> I am not convinced in this point. What is uncontroversial is that the central government was quite unhappy about the meager results of the auctions, which were good for the local population, but bad for the treasury. On July 29, 1915, Talât Paşa himself urged the commissions to bring in more money, ostensibly to secure fair prices for the owners:

It has been brought to our attention that the movable property of Armenians has been given away or sold for nothing as a result of the endeavors of usurers who took advantage of their monopoly. As a result, the owners as

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Muslim women. See Zafer Toprak, "Osmanlı Kadınları Çalıştırma Cemiyeti. Kadın Askerler ve Milli Aile," *Tarih ve Toplum* 9, no. 51 (1988).

172 Fa'iz el-Ghusein, *Martyred Armenia* (London: Pearson, 1917), 30. Cited in Polatel and Üngör, *Confiscation*, 113.

173 Polatel and Üngör, *Confiscation*, 67.

a whole have suffered great losses. (...) Don't tolerate these practices, and if there is anyone who has bought property so cheaply, annul the purchase and make sure that the difference to the real price is paid.<sup>174</sup>

Particularly valuable property such as big landed estates and companies were turned into new, "national" companies, and "there was usually one-to-one correspondence between the roster of the Committee of Union and Progress local organization and the shareholders of new companies."<sup>175</sup> For instance, in Adana, land and resources were channeled to a specially set-up CUP-backed cotton company (*Anadolu Pamuk Şirketi*) before the abandoned property commissions started their work.<sup>176</sup> Agriculture in Adana and its surroundings (the Çukurova plain), was, unlike most other areas of Anatolia,<sup>177</sup> characterized by large estates and large-scale cultivation of cash crops, especially cotton.<sup>178</sup> This mode of production required large amounts of capital, which were usually obtained through loans from foreign companies. Landowners secured these loans with their land. Many of these landowners were Armenians, and their dispossession and deportation

174 "Nakledilen Ermenilerin emvâl-ı menkulelerinin pek ucuz elden çıkarıldığı ve şuradan buradan toplanan erbâb-ı ihtikârın seyri'e-i inhisârı olarak, yok behâsına satılarak ashâbının külliyyen mütezarrır olduğu, istihbâr olunuyor, (...) Bunlardan ucuz mâl almışlar varsa fesh-i bey' gibi tedâbirlere müraca'âtla kıymet-i asliyelerine ircâ'ına gayret olunarak sûret-i kat'îyyede menâfi'-i gayr-i meşrû'aya meydan verilmemesi" BOA DH. ŞFR 54/381, cited in T.C. Başbakanlık Devlet Arşivleri Genel Müdürlüğü, ed., *Osmanlı Belgelerinde Ermeniler (1915-1920)* (Ankara, 1994), 76.

175 Keyder, *State*, 63.

176 Polatel and Üngör, *Confiscation*, 113.

177 The other exception was İzmir, whose Armenian population was not deported. See Kontente, *Smyrne*, 688. I have not come across any protests of creditors against the forced migrations of Greeks in 1914–15.

178 Cotton production in Adana had gained prominence during and shortly after the American Civil War, which had effectively cut off the supply of cotton from the southern states of the US. For an overview of Adana's development and the interconnection between migration and capitalist agriculture in that area, see Toksöz, *Nomads*.

posed a direct threat to the financial interests of foreign companies. While British and French banks must have been equally affected, only German and Austrian ones could voice their demands during the war.<sup>179</sup> The German ambassador Wolf-Metternich later reported that his office had “schon im Interesse der deutschen Gläubiger der Ausgesiedelten,” directed complaints against the deportations to the Sublime Porte. When these turned out to be to no avail,

sahen wir uns genötigt, zur Wahrung der in Mitleidenschaft gezogenen deutschen Interessen der Pforte zu erklären, dass wir sie für den Schaden verantwortlich machten, den die deutschen Gläubiger der Ausgesiedelten als unmittelbare Folge des rechtswidrigen Verhaltens der türkischen Regierungsorgane erlitten hätten.<sup>180</sup>

Talât Paşa reacted by temporarily postponing the deportation of Armenians who were in debt to German companies.<sup>181</sup> Later, on September 14, 1915, the CUP government issued the Temporary Law for the Abandoned Property, Debts, and Receivables of Persons Deported to Other Places, better known as the liquidation law (*tasfiye kanunu*).<sup>182</sup>

#### 1.6.4 The liquidation law (*tasfiye kanunu*)

When the liquidation law was issued in September 1915, the deportations and dispossession of Armenians had been largely completed. Like most other war-time laws of the CUP government, the *tasfiye*

179 Losses of people and companies associated with the Entente Powers were later regulated in the Lausanne treaty. After 1924, special arbitrary commissions were set up to decide about claims for compensation against the Turkish government.

180 PA-AA/Bo/Kon/99, 10/12 (nicht abgeschickt), cited in Wolfgang Gust, ed., *Der Völkermord an den Armeniern 1915/16: Dokumente aus dem Politischen Archiv des deutschen Auswärtigen Amtes* (zu Klampen, 2005), 437.

181 Polatel and Üngör, *Confiscation*, 46.

182 Ahar Mahallere Nakledilen Eşhasın Emval ve Düyün ve Matlûbat-ı Metrûkesi Hakkında Kanun-u Muvakkat. I cite from the transliteration published in Kardeş, “Tehcir”, 27–31.

*kanunu* was simply passed by the cabinet, without previous (or subsequent) deliberation in the chamber of deputies (*Meclis-i Mebusan*). It was, however, briefly discussed in the Senate (*Meclis-i Ayan*) on November 30, 1915. The minutes of this session reveal that the senators were well aware of the deportations but managed to drown any doubts about its legitimacy in questions of legal procedure. Ahmet Rıza, the chairman of the Senate, harshly criticized the law as unconstitutional and demanded emergency relief for those Armenians who were still alive. The other senators, however, denied responsibility, claiming that the second chamber (the *Meclis-i Mebusan*) had to deal with the law first.<sup>183</sup>

Most works on the subject stress that the law was issued as a result of protests of German and Austrian companies which had been pressing for re-payment of their loans.<sup>184</sup> I would rather say that it was *published* for this reason, once again providing a codification for already existing practices. Moreover, the CUP government was determined to keep Armenian property out of foreign hands: as early as July 1915, the settlement directorate had instructed the provincial administration of Trabzon to gather information on outstanding debts of Armenians, urging it “not to allow that Armenian property passes into the hands of foreigners etc.”<sup>185</sup> Foreigners were therefore not allowed to bid in the auctions. This pattern appears to have continued after the

183 For very brief discussions of Ahmet Rıza’s speech (but not his colleagues’ reaction), see Vahakn N. Dadrian, *The History of the Armenian Genocide. Ethnic Conflict from the Balkans to Anatolia to the Caucasus* (Oxford: Berghahn, 1995), 222–24; Polatel and Üngör, *Confiscation*, 6. The (transliterated) minutes are available online at

<https://www.tbmm.gov.tr/tutanaklar/TUTANAK/MECLISIAYAN/mad03ic02c001/mad03ic02c001ink010.pdf> (accessed April 7, 2016).

184 Hilmar Kaiser, “1915-1916 Ermeni Soykırımı Srasında Ermeni Mülkleri, Osmanlı Hukuku ve Milliyet Politikaları,” in *İmparatorluktan Cumhuriyete Türkiye’de Etnik Çatışma*, ed. Erik J. Zürcher, 123–56 (Istanbul: İletişim, 2005), 127–38. Both Onaran and Polatel/Üngör cite Kaiser.

185 “Ermenilerin uhdesinde emvâlin ecâ nib ve sâ’ire yedine geçmesine müsâ’ade edilmemesi” BOA. DH.ŞFR 45/393, published in T.C. Başbakanlık Devlet Arşivleri Genel Müdürlüğü, *Osmanlı*, 64.

liquidation law had been passed, and its implementation turned out to be far from satisfactory for foreign creditors.<sup>186</sup> Forwarding a French translation of the law to the German embassy in Istanbul, the director of the Deutsch-Levantinische Baumwollgesellschaft (a major creditor of Armenian cotton producers) commented sarcastically on the law's actual objective:

Es hätte sich wohl viel einfacher und klarer in zwei Artikeln ausdrücken lassen, nämlich: Art. 1) Tous le biens des Arméniens sont confisqués. Art. 2) Le Gouvernement encaissera les créances des exilés et il remboursera (ou ne remboursera pas) leurs dettes.<sup>187</sup>

Commonly known as *tasfiye kanunu* (liquidation law), the law of September 14, 1915 comprised 11 articles. Article 1 stipulates that “all properties, receivables and debts left behind by real or legal persons who have been transported to other localities according to the law of May 14, 1331 [1915]” shall be “recorded one by one by specially set up commissions” and, “on grounds of these records, liquidated by the courts.”<sup>188</sup> According to Article 2, income-generating property that was part of pious endowments (*evkaf*) would be recorded in the names of either the Ministry of Finance or the Treasury of Religious Foundations. The properties would be paid for by the treasuries and the sums

186 According to Polatel/Üngör, this rule applied not only to foreigners, but to non-Muslims in general. Polatel and Üngör, *Confiscation*, 113.

187 PA-AA/R 14088, A 29127, pr. 8.19.1915 Privatschreiben Abdruck: DuA Dok. 222. Cited in Gust, *Völkermord*, 329.

188 “14 Mayıs 1331 tarihli kanûn-ı muvakkat hükmünce âher mahallere nakledilen eşhâsı hakikiyye ve hükmiyyenin terk etmiş oldukları Emvâl ve matlûbât ve düyûn bu husûs için müteşekkil komisyonların her şâhıs için ayrı ayrı tanzim edecekleri mazbatalar üzerine mahkemelerce tasfiye edilir.” Onaran, *Emvâl-i Metrûke*, 319; Kardeş, “Tehcir”, 27. Kardeş's otherwise problematic publication provides a facsimile of the original text of the law in Ottoman Turkish as published in the official gazette, along with a transcription in the Latin script and a translation into modern Turkish.

remaining after liquidation would be “given to their owners.”<sup>189</sup> All purchases or other transfers of ownership which had been effected during the 15 days preceding the deportations, and were found to have been realized at heavily overcharged prices, were declared invalid in Article 2.<sup>190 191</sup> Moreover, anyone bringing up a legal dispute concerning the properties would have the state’s registrar’s office (*defter-i hakani*) as adversary (Art. 2). According to Article 3, all moveable property, cash and receivables would be registered by the commission chairmen, auctioned, and those sums that were not subject to claims would be kept in the owner’s name.<sup>192</sup> Article 4 regulates the application procedure for those who held claims against the deportees: they had to register their claims with the commissions and prove residency in the place where the commission worked. (This rule must have excluded most foreign subjects and companies.) Parties resident on Ottoman territory were given two, those resident outside of the empire four months to register their claims. (This rule appears to contradict the former one.) After that period, it was to be possible to sue the state, but even anyone who won a case would no longer be able to get the property back. Article 5 contains the details of the procedure with which local plaintiffs and courts were supposed to establish the claims of creditors, who were, unlike their debtors, given the opportunity to file objections. Following the courts’ establishment of the

189 “(M)ezkûr Hazîneler tarafından verilecek bedellerinden ba’det-tasfiye kalacak miktarı ashabına ita olunur.” Kardeş, “Tehcir”, 27.

190 This may have been a reference to purchases made by friends of deportees which had been made in order to protect Armenian property.

191 “Eşhas-ı mebhusenin tarih-i nakillerinden on beş gün evvelki müddet zarfında icra ettikleri muamelâtı ferağiyede muvazaa veya gabn-i fahişin vücudu, bilmuhakeme sabit olduğu takdirde, ukûd-u vakı’a fesh ve iptal olunur.” Kardeş, “Tehcir”, 28.

192 “Zikrolunan şahısların nukût ve emval-i menkule-i metrûkesiyle mevduat ve matlûbatı, birinci maddede zikredilen komisyon reisi veya vekili tarafından cem’ ve istirdat ve tahsil ve dava ve emval-i metrûkeden münaza’ ün-fih olmayanlar, bilmüzayede fûruht ile hâsıl olan mebalîğ, sahipleri namına emaneten mal sandıklarına tevdi olunur.” Kardeş, “Tehcir”, 28.



creditors' claims, the commissions would proceed to liquidate the abandoned property. Any objection filed later than that was declared invalid. Article 6 prescribes how the sums obtained in the course of the liquidation would be distributed among creditors, especially if the sums turned out to be insufficient for the satisfaction of all claims. Article 7 declares all previous legal regulations, decisions and acts of official institutions pertaining to abandoned property invalid and announces that anyone who attempted to seize property according to these regulations would be subject to the *tasfiye kanunu*.<sup>193</sup> (This point must have been a reference to the previous regulation, which had prioritized refugee settlement in abandoned property.) Anyone still having outstanding lawsuits in court against the deported Armenians was directed to turn to the liquidation commissions. Article 8 announces that the details of the commissions' composition and work would be regulated in a separate regulation. According to Article 9, all immovable property mentioned in the law, including income-generating *vakf*-property, *could* be distributed for free among refugees, in the framework of the refugee regulation (*muhacirin nizamnâmesi*) issued in 1913. Articles 10 and 11 name the ministries in charge of the application of the law (the Ministry for Religious Endowments, the Ministry of Finance, the Ministry of the Interior, and that of Legal Affairs) and stipulates that the law would come into force upon its publication.

### 1.6.5 Comparison of *talimatname* and *tasfiye kanunu*

Compared against the regulation (*talimatname*) for abandoned property issued three months earlier, the *tasfiye kanunu* contained some significant changes. Unlike its predecessor, the *tasfiye kanunu* mentioned debts and even receivables, describing an administrative and judicial procedure not only for the sale, but for the liquidation of Ar-

193 "Nakil olunan eşhasın emval-i metrûkesine işbu Kanunun neşrinden mukaddem mehâkim ve devair-i resmîye tarafından vaz' edilmiş olan ihtiyatî veya icraî hacizler keen-lem-yekûn olup haczi vâzedenler işbu Kanunun ahkâmına tâbi olacaklardır." Kardeş, "Tehcir", 30.

menian property. In that sense, the law made it even clearer that a return of the deported Armenians was not intended at all. The category of value was stressed much more than in the *talimatname*, while refugee settlement, which had been regulated in much detail in June 1915, was only addressed once, and much less decidedly (“*vakf*land may be distributed for free among refugees”). It is remarkable that free distribution (“*meccanen tefviz ve tevzii*”) is mentioned explicitly only in the liquidation law – the distribution discussed in the *talimatname* had in all likelihood been for free, too, but at that time nobody seems to have felt that this point needed to be mentioned at all. Moreover, Article 7 declares the regulations of the *talimatname* (and all other previous regulations on the matter) void. Those who “occup[ie]d a house according to previous regulations” must, in most cases, have been refugees, and “being subject to the regulations of the law” must have meant that those houses, too, would be auctioned. The state did, in other words, suddenly consider people it had settled only months ago as trespassers. Selahaddin Kardeş (who never mentions the *talimatname* and might in fact have been unaware of it) has covered this point up with a mistranslation from Ottoman to modern Turkish: “those who occupy houses, counting previous regulations as null and void.”<sup>194</sup>

### 1.6.6 Further amendments to and application of the law

In September 1916, almost exactly a year after the original *tasfiye kanunu*, when great numbers of the deported Armenians could be assumed to be dead, the CUP government issued yet another temporary law, amending Article 2, point 1 of the *tasfiye kanunu*. This text mentioned the possibility that land that had fallen back to the treasury (*mahlulat*) and sultanic land and houses located in the places where Armenians had been deported to “can be distributed for free among them, in order to be used as temporary shelters, houses, and for their

194 Kardeş translates: “konulmuş olan ihtiyatî veya icraî hacizler yokmuş gibi adedilip haczi koyanlar.” Kardeş, “Tehcir”, 30.

subsistence.”<sup>195</sup> As Onaran points out, it is significant that the law merely mentioned a possibility, not an obligation, thus implying that it was equally possible not to provide anything for the subsistence of the Armenians.<sup>196</sup> Moreover, I doubt that any *mahlulat* and *emiriyé* (sultanic) land existed in the area around Der Ez-Zor, which, being desert land, was unlikely to have been cultivated or registered before. If anything, it would have been subject to nomadic land rights or would have been counted as previously uncultivated *mevad* land.

As for the application of the *tasfiye kanunu*, it is safe to say that the administrative structures foreseen in it, namely the liquidation commissions, were indeed set up. We know that a total number of either 32 or 33 liquidation commissions were formed in the provinces and districts of Anatolia and Thrace.<sup>197</sup> A regulation (*nizamname*) issued on October 28, 1915 provided detailed instructions for the work of these commissions.<sup>198</sup> According to this document, the commissions were charged with the gargantuan task of drawing up all movable and immovable property of the Armenians in two copies. These books were to be compiled with the help of local *tapu* and financial officials. One of the books was supposed to be handed over to the local administrative councils, while the other one would be sent to the *tapu* offices for later consultation. If these registers were indeed drawn up (and there is no reason to believe that they were not), they must have pro-

195 “Şu kadar ki mahal-i ahara naklolunan eşhas-ı merkumeye mahali müretteplerinde beytutet ve ikametleriyle maişetlerini temin edebilecek derecede emlâk ve arazi-i mahlûle ve emiriyeden meccanen mesken ve arazi verilmek suretiyle de muavenet olunabilir.” Kardeş, “Tehcir”, 37.

196 “(Y)ardım yapılabilir demekle yapılmayabileceği de ifâde edilmiş olunuyor.” Onaran, *Emvâl-i Metrûke*, 58.

197 The list of the places can be found in Hilmar Kaiser, “1915-1916 Ermeni Soykırımını Sırasında Ermeni Müllkleri, Osmanlı Hukuku ve Milliyet Politikaları,” in *İmparatorluktan Cumhuriyete Türkiye’de Etnik Çatışma*, ed. Erik J. Zürcher, 123–56 (Istanbul: İletişim, 2005), 143.

198 Kardeş, “Tehcir”, 53–56. Along with a transcription and a modern Turkish translation, Kardeş provides a facsimile of the original Ottoman text, which also included the exemplary tabular forms.

vided a depth of information that had never before been available to administrators. (The *nizamname* mentioned that local knowledge would be consulted.) The document was sent out with a model register (*defter*), demonstrating the correct way to draw up all relevant information, attached to it.<sup>199</sup> The (at least) 66 registers (*defter*) that must have been produced in the process seem to have disappeared, or rather, are not available to researchers.<sup>200</sup> The collection of all relevant information on debts, receivables, mortgages, bank accounts, money deposited with other people, and their collection by the commission, if performed in the way prescribed in Articles 13–19, must have (or rather, would have) created red tape of truly byzantine dimensions. According to Fuat Dündar, who has studied the settlement policies of the CUP government in great detail, the settlement agency (İAMM) indeed produced records that would have allowed tracing exactly whose property had been given to whom, and to give it back accordingly.<sup>201</sup>

Several provisions of the regulation suggest that the lawmakers, possibly as a result of the experiences of the past few months, anticipated both local resistance to the registration process and corruption of officials: “sufficient numbers” of policemen and gendarmes were to be called in where necessary, (Article 21), all registers were to be constantly checked, and all members of the commission were to be held materially responsible for any losses suffered due to the non-performance of their duties (Art. 23). The bulk of the commissions’ work (that is, the non-monetary aspects of it) appears to have been finished by May 1916, when responsibility for them was transferred from the Ministry of the Interior (and the settlement agency) to the Treasury.<sup>202</sup> In March 1917, the Senate decided that Armenian prop-

199 This model is part of the version published in the official gazette (*takvim-i vekâyi*).

200 “Bu halde yüzlerce defter olması gerekiyor. (...) Peki, bu defterler nerede?” Onaran, *Emvâl-i Metrûke*, 74.

201 Dündar, *İttihad*, 88.

202 BOA.HU Kr 109/3, published in T.C. Başbakanlık Devlet Arşivleri Genel Müdürlüğü, *Osmanlı*, 146.

erty mortgaged to the Agricultural Bank would be auctioned in order to secure repayment of the debt. The decision explicitly mentioned that Greeks and Bulgarians who had left the country would not be affected.<sup>203</sup> In the same year, it was also decided that tax arrears would be secured in this same way.<sup>204</sup>

## 1.7 The regulation for Greek property

Although the expulsion, and later deportations, of Ottoman Greeks (*Rum*) preceded those of Armenians, the first legal text that explicitly regulated the administrative treatment of their property was issued after those for the Armenians. We can assume that the experiences made in the handling of *Rum* property informed the first measures taken for Armenian ones and the regulation for Armenian property of June 1915. This regulation was also applied to *Rum* property until February 1916.<sup>205</sup>

There is a tendency in the scholarly literature on abandoned property to see the issue of *Rum* abandoned property as one limited to the issue of the 1923 population exchange. It is probably for this reason that Nevzat Onaran does not consider exchangee property as part of the greater problematic (in his first book). Polatel and Üngör, while acknowledging that there were separate rules for different classes of non-Muslim property, claim that they were nevertheless treated the same.<sup>206</sup> On the other hand, they mislead the reader by depicting the population exchange of 1923–24 as the only factor relevant for the handling of *Rum* property: According to them, property of non-Armenian minorities such as Greeks, Jews and Syrians was

203 “Maliye Nezâreti'nin tezkiresinde muharrer olduğu üzere Bulgar ve Rumlara â'id emlâk ve arâzinin Hâzine-i celîleye ta'allûku olmayıp ancak Ermenilerden metrûk emvâl-ı merhûnenin (...) bi'l-müzâyede satdırılarak” BOA. Meclis-i Vükelâ Mazbataları 207/3, published in T.C. Başbakanlık Devlet Arşivleri Genel Müdürlüğü, *Osmanlı*, 146.

204 Onaran, *Emvâl-i Metrûke*, 55.

205 Dündar, *Modern*, 240; Ahmet Efiloğlu and Raif İvecan, “Rum Emvâl-i Metrûkesinin İdaresi,” *History Studies* 2, no. 3 (2010): 130.

206 Polatel and Üngör, *Confiscation*, 43.

defined by different categories and applied according to different laws. For instance, the laws about Greek migrants (*mübadil*) who migrated according to the 1923 population exchange between Greece and Turkey were referred to as “property transfer laws” (*temlik kanunlari*).<sup>207</sup>

Akçam and Kurt stress that the CUP created different categories for different property in accordance with the owners’ treatment by the state – for example, there were different rules for deported Rum and those who were forced into exile – and go on to state that each category corresponded to a different set of administrative practices.<sup>208</sup> While their stress on administrative rules (rather than ethno-religious identity or citizenship) is important and instructive, I think that they overestimate the power of the legal text, overlooking the development in which practices in the provinces informed the law. It is true (and one of the central arguments of this study) that the distinction between *Rum*, Greek and Armenian property was of great importance. Yet, it was never clear-cut and always hotly contested. The idea of a distinction between Armenian and non-Armenian property certainly goes back to 1915, yet it is instructive to look into the process in which this distinction was turned into a self-evident, widely accepted administrative practice.

As mentioned above, Ottoman Greeks (*Rum*), including many who held Greek citizenship, had been subject to forced migrations even before the Ottoman Empire entered World War I, and local administrations had been settling refugees in their place as early as 1913. According to Fuat Dündar, “the settlement of refugees was one of the most important means by which Greeks were driven out” at this

207 Ibid.

208 See Taner Akçam, “Uğur Ümit Üngör ve Mehmet Polatel: El Koyma ve Yıkım, Genç Türklerin Ermeni Mallarını Gasp Etmesi kitabı üzerine,” *Tarih ve Toplum Yeni Yaklaşımlar* 14 (2012): 100–102.

point.<sup>209</sup> Even before the Ottoman Empire entered the war, *Rum* property was sold in auctions or rented out.<sup>210</sup> Interestingly, the issue of outstanding debts (not to foreign companies, but to the Agricultural Bank) seems to have come up in July 1914 as well, and Greek/*Rum* debts to that bank were secured through the sale of the debtors' property.<sup>211</sup> The chronology of these measures strongly suggests that the measures that were later applied to Armenian property were first developed in local authorities' dealings with *Rum* abandoned property. The first nation-wide regulation on this issue, however, seems to have been that of June 10, 1915, which explicitly referred to Armenians, thus bringing up the question what to do with *Rum* and Greek-owned property (up until 1923, the latter appears to have been treated the same as property of Ottoman subjects). On July 4, 1915, the settlement agency instructed local authorities in western Anatolia to apply the regulation for Armenian property to that owned by *Rum* as well.<sup>212</sup> It was only with the proclamation of the liquidation law of September 1915 (which, ironically, did not mention the ethno-religious identity of the deported), that the official policies towards *Rum* and Armenian property seem to have been fine-tuned. Only days after the law's proclamation, on September 29, the settlement agency instructed the abandoned property commission in Hüdavendigâr (Bursa) to treat *Rum* property differently from that owned by Armenians.<sup>213</sup> Later telegrams to the district government (*mutasarrıflık*) in Canik/Samsun explicitly stated that *Rum* property should not be liquidated.<sup>214</sup> According to Efiloğlu and İvecan, the CUP government feared that the Greek government would reciprocate any seizure of

209 "Muhacir iskânı, Rumların kovulması sırasında başvuru en önemli yöntemlerden biridir." Dündar, *Modern*, 207.

210 Dahiliye Nezareti İdare-i Umumiye" den Kala-i Sultaniye Mutasarrıflığına gönderilen tahrirat, 13 Temmuz [1]330 (26/07/1914), BOA. DH.H, 73/16, Lef. 1/1. Cited in Efiloğlu and İvecan, "Rum," 126.

211 Ibid., 127.

212 Ibid., 130.

213 Efiloğlu and İvecan, "Rum," 130.

214 Efiloğlu and İvecan, "Rum," 131.

*Rum* property in the Ottoman Empire by applying similar measures to the Muslim population in Greece. In order to protect the Muslims in Greece, it therefore issued a separate set of instructions.<sup>215</sup> The argument makes sense, but leaves one critical point unconsidered: If the decision was aimed at keeping the Greek government happy, why was it not published? I think that internal reasons, namely an ongoing disagreement between the Ministry of the Interior and the Treasury, also played a part in bringing about separate policies for *Rum* and Armenian property: Throughout the summer of 1915, the Treasury had been pressing hard for a full liquidation of *Rum* abandoned property, while the Ministry of the Interior had rejected the idea.<sup>216</sup> Apart from and on top of foreign affairs concerns, I think that this disagreement was rooted in the different objectives of the two ministries: Those of income generation on the one hand and refugee settlement on the other. The regulation for *Rum* property marked a compromise between these two mutually contradictory objectives which effectively separated the spheres of influence of the two ministries. This explanation is supported by a cabinet decision (taken as late as November 1917), which placed *Rum* abandoned property under the supervision of the Ministry of the Interior (i.e., the settlement directorate), while responsibility for Armenian property was given to the Treasury.<sup>217</sup>

The regulation (*talimatname*) for *Rum* abandoned property was comprised of thirteen articles, most of which regulated the use of *Rum* property for the benefit of refugees.<sup>218</sup> Articles 1 and 2 explicitly state that property of those *Rum* who had left the country “for good” would be dealt with separately, and that the following regulations were to affect only those left behind by “people who have been temporarily settled in other places for military reasons.” (This effectively marked a

215 Ibid., 128.

216 Ibid., 129.

217 Meclis-i Vükela'nın 11 Teşrin-i Sani [1]333 (11 Kasım 1917) tarihli kararı; BOA. MV, 210/25; Sadaret'ten Dahiliye ve Maliye Nezaretlerine gönderilen tahrirat, 15 Teşrin-i Sani [1]333 (Kasım 1917), BOA. BEO, 336787. Cited in Efiloğlu and İvecan, “Rum,” 130.

218 I cite the transliterated text of the regulation published in *ibid.*, 136.



distinction between those forced into emigration prior to the Ottoman entry into World War I and those deported to the interior during the war.) Tools and household items would be distributed among refugees, preferably widows and young girls, who were without family support (Art. 3). Movable property that could be of military use could, against receipt, be requisitioned by the army. Other movable property would be sold in auctions (if the owners were subject to the [1914] population exchange with Greece), and the revenues would be kept in custodian accounts (again either in the owner's or the village's name). Movable property of deported people would be kept in churches and depots (Art. 4). Immovable property would be distributed according to an already existing regulation for refugee settlement of Teşrinisani 1330/ January/February 1914. (Art. 5).<sup>219</sup> Buildings that were unsuitable for refugee settlement, but income-generating (such as mills, shops etc.) would be rented out for short periods (Art. 6). The specific needs and skills of refugees would be considered in the settlement decisions (Art. 7). All information on the distributed property would be recorded in special *defter*s (Art. 8). Vineyards, orchards and olive groves would be assigned to refugees who had the necessary skills for working them (Art. 9). Article 10 stipulated that immovable property owned by deported people would not be distributed. An exception would be made in the case of empty villages along the coast which, in order not to become a security threat, would be settled with refugees.<sup>220</sup> Property of people who returned and decided to stay in the Ottoman Empire would be treated like that of deported people (Art. 11). The tasks outlined in the rest of the text would be performed by the existing liquidation commissions wherever these were available. If no liquidation commission existed, refugee settlement commissions would be in charge (Art. 12). The government would not be responsi-

219 I have not come across any other reference to such a regulation, and it seems possible that this actually was a reference to the *muhacirin nizamnamesi* of 1913.

220 The Greek deportations did qua definitionem only affect coastal populations. The article therefore provided *carte blanche* for refugee settlement in all those places that were supposedly excluded from this measure.

ble for any damage of property suffered either during the emigration or during the deportation of owners (Art. 13).

## 1.8 Custodian accounts

The liquidation/abandoned property commissions were set up all over Turkey and swiftly took up their task of renting and selling out Armenian and *Rum* property. There is no doubt among the scholars specialized in this field that the special accounts mentioned in the regulations were indeed set up (yet without much of a custodian purpose.) The whereabouts of the (at least) 66 registers drawn up by the 33 commissions, which must have been comprised of hundreds of separate books, however, remain unknown.<sup>221</sup> In some cases, the accounts and their balances are mentioned in other sources. The records of the Council of Ministers, for instance, state that by December 1917, a total sum of 4,699,199 kuruş (4,699 Lira) had been obtained by the sale of *Rum* property in the Edirne province.<sup>222</sup> The (much bigger) Aydın province reported a sum of 1,453,987 kuruş, (1453 Lira), 227,469 out of which had been spent for various purposes.<sup>223</sup> The remaining sum was apparently included in the 1915 provincial budget, but later used for the construction of schools instead.<sup>224</sup> Considering that the prices paid for a house in the interior ranged from between 50 and 1000 Lira after the war, and that the province of Aydın alone had more than a million inhabitants prior to the war, the mentioned sums are ridiculously low.<sup>225</sup>

221 “33 Tasfiye Komisyonu’nun 14 hesap türüne göre yazdığı defterlerin kaydı şu kadar ve defterlerde şunlar var şeklinde bilgilenecek bugün itibariyle mümkün olmamıştır. Bu halde yüzlerce defter olması gerekiyor. Hadi yüzlerce değilse bile, en azından 33 komisyon bölgesinde Nizam-name (sic) gereği bir esâs ve bir de cari olmak üzere kaydedilen 66 defterin bulunması lâzımdır. Peki, bu defterler nerede?” Onaran, *Emvâl-i Metrûke*, 74.

222 BOA. MV, 210/68, cited in Efiloğlu and İvecan, “Rum”: 130.

223 Efiloğlu and İvecan, “Rum,” 127.

224 BOA. MV, 201/63, cited in *ibid.*, 131.

225 The price-range of houses after the war has been taken from: Report Ltd. Hole, August 1919, FO 371/4158/12444.

Much higher sums are mentioned with regard to confiscated Armenian bank accounts. From early on in the deportation process, the CUP had been trying to keep Armenians from sending their money abroad or leaving it in the care of friends.<sup>226</sup> In June 1915, the province of Trabzon was instructed “not to allow for any transfer of goods which are currently in the hands of the Armenians to foreigners etc.”<sup>227</sup> While there is clear evidence that the accounts of the deported were seized (the *nizamname* admits to this point), the total sum of the confiscated money and its whereabouts remain obscure. Polatel and Üngör claim that the CUP government deposited five million Turkish Lira at the Deutsche Reichsbank in 1916, claiming that this was the total sum of the confiscated bank accounts plus the money sent from provincial liquidation commissions.<sup>228</sup> After the war, the Entente powers, keen on obtaining their reparations from Germany, launched investigations on the war-time financial transactions that had taken place between the German Reich and the Ottoman Empire, eventually coming to the conclusion that a gold deposit made in 1915 had not originally belonged to Armenians. Hrayr Karageuzian argues that these reports either overlooked or obscured a second deposit, which, unlike the first, indeed had its source in Armenian bank accounts. He claims that the post-war Allied governments were not interested in unveiling the actual sources of the money, preferring to establish good relations with the Turkish Republic and seize the money as part of the German reparation payments.<sup>229</sup> It seems doubtful whether the complicated details of the war-time finances, and the post-war investigations, can be disentangled as easily as he claims.

226 Hilmar Kaiser, “1915-1916 Ermeni Soykırımı Sırasında Ermeni Mülkleri, Osmanlı Hukuku ve Milliyet Politikaları,” in *İmparatorluktan Cumhuriyete Türkiye’de Etnik Çatışma*, ed. Erik J. Zürcher, 123–56 (Istanbul: İletişim, 2005), 152.

227 “Ermenilerin uhdesindeki emvâlin ecâ nib ve sâ’ire yedine geçmesine müsâ’ade edilmemesi,” İAMM to Trabzon vilayeti, 28 Haziran 1331, BOA.DH. ŞFR. nr. 54/393, published in T.C. Başbakanlık Devlet Arşivleri Genel Müdürlüğü, *Osmanlı*, 64.

228 Polatel and Üngör, *Confiscation*, 66.

229 Karageuzian, *Perfekt*, 99–104.

The only clear proof for the existence of a nation-wide “custodian account” dates from 1928, i.e., the time after the population exchange, at which point even more people had been dispossessed. A law (no. 1349 issued in May 1928 transferred the money kept in the abandoned property current accounts (*emval-i metruke hesab-ı carileri*) to the “various purposes” section of that year’s national budget. Up to 300,000 Lira out of that (non-specified) sum were directly “added” to the 1928 budget of the Treasury.<sup>230</sup> It is remarkable how openly this major act of theft was performed. The money’s origin seems not to have aroused any anxiety among the deputies anymore, possibly because the administrative routine involved in confiscation, recording and storing had sufficiently “laundered” it. The law itself does not mention the origins of the accounts’ contents, but Selahaddin Kardeş, a high-ranking financial official, states that it included the money of all those people whose property had passed into the hands of the Treasury because they had been deported or fled, and who had not claimed the money by 1928.<sup>231</sup> The sum of 300,000 Lira clearly was mentioned as merely a part of the total sum, and it remains unknown exactly how much money was kept in the accounts.<sup>232</sup>

### 1.8.1 Corruption

If the total profit from auctioning off all the abandoned property located in a whole province did not exceed the postwar price of two mansions, this suggests two things: first that the prices paid were far below those paid in peacetime, and second that corruption was rife. Both points were frequently mentioned in post-war debates and are discussed in Chapter Two. Documents produced in the course of the

230 *Emval-i Metrûke Hesab-ı Carilerinin Bütçeye İrat Kaydına Dair Kanun No 1349*, May 28, 1928. The law is also discussed in chapter 5.7. Its full text can be found in Kardeş, “Tehcir”, 113. On the law, also see Polatel and Üngör, *Confiscation*, 56.

231 “(N)akledilen, kaybolan, yabancı ülke ve işgal altındaki yerlere giden kimselerin Hazineye geçen taşınmaz mallarıyla ilgili olarak emanet hesaplarında bulunan ve henüz alınmamış paralar, 1928 yılı bütçesine irat kaydedilmiştir.” Kardeş, “Tehcir”, 10.

232 Onaran, *Emvâl-i Metrûke*, 264–66.

dispossession process frequently discuss cases of corruption, and in some cases even mention consequences. In Samsun, where the movable property of *Rum* Greeks had not been put into depots, the district governor (*kaymakam*) and the army commander were dismissed.<sup>233</sup> In Bandırma, almost the whole local administration (including the district governor, mayor, chief of the district police, the tax official and the chief of the local police station) had to go after they had been found to have sold *Rum* property too cheaply.<sup>234</sup> In Adana, too, some minor officials were sacked. The overall situation, however, seems to have been one in which the corruption of minor officials could not even remotely match that of high-level ones.<sup>235</sup> The governor (*vali*) of Diyarbakır, Dr. Reşit Bey, personally enriched himself so much that Talât Paşa urged him to “return the cash, jewelry and other property to the Armenians who were attacked during their deportation.”<sup>236</sup>

## 1.9 The deportees’ return: 1918–20

After the armistice of October 1918, what was to become Turkey was described as a “mixture of misery and disorder”, an impoverished country full of displaced people, deserters, disbanded soldiers, all of them trying to make their way back home. The acting British High Commissioner spoke of “a migration of peoples which reminds one of the migrations of the Middle Ages.”<sup>237</sup> Those Armenians and *Rum* who made their way back home often found their houses either uninhabitable or occupied by Muslim refugees who refused to vacate them.<sup>238</sup> The end of the war thus brought along a wave of renewed inter-ethnic strife, which once again crystallized around the question

233 Efiloğlu and İvecan, “Rum”: 135.

234 Ibid.

235 Polatel and Üngör, *Confiscation*, 117.

236 BOA, DH ŞFR 56/315, Talaat to Reshid, 6 October 1915. Cited in *ibid.*, 147.

237 High Commissioner Richardleart to Foreign Office, December 22, 1918. FO 371/4157/521.

238 Ryan Gingeras, *Sorrowful Shores: Violence, Ethnicity, and the End of the Ottoman Empire, 1912–1923* (London, New York: Oxford University Press, 2009), 52–54; Polatel and Üngör, *Confiscation*, 97–100.

of property rights.<sup>239</sup> Though a result of the war-time policies of the CUP (which had effectively removed the victims of deportations and dispossession from local Muslims' eyes), the reflux of refugees might well have appeared to be the actual cause of post-war tension. Refugee settlement and the economic gains made through property theft had effectively turned much of the population into accomplices of genocide and expulsion. Reporting on the situation in Adapazarı, an American missionary wrote:

The Turks are not pleased. Their consciences are too unpleasantly active for them to enjoy seeing the people they have robbed... They had lived rather happily on the whole with their Armenian neighbors formerly but after the deportations, which were ordered from above, the return of the people they have so grossly wronged is a constant irritation.<sup>240</sup>

Following the armistice of Moudros/Mondros on October 30, 1918, officers of the Allied High Commissions made their way to the provincial towns of Turkey in order to oversee the demobilization of the Ottoman army. Their reports (which cover only easily accessible places along the railways and the coastline) frequently describe the abandoned property question as a most serious threat to public security. A circular that was sent to the provinces on December 18, 1918 recognized this and stated that property would be given back to their rightful owners (but not to proxies). A detailed cabinet decision (*kararname*, no. 2747 which revoked the *tasfiye kanunu* of September 1915 followed on January 12, 1920.<sup>241</sup>

In theory, people who had been dispossessed during the war were eligible for full restitution of their property and compensation for

239 Ellinor Morack, "The Ottoman Greeks and the Great War: 1912-1922," in *The World During the First World War*, ed. Helmut Bley and Anorthe Kremer, 213–28 (Essen: Klartext, 2014).

240 ABCFM 16.9.4, vol. 6: "Easter in Adabazar", cited in Gingeras, *Sorrowful*, 54.

241 Akçam and Kurt, *Kanunlarn*, 55–57. For the original text as published in the official gazette (which is dated 8 January 1920), see Kardeş, "Tehcir", 69 – 91.

their losses from December 1918 onwards. Indeed, several Allied officers reported that they had instituted local mixed commissions which had started to give Christian property back to the original owners. These commissions were each composed of one Armenian, Greek and Muslim member and chaired by the local governor (*kaymakam*). The effectiveness of these commissions differed greatly from place to place.<sup>242</sup> While some reports speak of hundreds of houses that were given back, others complain about the reluctance, if not passive resistance of governors against actually pursuing this task.<sup>243</sup> In his report about his visits to such commissions in Ankara, Akşehir and Afyonkarahisar (which he found to be working quite effectively), a British officer remarked that “the enthusiasm of a Turkish official is liable to evaporate at the departure of a relief officer, and should be sustained by periodical visits.”<sup>244</sup> Reports about unsuccessful or ineffective commission work came remarkably often from towns along the coast, i.e., from those places where deportations of *Rum* had taken place.<sup>245</sup> Indeed, officers often remarked that difficulties in the restitution process arose especially in those places that had been affected by *Rum* deportations.<sup>246</sup>

242 On the mixed reports from northwestern Anatolian towns, see Gingeras, *Sorrowful*, 53. For western Anatolia and the Black Sea coast, see Ellinor Morack, “The Ottoman Greeks and the Great War: 1912-1922,” in *The World During the First World War*, ed. Helmut Bley and Anorthe Kremer, 213–28 (Essen: Klartext, 2014).

243 A report sent from the Black Sea ports of Giresun, Inebolu and “Unieh” (Ünye) was especially gloomy. The reporting officer demanded that the governor of Inebolu be replaced. FO 371/4159/135243, Ltd. Slade to British High Commission in Constantinople, September 30, 1919.

244 Hole to High Commissioner, August 15, 1919. FO 371/4158/12444.

245 This pattern is traceable in the reports from the Black Sea coast and western Anatolia that I have seen. Gingeras speaks of “abysmal” results in Bandırma, Bursa and Mudanya in contrast to successful restitutions in Bilecik, Karacabey, Kirmasti and İzmit. Gingeras, *Sorrowful*, 53.

246 The reason for the prominence of reports about conflicts between returning *Rum* (rather than Armenian) deportees and refugees seems to be that deported *Rum* were much more likely to have survived than Armenians. Moreover, the Armenian population in western Anatolia was relatively small (compared to eastern Anatolia).

Since Christian property had systematically been used to settle Muslim refugees, it comes as no surprise that these refugees, who hardly had other places to go, often refused to leave. Those who eventually had to vacate the houses petitioned the government in Istanbul with frantic requests for help.<sup>247</sup> The government, in turn, wrote to the provincial administrations, asking for information on available places to settle the refugees in.<sup>248</sup> A government order (*kararname*) with detailed provisions for the restitution of property and compensation of deportees was only issued in January 1920, two months prior to the full Allied military occupation of Istanbul.<sup>249</sup> By that time, major parts of western Anatolia were under Greek occupation. In April, the nationalists around Mustafa Kemal established their government in Ankara, soon bringing important parts of central and eastern Anatolia under their control. Whether or not the law for property restitution was applied in nationalist territory is discussed in Chapter Two. Throughout the war, Ottoman propaganda and censorship, in tandem with poor roads and communications and the remoteness of the fronts to the Anatolian homeland, had effectively kept ordinary people in the countryside from becoming aware of the actual gravity of the military situation.<sup>250</sup> British officers regularly complained about local Muslims' reluctance to realize that the war had been lost:

I think that in the Capital and its neighborhood, the  
Turks are under no misconception as to their having

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Gingeras comes up with a survival rate of roughly 10 percent among Armenians from the south Marmara region. *Ibid.*, 52–53.

247 Polatel and Üngör, *Confiscation*, 97. Polatel and Üngör cite the case of a petition sent by Balkan War refugees who had ended up homeless in Bursa in October 1919.

248 *Ibid.*

249 Akçam and Kurt, *Kanunların*, 57.

250 The only war theater that was geographically close to western Anatolia was Gallipoli, where the Ottoman army fought one of its two successful battles of the Great War. People in western Anatolia would have had much greater difficulty at learning about the military disasters on the eastern Anatolian, Mesopotamian and Palestinian fronts.



been beaten, but this fact does not penetrate through the ignorance and indifference of the Turkish population in the Interior.<sup>251</sup>

An officer reporting from the province (*vilayet*) of Edirne had “no doubt that the Turkish population on a whole” was “far from considering themselves a beaten nation.”<sup>252</sup> The same report depicts the continued occupation of Armenian and Greek houses by Muslim refugees and their refusal to leave as a sign of stubbornness and inappropriate *Siegermentalität*. (In assessing these reports, one certainly needs to keep in mind that the failure of Turkish officials to cooperate probably frustrated the *Siegermentalität* of the British officers themselves.) Moreover, one may assume that, as these reports were written, people were already starting to understand the situation better. The arrival of returning deportees and Allied officers together marked the point at which the far-away defeat started to make itself felt in ordinary people’s lives. According to Gingeras, it was the return of the non-Muslims and their demanding their property back that actually made people realize that the CUP government had failed.<sup>253</sup> The sudden appearance of foreign officers and the fact that they were giving orders to Ottoman officers and civil officials was probably outrageous – the eviction from a house one had called home for three years or more (and even the mere possibility of it) was certainly distressing. Dündar is probably right in arguing that the return of the *Rum* and Greek population from exile and deportation was “one of the two main reasons (the other being the foreign occupation by the victorious powers) that brought about the Kemalist movement.”<sup>254</sup>

251 British High Commission to Foreign Office, December 18, 1918, FO 371/4157/521.

252 Ibid. Report Slate to British High Commission.

253 Gingeras, *Sorrowful*, 54.

254 “(...) Rum dönüşünün Kemalist hareketi doğuran en önemli iki nedenden biri olduğunu (diğeri de galip devletlerin işgalidir) belirtmek isterim.” Dündar makes this argument in his discussion of the Greek return, but it might well be made for Armenian returnees as well. Dündar, *Modern*, 175.

In some cases, the return of the deportees led to bloody conflicts between them and the refugees who had been settled in their places. This was especially true for French-occupied Cilicia and the Greek-occupied area around İzmir.<sup>255</sup> In Dörtyol, returning Armenians violently evicted Muslim refugees from their houses, killing some of them. The local Muslims in turn were quick in organizing militias who would punish anyone who attempted to help returning Armenians.<sup>256</sup> Even prior to the Greek landing at İzmir (in May 1919), British reports from the area frequently mentioned violent conflicts between *Rum* who had returned from their exile in mainland Greece and local Muslims. In Urla, a local Greek militia, which was reportedly comprised mostly of recent returnees from Greece, engaged in a petty war against the local gendarmerie in the winter of 1918–19.<sup>257</sup> Another report describes daily occurrences of robbery and murder (in April/May 1919):

(B)efore the war these districts were largely used by the Turks as a dumping ground for immigrants from Crete, Epirus, Macedonia and other Mahommedan districts outside Anatolia. There are therefore considerable numbers of Cretans, Albanians, Circassians and Bosniaks in the sandjaks of Smyrna and Aidin, men who are in many cases embittered against the Greeks owing to what they suffered and lost as the result of Greek expansion, who are naturally inclined to lawlessness, who have received little or no help from the Turkish authorities, and therefore readily turn to brigandage and robbery.<sup>258</sup>

255 A discussion of Greek violence against Muslims in western Anatolia during that time can be found in Toynbee, *Western*. For the pro-Turkish perspective on events in Adana, see Güçlü, *Armenians*.

256 Polatel and Üngör, *Confiscation*, 124.

257 Report of Sgd. S. Baker to Dixon, Smyrna January 23, 1919. FO 371/4157/31308.

258 Lieut.-Colonel Ian M. Smith to British High Commission, Constantinople, May 1919, FO 371/4157/72532.

By the spring of 1919, the western coastline of Anatolia had what Thrace had already had six years before: a population comprised of people who had, in one way or another, recently made the experience of forced migration, who were embittered against each other and tragically bound up in conflicts about the very same houses and the very same land. All British reports of the period point out that the population tensely awaited the decisions to be made at the peace conference in Paris. Time and again, the officers warned that the handing over of İzmir and its surroundings to Greece would result in even more bloodshed – their calls went unheard.

### **1.10 Conclusion: From empty land to “national” property**

Refugees coming to Anatolia were occasionally settled (or settled themselves) in property abandoned by its former owners as early as the 1860s. It was also at this point that a limited mutual “exchange” of populations was negotiated with the Tsarist Empire. At this point, however, the Ottoman state neither pursued a policy of enforced emigration nor systematically administered the property that stayed behind. Moreover, migration still was mainly immigration, not emigration, and it therefore doesn’t come as a surprise that the various peace treaties of the 19<sup>th</sup> century usually mentioned only one category of property: that of Muslim landowners in Ottoman territories ceded to the new nation-states of the Balkans. The first of these treaties, the London Protocol of 1830, still conceptualized property rights as tightly bound to the physical presence of property owners. Fifty years later, the Treaty of Berlin included clauses that allowed absentee landownership across borders (significantly, only for the new Balkan states, but not for the areas ceded to Tsarist Russia). On the one hand, this development was certainly rooted in the establishment of modern property rights and the existence of large-scale agricultural estates in the Balkans. But it was more than that. The idea that ownership rights could be enjoyed from afar was a precondition for the emergence of abandoned property policies: people who migrated from one place to

another prior to the emergence of this concept (such as those Muslims who left the Morea in the 1820s) simply lost their land. In the case of those Muslims who were forced to leave Bulgaria in the 1870s, however, the legal separation between physical presence and property rights made it possible for the provisional Russian authorities to take over their rights by representing them (more or less faithfully so). Historically, forced mass migration in the presence of modern property rights was accompanied by the emergence of state practices that made the rather abstract legal conceptualization of modern property rights in land (which had been codified in the mid-1850s) and their inalienability very much concrete: these laws actually denied people the rights that they ostensibly protected. But the real litmus test on the character of abandoned property administration came when people returned (as happened in Bulgaria in the late 1870s, and Anatolia after 1918).

The Ottoman state became acquainted with state registration, administration and the messy politics of restitution in the course of forced mass migration of Muslims from the new Balkan states, which coincided with and was exploited for the forced emigration of the Christian population along the western borders. The policies of state administration and “protection” were probably inspired by those practiced in Bulgaria in the 1870s and 1880s.

The available research on immigration to and refugee settlement in the Ottoman Empire also suggests a strong interdependence between modern property rights and mass migration. First of all, it seems to have been existing property rights rather than physical scarcity of land that dried up the reserves of land available for refugee settlement. It is remarkable that expropriation and land reform, while occasionally mentioned in reports, seems to have never actually been pursued as a possible remedy to this problem. The settlement of refugees aggravated existing conflicts over property rights in the countryside, and, on a local level, amplified their conceptualization in terms of ethnicity. Moreover, illegal appropriation of agricultural land in eastern Anato-

lia, especially during the Hamidian massacres of the 1890s, was a push factor for Armenian emigration to the United States. Conflicts between refugees and local people (not only non-Muslim) were common throughout the latter half of the 19<sup>th</sup> century. But it is only from the 1890s on, and particularly during the Armenian massacres of 1894–96, that reports mention active state involvement and encouragement of violent attacks on Ottoman non-Muslims. The latter were also accompanied by large-scale seizures of Armenian property by the hands of Kurdish militias, which, however, left significant numbers of Armenians in place. When the CUP government started to deal with these appropriations, the scheme it came up with (yet which does not seem to have been implemented) was one of monetary compensation rather than restitution. While legal in terms of a liberal conceptualization of property, compensation would have implied that those who received compensation (and who had been forced to leave long ago) effectively lost their right to return to their land. It is important to note that this conception was rejected by Armenian groups, who instead rallied for full, physical restitution of the land.

Abandoned property in the full sense of the word only emerged in the aftermath of the Balkan Wars. At this point, the Ottoman state (which was now run by a government almost completely comprised of men who themselves had a refugee background)<sup>259</sup> started to actively organize the eviction of Ottoman Greeks. The term *emval-i metruke* came to signify this particular combination of (already) abandoned houses and land *plus* active (or prescribed) state administration of them. It was here that local Ottoman authorities came to develop administrative techniques to deal with the problem of abandoned property. The Ottoman term *emval-i metruke* probably described this combination of a fact (empty houses and fields) combined with techniques of state administration of that property. Comprehensive legal regulations for this issue were only drawn up in 1915, that is, almost

259 Dündar, *Modern*, 187.

two years after the first evictions of Greeks and Bulgarians, and rested on the practices that had been developed in the meantime.

All regulations and laws discussed here contain the two mutually contradictory objectives of refugee settlement on the one hand and revenue generation on the other, yet with different emphasis on each point. Judging from the development of these texts over time, refugee settlement in Armenian houses and land distribution to them was deemed rather important in June 1915, but became highly unwelcome in September 1915, when the liquidation law (*tasfiye kanunu*) was drawn up. The regulation for Greek property, which was issued five months later, again stressed refugee settlement rather than the sale of abandoned property. It seems that the internal conflict between both objectives (and the respective ministries embodying them) had been accommodated by a distinction between Greek and Armenian property, as well as one between deported Greeks and those who had been forced into emigration. This distinction between property according to the identity of former owners and their treatment by the state would persist, if under somewhat different circumstances, throughout the early Republican period.

Why this difference? Foreign policy reasons such as the existence of a Greek nation state, and the non-existence of an Armenian one are an important, but not a sufficient explanation. Rather, the distinction between different classes of property was a very specific administrative attempt at answering the much more fundamental question whether the stolen wealth of non-Muslims was supposed to serve the public good – or the state. This question is indeed discussed in plenty of sources about the fate of abandoned property, usually with regard to practices subsumed under the term “corruption”.

Refugee settlement was an even more complicated matter. Throughout World War I, it was pursued not only as a measure of relief for the refugees, but of social engineering, performed in order to increase the number of Muslims living in Anatolia. Moreover, it was a declared objective of the CUP to transfer non-Muslim wealth to the hands of Muslims, and most abandoned property commissions acted accord-

ingly. This meant that Armenian and possibly Greek property was auctioned at prices far below their peace-time value, a matter that created tensions between the central government and local authorities. In a nutshell, the question at hand was if “the nation” (which was supposed to benefit from non-Muslim property) was simply identical with “the people” – or rather represented by “the state.”

Authors such as Polatel and Üngör are certainly right in pointing out the importance of Young Turk economic thought, and, more particularly, that of the idea of economic Turkification, in bringing about the dispossession of the Ottoman Armenians. However, I think that their analysis, in providing a history first of the ideological background and then of the actual practices, fails to shed light on the mutual influences between the two. It is possible to trace this influence of practices on discourse and vice versa in the debates about the proper use of abandoned property, not only between members of the elite, but between parliamentarians, individual refugees, and local people. These debates not only addressed the problem of the proper use of property, but the vital question who the nation was, whether or not it could be represented, and if yes, by whom. The following chapters are devoted to an analysis of these questions in the debates during and after the War of Independence.

## 2 Making sense of ethnic cleansing and genocide: Parliamentary debates concerning “abandoned property”, 1921–22

This chapter traces debates concerning abandoned property legislation and its application from April 1921, when a draft for a new “abandoned property” law was first discussed, up to November 1922, to three sessions that dealt with this law’s application. Methodologically, it provides a discourse analysis that traces the emergence of certain ideas as a result of multiple, and often contradictory, speeches made by many different deputies. The approach to the debate is further informed by Erik J. Zürcher, who has argued that the ideology we know today as Turkish nationalism was developed not so much by intellectuals, but by practitioners who worked with the conditions they found in place:

It is quite conceivable, indeed probable, that the politicians formed their policies under the impetus of fast-changing political realities of the day and used the ideological toolkit available to them in an essentially pragmatic manner. (...) If we are to understand the history of the period (and its legacy), therefore, it is essential that we understand what made these Young Turk politicians tick, but we have to take their actions as our point of departure, rather than try to place them in the Ottomanism-Islamism-Turkism paradigm.<sup>1</sup>

The chapter jumps back and forth between the discussion of events and a close analysis of parliamentary debates, thus providing the historical background against which the latter took place. The aim of this chapter is to show that discussions about abandoned property helped

1 Erik J. Zürcher, “Young,” in *The Young Turk Legacy and the National Awakening*, 217–18.



to make sense of the ongoing expulsion of non-Muslims from the areas under nationalist control, and thus to permanently exclude non-Muslims from the emerging nation-state of Turkey. More specifically, it shows how shifting notions of state, nation, and the relationship between the two informed perceptions of “legitimate” use of the property that non-Muslims were forced to leave behind.

## 2.1 Historical background: The War of Independence

Soon after the conclusion of the Armistice of Moudros (October 30, 1918), officers of the Ottoman army and civilian members of the Committee of Union and Progress (CUP) formed a secret organization called Black Arm (*Karakol*). By smuggling arms out of the depots in Istanbul, the organization undermined article 20 of the armistice, which stipulated that the Ottoman army would be demobilized and authorized the Allies to take over all Ottoman arms and military equipment. Appealing to the idea of national self-determination and sovereignty over the “Turkish portion of the present Ottoman Empire” which US President Wilson had mentioned in number 12 of his 14 points, civilian “Societies for the Defense of Rights” (*Müdafaa-yi Hukuk Cemiyetleri*) were established all over Anatolia and Thrace in the winter and spring of 1918/19. Though nominally headed by local religious dignitaries, these societies were mostly staffed by civilian members of the CUP.<sup>2</sup>

At this point, the idea of an Allied (preferably British) mandate over Anatolia was widely discussed, not only among the Allies, but also among liberal nationalists in Istanbul, who felt that foreign involvement was necessary to develop the country.<sup>3</sup> Military occupation prior to the conclusion of a peace treaty, however, was considered unacceptable among the Ottoman elites, who could justify this rejection with According to article 24, an occupation was only possible in eastern Anatolia in case of threats to public security, and in all other parts of the country only if the security of Allied troops was under threat

2 See Zürcher, *Turkey*, 148; Andrew Mango, *Atatürk* (London: Murray, 2000), 210.

3 See Mango, *Atatürk*, 246.

(article 7).<sup>4</sup> Despite these stipulations, the Allied delegates at Paris started to discuss exactly such an occupation of western Anatolia in early 1919.<sup>5</sup> Based on allegations of a Greek majority in the area, Greek Prime Minister Venizelos claimed most of the Aydın province in western Anatolia, including İzmir/Smyrna.<sup>6</sup> In March, the Greek Orthodox community, represented by the Ecumenical Patriarchate in Istanbul, officially severed its ties to the Ottoman state.<sup>7</sup> In the same month, Italian troops, who also had aspirations for the area around İzmir, landed at Antalya. A Greek occupation of the Aydın province was unacceptable to the Ottoman elite and probably also to many Muslims in Anatolia, who rejected the idea that “a subject and minority element, fundamentally considered second-class subjects of the Sultan, should rule him or part of his land.”<sup>8</sup> The İzmir “Society for the Defense of Ottoman Law” held a congress with several similar nationalist organizations in the area, protesting the idea of a Greek occupation. In March 1919.<sup>9</sup> In April, a imperial delegation led by prince Abdürrahim and comprised of representatives of the Muslim, Greek and Armenian communities, visited İzmir and other western Anatolian cities in order to reaffirm Ottoman sovereignty over the area.<sup>10</sup> However, the idea of a Greek military occupation continued to

4 See Zürcher, *Turkey*, 133.

5 The most comprehensive account of the discussions pertaining to western Anatolia can be found in Michael Llewellyn Smith, *Ionian vision: Greece in Asia Minor, 1919-1922* (London: Allen Lane, 1973), 62–65.

6 Population statistics from the period are notoriously unreliable and highly politicized, forming a research topic in its own right. That said, it is uncontroversial that a Greek majority existed only in İzmir proper and along the coastal districts, but not in the hinterland. See, for instance, Kontente, *Smyrne*, 711–13; Smith, *Ionian*, 72–73.

7 See Mango, *Atatürk*, 210.

8 See Roderic H. Davison, “Turkish Diplomacy from Mudros to Lausanne,” in *The Diplomats, 1919–1939*, ed. Gordon Craig and F. Gilbert, 172–209 (Princeton: Princeton University Press, 1953, 1994), 175.

9 For a detailed account of the society’s history (which is mostly based on the report of a prominent member, Nail Moralı), see Çapa, “İzmir.”

10 For a good account of the trip, see Kontente, *Smyrne*, 706–10.

be discussed in Paris. British control officers in the İzmir area repeatedly warned their superiors that a Greek mandate there was likely to produce disastrous results by further aggravating the already tense relations between local Christians and Muslims.<sup>11</sup> Especially in the countryside, gang violence was ubiquitous. A report on the situation around Söke stated that violence was mostly a result of a lack of government control and poverty:

The racial part appears only in the fact that when Turks are held up by a Moslem band, they escape with the loss of their property, when by a Greek band, they lose their lives as well, and vice versa.<sup>12</sup>

The Paris Peace Conference decided in favor of a Greek occupation in May 1919. When the news reached İzmir, a freshly formed “Anti-Annexation Committee” (which had been formed out of the above-mentioned “Society for the Defense of Ottoman Law”) organized a public demonstration, which took place on May 14, one night prior to the Greek landing, in the Jewish neighborhood of Maşatlık (i.e., in close proximity to the Muslim quarter).<sup>13</sup> The invitation to the meeting is interesting for its peculiar way of calling ordinary Muslims to form gather and submit to the leadership of the committee:

Miserable Turk! Your rights are violated under the cover of Wilsonian principles. It has been claimed that the

11 See various reports written between February and May 1919 in FO 371/4157.

12 Report Control officer Smyrna, April 20, 1919, FO 371/4157/75876.

13 Engin Berber explains that Maşatlık was a perfect location for such a gathering: It lay on a hill and was easily visible from all over the city. Engin Berber, “Mütareke Döneminde İzmir Sancağında Yunanistan Karşısı Çalışmalarda Bulunan Toplumsal Örgütler (30 Ekim 1918–15 Mayıs 1919),” in *Bir İzmir Kâbusu. Mütareke ve İşgal Üzerine Yazılar*, 40–75, Kent kitaplığı dizisi 25 (İzmir: İzmir Büyükşehir Belediyesi Kültür Yayınları, 2002), 67. However, it is remarkable that the committee chose not to hold the meeting on the quay in downtown İzmir, which was in close proximity to the Christian neighborhoods. This decision was probably in line with the established division of public spaces in the city along ethno-religious lines.

*Rum* form a majority here and that the Turks will happily join with the Greek. As a result, this beautiful country has been handed over to the Greek. Now we ask you: are the *Rum* greater in numbers than you? Do you support the idea of Greek sovereignty [over İzmir]? It is time to show yourself. All your brothers are at Maşatlık. Show the world that we are an overwhelming majority. Prove it. Among us, there is no rich or poor, no educated or ignorant. There is only an overwhelming mass of people that reject Greek sovereignty. This is your biggest duty. Don't stay behind. (...) Come to Maşatlık in the tens and hundreds of thousands and submit to the order of the National Committee!<sup>14</sup>

Several thousand people followed the call, which was spread by town criers. Later that night, the crowd proceeded to freeing prisoners from the city prison and obtaining large numbers of firearms.<sup>15</sup>

Landing in İzmir on May 15, 1919, the Greek forces were met on the quay by a cheering crowd of local Greeks and Armenians. According to the official Turkish narrative, it was Hasan Tahsin a.k.a. Osman Nevres, a journalist and member of the İzmir Society of Rights, who

14 “Ey bedbaht Türk!.. Wilson prensipleri ‘ünvân-ı insâniyet âtisi altında seniñ hakkıñ gaşb ve nâmüsuñ hetkediliyor. Buralarda Rumuñ çok olduđu ve Türkleriñ Yunân ilhâkıñı memnûniyetle kabûl edeceđi söylendi ve buñu neticesi olarak güzel memleket Yunâna verildi. Şimdi sana şoruyoruz. Rum senden daha mı çoktur? Yunân hâkimiyetini kabûle tarafdar mısıñ? Artık kendini göster. Tekmil kardeşleriñ Maşatlıkdadır. Oraya yüzbiñlerle toplan. Ve kâhir ekşeriyetini orada bütûn dünyaya göster. İ’lân ve işbât et. Burada zengin, fakir, ‘âlim, câhil yok. Façat Yunân hâkimiyetini istemeyen bir kitle-yi kâhire vardır. Bu sana düşen eñ büyük vazîfedir. Geri kalma! (...) Biñlerle, yüzbiñlerle Maşatlığa koş! Ve He’yet-i Milliyeñiñ ‘emrine itâ’at et. İlhâk-ı redd he’yet-i milliyesi”. Cited in Ottoman Turkish in Berber, *Bir*, 66.

15 In Turkish historiography, these events are usually depicted as spontaneous activities of the crowd: See, for instance, *ibid.*, 67. Leon Kontente, however, has argued that the liberation of prisoners, the distribution of arms among the Muslim population, and the opening of the governmental treasury were in line with orders from Istanbul. See Kontente, *Smyrne*, 720.

fired the first shot at the embarking Greek soldiers, who answered with fierce gunfire on the quay.<sup>16</sup> Chaos broke out. Many Muslim businesses and houses were looted, their inhabitants humiliated, raped, or killed. At the end of the day, Hasan Tahsin and several hundred other Turks were dead.<sup>17</sup> An inter-Allied commission of inquiry later found that about three to four hundred Turks had been killed or wounded. On the Greek side, two soldiers and forty civilians were killed, and sixty wounded.<sup>18</sup>

The İzmir landing and its deathly toll among local Muslims has been described as “ein Faustschlag ins Gesicht”<sup>19</sup> of Anatolia’s Muslim population and as the most important event in bringing about a national resistance movement against the Allied occupations in Anatolia. When he visited İzmir in 1924, Mustafa Kemal stated that “if the enemy had not stupidly come here, the whole country might have slept on heedlessly.”<sup>20</sup> The second important factor was that many Muslims, especially along the Aegean coast, in Thrace and eastern Anatolia, were living in houses the the Armenian and Greek owners had been forced to leave behind when they were deported or fled the country. The Muslim inhabitants (many of whom were refugees) did not wish to give these houses back to their returning owners. Days prior to the Greek landing, a British officer reported on the existence of a “powerful organization” that was distributing arms among the

16 See, for instance, Eczacıbaşı, *Kent*, 162. More recently, it has been claimed that Hasan Tahsin had strongly criticized the massacres of Armenians during World War I in his newspaper *Hukuk-u Beşer*, and might have been shot for this reason. See Talat Ulusoy, “Hasan Tahsin meğer kurşunu 'resmi tarih'e atmış,” *Agos* April 22, 2013, <http://www.agos.com.tr/tr/yazi/4858/hasan-tahsin-meger-kursunu-resmi-tarihe-atmis> (accessed October 14, 2015).

17 Detailed accounts in Kontente, *Smyrne*, 720–24; Mansel, *Levant*, 204–5.

18 Inter-Allied Commission of Inquiry, “Documents of the Inter-Allied Commission of Inquiry into the Greek Occupation of Smyrna and Adjoining Territories,” <http://www.ataa.org/reference/iacom.pdf> (accessed February 3, 2016).

19 Gotthard Jäschke, “Der Freiheitskampf des türkischen Volkes. Ein Beitrag zur politischen Geschichte der Nachkriegszeit,” *Die Welt des Islams*, no. 14 (1932): 14.

20 *Atatürk Söz ve Demeçleri*, Bd. 2, 237, cited in Mango, *Atatürk*, 217.

Muslim population along the coast: “It is backed by the most powerful of motives, the desire to keep wealth stolen from the very people who want to return, wealth which the Turk has now learnt to appreciate and enjoy.”<sup>21</sup> The same report mentions that Greek propaganda was “met rather coolly by the Ottoman Greek refugees, whose experience of their mother-country during the last few years has not inspired them with any longing to be permanently under Hellenic rule.”<sup>22</sup> This was a reference to the expulsions of 1913–14, which had forced many Ottoman Greeks to temporarily move to mainland Greece.

The Greek landing at İzmir/Smyrna facilitated the work of the nascent Muslim-nationalist movement in Anatolia.<sup>23</sup> The İzmir society was re-organized as the “National Committee for the Rejection of Annexation” (*Redd-i İlhak Heyet-i Milliyesi*).<sup>24</sup> Days later, public protests were held in Bursa, Havza, Erzurum and Istanbul.<sup>25</sup> Members of the Societies for the Defense of Rights held a number of congresses all over the country. The congress of the eastern Anatolian societies at Erzurum (July 23 to August 7) issued the first version of a document that was to become known as the “National Pact” (*Misak-ı Milli*). This document refers to the Wilsonian principle of national self-government that all those territories within or outside of the armistice line that were inhabited by a “majorité musulmano-ottomane” formed a unit “qui ne souffre, sous quelque pretexte que se soit, aucune dissociation ni de fait ni de droit.”<sup>26</sup>

21 Report Hole, Smyrna, May 7, 1919, FO 371/4157/82979.

22 Ibid., “Political feeling in district.” Again, one needs to keep in mind that the writer was advocating a British mandate.

23 I refer to this movement and their government as “nationalists” as opposed to the imperial government in Istanbul. Their program was directed against non-Muslims in Anatolia and was supported by many Muslim, but non-Turkish individuals and groups. For the anti-Christian character of early Turkish nationalism, see Erik J. Zürcher, “Young,” in *The Young Turk Legacy and the National Awakening*.

24 Eczacıbaşı, *Kent*, 158.

25 Mango, *Atatürk*, 222–23.

26 This definition implied a Turkish claim to the province of Mosul, which lay within the armistice line and featured a Kurdish majority. The document also stated that

According to the official Turkish narrative, the Turkish War of Independence did not begin with such events as the distribution of arms in the vicinity of İzmir, but with Mustafa Kemal's departure for Samsun on May 19, where he was supposed to supervise the disarmament of the Ottoman army. Instead, he and other nationalists started to coordinate armed resistance against the Greek, French and Armenian armies in Anatolia.<sup>27</sup> At this point, the only intact Ottoman units were those stationed at Erzurum. In western Anatolia, the nationalists depended on pre-existing local bands of deserters and common criminals (*çete*). The relationship between these (Muslim) bands and the local population was highly ambiguous: while providing protection against Greek bands, they often extorted food and other assistance from the villagers at gunpoint. Arnold Toynbee speaks of Turkish villages which "actually called in the Greeks in order to be rescued from their national 'protectors'."<sup>28</sup> It was also not uncommon for Muslim bands to fight on the Greek side, or to change sides in the course of the conflict.<sup>29</sup> Although the newly formed National Forces (*Kuvva-yı Milliye*) claimed not to admit criminals into their lines, they often did, and the ill fame of these gangs posed a serious threat to the Muslim population's perception of the nationalists' legitimacy.<sup>30</sup> Çerkes Ethem, one of the most notorious gang leaders in the Aegean region, later justified his activities as follows:

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plebiscites ought to be held in Western Thrace, Kars, Ardahan and Batum. Cited in Toynbee, *Western*, 208.

27 On the Turkish War of Independence, see Mango, *Atatürk*; Zürcher, *Turkey*, 133–66.

28 Toynbee, *Western*, 377.

29 The most famous *çete* leader to change sides was Çerkes Edhem, who at first fought for the Turkish side, but was later not ready to submit to orders of the regular nationalist army. For an in-depth study of the gang-war in northwestern Anatolia, see Gingeras, *Sorrowful*.

30 Gingeras, *Sorrowful*, 83–84; Ryan Gingeras, "Gangsters, Kidnappers, Killers and Other Patriots: The Writing of a New Social History of the Turkish War of Independence," in *Towards a Social History of Modern Turkey*, ed. Gavin D. Brockett, 39–58 (Istanbul: Libra, 2011).

I used to procure food for my mobile forces through my own methods. Prior to the occupation of İzmir by the Greeks, I fed my men with the help of the Defense of Rights [Societies], after the occupation with that of the Rejection of the Occupation [Society], and eventually with that of the National Defense Societies.<sup>31</sup>

Ethem made a twofold claim here: On the one hand, he declared never to have forcibly requisitioned food from the local peasantry. On the other hand, he stressed that he had been supported by those organizations that the official Turkish narrative later considered as the legitimate representatives of the Turkish nation in those days. When the war was in full swing, however, the nationalists' legitimacy was far from being well-established. The Greek forces installed a Turkish governor and made efforts to win over the Turkish population (in preparation for a referendum, which was to decide the question of an annexation by Greece after five years).<sup>32</sup> Ordinary urban Muslims were certainly not happy about being ruled by non-Muslims and suffered from everyday petty discrimination. Those dwelling in the countryside were subject to large-scale violence, especially towards the end of the occupation.<sup>33</sup> That said, it is clear that organized resistance was an elite affair. Members of the Society of Rights, and later of the Re-

31 "Seyyar haldeki kuvvetlerimin işçelerini kendi yöntemlerimle temin ederdim. Bir yerde kaldığımız zamanlarda da İzmir'in Yunanlılar tarafından işgalinden önce Müdafaa-i Hukuk, ve işgalden sonra da Redd-i İlhak ve daha sonraları Müdafaa-i Milliye cemiyetleri vasıtasıyla askerlerimi besletirdim. Maaşlarımı da bu cemiyetler vasıtasıyla verirdim." Çerkes Ethem, *Anılarım* (Berfin, 1962, 1993), 8.

32 See Kontente, *Smyrne*, 732–35.

33 Though written in retrospect and under the impression of the subsequent victory, a series of readers' letters that were published by local newspaper *Ahenk* in 1926 provide some insights into the experiences of (relatively) ordinary Muslims during the occupation. See Ellinor Morack, "Fear and Loathing in 'Gavur' İzmir: Emotions in early Republican Memories of the Greek occupation (1919-1922)," *International Journal of Middle Eastern Studies* (IJMES) 49 (2017), 71–89.



jection of Annexation Committee, were mayors, bureaucrats, lawyers and journalists, many of whom left the city during the occupation.<sup>34</sup> The Greek forces at İzmir soon occupied much more territory than just the Aydın province, reaching Eskişehir and Afyonkarahisar, whereas the Muslim nationalists more or less controlled central and eastern Anatolia. The French and the British, unhappy about the nationalist movement, but unwilling to dispatch their own troops (which were busy elsewhere),<sup>35</sup> instead used the Greek army “to do their fighting for them.”<sup>36</sup> In March 1920, British, French and Italian troops occupied Istanbul in order to stop nationalist activities there. The last Ottoman Chamber of Deputies (*Meclis-i Mebusan*) (which had been elected among Muslims only in 1919) was dissolved and leading nationalists were arrested and exiled to Malta. This step, however, backfired, causing those who had not (yet) been arrested to escape to Anatolia. Eighty-eight deputies of the last Ottoman parliament helped to establish an alternative legislative, the Grand National Assembly of Turkey (*Türkiye Büyük Millet Meclisi*, henceforth: TBMM), which, following new elections in nationalist-controlled territory, first assembled in Ankara on April 23, 1920. Relying on the TBMM’s legitimacy as an elected body with roots in the Ottoman system, the nationalists established a government in Ankara, claiming to represent the nation now that the imperial government in Istanbul was con-

34 Two particularly active journalists of the post-war period, Mehmet Şevki of *Ahenk* and Haydar Rüştü, the owner and editor of *Anadolu*, were members of the society. The same is true for Mustafa Necati, the future first Minister for the Population Exchange, who also published the nationalist newspaper *İzmir’e Doğru* during the War of Independence. See Eczacıbaşı, *Kent*, 157; Kontente, *Smyrne*, 733.

35 The French had occupied Düsseldorf and Duisburg in March 1920, had 18.000 troops in Cilicia, and were struggling with a serious uprising in Syria. Likewise, the British army had their hands full in India, Egypt, Mesopotamia and Ireland. Domestically, yet another war would have been hard to legitimate in the eyes of the exhausted, war-weary electorate in Great Britain and France. See Zara Steiner, *The Lights that Failed: European International History, 1919-1933* (Oxford: Oxford University Press, 2005), 112.

36 *Ibid.*, 111.

trolled by the Allies. The Allies reacted by giving permission to the Greek army to advance on Ankara and occupy Thrace in June 1920. The Treaty of Sèvres, signed by a powerless Istanbul government in August 1920, has been called a “stillborn” treaty.<sup>37</sup> This is true in the sense that the territorial division of Anatolia projected in this treaty was never implemented, and seriously contested even before it was drawn up: The Allied representatives in Paris were distributing territory they were not controlling in the first place. According to the treaty, Ottoman Turkey would have been reduced to a rump state in North-western and Central Anatolia, including Istanbul, with an internationalized zone around the straits. Greece would have received Thrace and the area around İzmir, Italy the occupation zone around Antalya, France Cilicia and South-Eastern Turkey. These three zones were more or less identical with the areas occupied by the respective armies in 1919. Most of those areas earmarked as Kurdish and Armenian territories in northeastern and eastern Anatolia, however, were controlled by the Turkish nationalist army. Armenia was projected as a US-American mandate (an idea that the US-American Senate had already rejected in June 1920), and the Kurdish area (the territory of which was not even outlined in detail) as a British one.<sup>38</sup> Today we know that the most important effect of the treaty was what has been called the “Sèvres Syndrome”: A conviction among Turkish nationalists that an imperialist division of Anatolia was (and in the minds of some, continues to be) imminent.<sup>39</sup> Today, such fears might indeed seem oddly misplaced and even paranoiac – in 1920 and the subsequent years, however, they were quite realistic.

The nationalist movement was able to achieve important military advances in 1920 and 1921. Regular troops in eastern Anatolia defea-

37 A.E. Montgomery, “The Making of the Treaty of Sèvres of 10 August 1920,” *The Historical Journal* 15, no. 4 (1972): 775.

38 For a discussion of the territorial stipulations of the treaty, see Steiner, *Lights*; Margaret Macmillan, *Peacemakers. The Paris Conference and its Attempt to End War* (New York, 2001).

39 For a discussion of this concept, see Fatma M. Göçek, ed., *Social Constructions of Nationalism in the Middle East* (Albany: State University of New York Press, 2002).

ted the small and poorly equipped army of the short-lived Armenian Republic in September 1920. In December, the nationalists signed their first international treaty at Gümri/Alexandropol. The Bolsheviks, who at that point were “as friendless as Atatürk,”<sup>40</sup> agreed to return the districts of Kars and Ardahan and started to supply the nationalists with the two things they needed most: Arms and interest-free loans which enabled Ankara to gradually replace the paramilitary *çetes* with regular troops.

When Prime Minister Eleftherios Venizelos lost the elections in Greece in October 1920, the French and Italians withdrew their support to the Greek adventure in Anatolia.<sup>41</sup> The nationalists managed to stop the Greek advance in January 1921 at the village of İnönü.<sup>42</sup> Following this success, the Allies invited them to London, where they offered a modification of the Treaty of Sèvres. The Ankara government declined the offer.<sup>43</sup> A second battle at İnönü (March 1921) ended with a Turkish victory, causing the Allies to withdraw their support for Greece and declare their neutrality. The nationalist troops narrowly managed to fight off a Greek offensive which came as close as the Sakarya river (50 km north of Ankara) in September 1921. In the summer, they had somewhat improved their critical financial situation by seizing all abandoned property and labeling unauthorized

40 Macmillan, *Peacemakers*, 455.

41 *Ibid.*, 461.

42 In memory and recognition of his achievements, the commanding officer İsmet and later prime minister and president of Turkey received “İnönü” as an honorary last name in 1934.

43 The Allies had invited both the Istanbul and the Ankara governments, only to find out that Ankara’s representative spoke for both. See Roderic H. Davison, “Turkish Diplomacy from Mudros to Lausanne,” in *The Diplomats, 1919–1939*, ed. Gordon Craig and F. Gilbert, 172–209 (Princeton: Princeton University Press, 1953, 1994), 188.

occupation of it as high treason. Taxes were raised to 40 percent, and 20 percent of all carts were seized.<sup>44</sup>

The French, who had already agreed to evacuate their troops from Cilicia in March, now started to supply arms to the nationalists in October 1921 (in exchange for economic concessions and the recognition of the border to mandate Syria).<sup>45</sup> Italian troops, too, started to evacuate Anatolia in June 1921. The evacuation of French troops in Cilicia was accompanied by the expulsion of the Armenian population that had returned since 1918. It was mostly their property that now became available, and whose fate was discussed in the subsequent parliamentary debate.

Devoid of Allied financial and military support, the Greek army never recovered from the Sakarya debacle, and the campaign became increasingly unpopular at home. Desperate for money to merely maintain the troops in Anatolia, the Greek government raised a loan by having all paper currency cut in half, treating half of the snippets as government bonds.<sup>46</sup> The front line remained unaltered for almost a year. In late August 1922, Turkish forces launched an offensive which managed to divide the Greek lines. It took them only thirteen days to regain the territory that had been under Greek occupation for almost three years. The motto of a nationalist newspaper (“Towards İzmir” – *İzmir’e Doğru*) became true. Turkish nationalist troops entered the city on September 9, 1922.

The gradual military and diplomatic achievements of these years would have been impossible without the advent of the October Revolution, which temporarily transformed the formerly hostile great power Russia into a weak state whose government was eager to make new friends. Moreover, it is important to keep in mind that the nationalist movement’s claim to power was seriously challenged at

44 See Onaran, *Emvâl-i Metrûke*, 125–26. As will be discussed later on in this chapter, this was a military order. The TBMM initially refused to pass a bill that would have transformed the stipulations of the order into a law, only passing it in April 1922.

45 The TBMM never ratified these concessions. See Davison, “Diplomacy,” 193.

46 Smith, *Ionian*, 266–67.

home throughout these years. Between 1919 and 1921, up to twenty-four uprisings shook central and eastern Anatolia. The nationalists fought them with brute military force and the establishment of the notorious “Independence Tribunals” (*İstiklal Mahkemeleri*). The insurgents’ motives varied from place to place, yet even nationalist authors admit to two prominent factors: Loyalty to the imperial government in Istanbul and resistance to the crushing requisitions and tax demands of the nationalists.<sup>47</sup> Avni (Doğan), a member of the national resistance movement, who witnessed one of the bigger insurgencies in Yozgat (in June 1920), later recalled how little impression the nationalist struggle made on the elders of the town. Having been asked to vote for the new parliament in Ankara, they refused by pointing out that the Ottoman constitution reserved the right to calling an election to the sultan himself. Later, when an uprising against the nationalists was imminent, Avni was summoned in front of the elders and asked to explain what the national movement was all about. One of the insurgents’ reaction to this speech indicates how incomprehensible the nationalist objectives must have been to most people:

Brother, this young man is talking gibberish... Despite this request of a bunch of miserable people (*bazı bedbahtların arzusu*), I will plant the standard of the

47 Çelik lists the reasons as follows: “a) hopelessness, poverty and exhaustion that the long years of war and the defeat had left among the population, b) as a result of this, an increase in the number of deserters, c) the economic hardship brought about by the national struggle on a population that was already impoverished, tired and hopeless, and the desire to avoid this burden, d) reactionary currents that built on the traditional and religious ties to the sultan and caliph (...) l) the requisitions of food, clothing and money that the national forces, also known as bands, made among the population, and sometimes made by use of force (...)” Kemal Çelik, “Millî Mücadele’de İç İsyânlar, Vatana İhanet Kanunu ve İstiklâl Mahkemeleri,” *Ankara Üniversitesi Türk İnkılâp Tarihi Enstitüsü Atatürk Yolu Dergisi*, no. 40 (2007): 585.

Prophet into the soil of Ankara. Tell this lad to leave us alone.<sup>48</sup>

An announcement of Kılıç (“Sword”) Ali, a notorious gang leader and later bodyguard of Mustafa Kemal, is instructive for the seriousness of the problem with requisitions (and hence, the legitimacy) of the nationalist bands. In a call to the population around Maraş, Kılıç Ali admonished them not to abandon their villages in flight of the “national forces”:

It has come to my attention that villagers, believing in the words of men who neither know themselves nor what they are talking about, have left their villages and gone elsewhere. I have to say that the term “band” is inappropriate here. It expresses something evil. There are no bands here, only National Forces (...). I ask villagers who have suffered from the National Forces to come to me and explain their grievance.<sup>49</sup>

From 1921 onwards, the military efforts of the nationalists took on a more orderly character, and the unruly *çetes* were gradually replaced by conscripted soldiers, many of whom, however, had to be forced into service. In the discussion of a bill against desertion in the TBMM that took place in July 1920, a deputy lamented that an average group of three hundred fresh recruits usually lost two hundred men to desertion within three days, while still on their way to the front. These men could not return to their villages and therefore joined bands in

48 “Birader Bey, bu delikanlı saçmıyor... Bazı bedbahtların arzusuna rağmen Alem’i Peygamberi’yi Ankara’ya dikeceğim. Bu delikanhya söyle, bizi rahat bıraksın.” Avni Doğan, *Kurtuluş, Kuruluş ve Sonrası* (İstanbul: Dünya, 1964), 55–60.

49 “Kendilerini ve sözünü bilmeyen bazı adamların içgallerine kapılan köy ahalisinin köylerini bırakarak başka yerlere gittiklerini işitiyorum. Evvela şunu anlatayım ki, çete tabiri doğru değildir. Bu söz fena bir manayı anlatır. Burada çete yoktur. Ancak millet kuvveti vardır. Bu Kuvayı Milliye’den zerre zarar gören köylüler derhal yanıma gelerek hallarını anlatsınlar.” Hulusi Turgut, *Atatürk’ün Sırdaşı. Kılıç Ali’nin Anıları* (İstanbul: Türkiye İş Bankası Kültür Yayınları, 2005), 680.

the mountains.<sup>50</sup> Such high levels of desertion had already been common in late Ottoman times.<sup>51</sup> However, it is interesting to note that the new situation of actual occupation by a foreign power did not boost the readiness of young Muslims to die for the state.

The military victory of September 1922 was crushing, yet it was only a prerequisite for the establishment of political control over the population. Much, if not all of the territory that the nationalist forces conquered in that year had been the scene of a bloody guerrilla war for three years. Especially during the Greek retreat, towns and villages along the front-line had become the scene of atrocities committed both by (Greek and Turkish) regular soldiers and paramilitary bands.<sup>52</sup> Çağlar Keyder has convincingly argued that it was this experience of ethnicized warfare that ripped apart the social fabric of the Ottoman countryside and brought about a hegemony of nationalist ideas.<sup>53</sup> However, this violence was still largely framed in terms of religious antagonism, not ethnicity.<sup>54</sup> Lofty ideas such as secularism and republicanism were largely unknown at this point, and ordinary people had certainly not fought for them. It comes as no surprise that the first army declaration following the conquest of İzmir was framed largely in religious terms:

50 “Üçyüz kişilik bir asker kafilesi üç gün sonra yüz kişiye iniyor (...) Asker firarileri firar edince (...) köylere iltica edemiyor (...) Eşkiya çetelerini buluyorlar.” GCZ, 5 Temmuz 1920. Cited in Çelik, “Millî”: 598. Also see <http://www.tbmm.gov.tr/tutanaklar/TUTANAK/GZC/d01/CILT01/gcz01001028.pdf>, 87.

51 In fact, Erik J. Zürcher has argued that the nationalist army indirectly profited from the high levels of desertion among Ottoman soldiers during World War I: Many men survived thanks to desertion and could therefore be drafted into the nationalist army after 1919. See Erik J. Zürcher, “The Ottoman Soldier in World War I,” in *The Young Turk Legacy and the National Awakening: From the Ottoman Empire to Atatürk’s Turkey*, 167–87 (London: I.B. Tauris, 2010).

52 The British historian Arnold Toynbee visited several Turkish towns only hours after their devastation by the hands of Greek troops. His reports can be found in Toynbee, *Western*, 259–78.

53 See Çağlar Keyder, “Consequences,” 41.

54 See Gingeras, *Sorrowful*, 5.

To the venerable people of the Vilayet of Smyrna. The unjustifiable attack of our enemy, the Greeks, who are unjust, cowardly but peerlessly unique in cruelty in the history of humanity, on our sacred land, their entry into it, their destruction of the Mohammedan population and their enjoyment of the protection of their Allies and persuaders, who are as unjust and unconscious as themselves, has at last touched the zeal of God. (...) As a result, with the help of God the Almighty and the spiritual assistance of the Prophet, the enemy has been driven from the major parts of the country. Anatolia became the grave of the Greek army (...)<sup>55</sup>

The fact that western Anatolia had been subject to a Greek occupation on the one hand meant that the forces of resistance had been united under a common cause – on the other hand, they had been far removed from Ankara’s direct control. In this sense, the experience of common Muslims in western Anatolia must have been distinctly different from those in central and East Anatolia. Their exposition to a nationalist government only started in September 1922, and the establishment and legitimacy of that government hinged on its distribution of abandoned property to the population. As the following discussion shows, this was also true for the relationship between the Ankara government and its parliament, the Great National Assembly of Turkey.

## 2.2 Abandoned property in parliament

Between 1920 and 1930, Turkish nationalism was transformed from an elite idea into an ideology that affected the lives (and brains) of millions of Anatolian Muslims. Parliamentary minutes of the Great National Assembly of Turkey (*Türkiye Büyük Millet Meclisi*, henceforth: TBMM) are a rich and interesting source through which we can study this process. This is especially true for the first assembly, which con-

55 Cited from an English translation of the original Ottoman document in FO 371/10177/E11677.



vened between 1920 and 1923, and whose members were much more diverse in terms of their backgrounds than those of later ones. Lengthy and controversial discussions were rather common in this first national parliament, which (very much unlike its successors) was “quite a heterogeneous and unruly body.”<sup>56</sup> The deputies were elected in 1919–20 from among the members of the “Societies for the Defense of Rights” all over Anatolia and Thrace. They were all Muslims, often locally powerful or influential people, who opposed the territorial ambitions of Armenia, Greece, France and Italy, and, eventually, the Treaty of Sèvres, which sanctioned these plans. Apart from their opposition to foreign occupation, however, they had little in common. Their ideological differences emerged over the course of these first years and are usually analyzed along the lines of the two parliamentary factions that emerged in 1921, and thus along the lines of well-established binaries such as secular/religious and authoritarian/liberal. The “First Group” (*Birinci Grup*), is considered to be the precedent of the authoritarian Republican People’s Party (*Cumhuriyet Halk Fırkası*, later: *Partisi*, henceforth: CHP) and the more liberal “Second Group” (*İkinci Grup*) (roughly) that of the short-lived oppositional Progressive Republican Party (*Terakkiperver Cumhuriyet Fırkası*, TCF), which existed from 1924 to 1925.<sup>57</sup> The debate that shall be analyzed here runs counter to these binaries, and it is probably for this reason that it has received very little, and only superficial, scholarly attention.<sup>58</sup>

In September 1920, five months after its establishment, the Turkish nationalist government in Ankara drew up a bill dealing with “property that has become ownerless due to its owners’ flight or disappearance.” The bill, and the law that was eventually issued by the TBMM nineteen months later, in April 1922, was clearly a continuation of the temporary “liquidation law” (*tasfiye kanunu*) that the CUP government

56 Zürcher, *Turkey*, 159.

57 See İhsan Güneş, *Birinci TBMM'nin Düşünce Yapısı (1920-1923)* (İstanbul: Türkiye İş Bankası Kültür Yayınları, 2009).

58 For these, see Onaran, *Emvâl-i Metrûke*.

had drawn up during the Armenian Genocide of 1915–16 in order to legitimate the ongoing seizure, sale, liquidation, and distribution of the property owned by “deported” Armenians. Unlike its predecessor, however, the abandoned property law issued in 1922 foresaw (at least on paper) that this property would be protected by the state.

In 1915, the *tasfiye kanunu* was only discussed in the Senate, but not in the Chamber of Deputies (*Meclis-i Mebusan*).<sup>59</sup> In November 1918, the *Meclis-i Mebusan*, which still included many non-Muslims, debated the war-time massacres and the dispossession that had accompanied them. Several non-Muslim deputies pressed for a prosecution of the culprits, while their Muslim colleagues tended to depict the violence as a legitimate act of self-defense.<sup>60</sup> Several years later, a similar argument would frequently be made in the TBMM as well.

Like the *tasfiye kanunu* of 1915, the bill of 1920 was drawn up in the midst of war, at a time when the Turkish-Muslim movement against the Armenian, Greek and French partition of Anatolia was starting to gain momentum. Yet, the very legitimacy of the Ankara government (which, at that point, was strongly contested) rested on its newly established parliament. The bill *had* to be discussed in parliament, and indeed became the subject of extensive deliberations, which lasted until April 1922. The minutes of these deliberations offer important insights into the process in which the deputies at Ankara made sense first of the Armenian Genocide, then the expulsion of survivors who had returned in 1918–19, and finally, the expulsion of the Ottoman Greek (*Rum*) population of western Anatolia. The debates of the Ankara parliament are special in two most important respects: Unlike those of the last Ottoman parliament, they did not take place in the shadow of defeat, but at a time of increasingly successful military action in Anatolia. More importantly, they were internal debates of the Muslim resistance movement whose delegates formed the TBMM

59 See chapter 1.6.4.

60 Ayhan Aktar’s article about that debate has been an important source of inspiration for this chapter: Ayhan Aktar, “Debating the Armenian Massacres in the Last Ottoman Parliament,” *History Workshop Journal* 64 (2007).

in Ankara. As this chapter shows, this movement was far from united in all respects, and debates such as that of the abandoned property bill were crucial for working out how the relationship between state and nation, Muslims and non-Muslims would be organized in the future. Recent scholarship has pointed at the importance of economic factors for widespread Muslim support for, participation in, and eventual denial of the Armenian Genocide.<sup>61</sup> The desire to keep stolen property (rather than give it back to surviving owners or their heirs) was an important motivating factor for Muslim support for the nationalist struggle of 1919-22.<sup>62</sup> The abandoned property bill of 1920 served exactly this purpose of keeping what had been stolen, and it is probably this point that has led Polatel and Üngör to claim that it was issued unanimously.<sup>63</sup> This, however, is not true. The bill was discussed quite extensively and there was strong and prolonged resistance to it, despite the fact that all deputies agreed that stolen Armenian wealth ought to stay in (needy) Muslim hands. It took seven sessions held over the course of nineteen months to finally issue the law. Why did it take so long?

In order to answer this question, it is important to keep in mind that the Armenian Genocide was a particularly quick case of genocide. In Nazi Germany and later all over occupied Europe, Jews were stripped of their rights in a piecemeal fashion. They were forced to give up their professions and sell their businesses years before the actual deportations started.<sup>64</sup> The Anatolian Armenians, on the other hand,

61 See Polatel and Üngör, *Confiscation*; Y. D. Çetinkaya, "Soykırımın Toplumsal Karakteri," *Mesele*, April 2015.

62 See Dündar, *Modern*, 245.

63 See Polatel and Üngör, *Confiscation*, 50.

64 For the history of so-called "Aryanization", see Avraham Barkai, *Vom Boykott zur "Entjudung" Der wirtschaftliche Existenzkampf der Juden im Dritten Reich 1933-1943* (Frankfurt am Main: Fischer, 1988); Irmtrud Wojak and Peter Hayes, eds., "Arisierung" im Nationalsozialismus. *Raub, Volksgemeinschaft und Gedächtnis* (Frankfurt am Main: Campus, 2000); Katharina Stengel, ed., *Vor der Vernichtung. Die staatliche Enteignung der Juden im Nationalsozialismus* (Frankfurt am Main: Campus, 2007). On the process of restitution, see Constantin Goschler and Philipp Ther,

were given orders to prepare their departure and sell their possessions within days, and in some cases within hours. Most ended up selling their entire households for next to nothing. Their dispossession continued on the deportation treks, where they were robbed of their last possessions: Murder and dispossession coincided. The forced migration of Anatolia's Greek Orthodox communities also took place within a very short time. Following the breakdown of the Greek front in late August 1922, it was a matter of days until the Turkish nationalist army arrived in İzmir. The civilian Greek population had no time to sell anything, and most fled towards İzmir and other coastal towns with hardly more than the clothes on their backs. Their property stayed behind, and was, in accordance with the abandoned property law, which had been issued in April 1922, supposed to be administered by official abandoned property commissions. In practice, however, most of it was quickly taken over by the Muslim population, often by local notables and members of the CUP. Perpetrators and profiteers ended up with vast numbers of houses, fields, gardens, agricultural yields, furniture and other movable property within a very short period of time. At least for locals (who often, but not necessarily, were perpetrators) this stolen property must have been a material reminder of its owners' fate. It probably raised not only the question if and how one could keep it, but also how their own possession of it, as well as the owners' violent death or expulsion, could be legitimated. This, at least, is what we must assume given that the Ottoman Empire had had a liberal property regime for land since at least the 1850s (and much longer for urban areas). The concept of private ownership was well-known and enshrined in the constitution. As in any other society, murder and theft were illegal. To assume that the Muslims living in Ottoman Anatolia were simply indifferent to violence would mean to regard their religion, culture and society as inherently barbarous. Taking the stolen property over was one thing that could be accomplished relatively quickly. Its appropriation, that is, the *permanent*

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eds., *Raub und Restitution. "Arisierung" und Rückerstattung des jüdischen Eigentums in Europa* (Frankfurt am Main, 2003).

transfer into *secure* ownership rights, was another matter that was intimately linked to the issue of legitimacy: As early as 1913–14, during the campaign of threat and intimidation along the southern Marmara and the Aegean coast which forced many Greeks to leave the country, their houses and agricultural land were given to Muslim immigrants and refugees. In some places, desperate refugees evicted local Christians from their homes.<sup>65</sup> During the Armenian Genocide, large numbers of refugees were settled in Armenian houses.<sup>66</sup> The post-war imperial government in Istanbul revoked not only the deportation orders, but also the notorious liquidation law (*tasfiye kanunu*) in January 1920.<sup>67</sup> Returning Greeks and surviving Armenians now were legally entitled to get their property back. At least in those towns in close proximity to railways, Allied officers established mixed commissions that were charged with the restitution of stolen property.<sup>68</sup> These commissions produced mixed results, but the few restitutions that did take place certainly made an impression upon those who had profited economically: Stolen property could be, and sometimes was, claimed back.

It was probably this experience of the early armistice period that pushed the question of legitimacy to the forefront of nationalist reasoning. And, since the stories of dispossession and murder were so closely linked, it was hardly possible to legitimate only the economic side of genocide.

The parliamentary debate analyzed here is testimony to this quest for legitimacy and for the deputies' desire to find a justification for the violence they had all, more or less directly, witnessed, and were again witnessing at the very time they were discussing the bill: Between 1920 and 1922, the nationalist military campaign in Anatolia succeed-

65 See Gingeras, *Sorrowful*, 38.

66 See Polatel and Üngör, *Confiscation*, 81.

67 See page 116.

68 See Gingeras, *Sorrowful*, 52–54; Ellinor Morack, “The Ottoman Greeks and the Great War: 1912–1922,” in *The World During the First World War*, ed. Helmut Bley and Anorthe Kremer, 213–28 (Essen: Klartext, 2014).

ed first at crushing the short-lived Republic of Armenia in the area around Kars (in October and November 1920), then at driving out the French from Cilicia, Antep and Maraş (in the spring of 1921), and finally in August and September 1922, the Greeks from western Anatolia. These areas came to be known as “liberated territories,” and the arrival of nationalist troops was usually accompanied by the forced emigration of the non-Muslim population. The remarkably peaceful Italian occupation of south-western Anatolia ended in July 1921, but, judging from the parliamentary minutes, the area was not perceived as “liberated territory.”<sup>69</sup>

### 2.3 The legal background

As one of its first legislative acts, in April 1920, the TBMM declared all laws and regulations issued by the Ottoman government in Istanbul after the Allied military occupation in March 1920 void.<sup>70</sup> War-time laws for Armenian and Greek property, however, had been revoked prior to the occupation, in January 1920:<sup>71</sup> the Ankara government had effectively declared those regulations and schemes for the restitution of property to be valid – if it wanted to act differently, it had to come up with a new law. Between September 1920, when it was first put on the agenda, and April 1922, when it was finally issued, the bill was repeatedly sent back and forth to three different parliamentary commissions. Onaran cites extensively from the debate, but doesn’t offer an actual interpretation of it.<sup>72</sup> Polatel and Üngör, who dedicate roughly a page to the debate, argue that the discussions

69 The relative tranquility of the Italian occupation there was probably due to the fact that the Greek Orthodox population had remained in place during World War I.

70 The text of the respective law (issued by the Istanbul government) can be found in Onaran, *Emvâl-i Metrûke*, 334.

71 The first post-war cabinet in Istanbul had issued several decrees for the relocation of surviving Armenians and restitution of their property. Polatel and Üngör, *Confiscation*, 97–98. The full-fledged revocation of the deportation law followed on January 8/12, 1920, two months prior to Istanbul’s full military occupation by the Allies. See page 113.

72 Onaran, *Emvâl-i Metrûke*, 125–36.

about the law “provide clues as to the perceptions of the deputies regarding the properties,” but fail to explain what these insights are.<sup>73</sup> Deliberations on the abandoned property bill roughly coincided with the year during which nationalist rule in Anatolia was first consolidated and then extended. This process is echoed in the changes that the bill underwent over time. The first bill of early September 1920 was written for the “places rescued from the enemy’s occupation” (*düşman istilasından kurtulan mahaller*), which were also known as “liberated territories” (*memaliki müstahlasa*).<sup>74</sup> At that point, these were not much more than central and eastern Anatolia. By March 1921, after its first revision by the parliamentary commission for financial affairs (*Maliye Encümeni*), the term “liberated territories” had become dynamic: The law’s area of validity was extended to all places that would be “liberated” in the future. This means that the bill, which had been drawn up for largely Armenian abandoned property, became applicable to property owned by *Rum*, as well as mainland Greeks, and thus for people who had not been subject to a genocide: it was much more likely for them to return.

Though it was only issued in 1922, the practices described in the law (state seizure and sale of abandoned property) were quite obviously performed throughout the time of its deliberation in parliament. This is clear from the deliberations. The bill can thus, just like the *tasfiye kanunu* of 1915, be described as a legal text that merely codified pre-existing practices. As early as August 1921, when the war with Greece

73 Polatel and Üngör, *Confiscation*, 50. Polatel and Üngör merely mention that one deputy criticized the law, cite another one who legitimized the bill with reference to a bloodthirsty hadith, and go on to claim that the law was passed unanimously. This last point is simply not true: As Onaran has already pointed out, there were 37 no votes in the final poll. 115 deputies voted yes, 26 abstained. The results of the final poll can be found at <http://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d01/c019/tbmm01019031.pdf>, 335–36 (accessed September 2, 2016).

74 For the minutes of this first debate (which include the first draft of the bill), see <http://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d01/c009/tbmm01009007.pdf>, 221–26 (accessed September 2, 2016).

on the Western front reached a critical point, the Turkish army issued a set of ten infamous orders that were used to mobilize all available resources for its cause. The sixth of these orders stipulates that all abandoned property, both movable and immovable, would be seized for the needs of the army; any attempt at privately using them was considered high treason.<sup>75</sup>

## 2.4 The first draft: Who were “the disappeared”?

The first draft of September 1920 stated that movable property and crops that had “become ownerless due to their owners’ flight and disappearance” would be treated as follows: The local administrations would auction movable and perishable goods, and administer immovable property and seeded fields. The money thus obtained would be kept by the local financial administrations. When owners returned, their immovable property would be returned and the money would be paid back to them (apart from those amounts spent for administrative purposes). The illegal occupation of abandoned property was to be persecuted.<sup>76</sup> The bill was brought in along with an explanatory declaration of the Ankara government, which stated that the law was necessary because the property of those who had left the “liberated areas” was currently used or rented out by various people, or used for the provision of the army. In order to stop these practices, which “obviously cause corruption and the destruction of personal wealth,”<sup>77</sup> it was necessary for the government to administer these properties, and, since it was “quite natural for returning owners to take possession of their property again,” to make sure that it would be returned to

75 TBMM March 14, 1921, 125–27.

76 <http://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d01/c009/tbmm01009007.pdf> (accessed September 2, 2016).

77 “Bu sureti muamelenin menafii hususiyeye hâdim ve suiistimalâtı müeddi olduğu derkar olup” Ibid., 121. Throughout this chapter, I cite the minutes as they were published in 1971, following the non-academic transliteration that was used there.



them.<sup>78</sup> As Onaran has pointed out, the bill marks a shift from one euphemism to the other: The war-time phrase “people who have been moved to other places” (*aher mahallere nakledilen eşhas*) was replaced with “those who have fled or disappeared” (*fırar ve gaybubet eden*).<sup>79</sup> On September 9, 1920, the bill was merely mentioned in parliament and directly sent off to the parliamentary committee for financial affairs, which made several changes and brought in a revised version on March 14, 1921, at which point the bill was discussed for the first time. The first controversy concerned the actual meaning of the new terms “fugitive” (*fırari*) and “disappeared” (*mütegayyip*). Vehbi Efendi, a scholar (*alim*) from Konya, stated:<sup>80</sup>

Gentlemen! I don't understand the objective of this law. (...) Those who have left the liberated territories for somewhere else have all died, so does the treasury now sell their property? Or is it selling the property of people who are actually alive? A is selling B's property? This is not proper, neither according to the *şeriat*, nor to positive law. (...) This is unacceptable.<sup>81</sup>

Throughout the discussion, Mehmet Vehbi Efendi was the only one to openly admit that “having fled or disappeared” was in fact a euphemism for “having died.” The text of the bill, however, suggested

78 “Bu gibi emval eshabından me'valarına avdet edenlerin emval ve eşyasına tesahüp etmesi pek tabii olduğundan (...) kendilerine iadesi tensip olunmuştur.” TBMM 14 March 1922, 122.

79 See Onaran, *Emvâl-i Metrûke*, 120–21.

80 This was probably Mehmet Vehbi Efendi (Çelik) (1864-1949), and not Ömer Vehbi Efendi, who also spoke during this debate. The minutes here only give the second name. Mehmet Vehbi Efendi became Minister for Religious Affairs and Pious Endowments in 1922, and eventually issued the legal opinion (*fetva*) that legitimized the nationalists' abolition of the sultanate in 1922. See TBMM Basın ve Halkla İlişkiler Müdürlüğü, *TBMM Albümü 1920-2010: 1. Cilt 1920-1950*, 44.

81 “Fakat istilâ edilen memleketlerden diğer memleketlere hicret eden adamlar hep ölmüş de beytülmal bunların malını mı satıyor? Yoksa orada sahibi olduğu halde mi satıyor? Zeydin malını Amrin satması? Bu şeran ve kanunen caiz değildir.” TBMM 14 March 1922, 122–23.

otherwise by drawing up rules for an eventual restitution of the property in question, raising the specter of the owners' return. Vehbi Efendi further criticized that the sale of private property owned by one (living) person by another was illegal. This is curious, because the bill didn't mention such a procedure. His argument was probably based on his familiarity with the sale of Armenian property during World War I, and the assumption that the bill was intended to serve the same purpose. Vehbi Efendi's criticism caused his fellow deputies to provide their own understandings of the new terminology: What had happened to the Armenians? Would they return? Nusret Efendi<sup>82</sup> (Erzurum) regarded the owners as alive, but thought that they had lost all their rights:

Those who have fled or disappeared from the liberated territories, that is, the Armenians (...) Under which circumstances have they fled? They have rebelled against us. How can a rebel own fields and real estate? They have rebelled, and then left. Houses, shops, in short: Whatever they may have left belongs to the public treasury.<sup>83</sup>

Nusret Efendi argued that the Armenians, by rebelling against their Muslim rulers, had lost their property rights. Therefore, their property ought not to be merely administered, but completely taken over by the state. He further suggested that the state not sell it, but give it to those who sought shelter in Muslim territories. Nusret Efendi demanded that the first paragraph be changed accordingly. Likewise, he refused the possibility of the owners' return mentioned in the second

82 Mehmet Nusret Efendi (Sun) (1879-1930) had served as army *imam* during the Balkan Wars and World War I. He was not elected to the TBMM again. See *TBMM Albümü*, 29.

83 "Memaliki müstahlasadan firar ve gaybubet eden, yani ermeniler... (...) Bunlar ne suretle firar ettiler? Bunlar bize isyan ettiler, âsi olan bir adamin arazisi ve emlâki olabilir mi? İsyân etti, çekildi gitti. Bırakmış oldukları haneler, dükkanlar velhasıl her ne kalmış ise beytülmale aittir." TBMM 14 March 1922, 124.

paragraph: “No, they cannot return. They have gone to Armenia.”<sup>84</sup> But if someone had gone to another country, he or she could surely return? Yahya Galip, deputy for Kırşehir, reminded his colleagues that the Armenians had returned and reclaimed their property once before.<sup>85</sup> Referring to the years 1915–20, he stated:

But how can we know what will happen tomorrow? These people’s movable and immovable property was administered by the government [1915–18]. Then came a villain government [in Istanbul], which totally rejected that law. After taking the treasury’s property, the Armenians proceeded to take over whatever Muslims owned with the help of two witnesses. We saw this pain with our own eyes. In the light of this, it is necessary for the assembly to find the best solution as quickly as possible, to make sure that it works.<sup>86</sup>

Yahya Galip’s speech put in a nutshell what many deputies (and ordinary Muslims) must have felt: They had already made the experience that survivors did return, taking back the property they had come to regard as their own, and even more than that. Galip Bey felt that it was necessary to come up with a law that provided a guarantee against such restitutions. The present situation, however, was not

84 TBMM 14 March 1922, 124.

85 Yahya Galip Bey (Kargı) (1874-1942) served as an accountant in the imperial accounting office in Istanbul and later in the financial administrations (*defterdarlığı*) of Bitlis, the Hicaz, Kastamonu and Ankara. As such he was probably involved in the dispossession of the Armenians during World War I and witnessed the partial restitutions during the armistice period. He also served as deputy governor and (shortly) as governor of Ankara. He was not elected to the TBMM again. See *TBMM Albümü*, 43.

86 “Fakat; yarın nasıl olacağını nasıl kestirebiliriz? Bunların emvali menkule ve gayrimenkulesi Hükümet namına idare edilmişti, sonra bir erzel Hükümet geldi, o kanunu hiç de tanımadı. Ermeniler Hazinesinin malını aldıktan sonra, İslâmların ne kadar mallar varsa iki şahit ile onu da aldı. (...) Şu hale nazaran hangi ciheti daha muvafık ise onu kestirip bir anda işi sağlam kazığa başlamak Meclisinize ait bir keyfiyettir.” *Ibid.*, 125.

stable enough to provide such a guarantee, and any law that would really transfer all abandoned property to the treasury was bound to produce “disastrous results”.<sup>87</sup> Yahya Galip Bey probably inferred that the CUP government’s war-time sales of Armenian property were responsible for subsequent conflicts between local Muslims and returning Armenians. He was not opposed to the dispossession of Armenians, but felt that it had been performed prematurely.

In such a situation of longing for legal security, the words of trained lawyers and scholars of religious law counted more than those of laypeople. Hüseyin Avni Bey<sup>88</sup> (Erzurum), a lawyer and deputy for Erzurum, pointed out that, according to (positive) Ottoman law, a property owner either exercised his property rights himself or through a proxy, and in the event of his death, the rights passed on to his heirs. If neither the owner him- or herself, nor a proxy, nor an heir existed, the rights passed on to the public treasury. Avni Bey therefore argued that there was no need for a bill in the first place.<sup>89</sup> Hüseyin Avni’s speech on the one hand admitted indirectly that most Armenians had indeed died without leaving any heirs. His mentioning of proxies, however, suggested that not the state, but legal representatives of the actual owners should and could administer the property in question. He then suggested that the bill be passed on to the parliamentary commissions for Islamic law (*şerîyye encümeni*) and justice (*adliye*

87 “Çünkü henüz gayemize tamamiyle vâsıl alamamışızdır ve bu bizim fiiliyat itibariyle aleyhimize fena neticeler tevhit edebilir.” TBMM 14 March 1922, 125.

88 Hüseyin Avni (Ulaş) (1887-1948) took part in the Erzurum and Sivas congresses and was elected to the last Ottoman parliament before joining the TBMM in Ankara. He was among the founders of the oppositional “second group” in parliament. In the aftermath of the 1926 attempted attack on Mustafa Kemal, he was found guilty by the Independence Tribunal, but later acquitted. Güneş, *Birinci*, 166.

89 “Ya kendisi yapar veyhut (sic) vekili vardır, ölmüşse vârisi vardır ve bunları tamamen kavanini umumiyyemiz mütekeffildir, kendisi berhayat ise idare eder veyahut vekili eder. (...) Bunların haricinde ise beytülmal vardır, bunlara lüzum yoktur. O zaman beytülmal vaziyet eder. Böyle bir kanuna lüzum yoktur.” TBMM March 14, 1921, 123.

*encümeni*). The deputies agreed, and the bill was passed on to the committees.

Three weeks later, on April 7, 1921, the government brought in another bill concerning the administration of the “abandoned property houses that have been given to the population of the liberated territories whose houses have been destroyed.”<sup>90</sup> The text made it clear that people had already been settled in those houses and stipulated that no rent would be asked from them. Houses would be distributed with a view to the number of household members and the social status of the family. After establishing each family’s needs, the local administrative councils would commit houses to their charge (*içlerinde mukim olan ahaliye teffiz olunacaktır* No fees would be charged for this administrative act.<sup>91</sup> The ruins of these families’ houses would be registered in the name of the government.

This second bill quite obviously concerned exactly those buildings mentioned in the abandoned property bill that was already under consideration. The first draft concerned “destroyed houses in the liberated territories,” but the Committee for Financial Affairs (*maliye encümeni*) broadened the circle of beneficiaries to people whose houses had been “destroyed during the Great War” and were located in the provinces of Erzurum, Van, Bitlis, Mamüretülaziz, Diyarbakır, Sivas, and the districts Maraş and Antep. These six provinces were exactly the “six provinces” (*vilayat-ı sitte*) that had been famous for their high ratio of Armenians prior to the genocide, and had been earmarked as Armenian territory in the Treaty of Sèvres.<sup>92</sup> The bill thus made it

90 Haneleri tahrip olunan vilayati müstahlâsa ahalisine emvali metrükeden verilmiş olan haneler hakkında kanun layihası, TBMM April 7, 1921, [http://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d01/c009/tbmm0100901\\_7.pdf](http://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d01/c009/tbmm0100901_7.pdf) (accessed September 2, 2016).

91 The act of *tefviz* was not a full transfer of property rights, but an easily revocable committing to the charge of someone. For the history, meaning and legal implications of the term, see page 242. Henceforth I shall use the term without diacritical characters in the regular text and with them in the transcription of documents.

92 The term was first coined in the Treaty of Berlin of 1878, in which the Ottoman Empire agreed to perform reforms in those provinces in order to improve public

clear that its objective was to safeguard those Muslims that were already living in Armenian houses (most of them presumably since the genocide of 1915) and free them of the obligation to pay rent. If applied, it would have effectively brought the rent income of abandoned property houses (which, according to the first bill, was supposed to be collected and kept in the owners' names) down to zero.

There was a limited discussion about the question if areas outside of the war zone had actually suffered damage or not. One deputy questioned the “possibility that places where the enemy never set foot were damaged,” and some colleagues agreed with cries of “there is no such possibility”.<sup>93</sup> This remark can be read as an indirect question about the reasons behind the bill – a question that could neither be addressed, nor answered, but nevertheless informed the discussion: Where were all the Armenian owners? The deputies were trying to make sense of this bill but at the same time avoiding to mention why so many houses in these areas – most of which had indeed been far away from the war-zones – had become available. The law provided an explanation only for the need to settle refugees (war-time destruction) but not for their settlement in the six provinces. The emptiness of these houses, however, could not be explained with the war, but only with the murder and deportation of their Armenian owners and inhabitants, an elephant in the room that the deputies carefully avoided to mention.

Apart from this limited discussion, the deputies overwhelmingly supported the bill. It was handed back to the financial committee, but, as we shall see, its stipulations, which amounted to a free distribution of abandoned property among its current Muslim inhabitants, contin-

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security. The term was also used in the Armistice of Moudros. See Roderic H. Davison, “Diplomacy.”

93 Müfit Ef. (Kırşehir): “(...) [D]üşmanın girmediği yerlerde tahrip edilmek imkanı ve ihtimali var mıdır? Rica ederim.” (Yoktur sesleri). TBMM April 7, 394. Müfit Efendi (Kurutluoğlu) (1879-1958) was a *medrese*-trained religious scholar from Kırşehir who also worked as a lawyer. After 1923, he did not serve in the TBMM again. *TBMM Albümü*, 43.

ued to inform the deputies' criticism of the abandoned property bill later on.

## 2.5 The question of proxies

The abandoned property bill came back from the Commission for Justice (*adliye encümeni*) on September 15, 1921, and was discussed two days later. Like the first draft, it maintained that movable property and crops would be sold, while houses and fields would be administered by the government. The money obtained from sales, as well as rent incomes, would be kept in the local financial administrations, which would pay the administrative costs out of that money. Returning owners would get their immovable property back and would be given the money obtained through sales and administration. Article Two now included a new stipulation regarding proxies: the government was made universal custodian for all "abandoned property", unless there was a proxy in place who had been named prior to the law's proclamation.<sup>94</sup>

As Hüseyin Avni had pointed out, the naming of proxies was a regular procedure in Ottoman legal practice, and we can assume that the deputies were familiar with it. In the context of this debate, however, the idea was provocative because it suggested that even an absent person could continue to enjoy, and exercise, their property rights – a powerful threat to the desire to permanently appropriate these assets. The debate now shifted from the question whether owners were dead to the legitimacy of their proxies. The deputies also started to more openly discuss the ongoing *de facto* treatment of abandoned property. Vehbi Efendi, the religious scholar from Konya, observed that he was "not sure if any money will be left over after the expenses have been

94 The text of the revised bill, as well as the debate I shall discuss presently, can be found at

<http://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d01/c013/tbmm01013095.pdf> (accessed September 2, 2016).

paid.”<sup>95</sup> This caused some commotion among his colleagues, to which he replied: “It happens, it is still going on.”<sup>96</sup> He then went on to demand that abandoned fields and houses be allocated (*tevzi*) to the local population (*ahaliye*) – his wording was exactly that of the second bill for refugee housing. Minister of Finance Hasan Bey<sup>97</sup> replied that the government was already doing exactly that.<sup>98</sup> He explained that the government was not selling crops, but giving the fields in question to neighbors, who were, after payment of the tithe, allowed to keep half of the produce as their own.<sup>99</sup> A full and free distribution to landless people, however, was not possible because the land was “not ownerless.” Upon Vehbi Efendi’s insistence, Hasan Bey explained: “As a matter of fact, it has become ownerless. However, it is regis-

95 Again, the minutes only name him as “Vehbi Efendi”, so it might have been either Mehmet Vehbi Efendi or Ömer Vehbi Efendi.

96 “Emvali menkulenin bilmüzayede fûruhtu ile masarifi çıkarıldıktan sonra parasının sandığa teslimi deniliyor. Bendeniz masarif çıktıktan sonra para kalıp kalmayacağını bilmem, oraya karışmam. Onun için söz söylemiyeceğim. (Şimdi ona meydan verilmez sesleri) Hepsî oluyor, hâlâ devam ediyor.” TBMM 17 September 1921, 227.

97 Hasan Hüsnü (Saka) (1885–1960) was educated at the Ottoman highschool for public servants (*Mülkiye*) and trained as a diplomat in Paris. He was part of the Turkish delegation at the Lausanne conference and continuously served as deputy for his home province Trabzon up to the 1950s. Following his resignation from the post of Minister of Finance, he became Minister of the Economy in May 1922. He served as Minister of Finance and the Economy in the second and third governments of Prime Minister İsmet Paşa (1925–26) and later became professor of Economics in Ankara. He also briefly served as Prime Minister between 1947 and 1949. See *TBMM Albümü*, 60.

98 “Mezruat hakkında yaptığımız şekli idare şudur; O civarda bulunan erbabi mesaiye diyoruz ki; bu mezruat kemale geldikten sonra hasat edersiniz, üşrü çıktıktan sonra hasılatı bakıyenin nısfını emeğinize mukabil size bırakacağız, nısfı diğeri Hazine için kabzediliyor. Mezruatı sattığımız yoktur.” TBMM September 17, 227.

99 Hasan Bey implied here that the other 45 percent of the produce went to the state. This would have been a very unattractive, and probably ruinous, arrangement for subsistence farmers, but might have made some sense for people who planted cash crops.



tered in someone's name in the *tapu* registers.”<sup>100</sup> The owners were absent or dead – but their records were not, and the government, he claimed, could not simply ignore this presence.

Minister Hasan's mentioning of the legal presence of owners met with incredulity on the part of several deputies. Esat Efendi, deputy for Aydın, summed up:<sup>101</sup>

I cannot bring myself to understand this paragraph. The property of citizens who have used arms against us and have gone over to the enemy will be sold and administered, and later they are supposed to get that money back? I request that this provision be rejected altogether, and that the property be distributed among the needy instead.<sup>102</sup>

Hasan Basri Bey<sup>103</sup> (deputy for Karesi) seconded him, reminding the audience of the second bill on property distribution to refugees, and pointing out that the two laws clearly contradicted each other. He went on to criticize current government practice and to advocate the free distribution of houses to refugees as a much better idea than government “protection”:

100 “VEHBİ Ef. (Konya) – Deminden sahipsiz buyurdunuz. Maliye Vekili HASAN B. (Trabzon) – Bilfiil sahipsiz kalmış. Fakat birinin namına mukayettir, tapu kaydına göre.” TBMM 17 September 1921, 227.

101 Born in Gümülcine/Komotini (Western Thrace), Esat Efendi (İleri) (1882–1957) served as district chairman of the CUP in his hometown, and later as deputy for his province in the Ottoman Chamber of Deputies. He migrated to Istanbul at the end of the first Balkan War. See Ayten C. Tunalı, “Kurtuluş Savaşı'nda Esat Efendi (İleri),” *Tarih Araştırmaları Dergisi* 41 (2007).

102 “Benim bu maddei kanuniyeye hiç aklım ermedi. Düşman tarafına firar etmiş, bize karşı silâh kullanmış vatandaşların hükümet emvali menkulelerini satacak idare edecek, sonra da bunlara mükâfaten parayı iade edecek, bunun kemali teesürle reddini talebederek muhtacine tevziini istirham ediyorum.” TBMM September 17, 1921, 227–28.

103 Hasan Basri (Çantay) (1887–1964), worked as a journalist and lower-level bureaucrat in his native town Karesi/Balıkesir (part of the Greek occupation zone). Prior to the war he had been publisher of the local CUP newspaper *Yıldırım*. He did not serve in the TBMM again. See *TBMM Albümü*, 40.

We have seen how the buildings, land and the like, which are in the hands of the government, can be beneficial or harmful to the nation. If we actually want to administer the immovable property in the liberated territories, if we want it to be profitable, and if we no longer want to enlarge individual fortunes with it (something the Treasury has been doing for a long time), then let us give them to those among our poor brothers in religion who have lost their own homes. (...) If the government wants to seize real estate, let us resist it with all our might, let's not give it.<sup>104</sup>

Hasan Basri Bey went on to demand that the other bill (for property distribution among refugees), which was at the time “asleep in the commission”, be put on the agenda and discussed together with the current one.<sup>105</sup> Following this proposition, the deputies' criticism of “government administration” grew harsher: Musa Kâzım Efendi<sup>106</sup> (Konya) pointed out that the law was prone to invite corruption on the part of local officials, and that the profits to be gained would “due to various shortcomings of the administrations, end up in the hands of a small number of people.” The real victim of this situation would be

104 “Şimdiye kadar Hükümetin elinde bulunan emlâk, arazi ve sairinin millete ne kadar müfit veya muzır olduğunu gördük. Eğer düşman istilâsından kurtulan mahallerdeki emvali gayrimenkuleyi işletmek, müfit bir hale getirmek istiyorsak eğer maliyenin öteden beri yaptığı gibi sabit sermayeleri, gayrimüfit sermayeleri çoğaltmak istemiyorsak, bunları emlâki mahvedilen birtakım zavallı dindaşlarımıza verelim.(...) Eğer emvali gayrimenkuleyi Hükümet istiyorsa buna bütün mevcudiyetimizle isyan edelim, vermiyelim.” TBMM September 17, 1921, 228–29.

105 “Encümende uyuyan o kanunun tam zamanı gelmiştir, biran evvel meclisimize tevdi edilsin.” Ibid.

106 Musa Kâzım (Onar) (1881-1930) had already been deputy for his hometown Konya in the last Ottoman Chamber of Deputies. He followed Mehmet Vehbi Efendi as Minister for Religious Affairs and Pious Endowments (1922–23). *TBMM Albümü*, 44.

“the poor nation, which cannot benefit at all.”<sup>107</sup> Durak Efendi,<sup>108</sup> a deputy for Erzurum, went even further, making it clear that the bill would not so much take away property of the (already absent) Christian owners, but from those Muslims who currently inhabited it. Reminding the audience that most of the country lay in ruins, he stated that abandoned property (“three, five houses”) was actually the only thing of any worth in the hands of a penniless nation. He argued that the transfer of this little wealth to the hands of the government would leave the people in a state of total wretchedness.<sup>109</sup> The deputies’ argument was twofold: They felt that Armenians had (collectively) lost their property rights by rising up against Ottoman rule. Furthermore, they argued that these Armenians’ houses ought to be distributed among (Muslim) home- and landless people. They opposed both the idea of restitution to Armenians and that of government administration of the property, which they knew from experience since 1915, would only help to enrich a few powerful people.

Minister of Finance Hasan Bey dismissed the first demand (free distribution to refugees) by pointing out that the legal concept of abandoned property implied that legal ownership continued. Abandoned property was not *emiriye*, i.e. not privately owned by the sultan (or, in this case, the state). Only people guilty of high treason could be stripped of their rights. He reminded the deputies that anyone who was found guilty of having committed high treason would, as a rule, be tried in court, and, as a result of his conviction, lose all rights to his property. His land would thus no longer be treated as abandoned

107 “Şu veya bu idaresizlikler sebebiyle bu gibi emvalin menafii maalesef bâzi eşhasın elinde kaldığı halde zararını millet çeker, bundan hiç istifade etmiyen zavallı millet mutazarır olabilir.” TBMM September 17, 1921, 228.

108 Mustafa Durak (Sakarya), (1876-1942), was a police officer from Erzurum. He did not serve as deputy again. *TBMM Albümü*, 28.

109 “Gerek Şark vilayetlerinde ve gerek Garp vilayetlerinde emniyet kâmilen mahvoldu, haraboldu. (...) Bugün paramız yok, elimizde emvali metrukeden az çok her tarafta üç beş hane bulunuyor. Bunu da kaldırır böyle bir kanunu yapar ve idaresini Hükümete tevdi edersek halkın hali ne olur? Halk perişan olur.” TBMM September 17, 1921, 229.

(*emval-i metruke*) but instead as sultan property (*emiriye*) – a category of land that could indeed be distributed to refugees for free – which, however, ought to be regulated by a separate law.<sup>110</sup> Hasan Bey thus admitted that the property in question was owned by people who had *not* committed high treason – and that his government was keen to seize it anyway. At this point, he introduced a new argument, namely that not the owners themselves, but their proxies were criminals. He claimed that it was not the government that had channeled abandoned property into the hands of certain individuals, but proxy statements, which the government, at least so far, had been forced to accept. Abandoned property was actually not in the hands of the homeless poor, but in those of fortune-makers who acted as proxies. In order to fight these individuals, he insisted that the paragraph on proxy statements be added to the bill.<sup>111</sup> Hasan Bey thus masterfully turned the narrative of poor homeless people vs. the government upside down, presenting the government as the innocent party.

Given the (pretended) universality of its wording, the bill could potentially also be used against Muslims. Hüseyin Avni Bey later put this in a nutshell when he warned his colleagues that only courts, not administrations, should be able to decide whether someone had “disappeared,” otherwise “we will all end up as ‘disappeared ones,’ and our

110 “Eğer firar eden eşhasın esnayı firarında onların maznuniyetini mucib ahval varsa aletülusul, mahkemede sâbit olur, (...) cezalarını zaten görürler ve bunların malı zaten muhakemece müsadere olunur. (...) artık orada emvali metruk hükümü cari olmaz. Doğrudan doğruya emvali emiriye meyanına girer. Emvali emiriyenin; memleketin (...) mutazzarır olmuş olan ahalimize tevzii meselesini [halletmek] (...) için ayrıca bir kanun yapmak lâzımgelir.” TBMM September 17, 1921, 229.

111 “Adliye Encümeninde müzakeresi icra edilirken esnayı müzakeresinde hazır bulunan ve lâzımgelen, lüzumlu gördüğüm tadilatı da söylemişim, netice itibarıyla bu şekli almıştı (...) Ahalinin elinde değildir, Durak Beyefendi. Emvali metruküki bugün karıştırırsak birkaç mütegalibenin elinde çıkar (...) her hangi sınıf eşhasın hakikaten kendi menfaati iktizasından olarak mukavelât maharriri marifetiyle yapılan bir vekâlet ile bu işe siper olması muhtemeldir.” Ibid. 229–30.

property will go to waste.”<sup>112</sup> Süleyman Sırrı Bey<sup>113</sup> (deputy for Yozgat) feared the same:

As is well-known, the words “movable property” and “abandoned property” are used specifically to refer to [property owned by] Christians. Does the [new term] “ownerless due to the flight and disappearance of its owners” refer to that [property] owned by Muslims or by Christians?<sup>114</sup>

The minutes inform us that cries of “there is no discrimination” (*tefrik yoktur*) could be heard at this point: The deputies were aware of the danger that the government might apply the same laws to the Muslim population as well, and indeed, at least one such case was later reported.<sup>115</sup> The bill under consideration violated the Ottoman property regime. Musa Kâzım Efendi insisted:

How else is someone who cannot come here, or who is not allowed to come, supposed to take care of his property, if not by the help of a legal representative? Isn't this a plain necessity? In a regime that respects people's enjoyment of property rights, this is indeed just a logical

- 112 “Mahkeme tahtı karara almalıdır. Yoksa İdareten olursa hepimiz gayiboluruz. Hepimizin malı heder olur.”  
<http://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d01/c014/tbmm01014108.pdf> (accessed September 2, 2016).
- 113 Süleyman Sırrı Bey (1878-1963) had served as district governor (*kaymakam*) in several towns before joining the first TBMM. He joined the war in August 1921 and was not part of later assemblies. *TBMM Albümü*, 63.
- 114 “Malumualiniz öteden beri emvali menkule ve emvali metruke kelimeleri hıristiyanlara muhtas bir tabir gibi telakki ediliyor. Burada ashabının firar ve gayubetiyle sahipsiz kalan emlak, hıristiyanlara mi aidolanı, yoksa İslamlara aidolanı mi?” TBMM 17 September 1921, 229.
- 115 On September 11, 1922, deputy for Aydın Mazhar Bey claimed that his own olive grove had been treated as abandoned property and had been sold by the nationalist government. See  
<http://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d01/c022/tbmm01022100.pdf>, 617.

principle, be it for property owners or others. Proxy statements and similar documents drawn up in accordance with the *şeriat* have a significance in positive law, in human reason and conscience. Therefore, they cannot be annulled. (...) Only courts can annul them.<sup>116</sup>

The question of legality now came to the forefront of the discussion. It did so with regard to two issues: The first was the status of non-Muslims and their property rights, the second that of current Muslim inhabitants of abandoned property. Both were quite obviously interconnected, yet they had been discussed with respect to separate bills so far, a point that had seriously hampered the deputies' attempts at legalizing the status of people who were already living in abandoned property houses. A majority voted for the joint consideration of both bills, and the abandoned property bill was sent back to the Commission for Financial Affairs. It eventually reappeared on April 16, 1922, after a joint meeting of the three commissions for justice, financial affairs, and *şeriat* law.

## 2.6 The question of legality

Musa Kâzım Efendi argued that proxy statements were documents that were drawn up in accordance with the holy *şeriat*, and therefore had to be protected both by positive law and by the courts. Upon first glance, this was a powerful argument, as it implied that private property rights – whether those of Muslims or non-Muslims – were protected by god-given law and could therefore not be violated by men. On the other hand, his reference to the *şeriat* appears to have inspired

116 “Kanun böyle müdafaa edilmez. Kendisi buraya geldiği halde gelemeyen ve belki kabul edilmeyen zevat emvalini vekâletle idareden başka çare bulabilir mi rica ederim? Buna bir zaruret yok mudur? Ve herkesin malındaki tasarrufu kabul edince bu imkânı akli mevcut değil midir? Mal sahipleri için olsun, kim olursa olsun. Binaenaleyh vekâletnamelerin ve bu gibi hücceti şer'iyenin mânayı kanunisi, mânayı aklisi mevcuttur. Mânayı vicdanisi mevcuttur. Her şey mevcuttur. Binaenaleyh vekâletlere ait hükümler hiçbir zaman iptal edilemez. (...) Bunu iptal için mahkeme hükmü lazımgelir. Başka çare yoktur.” TBMM September 17, 1921, 230.

some of his colleagues to frame their arguments in terms of the *şeriat* as well – though with a different objective, namely to argue that it was no longer applicable to the non-Muslims in question.

The abandoned property bill came back from the joint meeting of the three commissions on April 16, 1922. The three commissions had changed the law's applicability to all places where people had “fled or disappeared due to political reasons or under conditions of war.” They had, however, not inserted a paragraph regulating the rights of current inhabitants. The commissions had decided that state administration of abandoned property was justified by “general regulations” and that the bill at hand was therefore not necessary. Hasan Bey disagreed:

There are people among them [the owners of abandoned property] who have fled abroad after engaging in all kinds of treason against our country. These people then simply draw up a warrant for someone and name him their representative. These guys [the proxies] have full powers to sell that property in their [the owners'] name. They turn to the courts, and the courts have to follow the existing laws and recognize those warrants. (...) The courts tell us: “Under these circumstances, we do not recognize you as general custodian.” They ask us: “Who are you to occupy this house?”<sup>117</sup>

When Hasan Bey made this statement, his government had just issued a cabinet decision (*kararname no. 1483*) concerning proxy statements that Greeks who had fled to Istanbul and foreign countries

117 “Sonra memleketin hayatı aleyhinde fesad tertibatından sonra fūrceyabı firar olmuř, memaliki ecnebiyeye gitmiř adamlar vardır. Bunlar buldukları mahallerdeki řehbenderlikten o memalik kâtibi adilliginden musaddak bir vekâletname ile her hangi bir adamı tevkil ediyorlar. Emval ve emlâkinin fūrũhtuna salâhiyet ve vekâlet ediyorlar. (...) mahkemeye mūracaat ediyorlar, mevzuatı kanuniyemiz mucibince mahkemeler bu vekâleti kanuniyeyi kabul etmek mecburiyetinde kalıyor. (...) [B]ize mahkemeler ‘nasıl gasıp ve füzuli oturuyorsun, sen necisin?’ Diyorlar.” TBMM 16 April 1922. [http://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d01/c019/tbmm0101902\\_8.pdf](http://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d01/c019/tbmm0101902_8.pdf), 221. (accessed September 2, 2016).

were sending from there. The cabinet decision stated that these documents would no longer be accepted in court. The Ankara government had issued the document on March 12, 1922.<sup>118</sup> But this apparently was not enough, and the courts might indeed have demanded a full-grown law to legalize this practice.

In his speech, the Minister of Finance no longer tried to pretend that his government was merely protecting the rights of absent owners against their illicit proxies. He depicted the owners themselves as traitors, and no longer talked of trying them in court in order to legally seize their property. The roles are reversed here: It is the courts that protect the owners' rights against a government that seizes property illegally. Hasan Bey, in other words, admitted to his government's illegally seizing property, asking his parliament to legalize this practice.

The information Hasan Bey gave here is not completely unconvincing: The Ottoman government under Mehmet VI (Vahdettin) had indeed revoked the temporary law of 1915 that had regulated the sale and liquidation of Armenian property in January 1920 with a cabinet decision (no. 2747).<sup>119</sup> It seems perfectly possible that local courts in territories controlled by the Ankara government accepted this change, and accordingly protected the rights of absent non-Muslims – at least as long as Ankara had not come up with a full-grown law that replaced the cabinet decision issued in Istanbul.

As a response to Minister Hasan Bey's explanation, Lütfi Efendi,<sup>120</sup> deputy for Malatya, asked:

118 For the text of the *kararname*, see Kardeş, "Tehcir", 125–26.

119 To be exact, on Kanunisani/January 8, 1336/1920 (see page 113). Kardeş gives the correct date according to the Rumi calendar, but incorrectly states that this corresponded to January 1921. See Kardeş, "Tehcir", 91.

120 Lütfi Efendi (Evliyaoğlu) (1863–1923), a lawyer, was among the few TBMM members who had both a higher religious (*medrese*) and a state education from the school for public administration (*Mülkiye*). He is sometimes called "Bey" and sometimes "Efendi" in the parliamentary minutes. See *TBMM Albümü*, 48.



How has the movable and immovable property of these people been treated so far? And by which authorization? If there is a legal foundation for this, why is there a need for such a law in the first place? If there is no legal foundation, how has [the government] justified [these practices]?<sup>121</sup>

Answering this question, a chancellor of the treasury explained that the government was already acting as universal custodian of abandoned property, but was encountering difficulties whenever owners went to court. Lütfi Bey then insisted to know “who exactly” had bestowed this function on the government, to which the chancellor replied that it was “a provision of the *şeriat*”.<sup>122</sup> If the bill was, as the chancellor claimed, supported by the *şeriat*, it could surely be interpreted with the help of legal terms borrowed from Islamic jurisprudence (*ahkâmı şerriye*), and most speeches now turned to this problem, trying to find ways to legitimate not only government custodianship, but the full seizure of abandoned property.

According to a deputy’s account of the joint commission meeting, the *şerriye* commission had argued that the people which the bill referred to as *fırari* and *mütegayıp* (fled/disappeared), could in fact be treated under *şeriat* law as “gaib” (absent) and “mefkud” (lost/disappeared) respectively.<sup>123</sup> Several religious scholars among the deputies disagreed and explained the actual meanings of these terms in Islamic law: Hamit Bey (deputy for Biga) pointed out that they could only be applied when someone was either known to be dead or once an absent person could safely be assumed to be dead because he or she was over ninety years old. Only after that point could the government fully

121 “Hükümetten sual ediyorum. Şimdiye kadar bunların emvali metruke ve menkuleleri hakkında ne muamele yapmıştır? Ve bunu hangi salâhiyetine istinadettirmiş? Eğer salâhiyeti kanuniyeye istinademişse o halde bu kanuna ne lüzum vardır? Yok eğer bir salâhiyeti kanuniyeye istinad etmemişse neye istinademiş?” TBMM April 16, 1922, 226.

122 Lütfi B. Malatya: “Efendim bir sual soracağım. Bu velâyeti ammeyi size tevdi eden kimdir?” Müsteşar Zekai B.: “Ahkâmı şeriyedir.” Ibid.

123 Şükrü Bey (Güleç), (Bolu), TBMM 16 April 1922, 218.

seize such a person's property.<sup>124</sup> Unlike the *şeriat* commission, he apparently was of the opinion that most “fugitive” and “disappeared” people were alive.

Osman Fevzi Efendi<sup>125</sup> (Erzincan) explained that *mefkud* and *gajib* implied that the state had to take care of the property of people thus categorized and that these categories were therefore not suitable for application in the case at hand. (He thus implied that “custodianship” was a mere euphemism for full-fledged government seizure of property). Instead, he suggested that the Armenians had consciously left *zimmət*, the protected, but inferior status of Christians and Jews in countries under Muslim rule. He argued that their giving up this status meant that the Treasury was allowed to sell their property.<sup>126</sup> Many deputies agreed that the Armenians had “opted out of the status of protection”<sup>127</sup> and that their property had therefore fallen to the state. Mustafa Taki Efendi<sup>128</sup> (Sivas) elaborated on this point:

124 Hamid Bey (Biga): “Malumualiniz gajib ve mefkudun hükmü, vefatına veyahut doksan yaşını ikmal edeceği zamana kadar hukuku müktesebesinin devamından ibarettir.” Ibid., 225. This rule of Islamic law was taken over into paragraphs 530 and 639 of the Civil Code issued in 1926, which made it possible to transfer full ownership of property either to the Treasury or to those who already controlled it. (Many thanks go to Afşin Umar, Bahçeşehir University, Istanbul for pointing me towards these paragraphs). Note that this legal change happened almost exactly ten years after the Armenian Genocide. The repercussions of these two paragraphs for abandoned property legislation are discussed in chapter 5.7.

125 Osman Fevzi (Topçu) (1862–1939) served as *müftü* of Erzincan after 1884. He was deputy for his hometown in the Ottoman Chamber of Deputies elected in 1908. After 1918, he again served as *müftü* in Erzincan. As such, he became chairman of the Society for the Protection of Rights in the eastern provinces and took part in the Erzurum Congress in 1919. See *TBMM Albümü*, 27.

126 “Ermeniler ve saire bu gibiler 'firar ve gaybubet' tabirinin umumi şekliyle ifade olunamaz. Bunun hususi tâbiri şer'an (hurucu alelimam), (hurucu anıttaa) dır. Bunların ise malları Beytülmale raptolunabilir ve Beytülmal bunu fûruht edebilir.” *TBMM* April 16, 1922, 219.

127 “(B)unlar zimmetten huruç etmişler” Nusret Efendi, Ibid., 217.

128 Mustafa Taki Efendi (1873–1925) served as a judge and Arabic teacher in his hometown Sivas. See *TBMM Albümü*, 57.

The Greeks and Armenians living in Turkey have decided no longer to accept our rule, and while it is true that our book, our jurist's law knows such a term as 'protected status' (*ahkâmı zimmi*), this term can no longer be applied to them. This is because they can only enjoy the rights that Islam grants them if they obey to all laws of the *şeriat*. These people, however, have opted out, deciding to live in independence. They have gone to Europe. They have worked for their separation from the Turks, they have even gone so far as to establish an Armenian state.<sup>129</sup>

Mustafa Taki Efendi was one of the first to point out that those who were framed as "disappeared" and "fugitive" were not only Armenians, but also Greeks. He thus acknowledged that the term "liberated territories" had started to signify not only areas in eastern Anatolia, but also, potentially, some in the west, which were still under Greek occupation. It is not quite clear which group he referred to when he then pointed out that many people would eventually return once hostilities were over.

There is, however, one point we need to consider: how will they be treated when they live among us [again]? Will they be treated as foreigners? This will have to be discussed when we get an international peace [agreement], under the heading of 'minority law.' They [the Allied Powers] will confront us with that, and make us accept as much as they can. Until then, we need to protect

129 "Türkiye'de ikamet eden Rum, Ermeni ahali bunlar Türkiye'nin itaatından huruç etmişler, gerçi bizim kitabımızda, fıkıhımızda 'ahkâmı zimmi' namıyla bir ahkâm var ise de fakat bu ahkâm bunlar hakkında şimdi icra olunamaz bir hale gelmiştir. Çünkü onlar bütün kavanini şeriyeye itaatı taahhülle memaliki İslâmiyede otururlarsa şer'i İslâmın onlara verdiği hukuktan istaifadeye hakları vardır. Fakat bunlar itaatten huruç etmişlerdir, bilistıklâl yaşamak istemişlerdir. Avrupa'ya gitmişlerdir. Türklerden ayrılmak için siyasi teşebbüslerde bulunmuşlardır, hattâ Ermenistan bile teşkil etmişlerdir." TBMM April 16, 1922, 220.

that property, that is, we cannot fully transfer it to the hands of the treasury.<sup>130</sup>

Mustafa Taki's speech already radiates confidence regarding an eventual victory over the Greek forces in Anatolia. However, he (correctly) anticipated that the Allied Powers, just as they had done before, would insist on a system of minority protection (which indeed was created with the Treaty of Lausanne). Though he doesn't explicitly mention it here, his concern was probably rooted in the fact that the Greeks were much more likely to return in large numbers than the Armenians because they had not been subject to genocidal violence. He could not be sure of his government's ability to hinder them from doing so after the end of the war.

Nusret Efendi (Erzurum) joined the discussion of possible future scenarios by pointing to the Treaty of Kars, which had been signed between the Ankara government, the Socialist Soviet Republics of Armenia, Azerbaidjan, and Georgia in October 1921. He claimed that Armenians from the "liberated territories" had lost everything through that treaty, and that their land had effectively become state property.<sup>131</sup> Based on this argument, he rejected the idea of state administration, instead promoting free property distribution to Muslim

130 "(Y)alnız bir mahzur vardır ki Rumlar, Ermeniler bizim içimizde oturdukları halde haklarında ne muamele olacaktır? Ecnebi muamelesi mi olacak? Bu ileride beynelmilel bir sulh olursa 'Ekalliyetler hukuku' namıyla ortaya çıkar. İşte o zaman bu taayün edecektir. O vakte kadar bunların emvali muhafaza edilmelidir. Yani bütün bütün Hazineye maledilemez." TBMM April 16, 1922, 220.

131 The Treaty of Kars did not contain such a stipulation, but euphemistically stated that the population was free to decide whether to leave or not, and to sell their property prior to their emigration. §13 states: "All inhabitants of territory that was part of Russia before 1918, and over which the sovereignty of Turkey is affirmed, shall have the opportunity, if they desire to relinquish their Turkish nationality, to leave Turkey freely, taking with them their possessions and goods, or the proceeds of their sale." Treaty of Kars, Last accessed July 18, 2016: <http://groong.usc.edu/treaties/kars.html>. Nusret Efendi here hinted at the *de facto* effects of the treaty.

refugees.<sup>132</sup> This argument implied that the whole Armenian population had left the area in question, and that the Greek population of western Anatolia would eventually be forced to do the same.

For the time being, however, western Anatolia continued to be under Greek occupation, a fact that raised the possibility to frame the seizure of property by the Ankara government as an act of vengeance. Several deputies had already done so in 1921, sometimes going back as far as the war of 1877-78, to (correctly) point out that Bulgaria, Greece and Serbia had started to seize Muslim property first.<sup>133</sup> They also referred to the idea of reciprocity (*mukabele bilmish*). Reciprocity is today considered a principle that governments apply to foreigners from a specific other state residing on their territory: they treat them the same as that state treats their own citizens living over there.<sup>134</sup> Nusret Efendi (Erzurum) argued that the Armenians were indeed foreigners: by taking up arms against Muslim rule, they had not only lost their status as *zimmi*, but also their Ottoman citizenship. Therefore, they had lost all rights to their property and could, as a reaction to the misdeeds of the Balkan states, be treated as foreigners, according to the principle of reciprocity (*mukabele bilmish*) in international law.<sup>135</sup> Despite these arguments, several deputies still had doubts

132 TBMM April 16, 1922, 217.

133 Operatör Emin Bey (Bursa): “Rumeli’de Yunanlılar, Sırplar, Bulgarlar, takip ettikleri usul ile; hicret edenlerin malını, mülkünü ve her şeyini gasbetmişlerdir. (...) Yunanlıların yapmadıkları zulüm kalmamıştır.” TBMM March 14, 1921, 124.

134 Today, the rule is often applied to visa regulations. See Robert O. Keohane, “Reciprocity in International Relations,” *International Organization* 40, no. 1 (1986). Turkey, however, has treated its own minorities, most notably the remaining Greeks of Istanbul, along these lines throughout the 20<sup>th</sup> century. See Baskın Oran, “The Story of Those Who Stayed: Lessons from Articles 1 and 2 of the 1923 Convention,” in *Crossing the Aegean: An Appraisal of the 1923 Compulsory Population Exchange between Greece and Turkey*, ed. Renée Hirschon, 97–116 (New York, Oxford: Berghahn, 2003).

135 “(B)izim zimmetimizden çıktılar. Bunlar bizim tabaamız değildir. Binaenaleyh hukuku esasiye, hukuku beynel düvel kaidesine tevfiikan bunlar arazilerinden, emval ve akaarlarından sarfınazar edilmiş addedilirler. (...) Balkan hükümetleri

about the bill's legitimacy and a majority voted to once again send it back to the *şer'iyye* commission. At this point, however, the text had been moved to the voting of individual paragraphs, and therefore only the first, relatively uncontroversial paragraph was sent.

## 2.7 “Fugitive”, “Disappeared” or “Deported”?

Loss of citizenship rights and the protected status of *zimmi* potentially concerned not only property rights, but the life and safety of a non-Muslim. This aspect was discussed much more openly in the next session, in which the law was finally passed, on April 20, 1922.<sup>136</sup> Since the discussion had already been moved on to individual paragraphs, it was no longer possible for deputies to talk about their general views on the bill in this last session. They could only express standpoints related directly to specific paragraphs, which would then quickly be moved on to a vote. This time, the law was passed. The first paragraph, which discussed the administration and sale of property “that has become ownerless due to the flight and disappearance of its owners” had meanwhile been declared compatible with the holy *şeriat* by the *şer'iyye* commission. Yet, there was still a great deal of controversy regarding the actual meaning of these terms, and hence the legitimacy of the paragraph. Ömer Vehbi Efendi<sup>137</sup> insisted that the law ought to distinguish between people who had “disappeared” and

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bize aynen bu muameleyi tatbik etmişlerdir. Biz de mukabele bilmissil olmak üzere yapacağız ve yapmaya mecburuz.” TBMM April 16, 1922, 217.

136 Accessed November 26, 2012:

[http://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d01/c014/tbmm0101410\\_8.pdf](http://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d01/c014/tbmm0101410_8.pdf).

137 Ömer Vehbi Efendi (Isparta 1870 – Konya 1922) was chairman of the *şer'iyye* commission when he made this statement. He had already served as deputy for Konya in the Ottoman parliament after 1912. During the war years, he taught Islamic law and Ottoman positive civil law (*mecelle*) in Konya's law school. He was among the leaders of the city's society for the protection of rights and was elected to the last Ottoman parliament before joining the TBMM in 1920. He left the National Assembly in June 1922 to work as *müftü* in Konya until his death in 1928. See *TBMM Albümü*, 44.

those who had consciously and on their own accord left the country as “fugitives” (for which he named several reasons).<sup>138</sup> This implied that only some people could be regarded as traitors. Musa Kâzım Efendi went one step further:

If the owner of a piece of land has been deported, or if he has fled, or if he disappeared, can we treat him as fugitive? And if we do it, is it right? (...) What if he has heirs? Will we nevertheless consider the land ownerless? (...) Is this right, gentlemen? (...) This law is unacceptable.<sup>139</sup>

No other speaker dared to answer these questions, yet the protocol records cries of: “It is not right at all”. Musa Kâzım had reminded his colleagues that most Armenians had not “fled” or “disappeared” voluntarily, but had been deported. Though this term was another euphemism, it nevertheless addressed the question of agency and culpability: could one punish someone (or his/her heirs) for a crime that had been committed *against him*? Speaking of heirs, moreover, implied that “deported” people were actually dead.

Osman Fevzi Efendi<sup>140</sup>, *müftü* and deputy for Erzincan, explained the different forms known in Islamic law with which a non-Muslim could leave the protected status of *zimmət*: He could refuse obedience to state rule, engage in espionage, attack or lay siege on a Muslim village or castle, and permanently migrate to another country. Taking the

138 “Mütaaddit esbaba firar olur (...) Şu halde burada gaybubet ya firar suretiyle veya gayrı bir suretle olan demektir.” TBMM April 20, 1922, 304.

139 “(İ)ddareten, siyaseten başka mahallere nakledilenlere kanun şâmil midir? Sonra arazinin sahibi başka mahalle nakletmiş veya firar etmiş veya gaybubet etmiş olursa buna firar muamelesi yapabilir miyiz? Ve yaparsak doğru olur mu? (...) Vereseşi mevcut ise yine bu malı sahipsiz mi addedeceğiz? (...) Bu doğru mu efendiler? (Hiç doğru değil sesleri) (...) Bu kanun kabul edilemez.” TBMM April 20, 1922, 307.

140 Fevzi Efendi (Topçu) (1861-1939) was preacher and *müftü* at the Great Mosque of Erzincan, chairman of the Society for the Protection of Rights in the eastern Anatolian provinces and one of the oldest members of the first TBMM. See *TBMM Albümü*, 27.

*Rum* militias on the Black Sea coast as an example, Fevzi Efendi argued that these groups had indeed opted out of their protected status. Up to this point, his explanations had fit in well with other depictions of non-Muslims as a collective of insurgents and traitors who had no right whatsoever to return. This, he argued, was not true in terms of Islamic law:

If they have heirs that continue to be loyal [to us], then the profits from before the insurrection go to them. If there are no heirs, or if the heirs are insurgents as well, their property passes on to the Treasury. (...) But if these people ever return, expressing their [renewed] subordination [to Muslim rule] and remorse, then their penitence is accepted, and they are given back [their property].<sup>141</sup>

Fevzi Efendi went on to mention that the property of insurgents who did not return would indeed pass to the Treasury. This may or may not have been a subtle hint at the possibility to hinder non-Muslims from returning – an option that the nationalist government put into practice only five months later, when the Greek Orthodox were forced out of the country and never allowed to return.

For Şeref Bey,<sup>142</sup> deputy for Edirne and returnee from Malta, there was no reason to ponder about the meanings of “fugitive” and “disappeared”:

141 “Hali itaatte bulunan veresei varsa kableliyan olan kazançları onlara verilir. Haliitaatte verese yoksa veyahut veresei dahi hali isyanda ise bunların menkul ve gayrimenkul emvali fi’dir. Emni beytülmal olan kimse bunları Hazine namına zabıt ve tasarruf eder. (...) Bunlar ne vakit avdet ve itaat ederse o vakit tövbeleri kabul olunur ve o zaman kendilerine iade olunur.” TBMM April 20,1922, 305.

142 Mehmet Şeref (Aykut), (1874-1939). Trained as a lawyer, Şeref worked as a journalist and publisher of various newspapers. He was among those members of the CUP who were deported to Malta in 1920. See Hacer Özmakas and Yavuz Özmakas, “Mehmet Şeref Aykut ve Dil Sorunu,” *Anadili*, no. 32 (2006), [www.baskaizmiryok.com/makaleler/mehmet\\_seref\\_aykut.pdf](http://www.baskaizmiryok.com/makaleler/mehmet_seref_aykut.pdf) (accessed July 28, 2012).



Some guy has fled from here, leaving a representative behind. Where has he gone, gentlemen? He has joined the Greeks to fire bullets at the Turks', the Muslims' bosom. When he left, he left a proxy statement in order to protect his property here. (...) Someone takes the proxy statement and comes here, while the man sits in some street in Paris, working for the Pontus organization, against our national government. While that man is busy working against me, the proxy statement he issued is valid here, and therefore I am compelled to give back his property and his money. With that money, he will go and buy bullets, and shoot them at some Turk's heart (...).<sup>143</sup>

Chairman Hasan Fehmi Bey<sup>144</sup>, a hardliner who would soon become Minister of Finance and build a reputation for channeling non-

143 "Bir adam bir vekil bırakarak kendisi buradan firar etmiş. Nereye efendiler? Türkün, İslamın sinesine kurşun atmak için Yunana iltihak etmiş. Gittiği vakit burada mevcudolan malını muhafaza etmek için bir de vekaletname uydurmuş. Bizim yakın tairhimizde bu vakayı o kadar çoktur ki, biz Rumeli halkı bunu fevkalade iyi biliriz.(...) Birisi vekaleti aldı geldi, herifte Pontüs teşkilatından dolayı bugün Pariste filân sokakta Hükümeti Milliye aleyhinde teşkilat yapıyor ve onun da burada şu kadar emlâki vardır. Bu herif orada benim aleyhime teşkilat yaparken, şu kanunla onun yaptığı vekâletin hükmü burada caridir, binaenaleyh ben bunun malını teslim edeceğim; paralarını ona teslim edeceğim; o paralarını alacak, gidecek ve o para ile kurşun alacak, Türkün sinesine atacak... Efendiler, böyle bir jkanun mevcut ise ben o kanuna bu memlekette paydos derim. Binaenaleyh bu yapılan kanun şeriata da muvafiktir, akla da muvafiktir, maslahata da muvafiktir. Bu kanunun kabulünden başka yolumuz yoktur." TBMM April 20, 1922, 308.

144 Hasan Fehmi (Ataç) (1879-1961) served as deputy in the 1914 and 1919 Ottoman parliaments before he was elected as deputy for Gümüşhane to the TBMM, where he chaired the commission for financial affairs. He became Minister of Finance two days after the abandoned property law had been issued and stayed on that post throughout the last year of the War of Independence. As such, he is remembered in Turkey as the man who made the final Turkish offensive against the Greeks in western Anatolia financially possible. See *TBMM Albümü*, 31. He seems to have later worked as director of the directorate for "national property" (*milli emlak müdürü*) at the Ministry of Finance. See Baran, *Bir*, 110.

Muslim wealth into the financing of the nationalist war effort, chose this moment to suggest that the assembly start voting on the paragraph. Two movements by Ömer Vehbi Efendi and Musa Kâzım Efendi, who demanded that the paragraph be voted down, were not approved, and the paragraph was passed.

## 2.8 The state as universal custodian?

The second paragraph with its stipulation concerning the state as universal custodian of abandoned property had already been controversial in previous sessions. Now that the vote was approaching rapidly, discussions concerning its compatibility with religious law came to a head. The first speaker to take the floor was again Ömer Vehbi Efendi from Konya, who stubbornly rejected the paragraph, arguing that it went both against the *şeriat* and against common reason. Moreover, he stated that the stipulations of paragraph one and two essentially contradicted each other: the second paragraph violated the very rights that the first ostensibly protected. Ömer Vehbi stressed the importance of proxy statements as an essential part of the Ottoman property regime, underlining that a law that did not accept those documents could in no way be accepted in the light of the holy *şeriat*. He then ventured to explain the possible consequences of the assembly passing such a law:

I request from your high assembly that any law passed here ought to be in harmony with the *şeriat*. The holy *Kur'an*, too, is quite explicit about this point. A government that passes laws which contradict the *şeriat* is an unworthy one. (...) The common people will never come to like it, and it [the government] will be unable to make any progress. (...) Therefore I suggest that paragraph one and two be turned down. If this suggestion is not accepted, that's fine – my objective is to keep myself clear of sin.<sup>145</sup>

145 TBMM April 20, 1922, 309.

We can safely assume that many deputies regarded themselves as good Muslims, and were not eager to do something that a respected religious scholar called a sin. Ömer Vehbi Efendi's challenge needed to be countered, and on the very battleground he had opened. The person to take up that challenge was *Hacı* Mustafa Sabri Efendi (Siirt), another man of religion (though certainly of lesser distinction than the scholars from Konya), who had previously served as judge at a religious court (*kadı*) in Siverek/Urfa.<sup>146</sup> Mustafa Sabri Efendi countered Ömer Vehbi Efendi's arguments by citing a saying of the Prophet Muhammed (*hadis*):

The blood of a man who has turned arms towards his brothers can be shed unrevenged, and his property is sugar [fair game]. [He repeated the text in Arabic]. (...) The overwhelming majority of the people (*millet*) support this principle. Whatever believers consider right is right (*hasen*). It is not forbidden (*haram*).<sup>147</sup>

Ömer Vehbi Efendi countered that "legitimizing the forbidden" was "blasphemy" (*haramı istihsan etmek küfürdür*). The minutes do not record any reaction from the audience at this point, so the deputies may have listened attentively.

By citing this *hadis*, Mustafa Sabri Efendi openly admitted to what one may call the spirit of the law at hand: what the assembly was discussing was not a matter of government administration, cancellation or recognition of proxy statements – it was actually trying to legalize mass murder and the illegal appropriation of the victims' property. By citing the *hadis*, Mustafa Sabri Efendi implied that the Armenians had risen in arms, therefore they had been killed, and their property could now be distributed without any concerns about legitimacy.

In one last attempt at resistance, Ömer Vehbi Efendi brought in a movement in which he asked for the paragraph to be dismissed (on

146 Hacı Mustafa Sabri (Baysan) (1887- 1960) is not to be confused with the second-last şeyhülislam of the Ottoman Empire of the same name. Mustafa Sabri was educated as a *kadı* and served as such in Siverek (Urfa). See *TBMM Albümü*, 55.

147 TBMM April 20, 1922, 309.

the grounds that it “did not suit an Islamic government”). The movement was turned down, the paragraph voted on, and passed. The protocol records cries of “no majority!” at this point, indicating that the majority might not have been as overwhelming as chairman Hasan Fehmi Bey claimed.<sup>148</sup>

As the other, silently dropped bill on refugee housing had made clear, countless houses and fields of Armenians (and increasingly also Greeks) were already inhabited or worked by Muslims, who were either local homeless people or refugees. The refugee bill had projected that homeless people would not be asked to pay rent for the houses they lived in, and support for the bill had been strong. The third paragraph of the bill on abandoned property, however, had a very different objective. It framed the problem not as one of housing for homeless refugees but as one of illegal occupation and appropriation which had to be fought. It stipulated that people who illegally occupied abandoned property would be hindered from doing so, and would be subject to prosecution. The actual owners were not mentioned at all.

Several deputies used the debate about paragraph three as an opportunity to clarify who these “occupants” were. Ömer Vehbi Efendi suggested that they were people who protected houses for the actual owners:

Judging from the two previous paragraphs, I understand that, for example, someone who disappeared has placed another man in his house and told him: “live here and protect the place.” In the language of *şeriat* law, such people are called custodians. He has placed this person as custodian and left, or maybe rented [the house] out. Now, the government will ask this person, who is a custodian: “with what right have you lived here?”. And if he can’t produce a document, he will be evicted as an illegal occupant. This is what the paragraph suggests. But the government is impartial. Its goal is to defend the rights of the oppressed against their oppressors. As long

148 TBMM April 20, 1922, 310.

as [the owner] doesn't go to court, the government has no authority to go and ask someone "why do you live here"?<sup>149</sup>

Deputy for Maraş Hasip Bey<sup>150</sup> made a similar point when he proposed an additional paragraph which stated that all rental contracts for abandoned property would stay in force.<sup>151</sup> The assembly didn't accept his proposition.

Both arguments were somewhat ambiguous: Vehbi Efendi and Hasip Bey may have defended the absent owners' rights in order to protect the current (usually Muslim) inhabitants of abandoned houses from eviction. While we cannot be sure about their intentions, it is interesting to note that their colleagues rejected these arguments *even though* they could have helped the cause of the current inhabitants. Only Mehmet Ragıp Bey (deputy for his hometown Amasya) really took sides with non-Muslims: he suggested that the families of absent owners should be allowed to dwell in abandoned property houses or supported with the income generated through that property. The chairman simply ignored this suggestion, and it was not voted upon. Most deputies supported the third paragraph, which was approved with a great majority of votes (119 yes, 38 no, 26 abstentions). The abandoned property bill was passed, coming into effect the same day.<sup>152</sup> It was (at least theoretically) the legal basis for the work of the

149 "Anladığıma göre maddeteyni eveleyn karinesiyle mesela gaybubet eden eşhas evine bir adamı oturmuş, sen burada otur, muhafaza et demiş. Lisani şeride buna (müveddea) derler. Vedia olarak koymuş, gitmiş veyahut icara vermiş. Şimdi hükümet bu müveddea olan şahsa sen burada nasıl oturdun? Diye soracak. Şayet bir vesika ibraz edemiyecek olursa fuzuli tasarruf ediyorsun diye çıkaracak. Bundan bu anlaşılıyor. Halbuki hükümet bitarafır. Hükümetin maksadı teşekkülü mazlumun hakkını zalimden almaktır. Böyle dava eden olmadan kendi kendine hükümetin varıp da sen burada ne suretle oturursun? Diye suale salahiyeti yoktur." (...) TBMM April 20, 1922, 312.

150 Hasip (Aksüyek) worked as a scribe in the court of first instance in Maraş. He was not elected to the TBMM again. See *ibid.*, 48.

151 TBMM April 20, 1922, 316.

152 The final text can be found at [www.mevzuat.gov.tr/MevzuatMetin/1.3.224.pdf](http://www.mevzuat.gov.tr/MevzuatMetin/1.3.224.pdf).

abandoned property commissions that were formed all over western Anatolia at the end of the Greco-Turkish war.

## 2.9 Conclusion

It is possible to trace a radicalization of ideas throughout the debates analyzed here. The very first draft of the abandoned property bill still mentioned that owners might return. Hasan (Saka), the Minister of Finance in April 1921, still argued that not all Armenians were traitors, and that it was indeed the job of court martials to convict those who were (and directly transfer their property rights to the treasury). This view was strongly opposed by many deputies, and in subsequent sessions, such a statement became utterly impossible. Armenians (and, increasingly, Greeks) came to be collectively seen as traitors. This was partly accomplished through narratives of warfare and betrayal (such as that of Greeks who would use rent incomes in order to buy bullets and kill Turkish soldiers), and partly through the depiction of legal proxies as criminals. Interestingly, this narrative also served to depict the treasury (which, admittedly, controlled large parts of the abandoned property) as utterly helpless in its own courts.

This radicalization, however, was accompanied by a strong desire for legitimization. As one deputy put it, it was necessary to administrate abandoned property “in a lawful way that suits our current political situation.”<sup>153</sup> Most deputies were not so much opposed to the law as they were uneasy about its legal validity, and therefore looking for a sound justification for the fact that most Armenian houses, fields and movable goods had already been taken over, both by individuals and by state institutions. This uneasiness was the reason why the bill was sent off to parliamentary commissions so often. Since both the constitution and the *şeriat*-based civil code (*mecelle*) of the Ottoman Empire explicitly protected private property rights, it was out of the question to cite them as a possible source of justification for the bill. The makeshift constitution (*teşkilat-ı esasiye kanunu*) of January 1921

153 “(B)unları meşru ve siyaseti hazırımıza yakışır bir surette idare etmeliyiz” Emir Paşa (Sivas), TBMM April 16, 1922, 218.

didn't help much either: The document explicitly stated that those provisions of the Ottoman constitution that did not violate the principles of national self-determination remained valid. It is therefore not surprising that the deputies made no reference to this document at all. Instead, some of them claimed that the *şeriat* (or rather, its interpretation by religious scholars) allowed for the dispossession of unruly non-Muslims. This idea testifies to the deeply religious nature of the national resistance movement in Anatolia, and to the persistence of pre-*Tanzimat* notions of an essentially unequal relationship between (ruling) Muslims and obeying non-Muslims. The narrative that depicted all non-Muslims as a collective of traitors who could never return clearly was rooted in this religious conception. "Rooted", however, does not mean "in harmony" here: as several religious scholars pointed out in the debate, the radicals' idea of a complete and irreversible end to cohabitation with non-Muslims was at odds with the concept of protected status (*zimmet*) for Christians and Jews, a status that the protected could return to if they decided to do so. The idea of a permanent end of cohabitation went, in other words, against the principles of Islamic law. It is remarkable that so many deputies eventually voted for a law that prestigious scholars such as Ömer Vehbi Efendi deemed unjust, and, indeed, un-Islamic. Their readiness to (eventually, after much back and forth) do so testifies to the enormous economic merits that were to be gained. Importantly, the last argument in favor of the law (which likely turned the tide for approval of the bill) used a *hadis* that referenced the will of the people as a source of legitimization. ("Whatever the people think is right is right"). This implied that the people (and hence, the deputies) could ignore legal opinions, as well as positive law, and work out their own idea of justice. By doing so, however, they took a conscious step away from the Ottoman legal and administrative framework, and towards a nation-state based not only on national self-determination, but on the denial of all rights of its non-Muslim citizens.

The abandoned property bill did not mention the dispossession of non-Muslims, but stipulated that the government would protect their

property. This regulation was certainly not intended to protect, but to channel wealth into Muslim hands. (It might, however, have helped to create a sense of legality among the deputies.) It is remarkable how openly they discussed the real objective behind the law, i.e., the full appropriation of non-Muslim property. The debate consistently dealt with both layers of the law: at times it was the actual text (custodianship), at others its subtext of full dispossession. Many deputies openly admitted to this subtext, and it is this openness that makes the debate especially noteworthy.

Especially during the earlier sections, when the bill for refugee housing was still on the agenda, deputies strongly opposed the government's efforts at monopolizing control over abandoned property. This opposition was informed by a deep distrust of public administrations, especially on a local level. It also was a response to the subtext of the law: the issue at hand was full appropriation - but by whom? The property rights of actual owners no longer mattered, but property could either be used for the public good (for refugee housing) or would go to waste (through corruption by state officials). Such statements openly challenged the legitimacy of the Ankara government.

The refugee housing bill eventually disappeared from the agenda, and attempts at bringing parts of it back into the abandoned property bill failed almost completely. Occupation of houses, which, as the refugee housing bill had made clear, was a widespread phenomenon (many people had rented abandoned houses from the government), came to be discussed as illegal occupation in the abandoned property law. In the final debate, no deputy made any serious attempt at questioning the illegality of such practices, and resistance was limited to a considerable watering-down of the possible punishments for squatters. This gradual disappearance of the refugee issue might have been due to the relative increase in government power vis-à-vis the TBMM. However, the inherent conflict between state and nation was far from being solved at this point, and eventually re-appeared on the agenda when the looting of İzmir was discussed in November 1922.





### 3 Self-help, corruption, or theft? Debating practices of property appropriation in İzmir and western Anatolia, 1922–24

#### 3.1 İzmir, September 1922: destruction, death and exile

During the last weeks and days of the Greco-Turkish war, when the remnants of the Greek army first retreated, and then fled towards the coast in western Anatolia, the local Greek Orthodox population fled with them, leaving behind almost everything they owned.<sup>1</sup> The events of these last days of the war and the re-capture of İzmir became the subject of an extended debate in the TBMM in November 1922. Discussions focused especially on the whereabouts of movable property that the inhabitants had been forced to leave behind.

According to the new Minister of Finance, Hasan Fehmi Bey, the advancing Turkish army was accompanied by three commission(s) for war spoils (*ganaimi harbiye komisyonu*) in charge of seizing these assets. At first, however, “there was so much that the commission had to contend themselves with merely recording the booty.”<sup>2</sup> Many villages and towns in the area were either burned to the ground or severely damaged during the last weeks and days of the war. The towns of Manisa, Salihli and Kasaba were destroyed almost completely.<sup>3</sup> The

1 See Naimark, *Flammender*, 63–68.

2 “Malumu âliniz ordu Uşak’tan Alaşehir’e doğru ilerlerken biz, üç tane ganaimi harbiye komisyonu gönderdik. Bunlar, üç kol üzerinden ganaimi tahrir’e başladılar. Fakat ganaim ilk hatta o kadar çoktu ki, bu yalnız tahrir ve tespit ile kaldı.” Hasan Fehmi Bey’s declaration in the TBMM on November 29, 1922. <http://www.tbmm.gov.tr/tutanaklar/TUTANAK/GZC/d01/CILT03/gcz01003147.pdf>, 1137 (accessed September 2, 2016).

3 These three towns appear frequently in various sources. The first mention that I have come across is in the declaration of Hasan Fehmi in the TBMM on November 27, 1922.

retreating Greek army forced both *Rum* and Muslim inhabitants to leave their houses and burned them down.<sup>4</sup> According to a British report,

Two British railway employees were caught with the rearguard of the troops occupying the Meander Valley, and accompanied them during their work of systematic devastation. Every village within sight of the railway line was burnt, and such inhabitants as failed to escape were slaughtered.<sup>5</sup>

Other places were destroyed by Turkish troops as acts of revenge.<sup>6</sup> When the Turkish army entered İzmir, the city was packed with (not only *Rum*) refugees from the surrounding countryside. The military authorities seem to have been able to establish law and order relatively easily. On September 13, a fire broke out in the Armenian quarter, spreading quickly to the Greek and “Frankish” (i.e., foreigners’) neighborhoods. During the three-day blaze, 75 percent of the city that had hitherto been known as “Infidel” İzmir (*Gavur İzmir*) were reduced to ashes. Only the Muslim and Jewish quarters and the northern tip of the Christian area (the “Point”/Punta and Bella Vista neighborhoods, which are today known as Alsancak) remained intact.<sup>7</sup>

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[http://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d01/c025/tbmm0102514\\_6.pdf](http://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d01/c025/tbmm0102514_6.pdf), 97 (accessed September 2, 2016).

- 4 “Sie erzählten alle dieselbe Geschichte und fluchten sogar auf die hellenischen Griechen. Jede Gruppe erzählte, sie hätten auf Anordnung des Metropolitens ihres Dorfes oder griechischen Befehlshabers ihre Häuser verlassen müssen. Sobald sie die Dörfer verlassen hatten, wurden sie niedergebrannt.” Kriegstagebuch der US-Marineeinheit, Bericht von Aufklärungsoffizier Lt. A.S. Merrill, 6. September 1922, AGUSA, Mikrofiche 337, cited in Naimark, *Flammender*, 63–64.
- 5 Memorandum by Mr. Hole on Events in Smyrna, September 18, 1922, FO 371/7949/E 9883.
- 6 See Ari, “Yunan”: 4.
- 7 For an account of the fire, see Mansel, *Levant*, 211–33. On the fire and the politics of memory surrounding it to this day, see Biray Kolluoğlu-Kırlı, “The Play of Memory, Counter-Memory: Building İzmir on Smyrna’s Ashes,” *New Perspectives on Turkey* 26 (2002).

According to estimates, between 20,000 and 25,000 buildings (out of some 40,000) were destroyed. Estimates on the number of casualties of the fire (including people who were killed *during* the fire) range from 25,000 to 100,000.<sup>8</sup>

To this day, the identity and objectives of the arsonists remain a subject of debate. Greek and Armenian authors have generally blamed the Turkish side, which in turn points to Armenian revolutionaries.<sup>9</sup> Those who blame the Turkish side generally point out that it was on this day that the wind started to blow away from the Muslim and Jewish quarters, allowing Turkish arsonists to safely burn the Armenian, Greek and “Frankish” ones.<sup>10</sup> The eye-witness reports archived by the British Foreign Office unanimously blame the Turkish side – however, they were classified due to concerns over the already tense relations with Turkey.<sup>11</sup> Several reports claim that large numbers of the city’s Armenians were hunted down and killed both prior to and during the fire. A British diplomat described the scene on the day before the fire:

I visited the Armenian quarter on the morning of Tuesday, 12<sup>th</sup> September. We found soldiers actively engaged in expelling occupants from houses, in removing loot by cart loads, and in the streets, and large number of bodies already smelling very badly.<sup>12</sup>

- 8 A British eyewitness estimated that 25,000 people had been killed during the fire: Report Hatkinson, September 20, 1922, FO 371/7898/E10382. Biray Kolluoğlu-Kırlı, “Forgetting the Smyrna Fire,” *History Workshop Journal* 60 (2005): 31–32.
- 9 Most prominently Marjorie Housepian, the author of a 1966 monograph on the fire: Marjorie Housepian, *Smyrna 1922. The Destruction of a City* (London: Faber and Faber, 1972).
- 10 See Mansel, *Levant*, 215–20; Kontente, *Smyrne*, 773.
- 11 In 1924, when British subjects sued their insurance companies for compensation of their losses in the fire, the FO would not allow access to these reports. Internal memos pointed out that, if published, they would jeopardize the good relations with the Turkish government, and would make it necessary to pull most qualified staff out of Turkey. See FO 371/10177.
- 12 Memorandum Urquhart, Smyrna, November 29, FO 371/9108/E 620.

Few people saw actual arson, but many described what happened in the burning city:

As an eyewitness, and as one of the last persons who got away, I am in a position to testify that the town was deliberately and systematically set on fire by the Turks – military and civilians – and not by the Armenians as the former now pretend. Incendiary bombs were freely used, and the soldiers, regulars and irregulars, as well as the Moslem population, which had been previously armed, drove the Christians who tried to escape from the burning houses, back into the flames. Machine guns, rifles and knives also played a prominent part, and the number of victims can be counted in the tens of thousands. Words fail me to depict the horrible scene.<sup>13</sup>

One witness speculated that the Turkish authorities had ordered the arson in order to cover up the destruction and pillage that had taken place during the first few days.<sup>14</sup> American and German reports, on the other hand, blame Armenian desperados or explain the fire as part of the torched earth policy of the retreating Greeks. However, these are second-hand reports, often based on hearsay and rumors:

No tangible evidence establishing the identity of those who fired the city has as yet been unearthed by the Turks, but it seems to be the general belief in the foreign colony of the city that Smyrna was fired by the Armenians and the Greeks, the Armenians being the more responsible of the two. Threats to burn the city were commonly made by both Armenians and Greeks before the evacuation of the Greek troops had been completed (sic) and there is little doubt that the Armenian revolutionary committee did sponsor, and probably (sic) carried into execution, a plan to destroy Smyrna in the event atrocities were committed upon them, thus nec-

13 Report P. Hadkinson, FO 371/7898/E 10382.

14 Dr. Chambers, "The Tragedy of Smyrna," FO 371/9108/E 3838.

cessitating that they flee from the country and abandon their property. Such atrocities were committed although not without provocation.<sup>15</sup>

The fire left the surviving Armenians and Greeks of Smyrna, along with refugees from the surrounding countryside, with nowhere to go.<sup>16</sup> For several days, they camped on the quays of the city, waiting for Allied ships to evacuate them to Greece. The Turkish nationalist government had made it clear that it would not allow them to return to their villages or to the city.<sup>17</sup> The Muslim population was face to face with their misery for several days. Ahmet Emin Yalman later recalled:

When we arrived at İzmir, we found the city up in flames and smoke. The retreating enemy had, as a final atrocity, put the city to fire. As a result, hundreds of thousands of traitors to the fatherland were now crammed together on the quays, living under the most deplorable conditions. These people had risen up against the country that had allowed them to live in peace and security for centuries. They had collaborated with the occupation forces. Now they had been ordered to leave the country as soon as possible. They had flooded to the quays by the thousands. Now they were living in misery, waiting for the ships to take them away.<sup>18</sup>

On September 24, the military commander of the Turkish army, Nureddin Paşa, issued a declaration in which he clarified that all Greeks and Armenians, including those nationalized by a foreign

15 Report on the Smyrna fire, November 4, 1922: NARA, İzmir Consulate, box 0012, Smyrna fire.

16 İzmir's governor Rahmi Bey (as well as the presence of numerous foreign consulates and institutions) had protected most local Armenians from deportation in 1915. See Ahmet Mehmetefendioğlu, "Rahmi Bey'in İzmir Valiliği," *Çağdaş Türkiye Tarihi Araştırmaları Dergisi* 1, no. 3 (1993): 360.

17 Naimark, *Fires*, 48–49.

18 Ahmet Emin Yalman, *Yakın Tarihte Gördüklerim ve Geçirdiklerim* (Istanbul: Yenilik, 1970), 7–8.

country, would be treated as Ottoman subjects, and therefore had to leave until September 30. House searches would be made in order to find Greek soldiers and other armed men.<sup>19</sup> All merchandise and movable abandoned property in the city was seized for the needs of the Turkish army. The Turkish military treated all Greek men between the ages of 17 and 45 as prisoners of war.<sup>20</sup> Anyone found in illegal possession of movable or immovable abandoned property (theoretically) faced ten years of hard labor and fines of up to five thousand Lira.<sup>21</sup>

Parliamentary minutes and Turkish newspapers of the relevant weeks contain only scattered and passing remarks about the fire.<sup>22</sup> The question of arson, no matter by whom, was not discussed, and the deputies, who would usually blame the government for almost anything, never mentioned that the fire could have been fought. One deputy actually suggested on September 18 (when most of downtown was still smoldering) that the city be officially renamed “Beautiful İzmir” (*Güzel İzmir*). Neither this motion nor the chairman reading it out mentioned the fire.<sup>23</sup> In the parliamentary minutes, the blast appears as a natural disaster. The newspaper *Seda-yı Hakk* depicted the fire in a similar way. On May 15, 1924, the fifth anniversary of the city’s occupation by Greek forces (which the paper dubbed “the greatest catastrophe”), it printed a picture of the burning city (photographed

19 Declaration No. 5, in: *Ahenk*, September 18, 1922.

20 The newspaper collection of the *Milli Kütüphane* in İzmir (now accessible at APIKAM) only contains a few of the issues of these very first days, and I therefore found only a few declarations. The British consulate sent translations of declarations no. 1, 5 and 6 to London: FO 371/10177/E 11677.

21 An English translation of this document can be found in FO 371/7949, E 9977/9024/44 confiscation of abandoned property in Smyrna, September 26, 1922.

22 “İzmir’in kurtarıldığı günde yangından bahsedilmediği gibi, sonrasında da yangına genel olarak değinilir, geçilir.” Onaran, *Emvâl-i Metrûke*, 152.

23 Edirne Mebusu Şeref Beyin İzmirin (Güzel İzmir) tesmiye hakkında teklif, September 18, 1922.

<http://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d01/c023/tbmm01023104.pdf>, 101 (accessed September 2, 2016).

from the safe distance of an Allied war ship in the harbor) on its front page. The text below the picture read “one of the results of the great catastrophe [the Greek occupation]: Beautiful İzmir on fire.”<sup>24</sup> Curiously, these photographs continue to be the only ones available. Pictures showing what was happening inside the city and what ordinary residents must have witnessed are curiously unavailable. Subsequent reports on the anniversary of September 9 never even mentioned the fire. While the destruction caused by it was occasionally mentioned, contemporaries were, as a rule, eager to declare their indifference about the city’s lost glory, and to stress that the city would soon be much more beautiful than before. Remembering his return from Istanbul to İzmir, a young man declared in 1926:

A while later, having been occupied so viciously, beautiful İzmir was united with the homeland once again. And I returned to my homeland with tears of joy in my eyes. But – alas! The once flourishing [city] had turned into a bare skeleton. But what does it matter. The soil has stayed in place, hasn’t it? This is all we need. If we work hard, – and hard working is going on indeed – we can make İzmir even more prosperous than it used to be. As Napoleon said: Nothing is impossible in the world.<sup>25</sup>

My sources support Biray Kolluoğlu-Kırlı’s contention that the fire was essentially forgotten, or rather, that memories of it were sup-

24 *Seda-yı Hakk*, May 15, 1924. This is the only picture of the burning city I have come across in all local newspapers published in the 1920s. The only other picture (also taken off-shore) was published in a contemporary monograph on İzmir’s history, which also depicts the fire as a result of the Greek occupation: Ra’if Nezih, *İzmir Târîhi* (İzmir, ca. 1928).

25 “Bir zaman sonra, alçakçasına gasp edilen güzel İzmir, tekrar özvatana ilhak edildi. Ve ben de sevinç gözyaşlarıyla vatana avdet ettim. Fakat heyhat! Zavallı mamur kadid bir iskelete dönmüşdü. Fakat ne ehemmiyeti var. Toprağı yerinde ya... bize de lazım olan o... Çalıştığımız takdirde, ki – mütemadiyyen çalışılıyor – İzmir’i eskisinden, daha mamur bir hale getirebiliriz. Napoleon’un dediği gibi: dünyada, olmaz, olmaz.” Kokaryalı H. Celal, “Azametli Madam” in: *Ahenk*, Aldığımız Cevaplar, January 21, 1926.



pressed. Moreover, it seems that contemporaries preferred to ignore the fire rather than blame anyone (including the Greek or Armenian population) for it. While foreign consular reports mention that the Turkish authorities blamed Armenians, there is a curious lack of such accusations in sources written for a Turkish-speaking audience. Accounts such as that in Ahmet Emin (Yalman)'s autobiography (which, if briefly, mentions the fire) were written years and decades later. Forty years later, Yalman was able to find a justification for the misery of the non-Muslim Smyrniots. He was, however, unable to completely ignore their fate, which continued to make itself felt even to those living in the village-suburb Kokaryalı (present-day Güzelbahçe). Remembering the days and weeks following the İzmir fire, he wrote:

At that time, nobody wanted to bathe in the sea because it was full of human bodies. Likewise, nobody so much as thought of eating the fish, which after all fed on human flesh. We shied away from fishing, even though we could see that the sea was so full of fish that one could have caught them with bare hands.<sup>26</sup>

### 3.2 The fate of “abandoned property” in Smyrna/İzmir

When Ahmet Emin (Yalman) came to İzmir in September 1922, most hotels were on fire. Despite this fact, finding a place to stay was very easy for him:

General Mürsel Paşa, a friend of mine since my time in Malta,<sup>27</sup> had been among the first to enter the city with his unit and was now central commander of the city. I went to see him and told him that I would stay in İzmir for a couple of weeks, asking for a place to stay. He saw

26 “O sıralarda denizleri dolduran sayısız cesaretlerden dolayı denize girmek hatıra gelmediği gibi, insan etiyle beslenen balıkları yemeği de kimse istemiyordu. Denizde elle tutulacak kadar çok balık biriktiğini gördük, fakat bunları tutmaktan tiksiniyorduk.” Yalman, *Yakın*, 9–10.

27 Yalman was among those Turkish nationalists who were deported to Malta by the British in 1920, but were exchanged against British POWs in 1921.

to it that I was given a villa in Kokaryalı (today known as Güzel Yalı). The house had been abandoned by fugitive Rum.<sup>28</sup>

Forty years later, Ahmet Emin Yalman still marveled at the delicacies he found in the summer house assigned to him:

The summer house had a huge basement, which contained everything: great amounts of rice, flour, sugar, beans, bulgur, all kinds of pickles, jams, lots of beer, wine, sausages, meat, pastrami, eggs, pots full of white cheese, dried nuts and fruit. Since all shops were closed, all these were a great blessing for us.<sup>29</sup>

If such amounts of food, especially expensive items such as meat, were a “blessing” for a middle-class city dweller like Yalman, they must have been treasure for the impoverished, hungry rural population that now flowed into İzmir. Like any other movable property, food was supposed to be handled by the abandoned property commissions. But unlike most other kinds, it had a real value for everybody. The other thing that was useful for almost everybody were houses. The military authorities divided the city into nine districts, each of which had a commission for abandoned property in charge of registering, gathering and storing anything movable: merchandise, furniture, valuables and cash. From late October 1922 on, Muslim creditors turned to the local courts in order to re-claim debts from those who had been killed or expelled. Local papers frequently published official declarations pertaining to such cases. For instance, on November 22, 1922, the office of the land registrar (*defter-i hakani*) announced that Kalliope, wife of Andon Sofiopolou, had been found to have “disappeared” (*gaybubet ettiği*), her current place of residence

28 Yalman, *Yakın*, 9–10.

29 “Evin alt katı baştan başa kilerdi. Burada bol miktarda piriç, un, şeker, fasulya, bulgur, her türlü turşu, her türlü reçel, bir hayli bira, şarağ, sucuk, kavurma, pastırma, yumurta, tenekelerle beyaz peynir, kuru yemiş gibi herşey vardı. İzmir’de bütün dükkanlar kapalı olduğu için böyle çeşitli erzağa sahip olmak bir nimetti.” Ibid., 10.

being unknown. Rahime, daughter of Aydınzade Hacı Şaban Efendi, claimed to have lent her 2700 Liras, repayable within a year, in September 1334/1918. The declaration stated that Kalliope's house would be sold in order to repay her debt unless the money was paid within a month.<sup>30</sup> Numerous similar announcements were also published by the courts of commerce (*ticaret hakimliği*). It is impossible to establish to what extent the claims thus brought forward were legitimate. The central government certainly regarded them with suspicion. The Minister of Finance Hasan Fehmi speculated that many of those documents presented as proof of outstanding debts were forged:

Muslim merchants show us checks, claiming that so and so has disappeared, and that the checks have been written by these people to be cashed by the banks, or merchandise has been signed over to their [the Muslim merchants'] names. Well, are these fake or real? <sup>31</sup>

Local newspapers started to print announcements for auctions in November 1922. The administration of abandoned property in the Basmane district announced on November 15 that auctions would start in the following days, asking people to make their bid at its office.<sup>32</sup> From 1923 on, announcements were made in the form of lists (frequently filling half a page), often for several houses located in the same street. These announcements, published either by the abandoned property administration of the respective district or by a city-wide liquidation commission (*tasfiye komisyonu*), included the characteristics of the house (dwelling, shop, storage room), its address or location, the estimated price, and the number of the district it was

30 *Ahenk*, November 11, 1922.

31 "İkincisi; islâm tüccarları bâzı çekler ibraz ediyorlar. Falan, falan tagayyübetmiş. Bu çekler, eşhas tarafından bankalar üzerine verilmiş veyahut birtakım çekler ve senedatı ticariye onların namına yazılmıştır. Ey bunlar, muvazaa mıdır, yoksa hakikat mıdır?" TBMM November 27, 1922.

32 *Ahenk*, November 15, 1922, 3.

located in.<sup>33</sup> These announcements were an important source of income for local newspapers.<sup>34</sup>

By late December 1922, the more prestigious houses had already been auctioned off, and prices were sky-rocketing:

The anxiety of certain commercial and financial organizations to install themselves in buildings commensurate with the dignity of the concern combined with the great scarcity of desirable locations, has caused some of the bids to assume exorbitant proportions.<sup>35</sup>

Consular records show that the commissions went quickly about their business, evicting tenants of Greek- and Armenian-owned houses, often compelling them to leave most of their belongings behind to be looted. While looting and squatting were widespread, there are good reasons to believe that the authorities managed to get control of substantial numbers of houses, at least during the very first weeks. In a petition to the governor of İzmir dated October 3, 1922, (that is, less than a month after the city's re-conquest) a certain Antoine Issaverdains explained his situation: he lived for rent in a flat in Cordelio/Karşıyaka (a suburb of İzmir across the bay that was spared from the fire), the owner of which was a Greek citizen. According to Issaverdains' account, a local administration of abandoned property had ordered him to evacuate the place. In his petition he asks the governor to allow him to stay and, instead of having to leave, pay rent to the administration.<sup>36</sup> The attached Ottoman document indicates that the local authorities had asked him to evacuate the house so they would be able to auction it.<sup>37</sup> It is very likely that many people wrote

33 For instance, the announcements published in *Türk Sesi*, September 2, 1923.

34 See Zeki Arıkan ed., Haydar Rüştü Öktem, *Mütareke ve İsgal Anıları* (Ankara: Türk Tarih Kurumu, 1991), 45.

35 NARA, İzmir Consulate General, Box 0070, Confidential reports 1922-1924, A. Wallace Treat, December 28, 1922.

36 PA AA İzmir 93/50, Grundbesitz Allgemeines, Petition Antoine Issaverdains to Vali Hussein Aziz Bey.

37 Ibid.

similar requests to the governor. Unfortunately, only those letters that were forwarded to other parties (such as consulates, as in this case, or the Ministry of the Interior) are accessible for research.

According to a British report, the eviction of tenants from houses whose owners had fled especially affected poor Jews, who were “exceedingly apprehensive of further trouble.”<sup>38</sup> Such reports on the fate of poor Jews are rare, and it seems that the hatred once directed against Greeks and Armenians was quickly turned towards the last substantial non-Muslim minority. Both British and Turkish sources of the time exculpate the actual looters, instead blaming Jewish merchants who supposedly bought most of the booty.<sup>39</sup> The British vice-Consul reported in October:

The Jews remain so far unmolested, though at one time there were indications that they might be regarded as a convenient source of revenue. They themselves are nervous, and, in view of the stringent regulations against the possession of looted goods by anybody but the State, they feel insecure, especially with regard to their most recently acquired property. Their enterprise has been especially remarkable during the month of September. (...) they have succeeded in concentrating in their hands at small cost most of the remaining wealth in Smyrna.<sup>40</sup>

The mass participation of Muslims in the plunder, just as the poverty of most Jews, was conveniently ignored.<sup>41</sup> By December 1922, the

38 FO 371/7951/ E 14145/9024/44 November 13, 1922. Smyrna diary of events at Smyrna, November 8–13. Commanding officer HMS Carysfort Sgd. A. Carpenter (Captain).

39 “Yahudi almış, Mehmet almış, Ahmet almış yahudiye satmış.” TBMM November 29 1922, 1140.

40 FO 371/7949, E 11492/9024/44.

41 Commenting on the Anti-Jewish utterances in this TBMM debate, Murat Koraltürk has remarked that this tendency to blame others was rather typical for nationalists of the time. “The identity of culprits was usually not mentioned.” ((F)aillerin kimliği üzerine pek durulmaz) Koraltürk, *Erken*, 86.

Anti-Jewish agitation began to take effect. Several demonstrations of soldiers directed against Jews had taken place, causing those who could afford it to liquidate their property and leave for South America and Egypt.<sup>42</sup> A British consular report written in 1924 estimated that only 15,000 out of 25,000 Smyrniote Jews remained.<sup>43</sup>

Sales of abandoned property confiscated by the state took place under the aegis of the local authorities.<sup>44</sup> The city had been re-taken at harvest-time, when great values were stored in the warehouses and customs depots of the city. Though major companies were hit by the fire (the carpet depot of the rug company OCM and the warehouse of the tobacco monopoly went up in smoke) the authorities were still able to seize huge amounts of merchandise.<sup>45</sup> Minister of Finance Hasan Fehmi estimated that the tobacco seized in provincial warehouses of the tobacco monopoly alone amounted to four million kilograms.<sup>46</sup> The seizure of merchandise also affected foreign companies, who only by great efforts managed to get their property back.<sup>47</sup> On October 22, the British Vice-Consul Urquhart reported that there was "little security for property in the presence of owners, in their absence, none."<sup>48</sup> The sales of movable property continued in the next year. Ernst Glock, a German merchant resident in İzmir wrote to Germany in February 1923:

42 Ibid. E 14491, Situation at Smyrna, December 6, 1922.

43 FO 371/10195/E 8116.

44 TBMM GCZ, November 29, 1922.

<http://www.tbmm.gov.tr/tutanaklar/TUTANAK/GZC/d01/CILT03/gcz01003147.pdf>, 1133 (accessed September 2, 2016).

45 Mansel, *Levant*, 216.

46 Information provided by Hasan Fehmi in parliament, TBMM GCZ, November 29, 1922, 1136.

47 This, for instance, was the case with the British company C. Whittal, whose merchandise of a value of 300,000 T£ had been seized by the Turkish authorities. FO 371/7949, E9977/9024/44, Vice-Consul Urquhart to Sir Horace Rumbold, September 26, 1922.

48 Ibid., report Urquhart, October 22, 1922.

[G]anz nach dem Beispiele unserer Feinde haben die Tuerken das ganze bewegliche und unbewegliche Vermoegen der Griechen und Armenier mit Beschlag belegt. Es finden taeglich im Bazare Auktionen statt, in denen die Warenbestaende der Angehoerigen dieser Nationen in Aufstreiche verkauft werden.<sup>49</sup>

A member of an old Levantine family actually managed to repurchase the Whittall and Lafontaine families' silver, which had been looted, in the bazaar – for “next to nothing.”<sup>50</sup> Most of the assets that were looted or burnt in September 1922 must have been quite worthless for locals: İzmir was famous for its export-oriented trade in dried fruit, carpets, and tobacco, but also rarer things like liquorice root. The amounts stored in the warehouses must have greatly exceeded local demand. They were also cheap at home, and only expensive if exported. With the exception of tobacco, which was sold by a monopoly, these goods were traded by numerous private companies, whose Greek and Armenian owners were lost for good along with their trading contacts abroad: the looters wouldn't have known who to sell these export goods to. Judging from dozens of letters that German importers of dried fruit wrote to the German consulate in İzmir in 1922–23, it took some time to establish new contacts.<sup>51</sup>

It may well be that one of the motifs behind the arson in September 1922 (the fire was started in several locations all over İzmir) was disappointment over such richness in things utterly useless to the looters. There were only three things among the abandoned property that were of real use for everybody, regardless of class and ethno-religious background: real estate, food, and money. It is the whereabouts and control over these three that were most fiercely debated in the aftermath of the fire.

The subject of money was discussed extensively in the non-public session of the TBMM on November 29 which is analyzed in more

49 Ernst Glock an Stadtpfarrer Stahl, Reutlingen, 25. Februar 1923, EZA [5]/[1965].

50 Ibid., 231.

51 Akten Generalkonsulat Izmir, PA/AA Berlin.

detail below. The Turkish authorities had seized bank accounts and the contents of hard-boxes kept in İzmir's banks, and the deputies demanded to know what had happened to them. According to Hasan Fehmi Bey's declaration, the Turkish authorities had not yet managed to open the safes, and the question how to open them was extensively discussed in the session. Among the seized bank accounts were many containing the money of Greek and foreign citizens. These accounts and safe-deposit boxes became the subject of prolonged diplomatic negotiations throughout the 1920s.<sup>52</sup> Eventually, the contents of bank accounts owned by exchangeable people were the only kind of property that the Turkish government agreed to restore with the Ankara Agreement of 1930.<sup>53</sup>

### 3.3 İzmir's looted wealth in parliament

İzmir's conquest in September 1922 marks the definite victory of the Turkish nationalist army over the Greek one. One of its first effects in the realm of legislation was the TBMM's formal revocation of the cabinet decision (*kararname*) issued by the Istanbul government in January 1920, which had stipulated that the property of those deported in 1915 be given back to the rightful owners (or their surviving heirs). This happened on September 14, while İzmir was still burning. (The official reinstatement of the notorious liquidation law (*tasfiye kanunu*) followed only on April 15, 1923.) With peace negotiations on the horizon, the Ankara government was eager to do away with this regulation in order to make sure that surviving Armenians would not return and try to reclaim their property.<sup>54</sup> Hasan (Saka Bey (deputy for Trabzon and Hasan Fehmi's predecessor as Minister of Finance) put this objective in a nutshell when he said: "Peace is around the corner. We need to clean up these kinds of things before we start to

52 A detailed account of these can be found in Yıldırım, *Diplomacy*, 122.

53 For a discussion of the Ankara Agreement, see chapter 4.2.

54 See Akçam and Kurt, *Spirit*.



deal with the issue of peace.”<sup>55</sup> As Minister of Finance Hasan Fehmi explained, the *kararname* “completely contradicts our laws and legal principles by granting a bunch of new rights to the deportees” and therefore needed to be refuted as soon as possible.<sup>56</sup> Significantly, he presented the cabinet decision not as one that reinstated rights that had been taken away, but as one that granted new ones. He thus presented the deportation as an act that had permanently and irrevocably excluded the Armenians from the Ottoman legal and political sphere. The property owned by the Ottoman Greeks who had fled the advancing Turkish army was, at least in theory, subject to the abandoned property law of 1922, and thus to state protection. The large-scale looting and sale of movable property that took place in September and October 1922 clearly contradicted the letter of this law, but, as the following analysis shows, not its spirit.

The TBMM discussed the looting of İzmir extensively in late November 1922, in three consecutive sessions on November 25, 27, and 29, which offered the deputies an opportunity to reflect on the law’s application in western Anatolia. Discussions concerning the city’s reconquest started much earlier, on September 11, when more than 70 deputies suggested that, since the government machinery was not working yet, the TBMM send a commission to western Anatolia in order to restore law and order, punish those guilty of high treason, alleviate the population’s misery, settle legal disputes, settle refugees, rebuild destroyed buildings, and make sure that abandoned property be properly administered.<sup>57</sup> As several other deputies (such as Hüseyin Avni Bey and Vehbi Efendi, both of them lawyers who had

55 “Sulh yakındır. Sulh mesailine başlamazdan evvel bu gibi şeyleri temizlemek lâzımdır.” TBMM September 14, 1922.

[http://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d01/c023/tbmm0102310\\_2.pdf](http://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d01/c023/tbmm0102310_2.pdf), 773 (accessed September 2, 2016).

56 “Çünkü bu, bütün kavanin ve ahkamı esasıyemizi çiğneyerek, tehcir edilen eşhasa yeni bir takım hukuk bahşediyor.” TBMM September 14, 1922, 768.

57 TBMM September 11, 1922:

<http://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d01/c022/tbmm01022100.pdf>, 209–10 (accessed September 2, 2016).

opposed the abandoned property law) were quick to point out, all these tasks were identical with those of the government, and a commission performing them would effectively trespass into the government's realm.<sup>58</sup> This was true, yet most deputies felt that such a challenge was necessary because the government was not working yet, and simply not able to perform its duty. The declaration was, in other words, one of open mistrust. (On another note, the undersigning deputies might also have been trying to find an official reason for joining the unfolding gold-rush in İzmir.) As mentioned above, the İzmir fire was not discussed in parliament and largely ignored. The debate of November 25-29 was the first one dealing with its *result*: the vast destruction of wealth, and the question who exactly had looted the city.

On November 25, Ragıp Bey (deputy for Kütahya) read out a letter which lamented that "all the assets that the government has seized and sealed are being wasted."<sup>59</sup> The (unnamed) letter-writer gave several examples for systematic corruption that was taking place in western Anatolia, claiming that the members of abandoned property commissions helped themselves and others to wealth that had been seized in the name of the government:

The looters collaborate with the chairmen and members of abandoned property commissions, paying a couple of hundred Liras, and taking out [from the depots] whatever they please. People who know nothing of business give a couple of thousand to the commissions, open the depots and freely sell their contents, which are worth forty, fifty thousand. When this is reported and people

58 "(B)u takirde tadadolunan [sic, probably a misspelling of te'did] vaziafin cümlesi Hükümetin vaziafindendir. Binaenaleyh Hükümetin birçok vaziafi arasında bir de bu gibi şeylerde Hükümetin vazifesini işgal etmenin bir manası yoktur." Vehbi Efendi (Konya), *Ibid.*, 611.

59 "Hükümetin tahtı temhire aldığı (...) mallar külliye heder olmaktadır." Letter read by Ragıp Bey, TBMM November 25, 1922, [http://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d01/c025/tbmm0102514\\_5.pdf](http://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d01/c025/tbmm0102514_5.pdf), 66 (accessed September 2, 2016).

start to complain, the government seals the depots again, which, now that their contents have been brought elsewhere, only contain broken, worthless items. It seems that [the government] wants to deceive the people (...) <sup>60</sup>

The only way to stop this rampant corruption, the letter argued, was to send an Independence Tribunal (*İstiklal Mahkemesi*) to western Anatolia. This view was shared by a telegram jointly sent by six deputies representing İzmir, Saruhan and Denizli, who described the theft of abandoned property as a “moral plague” (*vebaya ahlakiye*), and argued that only an Independence Tribunal would help to re-establish a strong government in the area. As quickly became clear, the majority of deputies were not willing to do so, but nevertheless wanted to discuss the city’s looting.

Neither these calls for an Independence Tribunal nor the subsequent debate mention the actual owners of abandoned property – whose expulsion from İzmir had just been completed – anymore. Instead, they frame the ongoing plunder as a threat to the wealth of the Turkish state and nation. The call for an Independence Tribunal implied that the theft and corruption surrounding the “administration” of abandoned property were a threat to governmental power that at least equaled such grave crimes as high treason and desertion, and therefore had to be fought with the same drastic means: “Independence Tribunals” were the court martials that the TBMM government used since 1920 in order to crush internal opposition in Anatolia. These

60 “Yağma edilen mallar için yağmacılar üçer, beşer yüz lira vererek Emvali Metruke Komisyonu Reis ve heyetleriyle uzlaşıp yedlerindeki malları serbest olarak çıkarmaktadır. İçinde kırk beş, elli bin liralık mal olan bir mağazayı komisyona üç dört bin lira veren ve hiç sanattan anlamızan kimseler açıp içindeki malları serbest bir surette satmakta iken şiddetle ihbara vukubulması üzerine bu defa malları mağazadan aşırıttıktan sonra içerisinde kalan çürük, çarık birkaç parça üzerine Hükümet tekrar mühür basıyor. Sanki bununla halkı aldatmak istiyor. (...)” TBMM November 25, 1922, 66.

courts were notorious for their arbitrariness, the absence of defenders, and their frequent use of the death penalty.<sup>61</sup>

The TBMM did not send an Independence Tribunal to İzmir in 1922. Moreover, very much unlike a tribunal, parliamentarians almost universally abstained from naming culprits. As Murat Koraltürk has pointed out, the debate is characterized by a remarkable reluctance on the part of the deputies to mention names, and a tendency to blame the Jews as a group.<sup>62</sup> Having said that, it is still worth dwelling more on the question what the deputies were actually discussing in this debate, and how the Antisemitism informing the debate fits into the larger picture, namely, the ongoing conflict between competing notions of nation and state. In order to do so, this sub-chapter analyzes the different groups and people that were blamed, showing how such accusations helped to advocate certain notions of state, government and nation, and studying the relationship between those concepts.

On November 27, Minister of Finance Hasan Fehmi Bey stated that the fire in İzmir had almost exclusively destroyed houses of non-Muslims. This information, which was not questioned by the deputies, might explain why they didn't criticize the authorities' obvious failure at fighting the blaze itself.<sup>63</sup> The minister estimated the financial losses due to the fire at three hundred million gold Lira.<sup>64</sup> (By contrast,

61 Independence Tribunals were first mentioned in an annex to the "Law concerning deserters" (*fırariler hakkında kanun*) issued on September 11, 1920. They were officially established with the "Law for Independence Tribunals" (*Mehakimi İstiklal Kanunu*) issued on July 31, 1922. While the first tribunals mostly tried deserters, those established in 1922 dealt with people accused of collaboration with the Greek occupation. See Çelik, "Millî": 597–98.

62 Koraltürk, *Erken*, 86.

63 It is indeed curious that the fire was hardly ever mentioned in the parliamentary minutes of September and October 1922. The fire was either only mentioned in passing or completely ignored. Onaran, *Emvâl-i Mevrûke*, 152. See TBMM November 27, 1922, 97.

64 Cihan Duru, Kemal Turan and Abdurrahman Öngöçlü, *Atatürk Dönemi Maliye Politikası. Mondros'tan Cumhuriyet'e Mali ve Ekonomik Sorunlar* (Ankara: TİSA, 1982), 317.

the Ankara government's official budget for 1922 amounted to 71 million). Given this fantastic number, it is not surprising that the deputies were rather fascinated with İzmir's wealth, and very eager to know where the remains of that wealth had ended up. As for those houses that had escaped the fire, the minister reported that abandoned property commissions had taken up their work, placing refugees in them, or renting them out by auction. Only small items had been taken to storehouses, while furniture was only registered and then left in the houses. Hasan Fehmi Bey stressed that the sale of houses had not even started yet. He also emphasized that the government machinery was still not functioning properly, and that his ministry was facing great difficulty finding capable staff: "We didn't have enough staff, and we accepted whoever applied to us. The situation is so serious that we would pluck them from the trees – if only they grew on them."<sup>65</sup>

The subsequent debate took place against the background of a number of major successes in the international realm: the Greek army had not only been forced out of western Anatolia, but also of Thrace, and the Allies had officially invited the Ankara government to the upcoming peace conference in Lausanne. The Istanbul government, which had also received an invitation to the conference, had effectively been deprived of power by the TBMM's official abolishment of the sultanate on November 1, 1922.<sup>66</sup> This string of achievements on the international level made the Ankara government virtually immune against criticism in this realm. However, the debate that is analyzed here shows that awareness for domestic issues, and especially for those that questioned the government's claim to unlimited sovereignty within the country, was increasing. The (ostensible) failure of the authorities to get hold of abandoned property in İzmir could be de-

65 "Memur yoktu. Her müracaat edeni aldık. Ağaçtan adamı ararcasına memur efendilere ihtiyaç vardır." TBMM November 27, 1922, 98.

66 For a detailed chronology of the events leading up to the abolishment of the sultanate, see Faruk Alpkaya, *Türkiye Cumhuriyeti'nin Kuruluşu (1923-1924)* (Istanbul: İletişim, 1998), 22–40.

picted as such a sign of weakness, and used as a case in point to discuss changing perceptions about the relationship between nation and state, parliament and government.

### 3.4 Who took part in the looting?

The first two sessions on November 25 and 27, 1922 were open to the public and left many deputies unsatisfied. Expecting the really scandalous information to come to light, they called for a non-public session, which started on November 29. (As we shall see, this expectation was not fulfilled). The session started with a declaration by Minister of Finance Hasan Fehmi Bey who stated that “all classes of people” had taken part in the looting, and that it was impossible to detect the culprits. He depicted the looting as a natural result of three years of oppression and the precarious state of governmental authority in the city.<sup>67</sup> He thus indirectly interpreted it as a legitimate act of revenge which the government was unable to control. When Ragıp Bey (who had started the debate by scandalizing the corruption of abandoned property commissions) mentioned that ordinary soldiers (*Mehmetcikler*) took part in the looting, and that much wealth had passed into their hands, his colleagues interrupted him with cries of: “Helal olsun!” (Good for them!), and he agreed.<sup>68</sup> Rather than elaborate on the role of Muslim soldiers, he then blamed the Jews of İzmir. Ragıp Bey claimed that whatever had survived the fire had been “finished off within the first five days by a caravan of looters” whose par-

67 “(Ü)ç sene tazyık altında kalmış insanların üzerinden o tazyık kalkınca Hükümet makinası teessüs edinceye kadar bazı gayri tabii hareketlerin olmasını zaruri görüyorum. (...) İzmir’e girildiği vakitte İzmir’de eşyayı hafifeyi veyahut şu mağazadan bu mağazadan yangın esnasında veyahut yangından sonra eşya yağmasına iştirak edenlerin, birer birer adedini tespit etmek lâzım gelse bunun imkânı yoktur. Yalnız yağmaya iştirak eden her sunuf vardır. Bunu arz ettim. Her türlü halk vardır.” TBMM November 29, 1922, 1132, 1134.

68 “Bu beş altı gün zarfında vuku-bulan yağmadan mehmetciklerin eline geçen miktarı ne olursa olsun (Helâl olsun sadaları.) Benden tarafı yerden göğe kadar helâl olsun.” TBMM November 29, 1922, 1137.

participants had “ranged from İzmir’s rabbis up to its richest Jews.”<sup>69</sup> Later on, he made a distinction between official war booty seized by the state (*ganaimi harbiye*) and looted goods (*yağma edilen kısım*). It seems that the first category was considered perfectly legitimate: the official government budget for 1922 lists *harp ganimetleri* (7000 Lira) as a regular part of state revenue.<sup>70</sup> Ragıp Bey claimed that the war booty had initially been much bigger than that looted by civilians, but that it, too, had “ended up in the hands of the Jews.”<sup>71</sup> He probably referred to the widespread belief that those willing to sell their booty had often only found Jews (supposedly the only group with enough cash at their disposal) as buyers. Shortly later, Minister of Finance Hasan Fehmi pointed out that “the Jew took, Mehmet took, Ahmet took and sold to the Jew.”<sup>72</sup> Unlike Ragıp Bey, he thus admitted that many Muslims had participated in the looting. Şükrü Bey (deputy for Bolu) promptly admonished him “not to mention Mehmet and Ahmet.”<sup>73</sup>

69 Ibid. The transliterated text reads: “İzmir hamamlarından başlayarak en zengin Yahudilere varıncaya kadar” (“starting from the Turkish baths of İzmir and up to the richest Jews”). This makes no sense at all. “Hamam” is probably a misreading of *hāḥām*: rabbi.

70 For the budget, see Ahmet Tekin, “Milli Mücadele Bütçeleri, Vergi Politikası ve Dış Yardımlar (1919-1923),” <https://www.tarihtarih.com/?Syf=26&Syz=353941> (accessed November 18, 2015).

71 “Ganaimin çok büyük bir kısmı yahudilerin eline geçmiştir. Bu yağma edilen kısımdan çok büyük bir kısmı yahudilerin eline geçmiştir.” TBMM November 29, 1922, 1137.

72 “Yahudi almış, Mehmet almış, Ahmet almış yahudiye satmış.” Ibid. 1140. Note that “the” Jew is not given a cliché first name here – unlike “Mehmet” and “Ahmet,” but also “Kevork” or “Yorgi” who usually embody Armenians and Greeks in nationalist narratives of the time. Critical theories of Antisemitism have argued that such depersonalization is a typical feature of modern Antisemitism, which tends to regard Jews as the universal, completely antagonistic or “third” Other. See Klaus Holz, “Der Jude. Dritter der Nationen,” in *Die Figur des Dritten*, ed. Eva Esslinger et al., 292–303 (Berlin: Suhrkamp, 2010).

73 “Ahmeti, Mehmeti mevzubahis etmeyiniz.” TBMM GCZ, November 29, 1922, 1140.

There was a great deal of controversy over the meaning of abandoned property – and in connection to this, the proper use of it. The Minister of Finance himself made rather contradictory statements in this respect. On the one hand he openly admitted that the incomes generated from the booty would be used to pay for the costs of the war. On the other hand, he repeatedly reminded the deputies that his ministry merely administered abandoned property in place of the actual owners, and could therefore not distribute it among the population. Some deputies challenged this idea by speaking of “state property” (*emvali devlet*) which was being “wasted” in İzmir. This led to an interesting dialogue:

Hasan Fehmi Bey: “Yahya Galip Bey has asked: how will the state property be administered? It is not state property, it is abandoned property.” – Yahya Galip Bey: “It is not abandoned property, *they have all fled*, it is state property.” – Hasan Fehmi Bey: “I beg your pardon. This is the law. The abandoned property law. It stipulates that it is to be administered in the name and for the benefit of the disappeared, and that the [income] is to be deposited in the current accounts.” – Yahya Galip Bey: “It is not like that, it is not.”<sup>74</sup> (Emphasis mine)

As an active participant in the debate of the respective bill, Yahya Galip Bey was familiar with the abandoned property law. He knew the legal term, but provided his interpretation of its actual meaning by speaking of “state property”. His irritation and his insistence that it was “not like this” was probably a result of his familiarity with the practices of the abandoned property commissions, which were indeed selling non-Muslim assets in order to generate revenue for the state.

74 “Yahya Galip Bey buyurdular ki, emvali metruke nasıl idare edilecek? Emvali Devlet değildir, Emvali Metrukedir. Yahya Galip Bey: Emvali metruke değildir, onlar hep kaçmıştır, emvali Devlettir. Hasan Fehmi Bey: Müsaade buyurunuz. Emvali metruke için elimizdeki kanun budur. Emvali metruke kanunu. Tegayyüp eden eşhas nam ve hesabına idare olunup açılacak hesabı carisine irat kaydetmekten ibarettir.” (Emphasis mine) *ibid.*, 1139.



Yahya Galip Bey knew that there was a discrepancy between the wording of the law and its subtext, and he was irritated by the ministers' reluctance to openly admit this. Shortly later, he challenged the minister even further by speaking of "national property" (*emvali millettir*), adding that "the property of those who have committed treason cannot be abandoned property."<sup>75</sup>

In his first statement, Yahya Galip (Kargı) argued that non-Muslim property had *de facto* become state property ("they have all fled, it is state property"). The term "national property," however, implied that not the state, but the nation was the rightful owner, and that there was a difference between the two. This statement posed a challenge to the state itself – a challenge that at that very time also translated into popular practices of squatting and appropriation. Yahya Galip Bey's use of the term "national property" (*emvali millet*) indicates that he considered it the right of the (Muslim) people, rather than the government, to seize and use non-Muslim property. Unlike "abandoned property", which (at least on paper) implied the idea of legal representation of actual owners, this term was based on direct, full ownership – not by the state, but the (Muslim-Turkish) nation.

### 3.5 The identity of squatters

Corruption by the hands of officials and army officers was frequently mentioned in the course of the debate. A deputy for Mardin, İbrahim Bey<sup>76</sup> asked the Minister of Finance whether it was true that "quite a number of fellow deputies" had "moved into houses [in İzmir] with all their furniture" and were still occupying them.<sup>77</sup> Avoiding a direct

75 Hasan Fehmi Bey: "Efendim bu bir isimdir. Bu mal emvali metrukendir, mali mağsup mali mesruk olarak... Yahya Galip Bey: Emvali metruke değil emvali millettir. Mademki ihanet etmiş mülkü emvali metruke olamaz." TBMM November 29, 1140.

76 İbrahim Bey (Turhan)'s professional background was in the financial administration. See *TBMM Albümü*, 50.

77 "Sonra birçok mebus arkadaşlarımız mobilyesiyle beraber evlere girmiş ve şimdiye kadar o evlere tasarruf ediyorlar, bu da doğru mudur? Bunları soruyorum." TBMM November 29, 1134.

answer to the question, Hasan Fehmi Bey replied that five thousand houses (i.e. about a fourth of the remaining buildings in İzmir proper) had been occupied illegally.<sup>78</sup> Neither he nor other speakers mentioned any squatters' names, and indeed carefully avoided to do so. After continued demands of fellow deputies to actually name the culprits, Ragıp Bey finally exclaimed:

Gentlemen, you want to hear names? It is ten thousand people. *Their names do not enter the assembly.* Go and find out for yourselves, it is ten thousand people. *Their names do not enter the assembly-room. What use would there be in mentioning names?* It is all out in the open, go and find out. Who? What do you mean, who is it? (...) Gentlemen, it is the İzmir governor, the head of the financial administration, the chairmen of the [abandoned property] commissions, their members, all of them.<sup>79</sup> (Emphasis mine)

Ragıp Bey's reluctance to mention names and his statement that the names would "not enter the assembly-room" indicate that he was pointing to an unspoken rule that organized the ongoing debate. He might have been protecting friends (or powerful adversaries) among the deputies who themselves had profited from the looting and had seized houses (he might also himself have been one of them). As long as no names were mentioned, the looting of İzmir could be used to (quite literally) read the riot act to the government, and strengthen the assembly's position towards it. The deputies did not intend to take any real action against looters and squatters. The only squatter that was named was a certain Şerefeddin, the aide-de-camp of Kâzım Paşa

78 TBMM November 29, 1922, 1134.

79 "Efendiler isim mi istiyorsunuz? On bin kişidir. İsimleri Meclisin içine sığmaz. Siz tespit ediniz on bin kişidir. Giden siz tespit edin. İsimleri Meclisinizin salonuna sığmaz. İsimler demek ne demektir? Mesele meydandadır, gidin tespit edin. Kimlerdir? Ne demek kimlerdir? (...) Efendim, İzmir Valisi, İzmir Defterdarı, Müfettiş, komisyon azaları, komisyon kâtipleri, hepsi, bütün bunlar...". Ibid., 1138.

(Özalp), then Minister of National Defence. Reşat Bey<sup>80</sup> (deputy for Saruhan and chairman of the parliamentary budget commission) asked Kâzım Paşa (Özalp) whether it was true that the officer had illegally occupied a house on the first *Kordon* in İzmir which had been assigned to the Ministry of Finance. Kâzım Paşa answered in great detail, admitting that the officer in question, having been on leave at the time, had indeed placed his mother in the building, but completely of his own accord. Kâzım Paşa himself claimed to have placed two guards in front of the house, thus forcing his officer to return it. (He did, however, not mention any disciplinary action against his aide-de-camp). By asking about this story, Reşat not only indicated that there had been a conflict between army and government, but one within the government itself. Kâzım Paşa tried to counter this view on the incident, emphasizing that his actions had been in harmony with those of the civil authorities, and that similar cases of disorder within the army would be fought with the same vigor. However, he made one small remark that got his fellow minister in trouble: unlike Reşat Bey, who had spoken of “a house assigned to the Ministry of Finance,” Kâzım Paşa said that the “Minister of Finance had occupied the house.”<sup>81</sup>

80 Reşat Bey (Kayaloğlu), 1881-1926, worked at the Agricultural Bank and at the Ministry of Finance in Ottoman times. He was chairman of the society for the defense of rights in Saruhan and participated in the War of Independence. Between 1922 and 1923, he served as Minister of Public Works. See *TBMM Albümü*, 55.

81 “Efendim, Muhterem arkadaşımız Reşat Beyin beyanatı arasında benim yaverimin de İzmir’de bir ev işgal ettiğini beyan buyurdular. Ben bu meseleye muttali oldum. O vakit yaverim mezunen İzmir’de bulunuyordu. Maliye Vekili Beyefendinin mukaddema Kordonda işgal ettikleri binaya hakikaten, validesini koymuş ve demiş ki; bu evi ben işgal edeceğim. Bundan haberdar olan kolordu kumandanı – ki ben orada iken kati emirler vermiştim, böyle hotbehov ve işgal etmek muvafık değildir demiştim -Kolordu kumandanı bundan haberdar oluyor ve kapıya iki nöbetçi koymuş, benim yaverim gelip eve girmek istediği zaman kendisini içeriye girmekten nöbetçiler menetmişlerdir. O da içeriden validesini almağa mecbur olmuştur. Yani kendisi kimsenin haberi olmaksızın orayı işgal etmiş, fakat yine Hükümet ve oranın kumandanı benden aldığı emir üzerine benim yaverimi içeriye sokmamıştır. Bu böyle olduğu gibi diğerlerine de böyle muamele yapılacağından emin olabilirsiniz. Yani ciheti askeriye ordunun asayiş ve inzibatını ihlâl ede-

This little detail later compelled Hasan Fehmi Bey to explain at length that he had only stay house for two days, and that, far from being occupied by himself or his Ministry, it had indeed served as a government guest house.<sup>82</sup>

Hasan Fehmi Bey mentioned early on during the non-public session that he had suggested that the assembly send a court martial (*İstiklal Mahkemesi*) to İzmir before – and that the deputies had renounced the idea. The deputies showed no reaction at all. Ragıp Bey again suggested this measure later on:

Those who have collaborated with the Greeks during their time [the occupation] neither put a thought to the government nor do they fear anyone. [Cries of: “Like what?”] Gentlemen, the situation is out of control. These people have gotten used to the lack of any capable government, and they don’t think that one will ever be established. Therefore, they do not fear anybody. There is no fear. [Cries of: “Praise to God”]. It is always done like this. None of our governments has ever succeeded at establishing order, gaining power, or building institutions that work properly. There is only one cure to this, and this will be the first and last time for me to suggest it: sending an Independence Tribunal there. You can be sure that even the announcement of such a court will do the job even before the court members take off [for İzmir].<sup>83</sup>

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cek her türlü intizamsızlığı ref edecek şiddetli tedbirler ittihaz etmektedir.” TBMM November 29, 1922, 1142.

82 “Maliye vekaletine tahsis edilmiş ev yoktur. Bendeniz bir iki gün otelde kaldım, sonra o eve naklettim. (...) Yani bir misafirhanedir, o da Hükümetin taht emrindedir.” Ibid. 1143.

83 “Yunanlılar zamanında Yunan’lılarla düşüp kalkan insanlar ne hükümet düşünüyor ve ne bir korkusu var. (Ne gibi sesleri). İdaresizlik var efendim, yani kafalarına koymuşlardır ki, şedidülciraat bir hükümet yoktur ve olamayacaktır, diye hiç kimseden korkuları yoktur. Korku yoktur. (Elhamdülillah sesleri). Her muamele böyledir. Hiç bir idaremez, intizam, şiddet, katiyen teessüs edememiştir.

By suggesting that the assembly send such a tribunal to İzmir, Ragıp Bey openly admitted to the role of violence and terror in the establishment of the present regime in Turkey. The comments of his fellow deputies (“praise to God”) indicate that they actually welcomed the lack of governmental control in the area, openly rejecting the idea to establish law and order by means of brutal force. They certainly did so because they were aware that not only “collaborators” and “traitors”, but many from their own ranks had had (and possibly were continuing to have) their share in the booty. Ragıp Bey’s suggestion was ignored.

### 3.6 Conclusion

The debate about İzmir’s looting in November 1922 can be read as a commentary to the application of the abandoned property law, which at this point was no longer criticized as such. Especially the non-public part of the debate was remarkably different from those discussions that had taken place prior to the Turkish victory: Non-Muslims were no longer considered in the debate, and the deputies were confident that they would not return again. The only speaker to mention rights of non-Muslim property owners was the Minister of Finance, who tried to uphold the fiction of custodian care – though not to actually protect the owners’ rights, but rather to fend off the deputies’ claims that the property was indeed owned by “the nation.” This conflict between popular claims and that of the government was much more pronounced than in the previous debate, and one deputy even went so far as to speak of “national property.”

The debate was informed by an implicit distinction between legitimate and illegitimate forms of looting. The former was performed either by the army or by poor, unpaid soldiers, with whom the deputies clearly sympathized (“helal olsun”). The latter was looting performed by Jews or rich people, two categories that were conflated here

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Bunun yegâne çaresi – evvel ve ahir arz ettik – oralara bir istiklâl mahkemesi gönderilmesi. Emin olunuz bir istiklâl mahkemesi daha yola çıkmaksızın, bir beyanname ile tekmil bunların önünü alacaktır.” TBMM November 29, 1922, 1142.

– Jews were regarded as rich by definition, while rich Muslims were never mentioned. The distinction between these forms of appropriation depended not on the identity of actual owners, but on that of the appropriating party. The second illegitimate form of appropriation was “corruption” (*suiistimal*). By using this term, the speakers implied that ownership of the property in question had already passed to the state. In this perspective, it was fine to take from non-Muslims, but not from the state.

As frequently mentioned in the course of the debate, governmental authority in İzmir (as well as in western Anatolia in general) was still weak, and corruption, as well as squatting, ubiquitous. Some deputies openly welcomed this state of affairs, and the TBMM, despite repeated requests to this effect, did not send an Independence Tribunal to İzmir. It thus, in effect, refused to regard the theft and appropriation of non-Muslim property as high treason, even if that property was stolen from state coffers.



## 4 International agreements, national legislation, and the implementation in Turkey, 1923–45

### 4.1 Negotiations in Lausanne

Throughout the War of Independence, the Ankara government and its army were able to treat abandoned property without interference from abroad. The main challenge first to the passing and then to the implementation of the abandoned property law of April 1922 was the unruly TBMM, whose members openly sympathized with popular practices of squatting all over the country. Abandoned property, in other words, was treated as a domestic policy issue until late in 1922. The advent of the new peace conference in Lausanne changed the picture in important ways: Negotiations about a possible population exchange with Greece quite obviously concerned not only the people who had been killed or expelled, but also their property in Turkey, and the abandoned property question now gained an international dimension that the Ankara government had to consider. In order to understand the politics of property compensation in Turkey from 1923 onwards, it is therefore necessary to discuss the international legal framework, i.e., the negotiations at the peace conference in Lausanne, the stipulations of the exchange convention between Greece and Turkey, and the follow-up agreements signed by the Greek and Turkish governments in 1925, 1926, and 1930. As we shall see, these international agreements were not necessarily implemented in Turkey. That said, they are nevertheless important for an understanding of the context in which domestic abandoned property policies took place. The governments of Greece, the Great National Assembly of Turkey<sup>1</sup> and the Allies had, at least in principle, already agreed on a Greek and

1 Present-day Turkey had two governments in January 1923: The Turkish delegation at Lausanne represented the nationalist government in Ankara (officially known as the “Government of the Great National Assembly of Turkey”), which had been functioning since April 1920. The Republic was only proclaimed in October 1923,



Turkish population exchange before the Lausanne conference started in November 1921.<sup>2</sup> The Turkish delegation came to Lausanne with a laundry list of fourteen principles for the negotiations, number nine of which simply stated: “Minorities: to be exchanged.”<sup>3</sup> This clearly included the Ottoman Armenians (whether dead or alive), and was possibly aimed at a legalization of their dispossession similar to that later achieved for *Rum* property through the exchange convention.<sup>4</sup> The Ankara government at first insisted that İsmet (İnönü), the head of the Turkish delegation, negotiate an Armenian exchange, only abandoning the idea when İsmet Paşa pointed out that there was nobody at the conference to discuss the matter with.<sup>5</sup> As early as March 1922, when the fortunes of war in the Greco-Turkish conflict were turning towards the Turkish side, the Ankara government’s Minister of Foreign Affairs, Yusuf Kemal Bey, discussed the idea of a population exchange with his French and British colleagues in London. Upon his return to Ankara, he reported that “[f]or the *Rum* minority, I have proposed an exchange, and told them: we want a lasting peace, and in order to accomplish this, it is neces-

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at which point the Ottoman Empire formally ceased to exist. The imperial government in Istanbul, which had also been invited to the Lausanne conference, had accepted to be represented by the Ankara government at the Lausanne conference.

2 Ladas, *Exchange*, 337; Yıldırım, *Diplomacy*, 81–82.

3 “Ekalliyetler: Esas mübadeledir.” Cited in Ayhan Aktar, “Türk-Yunan Nüfus Mübadelesi’nin İlk Yılı: Eylül 1922– Eylül 1923,” in *Yeniden Kurulan Yaşamalar. 1923 Türk-Yunan Zorunlu Nüfus Mübadelesi*, ed. Müfide Pekin, 41–84 (Istanbul: Bilgi Üniversitesi Yayınları, 2005), 48. The full list (in modern Turkish) can be found in Bilal N. Şimşir, *Lozan Telgrafları: Türk Diplomatik Belgelerinde Lozan Barış Konferansı* (Ankara: Türk Tarih Kurumu Basımevi, 1990), ixv.

4 This aspect of a population exchange, and the lack thereof in the Armenian case, has been pointed out by Polatel and Üngör: Polatel and Üngör, *Confiscation*, 11.

5 “Yerli Ermenilerin Ermenistandaki Türklerle mübadelesini kimle görüşeyim?” Telegram No. 86, in: Şimşir, *Lozan*, 172.

sary to protect them from us and us from them.”<sup>6</sup> Yusuf Kemal Bey explicitly mentioned the previous Ottoman-Greek and Ottoman-Bulgarian agreements of 1913–14 and 1919, respectively.<sup>7</sup> Both previous treaties, however, had paid lip service to the principle of voluntary migration. The idea to name a de facto compulsory exchange as such seems to have only come up in the course of the forced migration of the Ottoman Greeks in September and October 1922, and possibly as a result of the Turkish government’s determination not to let them return.<sup>8</sup>

Fridjof Nansen, the High Commissioner for Refugees of the freshly established League of Nations, gave an introductory presentation to the Lausanne conference on December 1, 1922. He acknowledged that “the displacement of populations of more than 1,000,000 people” and the subsequent task of “registering, valuing and liquidating their individual property which they abandon, and in securing to them the payment of their just claims to the value of this property” was one of “immense” difficulty.<sup>9</sup> However, he argued that these difficulties were now smaller than they would have been before, and that “the reasons which make an exchange desirable” were “of greater force.”<sup>10</sup> As a possible model for the task at hand, Nansen pointed towards the exchange of populations between Greece and Bulgaria that had been

6 “Rum ekalliyetleri için mübadele esasini teklif ettim ve dedim ki: Biz, devamlı bir sulh istiyoruz ve bunun için bu suretle bizi onlardan, onları bizden emin kılmaktır.” cited in Aktar, “Türk-Yunan”, 43.

7 Aktar, “Türk-Yunan”, 43.

8 Ladas cites two letters to Nansen, the first by Venizelos dated October 13, in which Venizelos reportedly saw very clearly that the Turkish government would not allow the *Rum* refugees to return. The second letter was written by the TBMM representative in Istanbul, Hamid Bey (Hasancan), and dated October 31. Hamid Bey informed Nansen that his instructions only allowed him to negotiate on the basis of a “total and enforced exchange of populations.” Ladas, *Exchange*, 336.

9 H.M.S.O., *Lausanne Conference on Near Eastern Affairs 1922-1923. Records of Proceedings and Draft Terms of Peace: Presented to Parliament by Command of His Majesty* (London: H.M.S.O., 1923), 114.

10 *Ibid.*, 115.

regulated in the peace treaty of Neuilly in 1919. He reported to have spoken to two neutral members of the commission in task of that exchange, who had both assured him that the technical aspects of such an endeavor were manageable. Moreover, he suggested that the details be left to be sorted out by a Mixed Commission, as had been done in the Greco-Bulgarian exchange.<sup>11</sup>

Nansen pressed for a very quick implementation of the exchange, arguing that this would allow settlers to simply take over the fields that others had already left behind.<sup>12</sup> In this view, which glossed over the existence of a native population only too eager to take what they considered their just share, he was not alone: apart from the Turkish delegates, who repeatedly pointed at the considerable war-related damage in Turkey, other delegates assumed that Greek abandoned property in Turkey was both easily available and patiently waiting to be settled by Muslims from Greece. It therefore comes as no surprise that the issue of property was, if ever, only mentioned as a question secondary to that of people: for instance, Lord Curzon stated that “it would be easier to secure payment for the property which people were obliged to leave behind them” if the exchange was compulsory.<sup>13</sup> When the matter was first discussed, İsmet Paşa insisted that the Greeks of both Istanbul and İzmir be included in the exchange. Elefterios Venizelos strongly opposed the inclusion of the Istanbulites (who were largely in place), but not that of the Smyrniots (who had already been expelled), thus accepting the latter’s fate.<sup>14</sup>

The matter of the exchange of populations (along with those of civil hostages and prisoners of war) was referred to a sub-commission, whose president Montagna (the chief Italian delegate) submitted a report on January 10, 1923.<sup>15</sup> According to this report, the members of the sub-commission had agreed on the quick release of prisoners

11 H.M.S.O., *Lausanne*, 116.

12 Ibid., 116.

13 Ibid., 121.

14 Ibid., 122–23.

15 For the report, see H.M.S.O., *Lausanne*, 328–37.

of war, on the compulsory character of the exchange and the exemption of the Istanbulite Greeks and the Western Thracian Muslims. With respect to the property involved, they had decided that mixed commissions would be set up and “entrusted with the task of valuating property left behind on either side with a view to compensation.”<sup>16</sup> The Greek and Bulgarian exchange convention is not mentioned in the report, and it is hardly possible to find out if it was taken as a model (as suggested by Nansen). What is clear, however, is that the sub-commission had agreed on a scheme quite different from that projected in the Greco-Bulgarian exchange convention, namely, on compensation with real estate rather than money or substitutes such as bonds: the report states that the commissions “shall be entrusted with the distribution of property and of all sums of money paid over to them among the persons entitled thereto.”<sup>17</sup> The Greco-Bulgarian convention had clearly favored compensation with money: Article 10 stipulates valuations to be performed by the mixed sub-commissions, and in presence of the owners or their representatives. Ownership of the real estate in question would pass to the respective government.<sup>18</sup> The government would then provide the mixed commission with the sums established, and the mixed commission would proceed to pay them to the exchangees.<sup>19</sup> One may say that not the real estate itself, but only the values thereof were subject to the exchange between Bulgaria and Greece. The Greco-Turkish idea of compensation with property, however, involved a much more complicated procedure. From the perspective of the Turkish and Greek governments (both of

16 Report Montagna, *ibid.*, 332.

17 *Ibid.*, 332.

18 “Le Gouvernement du pays où la liquidation aura eu lieu, devra verser à la Commission mixte, dans les conditions à fixer par celle-ci et pur être remis aux ayants droit, le montant de la valeur des biens immobiliers liquidés, qui resteront la propriété dudit Gouvernement.” (Art. 10), cited in Ladas, *Exchange*, 741.

19 Eventually, 90 percent of the compensations in Greece and Bulgaria were paid in bonds bearing an interest of 6 percent. In 1927, the bonds were sold at 50 to 75 percent of their nominal value. See *ibid.*, 323–24.

whom were in serious financial straits) this scheme probably looked attractive. They might have thought that compensation with land and houses would spare them the problem of having to find cash they did not have. Moreover, property compensation was clearly not deemed important enough to be discussed at length. Indeed, it seems that questions of property were hardly discussed at all, while those involving people were highly controversial.<sup>20</sup> When Montagna wrote his report, negotiations had come to a deadlock over the question of the Ecumenical Patriarchate in Istanbul: the Turkish delegation demanded that the patriarchate leave the city. This question continued to occupy the sub-commission throughout January 1923. It was finally settled with the Turkish delegation accepting that the patriarchate would stay in place.<sup>21</sup> This decision made earlier attempts at establishing a Turkish-Orthodox patriarchate for the Turkish-speaking inner Anatolian *Karamanlides* (a project that the Ankara government had pursued in order to keep them) redundant, and the *Karamanlides* were made part of the exchange.<sup>22</sup>

The convention on a mutual and compulsory exchange of populations between Greece and Turkey was signed in Lausanne on January 30, 1923. As part of the Lausanne treaty (signed six months later, on July 24, 1923) which replaced the abortive Treaty of Sèvres, (and thus officially ended World War I for Turkey), the convention only came into force by August 6, 1924, following the Lausanne treaty's ratification

20 See Yıldırım, *Diplomacy*, 26.

21 As a supranational institution, the patriarchate embodied the complete opposite of the Turkish nationalists' claim to full Muslim sovereignty over Turkey. Moreover, the patriarchate had officially severed its ties with the Ottoman state in March 1919 as a reaction to anti-Greek policies and to the Ottoman defeat in World War I. See Mango, *Atatürk*, 210.

22 As early as 1921, the Ankara government made attempts at separating the *Karamanlides* from the patriarchate in Constantinople by establishing a "Turkish Orthodox" faith with its own patriarch. See Ramazan Tosun, *Türk-Rum Nüfus Mübadelesi ve Kayseri'deki Rumlar* (Niğde, 1998); Yıldırım, *Diplomacy*, 48.

by a sufficient number of signatory powers.<sup>23</sup> Article 1 of the convention defines the groups subject to the exchange as “Turkish nationals of the Greek Orthodox religion established in Turkish territory, and of Greek nationals of the Moslem religion established in Greek territory.”<sup>24</sup> Apart from these, all “Greeks and Moslems” who had already left the respective territories since October 18, 1912 (i.e., the beginning of the First Balkan War) were made part of the exchange (Art. 3). In Greece, this second group was actually bigger than the first: a Greek census counted 847,000 Asia Minor refugees in April 1923, months before the official movement of people started.<sup>25</sup> It is much harder to come up with numbers for this group of early arrivals in Turkey: Scholars of Muslim forced migration have estimated that between 413,922 and 640,000 people migrated from Greek Macedonia and Thrace to Turkey between 1912 and 1914.<sup>26</sup> However, it would be misleading to simply add this number to that of “official” exchangees: The number includes eastern Thrace, which was re-taken by Ottoman troops in 1913 and later became a part of modern Turkey, as well as western Thrace, whose population was exempted from the population exchange. Many of those who were counted as immigrants between 1912 and 1914 are likely to have returned at some point, with those from Macedonia eventually migrating a second time in the course of the population exchange. Official statistics published in 1932 counted 499,000 people as exchangees, i.e., 140,000 more than those who immigrated to Turkey after the Lausanne convention was signed.<sup>27</sup> This

23 After Turkey, Greece, Italy and Japan, Great Britain had ratified the contract on July 16, 1924. Ladas, *Exchange*, 501.

24 “Convention Concerning the Exchange of Greek and Turkish Populations,” in *Crossing the Aegean: An Appraisal of the 1923 Compulsory Population Exchange between Greece and Turkey*, ed. Renée Hirschon, 281–7 (New York, Oxford: Berghahn, 2003), 281.

25 Ladas, *Exchange*, 633.

26 McCarthy, *Death*, 164, cited in Yıldırım, *Diplomacy*, 89.

27 *İskân tarihçesi* (Istanbul: Hamit, 1932), 137.

means that about one in five exchangees had already arrived during the Balkan Wars.

With respect to the exchangees' property, the convention stipulates that "immovable property, whether rural or urban, belonging to emigrants (...) shall be liquidated" by a mixed commission to be set up (Art. 11 and 12).<sup>28</sup> The agreement further states that "the emigrant shall in principle be entitled to receive in the country to which he emigrates, as representing the sums due to him, property of a value equal to and of the same nature as that which he has left behind."<sup>29</sup> This rule marks a remarkable difference to the Greco-Bulgarian exchange agreement of 1919, which stipulates that the owners of immobile property would be indemnified with money.<sup>30</sup> According to Article 13 of the Greco-Turkish convention, sub-commissions were to be set up and given the task of appraising and liquidating the property, providing the emigrants with documents stating the value of their property in gold currency. The property would then remain at the disposal of the respective government (Art. 14). Property that had already been left behind was to be appraised as well (Art. 10). At the end of the process, one government was supposed to pay the difference thus calculated to the other in cash (unless the values turned out to be equal) (Art. 14). This last stipulation was possibly the most problematic of all because it created a strong incentive for both governments to delay, and possibly sabotage, the appraisal of exchangeable property: the convention clearly stated that full appraisal was a precondition for the eventual calculation of all values involved.

What may have sounded simple to the ears of the Lausanne delegates was in fact nothing short of a complete, individual appraisal of the property of two million people, about half of whom had already been forced to leave. The work projected in these few sentences was not

28 "Convention", 284.

29 *Ibid.*, 285.

30 I have worked with the text of the 1919 convention published in Ladas, *Exchange*, 739–43.

only one of Herculean dimensions, it was also outlined in a rather general way, leaving more questions than answers: According to which rules would property be appraised? How would pre-war values be compared to post-war ones? How would the compensation process work? These questions were left to the hands of the Mixed Commission, which was, in Article 11, given “full power to take the measures necessitated by the execution of the present Convention and to decide all questions to which this Convention may give rise.” The same article states explicitly that the Commission “shall settle the methods to be followed as regards the emigration and liquidation mentioned above.”<sup>31</sup> Along with the convention, a declaration (known as Declaration No. IX) was signed, concerning the property of people who were not subject to the exchange, either because they already held the citizenship of the respective other country (Greek citizens residing in Turkey, Ottoman citizens residing in Greece) or because they had emigrated prior to the beginning of the first Balkan War. This last rule was especially relevant for Muslim absentee landowners who had left Macedonia in 1911, when the province had been ceded to Greece, and whose property had been confiscated in 1922 (for refugee settlement). According to declaration No. IX, both groups could (even in absentia) either reclaim their property or have it included in the exchange.<sup>32</sup> The follow-up negotiations in the Mixed Commission overwhelmingly dealt with the appraisal of this class of property, which concerned much fewer people than those included in the exchange proper. In Turkey, this group came to be known as “non-exchangees” (*gayrimübadil*).

## 4.2 The Mixed Commission and follow-up negotiations

In accordance with Article 11 of the convention, the Mixed Commission was staffed with four members each from Turkey and Greece,

31 “Convention”, 284–85.

32 Ladas, *Exchange*, 467.



plus three members from neutral countries.<sup>33</sup> It officially took up work on September 17, 1923, holding a first meeting in Athens on October 8.<sup>34</sup> Upon insistence of the Turkish side, its headquarters were moved to Istanbul in June 1924, where they remained until the commission's dissolution in 1934.<sup>35</sup>

The work of the Mixed Commission with respect to the appraisal and liquidation of exchangeable property has been judged as an almost complete failure. What happened in both countries had very little if nothing to do with what the convention had prescribed.<sup>36</sup> There is, however, some evidence that the commission initially, and by the judgment of some scholars, naïvely, tried to fulfill its obligations in that field. Article 13, which stipulated that exchangeable property would be appraised and liquidated by local sub-commissions, was partly fulfilled: The Mixed Commission (henceforth: MC) set up sub-commissions in the cities and towns of Thessaly and Macedonia, which proceeded to draw up inventories of exchangeable assets prior to their owner's departure. Copies of these documents were given to the exchangees, who were supposed to bring them to Turkey in order to be indemnified there. These documents were known in Turkey as "application for property liquidation" (*tasfiye talepname*) or simply as "declaration/statement" (*beyanname*). According to a first generation exchangee, they were often filled in by the emigrants themselves.<sup>37</sup> Tevfik Rüştü Bey, the chairman of the Turkish delegation at the MC,

33 The original members included Jean Papas, Alexander Pallis, Antonio Calvo-coressi, P. Canaginis for Greece, Tevfik Rüşdü, Hamid Bey [a typo: Hamdi Bey], Ihsan Bey, and Senieddin Bey. The neutral members were Erik Einar Ekstrand, of the Ministry of Foreign Affairs of Sweden, Don Manuel Manrique de Lara, a Spanish general, and Karl Marius Widding, a Danish diplomat. *Ibid.*, 354.

34 Yıldırım, *Diplomacy*, 158.

35 *Ibid.*, 164.

36 Yıldırım, *Diplomacy*, 176; Ladas, *Exchange*, 460.

37 Tesal, "Azınlıkların": 50. The article published in 1988 by his son was an abridged version of a memorandum Tesal had written in 1924. It contains a picture of Tesal's own liquidation document (*tasfiye talepnamesi*), which was drawn up by the sub-commission in Salonica.

made a similar declaration.<sup>38</sup> An internal memo of the settlement office, however, does not repeat this accusation. It simply states that those *beyannames* issued in the province of Salonica would be subject to special scrutiny because they had been issued by the Greek government.<sup>39</sup> The document does not give a reason for this distrust of Greek institutions, (there may have been practical or ideological reasons). What is clear, however, is that documents issued by Ottoman authorities (often dating back as far as the 1860s) were regularly accepted.

In 1923, a special section of the MC was set up in order to study possible appraisal schemes.<sup>40</sup> One major problem was the comparison and calculation of pre-war against post-war values. According to the report of a first-generation exchangee (*mübadil*), this bureau suggested that present values of property should be estimated as 3.5–4 times those recorded in pre-war documents.<sup>41</sup> In the summer of 1924, several sub-commissions were sent to cities in Greece and Turkey in order to study the possibilities for an appraisal of exchangeable property.<sup>42</sup> It was probably in the course of these investigations that a sub-commission declared its intention to start working in the land registrar's office in Istanbul, which reportedly held the Ottoman land records for Anatolia and Macedonia.<sup>43</sup> In 1925, an agreement was reached on some general principles for property appraisal and a respective report, which also recorded the diverging views of the Greek and Turkish delegations, was submitted to the central MC. This report argued against individual appraisal, instead suggesting lump appraisals by district. The Greek and Turkish delegations all but ig-

38 *Seda-yi Hakk*, February 6, 1924. Cited in Arı, *Büyük*, 74.

39 CA 272...13.79.03.06. 8 July 1926.

40 Ladas, *Exchange*, 366; Yıldırım, *Diplomacy*, 160.

41 Tesal, "Azınlıkların": 50.

42 Ladas, *Exchange*, 461.

43 *İleri*, July 27, 1340 (1924), cited in Ercan Çelebi, "Mübadillerin Yunanistandaki Mal Kayıtları ve Muhtelit Mübadele Komisyonu Tasfiye Talepnameleri," *Çağdaş Türkiye Tarihi Araştırmaları Dergisi* 12 (2006): 43.

nored the report.<sup>44</sup> This information supports Onur Yıldırım's statement that neither side was interested in an individual appraisal scheme: According to him, the Greek government did not wish to be disturbed in its ongoing land reform and refugee settlement in Macedonia, while the Turkish side simply insisted that the total value of Muslim property in Greece had been higher than that of Greek property in Turkey. Yıldırım seems to insinuate that the Turkish government did not wish to risk an appraisal that might have proved this contention wrong – and thus would have forced Turkey to pay.<sup>45</sup>

Anxiety over possible payments aside – on a much more basic and practical level, the idea to appraise property after it had been taken over by new owners (be they governments or individual owners) would probably only have worked in times of peace. A contemporary observer noted that “the scheme would only work at a time when it is improbable that anyone would think of putting it into practice.”<sup>46</sup> It is likely that the mutual disinterest of both governments in a detailed appraisal is related to their domestic concerns about possible compensation claims and on an inherent contradiction between their national and international interests in this respect: on the international level, a high, but general value of the property in the respective other country was desirable, as it would potentially force the other side to pay. On the national level, i.e., when it came to domestic compensation policies, reliable data on individual values for abandoned property would have translated into hardly dismissible financial claims of refugees, and was hence not desirable for the respective government.

44 Ladas, *Exchange*, 462.

45 Yıldırım, *Diplomacy*, 163.

46 C.B Eddy, *Greece and the Greek Refugees* (London: Allen and Unwin, 1931), 228, cited in Michael Barutciski, “Lausanne Revisited: Population Exchanges in International Law and Policy,” in *Crossing the Aegean: An Appraisal of the 1923 Compulsory Population Exchange between Greece and Turkey*, ed. Renée Hirschon, 23–38 (New York, Oxford: Berghahn, 2003), 33.

The most serious attempt at a comprehensive property appraisal was made after the Agreement of Athens in 1926. This document solely dealt with non-exchangeable property, which included many big estates in Macedonia and Epirus. Their owners were absentee landlords, “most of them pashas of the Hamidian regime or their heirs” who had left Greece prior to the Balkan Wars.<sup>47</sup> In 1927–28, a total of twelve appraisal committees was set up by the MC. Until June 1928, only some of these actually worked, and those who did were proceeding painfully slowly. Out of the 14,000 Greek and 1500 Turkish claims that had been filed, only 1000 cases were processed. Progress was especially slow in Turkey, where a greater number of small estates had to be appraised.<sup>48</sup> The Greek and Turkish experts on the appraisal committees often disagreed.<sup>49</sup>

The Ankara Agreement of 1930 officially ended the exchange of populations (at least on the international level) and settled all pending questions between the two states. Possibly as a result of the largely unsuccessful experience with non-exchangeable property, the idea of appraisal was given up altogether, and the property rights of exchangers were transferred to the government in which their assets were located. (According to the exchange convention, they would only have been transferred after the completion of the appraisal). Greece agreed to pay half a million pound sterling to Turkey (which had, however, already been paid in connection to the 1926 agreement, and were supposed to be used for the indemnification of non-exchangeable people).<sup>50</sup>

47 R.C. Lindsay to Chamberlain, June 22, 1926, FO 371/11548/E 3931.

48 Ladas, *Exchange*, 462.

49 In Turkey, properties with a total value of 751,439 £ (sterling) were recorded as undisputed appraisals, while 72,439 £ were recorded as disputed. In Greece, the experts disagreed in almost half the cases: 421,636 £ of undisputed and 398,160 £ of disputed value were recorded. *Ibid.*, 526.

50 See League of Nations Treaty Series, “Greece and Turkey—Convention regarding the Final Settlement of the Questions resulting from the Application of the Treaty of Lausanne and of the Agreement of Athens relating to the Exchange of Popula-

If the property rights of exchangees were only transferred to the governments of Greece and Turkey in 1930, *they must have remained with the actual owners up to that point*. We do, however, know that both governments started to distribute abandoned property as early as 1924. Surprisingly, this point seems not to have occurred to any scholar of the exchange so far, and the development of the relevant laws issued between 1924 and 1930 has been ignored. Given the fact that abandoned property in Turkey was already seized, auctioned and sold by abandoned property commissions during World War I and the War of Independence, the question of legal ownership to abandoned property admittedly was a rather theoretical one already before the population exchange was negotiated. As mentioned in Chapter Two, Turkish legislation made it possible to liquidate the property of the deported in 1915 and introduced the fiction of “custodian” care for abandoned property after 1921, thus ignoring the ownership rights of actual owners.

For those people who *received* property before 1930, however, the question of continued ownership to abandoned property must have been a highly relevant one. If Turkey did not own the property in question, how could it possibly start to distribute it? (For the years 1923–30, the question would be equally relevant for Greece). What was the legal status of people who received property that continued to be legally owned by someone else? As we shall see, Turkish legislators did indeed not grant full property rights to the exchangees and only gradually introduced full ownership rights to exchangeable *Rum* property.

### 4.3 Preparations in Turkey, 1923-1924

According to article 18 of the Lausanne convention, both governments were supposed to change their national laws “with a view to

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tions. Signed at Ankara, June 10, 1930 [1930] LNTSer 277; 108 LNTS 233,” <http://www.worldlii.org/int/other/LNTSer/1930/277.html> (accessed January 12, 2013).

ensuring the execution” of the exchange. Ankara was not only remarkably slow in doing so, but at first ignored this rule. In April 1923, two months after the convention had been signed in Lausanne, the National Assembly (TBMM) passed a law (No. 333) that made the property of those (mostly Greek) people who had in the meantime “disappeared,” “fled”, migrated to Istanbul, to occupied areas or to foreign countries subject to the liquidation law of 1915, which had been issued during the Armenian Genocide.<sup>51</sup> At this point the Lausanne peace treaty had not been signed and the exchange convention had therefore not yet come into force.<sup>52</sup> According to the exchange convention, these people’s property rights were supposed to be liquidated under supervision of the Mixed Commission (which did not yet exist in April 1923). Instead, according to law number 333, they were to be liquidated by the Turkish abandoned property commissions and the sums obtained were to be put in custodian accounts (Art. 2). Article 9 of the original law of 1915, which had stated that some classes of abandoned property may be used for distribution among refugees, was annulled (Art. 5). The exchange was hardly ever mentioned during the debate on the bill, and those deputies who did mention it were quickly silenced. The importance of abandoned property for the settlement of hundreds of thousands of refugees had either not sunk in yet or was regarded as unimportant.<sup>53</sup>

This only changed towards the summer. In August 1923, the Istanbul-based newspaper *İleri* reported in detail on the stipulations of the

51 The liquidation law of 1915 is discussed in chapter 1.6.4.

52 Ahar Mahallere Nakledilen Eşhasın Emval ve Düyûn ve Matlûbat-ı Metrûkesi Hakkındaki 17 Zilkade 1333 ve 13 Eylül 1331 Tarihli Kanunu Muvakkatin Bazı Mevaddi ile 20 Nisan 1338 Tarihli Emval-i Metrûke Kanununu Muaddil Kanun, No. 333, 15.04.1339/1923. For the full text of the law, see Kardeş, “Tehcir”, 101–4, also <http://www.mevzuat.gov.tr/MevzuatMetin/1.3.333.pdf> (accessed July 21, 2016).

53 TBMM April 15, 1923:

<http://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d01/c029/tbmm01029025.pdf>, 173 (accessed September 2, 2016).

Lausanne convention and the efforts of the Greek government at setting up local commissions in major cities.<sup>54</sup> It presented the upcoming exchange as a matter of exceptional importance and urgency for which Turkey seemed ill-prepared. *İleri* pictured the exchangees as yet another group of hungry, desperate refugees who would have to be kept alive.<sup>55</sup> An İzmir-based paper, on the other hand, warned that exchangees, unlike previous immigrants, would “not ask for charity, but claim their rights, and do so with force, leaving us no way to refuse.”<sup>56</sup> It thus depicted them as a threat to the economic interests of the existing population.

On July 17, 1923, the Turkish council of ministers issued a regulation (*talimatname*) with first instructions for the implementation of the exchange – which, however, were limited to questions of linguistic and cultural assimilation. The settlement authorities were to see to it that no more than 20 percent of the people settled in a town or village spoke a “foreign language, practice[d] strange customs or belong[ed] to another race.”<sup>57</sup> In an annex to the regulation, exchangees were

54 Cited in Cahide Z. Aghatabay, *Mübadelenin Mazlum Misafirleri. Mübadele ve Kamuoyu 1923-1930* (Istanbul: Bengi, 2007), 85.

55 “Yunanistan kendi muhacirleri için oradaki Türklerin mallarını ve mülklerini müsadere etti, komisyonlarını, memurlarını tayin etti ve işe başladı. Cemiyet-i Akvam vasıtasıyla büyük bir borç anlaşması yaptı. Biz ise henüz yeni gözlerimizi açtık. Ciddi ve acil bir surette harekete geçip kaybolan vakti kazanalım. Çünkü artık idaresizlikten, sefaletten ve kırtasiyecilik yüzünden feda edecek nüfusumuz yoktur. Bir nüfus, bir insan, bir Türk ve İslam en kıymetli sermayemizdir, kuvvetimizdir, ümidimizdir. Bunun için herşeyden evvel gelecek muhacirlerimizi yaşatmağa, mesut etmeğe bakmalıyız.” Subhi Nuri, “Mübadelenin Tatbikinde Bazı Meseleler” in: *İleri*, August 8, 1923. Cited in: Aghatabay, *Mübadelenin*, 89.

56 “Onlar merhamet-i umumiye, muavenet, lütuftan ziyade bir ‘hak’ka istinat edecekler ve bizden isteyeceklerini bu gayri kabil-i inkâr kuvvetle isteyecekler.” Dramalızade C.T. in *Türk Sesi*, August 1, 1339 (1923), cited in: Zeki Arkan, *İzmir Basımından Seçmeler (1923-1938): II. Cilt - II. Kitap*, Kent kitaplığı dizisi 58 (İzmir: İzmir Büyükşehir Belediyesi Kültür Yayınları, 2008), 83.

57 “Bir Türk kasaba veya köyünde lisan ve adeti başka diğer bir ırka mensup muhacirinin miktarı yüzde yirmiyi asla tecavüz etmeyecektir.” Ahali Mübadelesi

loosely categorized as ‘tobacconists’ (*tütüncü*), grape/olive-growers (*bağcı/zeytinçi*) and ‘agriculturalists’ (*çiftçi*, i.e. people growing food-stuffs, especially grain) and assigned to settlement regions with matching climates. For İzmir, Manisa, Menteşe and Denizli, the scheme anticipated the settlement of 4,000 “tobacconists”, 20,000 “agriculturalists”, and 40,000 “grape/olive-growers.”<sup>58</sup> Occupational differences such as those between (absentee) landowners, sharecroppers, subsistence farmers, but also people engaged in the production, manufacture and sale of these crops were ignored, as were those between rural and urban populations.<sup>59</sup> The lack of precision in this plan met with severe criticism, especially in İzmir, where a “society for settlement and assistance” (*iskan ve teaviün cemiyeti*) published a detailed alternative settlement scheme that contained a distinction between urban and rural populations, as well as broad occupational groups such as producers and traders.<sup>60</sup> Abandoned property, however, was still not perceived as a problem connected to the exchange. The first law that linked both issues was the law establishing a special Ministry for the [population] Exchange, Reconstruction and Settlement (*mübadele, imar ve iskan vekaleti*), which was issued in October 1923.<sup>61</sup> The ministry was put in charge of settling not only the exchangees coming from Greece, but all refugees who had arrived since 1912, everybody who would be recognized as such in the future, as well as those who had lost their homes during the war. However, only exchangee (*mübadil*) refugees were declared eligible for temporary shelter and food supply upon their arrival in Turkey. According to §8 of the relevant law, the ministry was empowered to demand, “in case of need, all abandoned property” in order to assign and hand it over

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Hakkında Talimatname, 17 Temmuz/July 1339 (1923), cited in: Yıldırım, *Diplomacy*, 268.

58 This iskan cetveli can be found in *İskan Tarihçesi*, 18. It is also cited in Yıldırım, *Diplomacy*, 141.

59 Ibid., 140.

60 Ibid., 142–43.

61 For a detailed discussion of the ministry’s establishment, see Arı, *Büyük*, 22–24.



(*tahsis ve tefviz*) to external and internal refugees and people who were in need. The ministry was allowed to clear out abandoned property that was currently rented out or occupied by third parties.<sup>62</sup> This was a major shift in priorities, which, at least in theory, marked the settling of new refugees as a priority over the housing needs of the existing population. The law further stated that if rents should not be paid as a result of evictions, the Ministry of Finance was to appraise the loss and balance it out of the custodian accounts.<sup>63</sup> This provision shows that legislators anticipated conflicts between financial and settlement authorities over the use of abandoned property, and, in order to appease them, chose to make the absent owners pay rents for their own property, out of the custodian accounts that were supposedly kept in their name. The stipulation also suggests that rents had not been paid to the custodian accounts, but to the Ministry of Finance.

As we shall see, it did indeed not take long for such arguments between financial and settlement authorities to arise. The post of Exchange Minister was offered to three candidates, all of whom declined the enormously difficult job.<sup>64</sup> Eventually, Mustafa Necati (Uğural), a deputy for İzmir who had served on the Independence Tribunals of Sivas and Kastamonu in 1921 and 1922, could be persuaded to accept. Four and a half months later, the post was taken over by the later prime minister and president Celal Bayar (March to July 1924), who was followed by Refet (Canitez) (July 1924 to November 1925). The overall performance of the ministry was a popular target of criticism in the Turkish press throughout this period.<sup>65</sup> In October 1924, it became the subject of a general debate that took almost two weeks.<sup>66</sup>

62 Mübadele, İmar ve İskan Kanunu No. 368, 8 Teşrinisani/November 1339/1923, *Düstur*, 3. Tertip: Cild 5 (Istanbul, 1931), 407–8.

63 “İşbu tahlıyeden feshi icar suretiyle mutazarrır olanlar bulunduğu surette Maliye vekâleti takdir olunacak zararı vâkı mahakime müracaata hacet kalmaksızın emvali mezkûrenin hesabı carisinden tesviye edecektir.” Ibid.

64 Henderson to Curzon, October 23, 1923, FO 371/9132/E 10557.

65 For examples of such reports, see Aghatabay, *Mübadele*; Arı, *Büyük*.

66 For a good overview of the debate, see Aktar, “Homogenising”.

A foreign observer later commented that Prime Minister İsmet Paşa had “diverted the opposition from a series of attacks piecemeal against certain of the more unpopular ministries.”<sup>67</sup> As a result of this criticism, the ministry was abolished and its work taken over by the re-established directorate for settlement affairs (*iskan müdürlüğü*) at the Ministry of the Interior in late 1925. Most of the administrative documents that are discussed in Chapter Five were handled by or written at this directorate.

The establishment of the Exchange Ministry and its endowment with far-reaching competences marked a major shift in priorities. The law regulating its functions did not yet contain specific regulations for the compensation of refugees, but such rules, and the significance of the exchange convention, now started to be discussed. During the debate on the exchange law (which outlined the tasks of his ministry), Exchange Minister Mustafa Necati Bey welcomed the idea of compensation for exchangees, expressing his hope that they would be better off than previous refugees, who “depended on government support for all eternity.”<sup>68</sup> This idea of a new, privileged class of immigrants was strongly opposed in parliament. 18 deputies from the eastern Anatolian provinces proposed an additional paragraph to the law. According to their draft, people whose property had been destroyed by the enemy, by the hands of rebels or in the course of government measures would be compensated out of what was left after the distribution to exchangees was completed. They demanded that these people be compensated in the same way as exchangees.<sup>69</sup> The Minister of Fi-

67 Maxwell H. H. Macartney, “The New Opposition in Turkey,” *The Fortnightly Review*, no. 117 (1925): 786, cited in Yıldırım, *Diplomacy*, 173.

68 “Memleketimizde böyle ilebet işe olunur bir muhacirin sınıfı ihdas olunmuştur.” TBMM November 1, 1923, [http://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d02/c003/tbmm0200304\\_6.pdf](http://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d02/c003/tbmm0200304_6.pdf), 172.

69 TBMM November 8, 1923, [http://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d02/c003/tbmm0200305\\_0.pdf](http://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d02/c003/tbmm0200305_0.pdf), 304 (accessed September 2, 2016).

nance, Hasan Fehmi Bey<sup>70</sup>, dismissed this suggestion with reference to the exchange convention and the eventual balancing of accounts between Greece and Turkey:

You seem to assume that the government will get this abandoned property for free? The government will be charged for it, and the total sum will be calculated. The government ending up with more will be in debt to the other. So, the Treasury doesn't get [the property] for free at all, but [you demand] it to give it away for free.<sup>71</sup>

It is not clear whether this statement was merely intended to silence the deputies' demand, or an expression of serious concern over the possibility that Turkey might eventually have to pay. The minutes, however, show that the deputies indeed refrained from demanding *Rum* property, and from this point on, only demanded Armenian abandoned property, which, they argued, was not subject to the population exchange (and mainly located in eastern Anatolia). The Minister of Finance first tried to reject this demand, claiming that there was "no such abandoned property". The draft article was sent to the parliamentary commission for financial affairs, from where it reappeared as a separate bill for the compensation of local populations in April 1924.

The debate of the exchange law in November 1923 marks the renewed distinction between Armenian and Greek property (which had already been made during World War I, but not during the War of Independence). Property distribution was now no longer discussed as a means

70 Hasan Fehmi Bey had chaired the last and most important sessions in which the abandoned property law of 1922 was debated and eventually passed. See chapters 2.7. and 2.8. He became Minister of Finance days after that debate and reported on the state of abandoned property in Izmir later; see chapter 3.3.

71 "Zannolunur ki, bu bakaya emvali metruke Hükümete bedava kalacaktır? Hükümet bunlar için borçlanacaktır ve yekûn itibariyle mahsup muamelesi yapılacak. Hangi tarafta fazlalık kalırsa Hükümetler yekdiğerine karşı borçlanmış bulunacaklardır. Binaenaleyh Hazine bunu bedava almyıyacak ki, bedava versin." TBMM November 8, 1923, 304.

of relief, but of compensation. Many deputies clearly understood that the economic interests of exchangees would be at odds with those of the existing Muslim population and eagerly sought to secure the same privileges for the existing population. Such concerns appear to have been particularly strong in İzmir and the surrounding area: A petition submitted by three deputies (who declared to be voicing numerous complaints from their electoral districts in western Anatolia) in April 1924 went so far as to suggest that İzmir be exempt from exchangee settlement altogether. They pointed out that “if the houses in which everybody lives today” were “cleared in order to settle refugees, a second caravan of refugees numbering just as many people” would “be the result.” They argued that, rather than be evicted, the current inhabitants should be allowed to stay.<sup>72</sup> Moreover, the deputies explained that the population of İzmir, which had already been suffering from a housing crisis, soaring rents and falling wages since the Balkan Wars, was now at a point where it could not take any more and started to be impatient with the government, which was doing nothing for them. Reminding the government of its duty to help the population and make laws accordingly, they indirectly suggested the possibility of open protest.<sup>73</sup>

#### 4.4 Squatting and resistance to exchangee settlement

Illegal occupation of abandoned houses and fields was widespread long before the exchangees’ arrival in İzmir. Prior to 1924, however, it was perceived as a somewhat different problem than later, because it challenged financial interests of the state rather than refugee settlement. Local abandoned property commissions had to locate and regis-

72 “İzmir’de herkesin elyevm ikâmet ettikleri hânelerin tahliyesi cihetine gidildiği takdirde İzmir’e gelecek muhâcir kadar ikinci bir kâfile-yi muhâcirin peydâ olması aşkârîye şürette görülmektedir.” CA 130.10...06.37.19 (March 24, 1924).

73 “İzmir’de kirânın arttığı ve ma’âşiyetini daraldığı ve temla? -i işârîni ... şiddetiyle hüküm sürmesinden kimsede kudret-i taḥammülüye kalmadığı ve hükümeti cumhûriyetini bu halka (...) siyânelerini uzatmadıkça (...)” Ibid.

ter houses, land and movable property before they could go about their task to auction them off, and their work was viewed with suspicion by the local population. İzmir's newspapers vividly discussed "unnecessary occupation" (*fuzuli işgal*) in 1922 and 1923, often criticizing (but never naming) people who had seized houses in order to enrich themselves.<sup>74</sup> Taking sides with more destitute occupants of abandoned property, these texts also challenged the work of the abandoned property commissions. The local paper *Ahenk* reported in November 1922 that a group of refugees who were living in the neighborhood of Tepecik<sup>75</sup> in the Jewish quarter had complained about attempts at registering their houses as abandoned property. The reporter argued that the local councils of elders (*heyet-i ihtiyariye*) and the quarter headmen (*muhtar*) ought to be included in the process in order to prevent individual officials from taking arbitrary decisions: "No official should make inspections without a couple of local people being present."<sup>76</sup> In a similar manner, the newspaper claimed that abandoned property commissions, out of sheer ignorance of local conditions, were unable to distinguish between legitimate residents and squatters.<sup>77</sup> Squatting clearly was a problem of governance, and the handling of it mirrored the state's grip on society, which initially was rather weak. Over time, however, it was slowly tightened: In January 1923, the central government issued a regulation that allowed illegal occupants of abandoned property to legalize their status by paying rent. Only empty houses would be put on auction.<sup>78</sup> This step

74 See Arı, "Yunan."

75 Present-day Yenişehir.

76 "Me'mûrîn a'idesi şübhelediği yerlerde tahriyat-ı icrâsında haklıdır. Ancak bu gibi tahriyatın uşul ve nizâmı dairesinde ifâsı lâzım gelir. Mağalle muhtar ve heyet-i ihtiyarisiniñdir. Bir kaç kişi bulunmadıkça hiç bir me'mûr şübhelediği bir hânede hodbeyod tahriyat-ı icrâ edemez ve mağalle halkının emvâl-ı metrukeden olduğuna şehâdet etmediği ufağ tefek eşyâyı da alamaz." "Havadis-i Vilayet," in: *Ahenk*, November 11, 1922.

77 *Ahenk*, March 19, 1923, cited in Arı, "Yunan."

78 Yıldırım, *Diplomacy*, 242.

can be read both as an acknowledgment of the government's inability to evict every single squatter and as a step towards tighter state control. In a nutshell, it was a truce – a truce that was called into question once the first exchangees appeared on the scene, but nevertheless reverberated in many subsequent claims of local people.

Despite the fact that the city was already affected by a severe housing crisis, İzmir (along with the surrounding province) was designated for settlement of 50,000 exchangees in the summer of 1923.<sup>79</sup> The authorities in İzmir now once again made plans for evictions, thus canceling the previous decision to let illegal occupants stay (which had only been taken in January 1923). This time, the forceful removal of inhabitants was no longer discussed as a prerequisite for auctions, but as a means of making room for the exchangees. In contrast to the earlier debate, criticism was now voiced less openly: Most articles no longer blamed the authorities for their plans, but for their failure to fulfill them. A reader of *Ahenk* remarked in October 1923 that a subsequent order for the eviction of all illegal occupants had almost no effect and suggested that this failure was due to corruption.<sup>80</sup> Even if they were relatively unsuccessful, it seems that government regulations were taken seriously, causing people to fear the worst: *Ahenk* reported on November 23 on “information” (*istihbarat*) according to which all illegal occupants would soon be evicted in order to settle the exchangees. Moreover, those houses that were not inhabited illegally, i.e. by “officials, policemen, refugees, and others who have government permission for staying there”, would still be inspected for their capacity to house even more people, every two current inhabitants would be entitled to share one room. All remaining rooms in houses would be used to accommodate exchangees.<sup>81</sup> Several exchangee peti-

79 Yıldırım, *Diplomacy*, 149.

80 Emin Ali, a combination of two very common names, literally means “trustworthy elevated”. This might be a veiled hint at a case of corruption that was too well known to require further explanation. *Ahenk*, October 14, 1923.

81 “Aynı zamanda fuzûli işgâl olmayıp memûrin, zâbitân, muhâcirin vesaire gibi hükümetçe ikâmetlerine müsâade edilmiş olan evleriñ de ne miqdâr muhâcir isti-

tions submitted over the following years indeed suggest that the authorities eventually forced families to share houses with other families. Houses occupied by state officials were an especially delicate problem. As the Minister of Education İsmail Safa Bey himself pointed out in a petition that he sent from İzmir to the Prime Minister, the officials needed those houses in order to be able to do their job, because the housing crisis, combined with their low salaries, made it impossible for them to find any other affordable places to stay.<sup>82</sup> The Prime Ministry simply forward the petition to the Minister for the Exchange, who, however, pointed out that the refugees' legal right to settlement left no other option but to evict officials as well.<sup>83</sup> The problem persisted: Exchange Minister Mustafa Necati complained in March 1924 that many refugees in the towns and villages of Turkey were still dwelling in mosques, while gendarmes, higher and lower state officials whose eviction he had repeatedly asked for before, continued to occupy abandoned houses.<sup>84</sup> Necati's staff depended on the coopera-

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aab edebileceği tesbit olunacaktır. İlaveten istihbârâtımıza göre her eviñ bir odası teneffüs için tefrik olunduktan sonra diğerk odaların her biri iki nüfusunñ (...) kâfi add olunacak ve bir tedbir-i ihtiyâtı olan bu suretten izdihâm (?) ve tekâlîf vuku'unda muhâcirinin istifâdesi temin edilecektir." *Ahenk*, November 23, 1923.

82 İzmir'de Maarif Vekili İsmail Safa, petition to the prime ministry CA 130.10...123.876.15, (December 15, 1923), 3. It is noteworthy that he wrote not from Ankara, but from İzmir. He might either have been on a tour of inspection or have been illegally occupying an abandoned building himself (or both). In this respect, it is interesting to note that he had been Minister of the Interior in 1922, a post that would have made it easy for him to seize a house for himself.

83 Ibid., 1.

84 "Kaşabalardaki emvâl-i metrûkeye a'id hânelerini meşğul bulunmasından dolayı mübâdele şüretiyle gelmekte olan muhâcirlerden bir çoğunda iskân edilmeyerek cami'i köşelerinde intizâr edilmekte bulunmasında ve başta rü'esâ-yi me'mürin-i mülkiye olduğu hâlde me'mürin ve zâbıtan ile polis ve jandarmanın emvâl-i metrûke hânelerinde iğâmetleri fuzûli işğallara karşı kaç'ıyyetle hareketlerine icrâ-yi te'sir etmekte olmasına binâ'en me'müriniñ iskânları altındaki hâneleri derhâl tahliye işleri ve aksi hâlinde bulunacaklar hakkında (...) dahîliye vekâletine yazılmıştı." Mustafa Necati to Prime Ministry, March 19, 1924, CA 130.10.140.01.17.

tion of local law enforcement authorities, who seem to have been more than reluctant to help: the gendarmerie and police were not willing to evict themselves.

It is likely that the houses and fields given to many exchangees via *tefviz* (preliminary distribution)<sup>85</sup> were exactly the ones they had received in the very first, rather chaotic distribution process. Those documents available to me, however, were produced whenever problems arose and only cover the first years of *tefviz*, i.e. 1925 to 1928. They were sent either from those neighborhoods and suburbs of İzmir that had been spared from the fire (most prominently from Karataş and Karşıyaka or from surrounding towns such as Urla and Söke). This considerable number of cases from surrounding areas may be explained by the fact that the majority of inhabitable abandoned houses were located outside of the city proper. But there was also another reason: it was exactly in these years that the authorities started to actually govern the places outside of İzmir proper, including villages such as Buca, Bornova and the suburb Karşıyaka, which were not yet part of the İzmir municipality. Illegal occupation of abandoned property was a massive challenge of the settlement policies during these early years. The administration, which had been able to draw up inventories of the abandoned property during or shortly after the re-conquest of the area, had completely lost track of the situation by 1925. As a settlement official pointed out in a report dated August 6, 1925, the existing inventories of Greek and Armenian abandoned property had for various reasons “not been kept up to date, leading up to a situation in which the current condition of houses, as well as the identity of their occupants” were unknown.<sup>86</sup> The report states that a completely new inventory of the approximately 10,000 abandoned

85 This legal term and its implications are discussed in more depth later on.

86 “Taşfiye komisyonlarının defâterde tesbit edilen Rüm ve Ermeni emvâl-ı metrukelerini (...) bugün ne vaz’iyette buldukları ve kimler tarafından ne şüretle meşgûl oldukları avâret-i inzibâtı birçok avâmil taht-ı (te...inde) mechûl olmuştur. Bu mechûlât devran-ı (...) devâm etmektedir.” CA 272...10.02.14.01 (August 6, 1925).



dwellings, as well as fruit orchards, gardens, vineyards and olive groves in the city of İzmir was necessary. The surrounding countryside needed to be partitioned into five districts (probably following the scheme already applied in the city), and it was necessary to appoint “reasonable” and “serious” financial officials or gendarmes, “capable of establishing law and order” in each of these districts, where they would collaborate with the “refugee assistance committees.”<sup>87</sup> It needed to be made clear that anyone providing incorrect information would be subject to criminal charges and that any new attempt at illegal squatting would be followed by immediate eviction. Anyone who neither had a right to settlement (*hakk-ı iskan*) nor resident status (*mahal meriyeti*) would be evicted, and the respective house would be handed over to those who were entitled to it. Whatever exceeded those rights would be given to the Treasury in order to be sold. Following the eviction of a house, it would be sealed by the officials. Anyone who broke the seals and invaded the house needed to be reported by local people or the council of elders to the nearest gendarmerie station. After that, they would immediately be thrown “out on the street” (*derhal sokağa atılmakla beraber*), and directly afterwards punished according to the law (*haklarında kanuni ceza müteakib olunmalı*). Those who occupied houses that had not yet been registered as abandoned property would be required to pay rent. The report closes with a time plan (two months) and a scheme for the payment of the officials.

The document reads less like a plan and more like a description of popular squatting practices. By mentioning both insufficient registers and the necessity of immediate punishment, (lest people would not take orders seriously), the report hints at the interdependence of knowledge and power, and the miserable condition of an administration that lacked both. Indeed, the few available documents suggest

87 “(B)ulundukları mıntıkanın zâbıta ve mâliye me’mûrlarından mu’avenet ve (...) ile çalışmak üzere aklıbaşında ve bu bâbda qavânin ve avâmiri ve (mâ’menetde?) cem’ edebilecek kabiliyeti muktedir ciddi bir tesbit me’mûru te’mîn edilmeli.” Ibid.

that it took years, rather than months, for the settlement agencies to gather the relevant information. A co-ed written in 1929 describes the situation between 1925 and 1927 as follows:

A great part of the abandoned property is located here [in Buca, Bornova and Karşıyaka]. When it was first recorded, nobody objected, and because of that it was occupied by people on a great scale. At that time, many houses, and in fact all houses were ownerless. The *tefviz* and *temlik* procedures had not really started yet, and the abandoned property commission didn't really care. But when estimates started to take shape, the *tefviz* and *temlik* procedures were started, triggering a flood of petitions. People who were allocated property in Karşıyaka, Bornova and Buca put great hopes in the procedure – in vain, as it turned out.<sup>88</sup>

Abandoned property had been registered shortly after the end of the war in 1922 or 1923, but it had not been controlled by the administration, which preferred to turn a blind eye to widespread practices of unauthorized appropriation. The text suggests that the allocation of property, which started several years later, was in many cases a rather toothless administrative procedure, performed by authorities that were not in control of the property in question because the local population did not obey their orders. A government unable to provide refugees with housing (which they were legally entitled to) certainly faced a severe loss of credibility, and thus, legitimacy. But apart from that, the allocation of property was much more than just a service provided to refugees: if performed successfully, it had the potential to provide the state with reliable data on the identity of property owners

88 “Halbuki metruk mallardan mühim bir kısmı buradadır ve ilk tahrirde hiçbir taraftan itiraz görmediği için adam akıllı bunlar yüklenmiştir. O zaman birçok evler vehatta bütün evler sahipsizdi. Tefviz ve temlik muamelesi henüz yerinde sayıyordu. Metruk mallar müdürlüğü aldırış bile etmedi. Tahminler kat'i mahiyet aldıktan sonra vakta ki temlikler, tefvizler başladı, arkasından da istida tufanı başladı. Karşıyaka, Buca ve Bornova köylerinde ev temellük ve tefevvüz edenler bu son tadile bel bağlamışlardı, ümitleri boşuna çıktı.” Zeynel Besim: “İzmir küldür,” *Hizmet*, 29 Teşrinisani/November 1929, in: Ankan, *İzmir*, 445.

and the value of the property in question and thus with the two sets of data indispensable for property taxation, which, in the absence of an income tax, was the most important tax in urban areas. It is therefore no coincidence that four different administrations (tax, agriculture, land/property registers, settlement) eventually cooperated in the allocation process.

## 4.5 Transport and settlement

The transport and settlement of those Muslim exchangees who were still in Greece started in 1923. Until December 1924, 279,900 Muslim exchangees, about 11,000 of them from Crete, arrived in Turkey.<sup>89</sup> The immigrants, who soon came to be known as *mübadil* (exchangee), were mostly settled in the western and coastal parts of the country that had hitherto featured a high percentage of *Rum* inhabitants, including İzmir. Ten settlement regions, often containing several provinces, were earmarked for this purpose. For instance, the settlement region of “Samsun” covered the provinces of Sinop, Samsun, Ordu, Giresun, Trabzon, Gümüşhane, Amasya, Tokat and Çorum.<sup>90</sup> Exchange Minister Refet Bey declared in December 1924 that 73,502 exchangees had been settled in Thrace, 62,564 in İzmir<sup>91</sup>, 38,564 in Karesi (Balıkesir), 38,076 in Samsun, 35,332 in Istanbul, 29,189 in Konya (which, as a settlement region, included Kayseri and Niğde, where the Greek Orthodox, but Turkish-speaking *Karamanlides* had lived), 26,578 in İzmit, 26,204 in Bursa, 20,856 in Adana,<sup>92</sup> 6,179 in

89 Yıldırım, *Diplomacy*, 131.

90 For a list of the settlement regions and the provinces they covered, see Arı, *Büyük*, 53.

91 The settlement region of İzmir included the provinces of Manisa, Aydın, Menşe (present-day Muğla) and Afyon. See *ibid.*

92 Adana covered Mersin, Silifke, Kozan, Antep and Maraş. Especially Adana, Antep and Maraş had been home to substantial Armenian populations prior to 1915. In those places, much of the property distributed to exchangees was indeed Armenian. See Aslı E. Çomu, *The Exchange of Populations and Adana, 1830–1927* (Istanbul: Libra, 2011).

Antalya and 1,100 in Erzincan.<sup>93</sup> By 1930, there were 90,000 exchangees (possibly including Balkan War refugees) in the province of İzmir.<sup>94</sup>

Upon their arrival in Turkey, exchangees were supposed to be quickly led to their settlement places. It was originally planned to only feed and shelter them for up to two months, after which period they were supposed to fend for themselves. This, however, turned out to be infeasible, and most exchangees remained dependent on government aid until September 1924.<sup>95</sup> The provincial and local offices of the settlement ministry had only incomplete information on the villages and towns they were sending the exchangees to, and many ended up in places quite unsuitable for settlement. The British consul in İzmir commented that they were “greeted on arrival with tea and cake, speeches and flags, and then sent up country often to starve.”<sup>96</sup> Those who stayed in the city and the surrounding towns “provided a welcome addition to the supply of labor.”<sup>97</sup> Newspapers reported on high mortality among refugees, especially in Malaria-ridden lowlands.<sup>98</sup>

#### 4.6 Laws for property compensation: 1924 – 45

Turkish settlement laws and administrative practice distinguished between mere assignment of land (or houses) (*tahsis*) and the subsequent granting of property rights. Assignment started right after the arrival of the exchangees, when the settlement authorities were struggling to get a roof over every immigrant’s head. At this point, they probably settled people wherever they could, not paying much attention to the value of the property in question. A comprehensive law for actual property compensation for exchangees was only issued in April

93 The numbers are taken from İpek, *Mübadele*, 70.

94 *Anadolu*, June 2, 1930, cited in Baran, *Bir*, 143.

95 Arı, *Büyük*, 99.

96 Edmonds to Lindsay, Exchange of populations: Position in western Anatolia. February 27, 1924. FO 371/10184/E 2119.

97 *Ibid.*

98 *Haber*, September 17, 1924, cited in Arı, *Büyük*, 151.

1924, four months after the first exchangees started to arrive in Turkey. Law no. 488 (whose details are discussed below) regulated a procedure known as *tefviz*, which only granted limited and revocable property rights.<sup>99</sup> These preliminary rights were either granted as compensation (in accordance with the documents that exchangees brought from Greece) or provided families with a bare minimum of land and housing. The latter procedure was known as default settlement (*iskan-ı adi*).<sup>100</sup> The application of this law continued until 1928, and even later legislation still required *tefviz* to be performed prior to the granting of more comprehensive rights. Earlier decisions for mere allocation had to be reviewed by special commissions, which often, but not always, gave people the houses they were already living in. The disputes I shall discuss here usually arose when the commissions revoked these decisions, asking people to leave houses they had already been living in for years. This happened especially in the years 1925 and 1926.

The next major law followed in 1928 with law no. 1331, which made it possible for exchangees to receive permanent property rights to houses and land, including those they had already been given (or would be given) via *tefviz*. This second procedure was known as *temlik* (the process of granting private property rights, *mülk*), and law no. 1331 was therefore often referred to as “granting as freehold law” (*temlik kanunu*). Subsequent legislation suggests that at least some exchangees had to pay mortgages for land and houses they received from the settlement authorities: The provisions of law no. 1331 were further specified in law no. 1771, which was issued in 1931.<sup>101</sup> It extensively discussed pending mortgage payments for land granted by *tefviz*,

99 For a discussion of this term and its legal significance, see page 242.

100 İpek, *Mübadele*, 135. These standards were spelled out in an annex to the subsequently passed law no. 1771, which, however, indicates that the procedure started earlier. See Mübadele ve teffiz (sic) işlerinin kat’i tasfiyesi ve intacı hakkında kanun, in: *Düstur*, 3. Tertip: cild 12 (Ankara, 1931), 222–25.

101 Mübadele ve teffiz (sic) işlerinin kat’i tasfiyesi ve intacı hakkında kanun, in: *Düstur*, 3. Tertip: cild 12 (Ankara 1931), 222–25.

including land that had been assigned in the course of default settlement (*iskan-ı adi*). The same law stipulated that open claims would be satisfied with bonds, which would be repayable over the coming years. The whole issue of compensation and final payment for government bonds was only clarified with a law issued in 1945 (no. 4796), which officially ended the population exchange in Turkey.<sup>102</sup>

Although the idea of property compensation was introduced via the exchange agreement, the first law (no. 441) to frame distribution in this way was one that dealt with the compensation of locals. Parliamentary resistance against the idea of a privileged status for exchangees, which had already been manifest in November 1923, when the exchange law (*mübadele kanunu*) was issued, played an important role in shaping this law: The proposition of the 18 deputies who had demanded that Armenian property be reserved for local people in November 1923 reappeared from the financial commission on March 13, 1924. It was issued as law number 441, which stipulated that all those who had lost property during the war would be given full property rights (*temlik*) to land out of “the property currently under control of the government *which is owned by people not subject to the exchange*.”<sup>103</sup> (Emphasis mine.) The law was the first to replace the war-time euphemism for Armenians (“people deported to other places”) with one inspired by the population exchange (“people not subject to the exchange”). With regard to ownership, it openly stated that the property in question was indeed owned by these Armenians, and merely “under control of the government” – which nevertheless transferred *full*

102 Mübadele ve teffiz işlerinin kesin tasfiyesi hakkında kanun No 4796, July 10, 1945. [http://www.tbmm.gov.tr/tutanaklar/KANUNLAR\\_KARARLAR/kanuntbmmc027/kanuntbmmc027/kanuntbmmc02704796.pdf](http://www.tbmm.gov.tr/tutanaklar/KANUNLAR_KARARLAR/kanuntbmmc027/kanuntbmmc027/kanuntbmmc02704796.pdf) (accessed September 2, 2016).

103 “Mübadeleye gayri tabi eşhasa ait olup Hükümet yedinde bulunan metruk emlak ve arsa, düşman, usat ve hasbellüzum Hükümet tarafından hedim ve tahrip veya harp dolayısıyla ihrak edilmiş olan emlak sahiplerine, muhtaç olanlar tercih edilmek şartıyla, zayıatlarının derecesi nisbetinde tevzi ve temlik olunur.” (§1) [http://www.tbmm.gov.tr/tutanaklar/KANUNLAR\\_KARARLAR/kanuntbmmc002/kanuntbmmc002/kanuntbmmc00200441.pdf](http://www.tbmm.gov.tr/tutanaklar/KANUNLAR_KARARLAR/kanuntbmmc002/kanuntbmmc002/kanuntbmmc00200441.pdf) (accessed September 2, 2016).

rights to it to people whose property had been destroyed during the war. The beneficiaries of this law were not framed as proxies of the real owners, but openly made owners themselves. The war-time mask of “custodian care” was taken down, and the state openly stole from Armenians (and mainland Greeks) in order to help the Muslim population.

A second law (no. 488) for the distribution of property to exchangees from Greece was issued on April 16, 1924, about a month following that for local people. While they are similar, the laws differ with regard to the rights granted to their respective beneficiaries. Law no. 441 for Armenian property stipulated that it would be distributed (*tevzi*) and that people would be given full property rights (*temlik*) for free – in accordance with their losses.<sup>104</sup> *Temlik* involved the issuing of title deeds (*tapu*) and the right to freely alter, sell, or mortgage the assets in question, in short: full private property rights. The law for exchangees, on the other hand, did not mention the actual owners (*Rum* Greeks) at all and only granted limited usage rights (*tefviz*). The term goes back to pre-modern Ottoman land law: Prior to 1858, when the modern Ottoman Land Code was issued, *tefviz* was an administrative procedure that transferred limited usage rights to state land (*miri*) to a person or several people while the actual title remained with the state.<sup>105</sup> The law of 1924 apparently did the same, but with privately owned property.

104 *Temlik* signifies the administrative act by which *mülk* rights were granted. The term can be traced back to the 16<sup>th</sup> century. At that time, the legal act of *temlik* established freehold rights to state land (*miri*) or empty (*mevât*) lands to especially loyal or deserving individuals. The land thus turned into freehold (*mülk*) and was officially taken out of the state land records. See Halil İnalcık, “Land Possession Outside the Miri System,” in *An Economic and Social History of the Ottoman Empire: 1300–1600*, ed. Halil İnalcık, 120–31 (Cambridge: Cambridge University Press, 2005), 120–22.

105 Parallel to *temlik* (which established full property rights to *mülk*), *tefviz* traditionally granted *limited* rights to *miri* land. In the 18<sup>th</sup> and 19<sup>th</sup> centuries, the actual title of the land stayed with the state. Over the course of the 19<sup>th</sup> century, notions of *tefviz* and *tapu* deeds issued for them underwent important changes. *Tapu* rights

Law no. 488 stated that the claims of the exchangees would be established according to their documents of possession (*tasarruf senedi*) from Greece.<sup>106</sup> However, they would only be given property of a value equal to 20 percent of those recorded in their documents. If it should later turn out that the exchangee's claims did not match those of the allocated property, the law stipulated that property would either be taken back (*istirdat*, Art. 4) or the exchangee would have to pay rent for those parts he or she was not found eligible for. Up to the completion of the process, the recipients of property were not allowed to sell or mortgage it, nor to make any changes apart from minor maintenance works (§7). People with claims of more than 50,000 Lira would only be considered after the completion of the process (§2). Exchangees were only eligible for *tefviz* in the region they had been officially assigned to (§6).

In an explanation which was read out in parliament prior to the discussion of the bill, the Prime Ministry declared that a preliminary distribution of property to exchangees had become necessary because people needed to settle down and start to make their own livelihoods. However, the appraisal and liquidation work of the Mixed Commission, which was supposed to establish the sum of all property subject to the population exchange, was not yet completed, and the government did not know how much property was actually available for distribution. It was therefore declared that the proposed scheme was supposed to make sure that nobody would be left empty-handed until

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were increasingly regarded as full property rights. See Minkov, "Ottoman"; Mundy and Smith, *Governing*. To the best of my knowledge, the only scholar of the population exchange who has commented on the historical meaning of this term is Nedim İpek. He has, however, not attempted to establish the exact meaning in Republican times. See İpek, *Mübadele*, 135.

106 Mübadeleye tâbi ahaliye verilecek emvali gayri menkule hakkında kanun, No. 488, 16 Nisan/April 1340/1924: [http://www.tbmm.gov.tr/tutanaklar/KANUNLAR\\_KARARLAR/kanuntbmmc002/kanuntbmmc002/kanuntbmmc00200488.pdf](http://www.tbmm.gov.tr/tutanaklar/KANUNLAR_KARARLAR/kanuntbmmc002/kanuntbmmc002/kanuntbmmc00200488.pdf) (accessed September 2, 2016).



more comprehensive data was available.<sup>107</sup> As Celal Bayar Bey, the then Minister for the Exchange, pointed out, the government was of the opinion that the property left behind by Turks in Greece would turn out to be more valuable than that left behind by the Greeks in Turkey:

I am not in a position to tell you the total value of the property left behind by our fellow Muslims in Greece. I have, however, had access to some general and some rather particular data, which, while it is not complete, indicates that the property they have left behind in Greece is more valuable, and its total value greater, than that left behind by the Greeks here. We have accepted the 20 percent rule on this basis.<sup>108</sup>

Celal Bey (Bayar) was pointing at an important issue here. The total sum of property value involved in the exchange had not been established yet, therefore, he argued, the compensation could not be performed. This was correct in terms of article 14 of the exchange agreement, which prescribed that ownership of the property in question would only be transferred to the respective government after the process of property liquidation was complete. This rule may indeed have been the reason for the difference in treatment of exchangees and non-exchangees: Armenian property was not subject to an international agreement and could therefore be distributed without interference from abroad. The minister's statement suggests that, at this

107 TBMM April 16, 1924,

[http://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d02/c008/tbmm\\_02008039.pdf](http://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d02/c008/tbmm_02008039.pdf), 784-85 (accessed September 2, 2016).

108 "Rumeli'deki dindaşlarımızın bıraktığı emvalin kıymeti şudur diyebilecek bir mevkide değilim. Ancak, sureti umumiyede ve sureti hususiyede edinebildiğim bazı mütalâat ve malumat vardır ki, bunların kat'i olmadığını ifade etmekle beraber arz edebilirim ki herhalde Rumeli'den gelecek zevaddın memleketlerinde terk ettikleri mallar buradaki Rumların terk ettikleri maldan daha kıymetlidir ve kıymet itibariyle daha çoktur. Binaenaleyh bu esasa nazaran %20 nisbeti kabul ettik (...)" Ibid., 792.

point, plans for a full appraisal of exchangee property had not been given up, and that the government planned to transfer full property rights pending the completion of the Mixed Commission's work. Exchangees therefore had reason to hope that they would eventually get more than the initial 20 percent. If the total value of property in Greece indeed turned out more valuable, they would also have reason to hope for monetary compensation out of the sum that the other side would have to pay.

Celal Bayar also declared that the Mixed Commission had already collected 120,000 declarations of property (*beyanname*) which were currently "about to be checked."<sup>109</sup> Hasan Fehmi Bey, the Minister of Finance, severely criticized his colleague for his inability to come up with reliable data about abandoned property in Turkey. He also objected to the 20 percent rule: "[Let's say] I leave behind property worth 50,000 Lira, but you are only giving me 15,000. Such a law is totally inadequate."<sup>110</sup> This statement contradicted his own ministerial objectives: It suggested that the state ought to give more abandoned property to refugees (and thus keep less for the treasury). Hasan Fehmi Bey was possibly trying to blame his colleague rather than actually suggest a change in policy.

Why were compensation laws designed the way they were? How did exchangees respond to the uncertainty that this legal framework created for them? Was their situation different from that of other groups who received abandoned property? In order to answer these questions, it is important to consider the broader context of abandoned property distribution in early Republican Turkey. As will become clear in the following chapter, exchangees were but one group of beneficiaries, and their treatment was usually discussed along with that of others.

109 "Şimdi aldığımız malumata göre Rumelide muhtelit mübadele heyetine verilmiş yüz yirmi bin tane beyanname vardırki bunlar tetkik olunmak üzeredir. Daha doğrusu tetkike başlanmak üzeredir." Ibid.

110 "Ben elli bin liralık mal terkedeceğim, bana 15 bin liralık mal vereceksiniz, bina enaleyh kâfi bir kanun değildir." Ibid. 794.

The demands of local people (and their representatives in parliament) had important repercussions for the situation of exchangees, and for the legislation made for them. Moreover, it is possible to say that the distribution of abandoned property created direct relationships of dependency and indebtedness between the new state and vast numbers of its citizens.





## 5 The politics of property compensation in İzmir: 1924–34

Günde bin istida bin tomar evrak  
Kimisi bağ ister, kimisi konak  
bıktım bu bitmeyen isteyişlerden  
İskan işlerini ikmal ede hak.<sup>1</sup>

Münir Bey, the director of the settlement office in İzmir, published these lines in 1929. Though of questionable literary quality, his poem is interesting for showing that the settlement and compensation of exchangees, which had begun five years earlier, was far from accomplished by 1929. Only the physical transfer of the “exchangees” from one country to the other had been accomplished between 1922 and 1924. The second, much more difficult task of property appraisal, distribution and compensation took much longer. Immigrants kept making demands for houses and other real estate, and the bureaucracy, struggling to establish whether claims were legitimate or not, was drowning in red tape. On the international level, the exchange was officially completed in 1930, when the Greek and Turkish governments signed the Ankara Agreement. On the Turkish national level, the process of property compensation to exchangee immigrants continued well into the 1930s, and only officially ended with a law issued in 1945.<sup>2</sup> Although the freehold law of 1928 made it possible for exchangees to get full and permanent property rights, it took more than another decade until this was accomplished for all of them. For İzmir,

- 1 A thousand pledges a day, a thousand documents/ One wants a vineyard, the other a mansion/ I am sick of these never-ending claims/ Oh Lord, complete the settlement work! Cited in Baran, *Bir*, 151.
- 2 Mübadele ve teffiz işlerinin kesin tasfiyesi hakkında kanun No 4796, July 10, 1945. [http://www.tbmm.gov.tr/tutanaklar/KANUNLAR\\_KARARLAR/kanuntbmmc027/kanuntbmmc027/kanuntbmmc02704796.pdf](http://www.tbmm.gov.tr/tutanaklar/KANUNLAR_KARARLAR/kanuntbmmc027/kanuntbmmc027/kanuntbmmc02704796.pdf) (accessed September 2, 2016).

we know that the *tefviz* commission had reviewed all relevant files by 1930, and that many exchangees, unhappy with its decisions, challenged them in court.<sup>3</sup>

Summing up several earlier studies, as well as his own research on the subject, Onur Yıldırım states that the Mixed Commission in Istanbul (henceforth MC), which was officially in charge of property appraisal and indemnification, “was, one the whole, a failure.”<sup>4</sup> Rather than the MC with its Greek, Turkish and international members, it was provincial and local settlement authorities that performed the task of property distribution and compensation in Turkey, often in ways that deviated greatly from the rules laid down in the exchange agreement. We already know that Turkish compensation policies largely failed to fulfill the expectations of most exchangees and were fiercely criticized in the contemporary press and parliament.<sup>5</sup> However, the details of distribution and compensation policies, as well as the reactions of individual exchanges to them, have hardly been studied.

Those studies that do discuss shortcomings of the compensation process in Turkey usually explain them as a result of corruption, incomplete information or lack of resources on the part of the government. Implicitly, these apologetic explanations assume that the settlement and compensation of exchangee immigrants was a top priority of the young Turkish nation-state, which, however, could not be performed properly due to structural reasons.

This chapter offers a different explanation: Settlement and compensation were hampered not only by a lack of information, funds and corruption, but by their friction with a second top priority of the Turkish state: revenue creation; or, more specifically, the desire to sell or rent out (rather than simply distribute) the property left behind by the Ottoman Greeks (*Rum*). The two objectives to settle refugees and create revenue for the state were initially irreconcilable with each

3 See Baran, *Bir*, 136–38.

4 See Yıldırım, *Diplomacy*, 176.

5 For parliamentary criticism, see Aktar, “Homogenising”. Press reports are discussed in Arı, *Büyük*; Aghatabay, *Mübadelenin*.

other. They were also pursued by two different administrations: the settlement administration, which was a part of the Ministry of the Interior, and the Ministry of Finance. Both ministries' local branches often worked against one another. The intrinsic conflict between revenue creation and refugee settlement also sometimes surfaced on the national level, and most legislative changes that concerned refugee compensation were actually made in order to harmonize the two.

Taking the city and province of İzmir as an example, this chapter contextualizes refugee compensation within the pre-existing politics of abandoned property in that area. The houses and fields left behind by the Greek and Ottoman Greek population had already been distributed in the aftermath of the Balkan Wars and squatted or sold in 1922–23, and were therefore inhabited by local people (many of whom had only arrived a couple of years earlier as Balkan War refugees). Local commissions for abandoned property had been selling and renting these houses and fields since at least 1922. Their work cannot simply be regarded as a complicating factor in the settlement process. It is actually the other way around: the pre-existing politics of abandoned property (which continued after 1923) were complicated by the introduction of property compensation for exchangees. It is only against this background that the “failure” of the exchange can be properly understood.

By considering claims of locals, refugees and different state bureaucracies, this chapter shows that the question of compensation concerned not only so-called exchangees, but also other groups, which were at times quite successful in making claims for abandoned property. It also demonstrates how both these conflicts and the inherent contradiction between refugee settlement and revenue creation were eventually reconciled – with a policy that is best described as commodification. The compensation policies that are studied here form an important site in which the principles of a state-controlled market economy based on private property rights were established in Turkey.



## 5.1 Property allocation (tefviz) from 1924 onwards

By the spring of 1924, a distinct set of rules for the free distribution of Armenian (law no. 441) and temporary allocation of Greek abandoned property (law no. 488) had been re-established. Detailed rules for the allocation of property were laid down in a cabinet decision (*kararname*) issued in October 1924 which specified the application of law no. 488.<sup>6</sup> Unlike the law, which only mentioned the *tasfiye talepnames* brought from Greece, this decision listed various documents that would also be accepted in the compensation process, including *tapu* records dating from Ottoman times. Thirty percent of *kıymetli* (“with value”) and 40 percent of *kıymetsiz* (“without value”) Ottoman *tapu* records were accepted. (The distinction made here was probably one between *tapu* documents issued when real estate was sold – which therefore listed the purchase price – and ones issued for other reasons (inheritance, loss of older documents), which did not necessarily record any information on values or only estimates for purposes of taxation.<sup>7</sup> *Tapu* documents were apparently considered more trustworthy than those issued by the local mixed commissions back in Greece (these were called *tasfiye talepname* or *beyanname*, only 20 percent of the values recorded in them were accepted). For people who could produce no documents at all, the cabinet decision even stated that the testimony of trustworthy compatriots (*kefaletname*) would be accepted instead. According to the document, the maximum percentage of a property’s value back in Greece that could be granted with *tefviz* was 50 percent.

*Tefviz* (allocation) commissions were set up in all settlement regions to allocate property to the immigrants. Though they were also responsible for the allocation of land and houses in the course of default

6 Bazı muhacirine tasfiyei katiyeye değin icar mukabilinde emval ita ve bedeli icarının tecili hakkındaki talimatnamenin meriyete vaz’ına dair kararname, No. 972, 8 Teşrinievvel 1340/ October 8, 1924, *Düstur* 3. Tertip, Cilt 5, Ankara 1948, 658–62.

7 I would like to thank the staff of the *Tapu ve Kadastro Müdürlüğü* in Selçuk/İzmir for offering this explanation (in January 2014).

settlement (*iskan-i adi*), the lion's share of their work certainly concerned those exchangees who could claim more than the bare minimum (and whose compensation therefore required much more paperwork). The commissions received the applications of the exchangees, scrutinized them, and, in accordance with the result, allocated houses and agricultural land to them. A *tefviz* commission was typically comprised of one member each from the settlement, *tapu*, agricultural and financial administrations of a locality; its work concerned all these departments and required updates of all their records. The chairmanship was performed by the highest local civil official, i.e., either the district governor (*kaymakam*) or the provincial governor (*vali*), who usually sent a proxy. The allocation process in İzmir was painfully slow and only started in earnest after 1928. According to a report published in *Anadolu*, İzmir's commission usually completed as little as four applications per session.<sup>8</sup> *Ahenk* claimed (in September 1929) that only half of the 3000 *tefviz* applications from İzmir had been scrutinized.<sup>9</sup> While contemporary newspapers usually suspected corruption or incompetence, it is more likely that the sheer number of documents that could be submitted in the process, and thus had to be scrutinized, overwhelmed the commissions. Those applications for property liquidation (*tasfiye talepname*) archived by the Mixed Commission in Istanbul often contain a bewildering number of supplementary documents, ranging from wills to purchase contracts, *tapu* and pious endowment records (*vakfname*), many of which were dating back well into the 19<sup>th</sup> century. While the *tasfiye talepnames* and more recently issued *tapu* records were usually held in simple tabular form, other documents were of bewildering length and complexity. Applicants often owned only parts of certain assets, and it was common for people to list property that was registered in someone else's name.<sup>10</sup>

8 Cited in Baran, *Bir*, 130.

9 Orhan Rahmi, "İskan," cited in Arıkan, *İzmir II/1*, 79.

10 *Tasfiye talepnames* are today (2015) accessible for research at the Republican Archives of the Prime Ministry's Office (*Cumhuriyet Arşivi*) in Ankara.

The commissions were charged with establishing the value of an applicant's claims (by calculating a certain percentage of the sums listed in their documents, depending on the kind of document provided). Exchangees could ask for a specific house, certain fields or gardens they wished to receive. The commissions then checked whether the value of the property in question matched the applicant's claims, and if not, found another, more appropriate piece of real estate. A commission's decision was then recorded in special registers (*tefviz defterleri*), as well as in the form of an official commission's decision (*komisyon kararı*). This document was signed by all members of the commission.

One of very few of these decisions that ended up in the archive of the settlement office was issued by the *tefviz* commission in Söke, a town in the province of Aydın about 100 km south of İzmir, on January/Kanunuevvel 2, 1926.<sup>11</sup> This file consists of twelve pages, five of which contain correspondence between the central settlement office in Ankara and the provincial branch in Aydın. The remaining pages were produced by the *tefviz* commission in Söke and include not only the commission's decision, but also a document in tabular form. The latter is organized in two parts, the first containing information on the applicants' property in Greece, and the second on that allocated to them in Söke. The applicants were three exchanges from Florina in northern Greece: a certain Cavit Bey who worked as president of the local court of first instance (*Asliye*) in Söke, a woman named Nesmiye Hanım who might have been Cavit's wife, and her father Eşref Efendi.<sup>12</sup> The threesome had produced *kıymetsiz* tapu records for "various buildings" and "various fields" in Florina (a town located close to the present-day border between Greece and the Republic of

11 The late Ottoman province (vilayet) of Aydın was by 1914 comprised of the districts of Smyrna/İzmir (which was its administrative center), Saruhan (Manisa), Aydın, Menteşe (Muğla) and Denizli. These districts were re-organized as provinces in 1922.

12 The relationship between the applicants is explained very differently later on in the file, as Nesmiye being Cavit's daughter.

Macedonia). The total value of these properties is given as 2,235 Lira, 40 percent or 894 Lira of which were accepted as claims. The *tapu* records for the party's property dated from August 1336/1920 and had been confirmed by the local directorate of records and pious foundations (*kuyud-u vakfiye müdüriyeti*) (it is not clear whether in Florina or Turkey). The second part of the document records the allocation of a house (value: 300 Lira) and a depot (value: 750 Lira) to the three exchangees. The values were given according to estimates from 1328/1912. The buildings are further described as being located in the neighborhoods of Kemalpaşa and Uzunçarsı in Söke. The names of the former owners are given as "Avrankiha Kirini İstilya" for the house and "Aristides" for the depot. Both buildings had been registered in the *tapu* register in January 1280/1865 and August 1330/1913 respectively. Further below, the difference between the total claim and the value of allocatable property was recorded as 156 Lira, for which the exchangees would have to pay rent.<sup>13</sup>

## 5.2 Contested categories

The ethno-religious identity of previous owners was usually mentioned in the documents dealing with property distribution. Laws issued from 1924 onwards re-affirmed the principle that *Rum* abandoned property ought to be used for the settlement and (preliminary) compensation of exchangees, while all other (i.e. Armenian, mainland Greek, and possibly Jewish) property could be used for the satisfaction of other groups' claims. This principle, however, was often called into question. Mehmet Şevki of *Ahenk* wrote in May 1924:

The problem is quite simple, isn't it? Yorgi deprives Mehmet of everything, he takes over his property, and in the end, he sets it on fire. When he flees, he thus leaves Mehmet home- and shelterless. Later, Mehmet does not

13 CA 272...13.79.06.01, 5.

get the smallest part of Yorgi's property. He is not even granted the right to live in Yorgi's property as a tenant.<sup>14</sup>

Operating with the stereotypical first names of "Mehmet" (a Muslim) and "Yorgi" (a local Greek), Mehmet Şevki, the main writer of *Ahenk*, argued that local people, having suffered from the hands of their former Greek neighbors, ought to be compensated with these neighbors' property. However, the legislation in place at that time clearly stated that people who were not exchanges (especially local "fire-victims") would be compensated out of "non-exchangeable" property, which, according to Şevki, was much too limited to allow for a satisfaction of local people's claims: "There are only eight-and-a-half houses that were abandoned by Armenians, and they are only worth eight-and-a-half *kuruş*. Whose Mehmet's wounds are they supposed to heal?"<sup>15</sup> Şevki's newspaper *Ahenk* also published a complaint of the Muslim population of Buca, a close-by village-turned-suburb:

We are Turks, we are the old-established inhabitants of Buca. Our profession is grape-growing. When the enemy was in İzmir, the local *Rum* destroyed our country. After the reconquest, we rented some of the vineyards owned by those who had destroyed ours and repaired them. Now that we are approaching the point at which the vineyards will start to compensate us for our losses, they are taken away from us.<sup>16</sup>

14 "Mesele gayet sarîh ve basit değil mi? Torgi (sic) Mehmet'i soyuyor, emvalini gasp ediyor ve nihayet yakıyor. Mehmet'i meskensiz, mevasız bırakıp kaçıyor; sonra Yorgi'nin terk ettiği emvalden Mehmet'e hiçbir hisse düşmüyor. Veya Mehmet'e hiçbir şey verilmiyor. Hatta Mehmet'e Yorgi'nin evinde bedel-i icar ile oturabilmek hakkı bile verilmiyor." Mehmet Şevki, "Bir kusur," in: *Ahenk*, May 16, 1924. First seen in Arı, "Yunan."

15 "Bilemeyiz, sekizbuçuk Ermeni'nin terkettiği sekizbuçuk kuruşluk emvalin hangi zarar gören Mehmet'in yarasını kapamaya yarayacak?" Ibid.

16 "Biz Türküz, Bucanınî kadim sâkinleriyiz. San'atımız bâğcılıktır. Düşman İzmir'de iken yerli Rumlar memleketimizi mahv etdiler istirdâdından şoñra mâllarımızı mahv edenlerin terk etdikleri bağlardan ba'zılarını isticâr ederek i'mâr

This complaint suggests that the vineyards had been seized by an abandoned property commission, which had rented them out to the locals in 1922 or early 1923. By 1924, however, a settlement office was trying to take the vineyards away from the tenants, probably in order to give them to exchangees.

Not only locals, but also Balkan War refugees made claims with reference to their suffering under the Greek occupation. A group of 800 people who also wrote from Buca in November 1924 identified themselves as “we, who left our beloved homeland when we could no longer endure the injustice and oppression of those animals at the time of the occupation, left behind our property and came to the motherland.”<sup>17</sup> This group claimed to have come to Buca (possibly from a nearby town or village) two years previously (i.e. in 1922, which would have been very shortly after the Turkish victory) *upon a government decision*. They claimed that the government, instead of settling them properly, collected taxes and took back vineyards, fields and olive-groves that had first been officially allocated to them.<sup>18</sup> The petition clearly implies that the government ought to stay faithful to its previous decisions.

It seems possible that the two petitions from Buca were sent by more or less the same people – in that case, they would have presented themselves as Balkan War refugees in one text and “old-established inhabitants” in the other, which was sent only three months later. This should not be dismissed as a lie: the arrival of exchangees from 1924 onwards may well have helped to transform those who had arrived a mere ten years earlier into “locals” in their own eyes.

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etdik. Tam zararlarımızı az çok tellâkiye başlayacağımız eşnâda bu bağları ellerimizden alıyorlar. (...)” *Ahenk*, January 25, 1925.

17 “Oniki sene evvel Balkan harbleri zarfına sevgili vatanımızın işgâli üzerine bu canavarların zulüm-ü i’tisâfına tahammül edemeyen bizler mâl ve mülkleri terk anavațana ‘a’ilelerimizin perişân (...) nâmusu telâkki ettik. Sekiz yüz kişiden ‘ibâret bizler iki seneden beri hükümet-i ‘âliyemizin sebep ve kararlarıyla Buca’ya iķâmet (...)” CA 272...12.42.56.14, 2.

18 Provided it was true, the villagers’ claim would testify to the existence of active government encouragement of internal migration to İzmir in the fall of 1922.

Indeed, local people quite often claimed *Rum* “exchangeable” property despite its being earmarked for exchangees, and they often did so with reference to legal relationships that had been established before the population exchange. Moreover, there were other laws that could be cited in favor of the local population, not only by themselves, but also by the directorate for “national property” (*emlak-ı milliye müdüriyeti*), a sub-division of the Treasury (*Maliye*) that was in charge of all non-exchangeable abandoned property. A remarkable case is that of the village Mahmudlar in the district of Tire. According to a letter that the governor (*vali*) of İzmir sent to Ankara in July 1925, the local peasants (who had so far been sharecroppers on the estate) successfully convinced their local administrative council that a Greek-owned agricultural estate (*çiftlik*) ought to be given to them rather than to exchangees, and the Ministry of Finance had also approved of the idea. The governor of İzmir, İhsan Bey in turn asked the settlement office in Ankara for final approval of this decision.<sup>19</sup> The file at hand does not contain the reply of the Settlement Directorate, but the concerted efforts of local, provincial and central authorities might well have worked out. Only one year earlier, the Council of Ministers had approved of the general idea to distribute the abandoned land of big estates to the estate’s sharecroppers and workers against long-term credits.<sup>20</sup> This principle was taken over into the budget law of 1925, which allowed for the sale of treasury land to landless peasants (up to 200 *dönüm* per family).<sup>21</sup> The governor cited this law in his letter. The

19 İzmir Valisi İhsan to the settlement office, July 14, 1925, CA 272...12.45.75.14.

20 “Emlak-ı milliye derhâl ta’biki ve emlakı metrukeden olan çiftlikler de hiç araziye şahib olmayan ve bu çiftliklerde yarıcı ve gündelikçi olarak çalışan çiftçileri hâne başına ve ‘a’ile nâmina ve ma’hallenin vesait ve toprağın kabiliyetine göre kırktan seksen (...) kadar uzun va’deli taqsihterle arazi şahibi etmek eşaşı i’tibâriyle kabûl edilmiş.” CA 30.18.01.01.11.48.3.

21 “İçinde veya civarında hic arazisi olmamak veya uhdei tasarruflarındaki miktarı arazi iki yüz dönümünden noksan bulunmak sebebiyle topraga muhtac erbabi ziraat mevcut olan arazii milliye bedeli on senede mukassatan alınmak ve her haneye verilecek arazi miktarı yedlerindeki arazi ile birlikte muhitin icabına göre azami iki yüz dönümü tecavüz etmemek üzere takdiri kiymet suretile tevzi ve

case is special insofar as locals petitioned *before* the land was assigned to exchangees. (This in itself might have helped them to get what they wanted.) Most other cases date from between 1926 and 1928, the time after the first allocations, and often involve both exchangees and locals.

In December 1926, the Ministry of Finance received a petition from Kuşadası (a town 95 km south of İzmir) signed by the local chairman of the People's Party (*Cumhuriyet Halk Fırkası*) and his wife. The ministry forwarded the document to its local branch in the town. The local official wrote a lengthy report in which he explained that the matter concerned certain fruit-orchards in the villages Selçuk and Şirince that belonged to 'exchangeable' Greeks. On a previous visit to the village of Selçuk, the official had been approached by local people who complained that the orchards, which they had "been renting for a long time" had been taken away from them and given to "rich exchangees." As a result, the locals had become "idle and unemployed." They had expressed their wish to buy the gardens in question from the Treasury. The official approved of the idea since "the recorded value of the orchards is low, and so is the value of the exchangees' claims." Selling the orchards in auction would therefore be good "for the locals and help re-establish prosperity in that place."<sup>22</sup> Even

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fürüht olunur." Most of paragraph 23 of the 1925 budget law actually regulated the sale of property by the Treasury. For the law (no. 627) see

[http://www.tbmm.gov.tr/tutanaklar/KANUNLAR\\_KARARLAR/kanuntbmmc003/kanuntbmmc003/kanuntbmmc00300627.pdf](http://www.tbmm.gov.tr/tutanaklar/KANUNLAR_KARARLAR/kanuntbmmc003/kanuntbmmc003/kanuntbmmc00300627.pdf) (accessed September 2, 2016).

- 22 "(...) Geçende bil-münâsîd Selçukda bulunduğum şırada maħallî belediye hey'eti ve bir kısım halk (...) nezd-i 'âcizâneme gelerek ötedenberi bil-isticâr irâde ettikleri bu bahçelerin zengin birkaç mübâdile tahşîşi ile kendilerinin murâd-ı ma'âşiyetleri olan bu bahçelerden uzaklaştırılması naħiye merkezi olan bu kaşaba halkından pek çoklarında işsiz ve idâresiz kalarak (...larını) mücib olacağından bahîşla bu bahçelerin 'ameleni mezaidile(?) fûrûhtunu taleb ve ricâ eylemişlerdir. Selçuk'ta bulunduğum bir kaç sâ'at zarfında bir kaç mübâdile tahşîşi ve tefvizinden şarfınazar edilmesi merkezindedir. Esâsen bu bahçelerin kıymet-i muķayyedesi dün olmakla beraber mübâdillerin ibrâz ettikleri evrâkın mâhiyeti daħi (...) arz ve izâ'a olduğundan pek dün bedeliyle tefvizindense hem bir kaşaba halkının terfîhi hem de bu servet-i maħalliyesinde devâm-ı i'mârisi için bil-müzâyede



though the phrase “for a long time” is unspecific, it might indicate that, as in the case of the Mahmudlar farm, the local population had been renting the land from *Rum* landowners long before the population exchange. Following the owners’ expulsion, the land was probably taken over by the Treasury, which continued to collect the rent. Thus, they probably lost their tenancy only when the land was distributed among exchangees, who, being small farmers themselves, had no intention to rent the gardens out.

The report of the local financial official does not once mention the needs of the exchangees, nor does it suggest what they should be given instead of the orchards in question. The document was forwarded to the Settlement Directorate, which turned down the suggestion to sell the orchards to locals, pointing out that the claims of the exchangees were not low at all, but that the orchards’ values matched those 30 percent of the claims inscribed in the exchangees’ documents that had been recognized.<sup>23</sup> The Settlement Directorate clearly considered property values from the perspective of individual exchangees, while the local tax official probably thought in much broader dimensions.

The Selçuk/Şirince case is unusual insofar as the financial administration did not point to any legal foundation for its suggestion to sell the orchards to locals. This is curious because there were a number of rules and even laws that could have been cited for this purpose: in March 1926, the Directorate of National Property (*emlak-ı millîye müdüriyeti*) asked for “about two hundred olive-trees located on the Greek cemetery and a field of about four *dönüm*” in the town of Bayındır. It asked the settlement office for permission to rent the

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aḥālî-yi mahallîyeye şatılması pek muvaffak ve müsâ’iddir. Cereyân-ı ḥal ve müraca’ata muṭâbık olan bu ma’rûzâtın is’âf ve ’emriniñ (...) ve tebliğine müsâ’ade buyurulmasını ’arz ve istirhâm eylerim efendim ḥazretleri.” CA 272...12.50.110.7, 2.

- 23 “Mübâdil Rumlardan metrük emlak ve arâziden mübâdeleten vurüd eden aḥbâb-ı istiḥkâka şimdilik ve ... olarak ancak yüzde otuz derecesinde tefviz mu’amelesi i’tâ olunmakta ve mütebâki yüzde yetmiş ise taşfiye-yi kat’îyeye ta’alif ... edilmekte.” CA 272...12.50.110.7, 3.

olive-grove out and to sell the field to the local branch of the Turkish hearths (*Türk Ocağı*) which planned to construct a playground on it. As a legal foundation, the office presented the budget law of 1925 (*muvayene-yi umumiye kanunu*). The settlement agency forwarded the request to its provincial office in İzmir, asking whether the property had already been given to refugees or if any refugees had requested it.<sup>24</sup>

If local administrations wanted to avoid distribution to exchangees, another possibility was to claim that no refugees interested in a certain house or piece of land could be found. The district administration (*kaymakamlık*) of Çeşme did so in the case of a house abandoned by a Greek named Dimitri Çelebiaki, asking for permission to sell the house to an “external bidder.” The governor of İzmir forwarded the request to Ankara in June 1926, explaining that the house was inhabited by the local telegraph official. Ankara, however, ordered that the house be kept for exchangees from other settlement regions, who might be sent to Çeşme.<sup>25</sup> A second, and quite common, argument was that a house was too derelict to be used for settlement purposes anymore, and therefore needed to be sold merely as building ground. In the case of the house of a certain Yanko Papadaki which was located on the “Canki Elaki road” in Tire. According to a letter sent from the *Maliye* to the settlement office, things were further complicated by an unpaid mortgage on the house. The *Maliye* explained that the house “had been damaged badly in the latest earthquake.”<sup>26</sup> It offered to pay off the mortgage and asked for permission to auction the

24 CA 272...12.52.120.17.

25 CA 272...12.48.96.14.

26 “Eytām şandıgına merhūn bulunmasından dolayı şatılmasına tesbit olunması üzerine hazinece bedel-ı rehnisi te’diye olunup rehni fekk ettirilmemiş olan mübadeleye tabi’i Yanko Papadakiden metrük Tire’de Canki Elaki caddesinde kâin hâneniñ köşe duvarı şon hareket-i arzlarda tehlikeli şürette hasara uğradığı için (...) İzmir emvâl-i metrûke müdüriyetinden bildirilmiş olduğundan mezkûr binanın bil-müzâyede şatılmağ üzere 781 numarolu kânûnuñ ikinci maddesine tevfiķan acelen hazine emrine terkine müsâade buyurulması” CA 272...12.59.164.12, 1.

house.<sup>27</sup> In this case, the house had not been allocated to refugees because it was mortgaged to the orphans' fund (*eytam sandığı*). Again, the settlement agency tried to avoid a sale, asking its provincial office to investigate whether the building really was in such a bad condition and if there "really is no refugee who could be given the debt"?<sup>28</sup> The settlement agency apparently mistrusted the information given by the financial administration and preferred to check with its own local branches before anything was decided in the matter. Its suspicions probably had been triggered by reports like the following, which describes the situation in the town of Keskin in the Ankara province:

For the past two months, the political administration here has been working with a pickaxe in one hand and a sledgehammer in the other. It is keen to take all of Keskin's abandoned buildings. It continues to knock them down and dispose of [the rubble]. They also have sold more than fifty perfectly inhabitable houses to various people, by labeling them as "ruins."<sup>29</sup>

Among the documents available to me, there is only one approval of a distribution of *Rum* abandoned property to non-exchangees, which dates from December 1926. In this case, the provincial administration of İzmir asked for permission to grant full ownership rights to non-exchangeable people who had been settled in *Rum* houses, continued to inhabit them and had "submitted their documents." The request

27 Law number 781, which actually regulated the settlement of non-exchangee refugees in Armenian houses, also stated that derelict houses, regardless of their owner's ethnic identity, could be auctioned. The Maliye's letter referred to the law as 'istbdal' (replacement) law. See Mübadeleye gayri tabi eşhastan metruk olup hakkı iskâmî haiz olanlara verilmiş ve verilecek emvali gayri menkule hakkında kanun, No. 781, 13 Mart 1926, in: *Düstur*, 3. Tertip, cild 7, 655.

28 "Düyünuñ mübâdil ve muhâcire verilmek imkânı yok mudur?" CA 272...12.59.164.12, 2.

29 "Bura idâre-i mülkiyesi iki aydan beridir bir eline kazma bir eline de başka vâsita-i tahrib aldı. Keskin'in emlâk-ı metrûkiyesini (sic) kökünden söküüp almak istiyor. Mütemâdiyen söküüp atıyor. Bugüne kadar sağlam ve kâbil-i sekine olmak üzere el-liden fazla evi enkâz diyerek şuna buna sattılar (...)." Cited in Koraltürk, *Erken*, 81.

amounted to a legalization of the settlement agency's own illegal practice.<sup>30</sup>

There were also conflicts between the Ministry of Finance and local people. The tenants of a commercial farm (*çiftlik*) called Tepeköy in the district of Torbalı complained in 1925 that the national property administration (*emlak-ı milliye müdüriyeti*) had miscategorized their land and treated them "like foreigners." Their petition points at the complicated history of private pro-perty rights and tax-farming in the area: forty years ago, when the tax-farmer of the farm, a certain Baltacıoğlu Aristides, was unable to pay the fees due, the Sultanic Treasury (*hazine-yi hassa*) bought the tax-farm for 30,000 Lira. It was comprised of 19 villages and 30,000 *dönüm* of agricultural land. Over time, the petitioners' grandfathers and fathers took more and more land under cultivation, but were unable to register it. Shortly before the [Greek] occupation, they finally succeeded in having the land distributed among the village dwellers, but in the chaos of war, the documents were never sent to Istanbul. After the restitution (*istirdad*) they "postponed" the matter "because we found it improper to bother our beloved government."<sup>31</sup> The peasants (possibly with the help of a petition writer) skillfully presented themselves as people who had suffered for years under previous governments, first as tenants of the sultan, then under the Greek occupation, implying that there was reason to hope for better treatment by the republican regime. They claimed that they were struggling to pay the lease demanded of them, and were therefore forced to sell their sheep. A recent drought had further aggravated their lot, and they were therefore asking the government to finally treat them as rightful owners (rather than tenants) of their land.<sup>32</sup>

30 CA 272...12.50.110.08.

31 "(S)evdiğimiz hükümetimizi böyle daha ziyade meşgûl etmeği muvâffâk bulduğumuzdan şimdîye kadar müraca'atımızı te'hîr eylemişdik." "Torbalı çiftçileri mağsûb hakklarını istiyorlar," *Anadolu*, July 6, 1924.

32 "Torbalı çiftçileri mağsûb hakklarını istiyorlar", *Anadolu*, July 6, 1924.

The claims of the villagers are interesting for the ways in which they differ from other petitions. The Tepeköy people made their claims with reference to the Ottoman Land Code, namely, the rule that anyone taking fallow land under cultivation ought to be given usage rights to it. Like other locals, they blamed the previous owner of their land, only that, in their case, it was not a Greek (or *Rum*) landowner, but the sultanic treasury.

### 5.2.1 A special case: pious endowments (*evkaf*)

Unlike many locals, the overwhelming majority of exchangees accepted the idea that they ought to be compensated exclusively out of *Rum* property. The following case is an interesting exception insofar as it brings into play another category of property that is (strangely) hardly ever mentioned in the sources: property that was part of pious endowments (*evkaf*).

In March 1925, two Sufis who identified themselves as *Şeyh* Yusuf Ziyaeddin and *Şeyh* Mehmet Ali “of the Salonica exchangees and the people of the Musa Baba Lodge” petitioned the Ministry of the Interior, demanding to be compensated for the pious endowments of their dervish lodge in Salonica. These included “houses, shops, meadows, fields, vineyards and building land” which their “fathers had endowed for our support and concord in ancient times.” The petitioners claimed that the central settlement directorate had already decided in their favor and had ordered that people who had left behind *vakf* property in Greece be given property of the Greek Orthodox church, even though the National Assembly had not taken a final decision in the matter. The directorate’s İzmir branch, however, continued to postpone the matter, causing the petitioners to become recipients of welfare and “arrive with our many children and families at the lowest point of wretchedness and misery.” They asked that the republican government and the “glorious ministry” protect their “obvious” rights and bring an end to a situation in which “people like us” were “forced

to buy dry bread.”<sup>33</sup> The *şeyhs* here made a point of their (lost) social status and demanded that they be compensated out of church property, which, according to the exchange agreement, was indeed supposed to be exchanged against the property of Islamic pious endowments (*evkaf*) in Greece. Although the petitioners did not explicitly mention the exchange agreement it seems obvious that they base their claims on it. What they demanded of their government was that it not only help them as individual refugees, but implement a principle of the agreement in national law. They also cite a letter to the *evkaf* directorate in support of their claims. The bureaucrats on the receiving end of the petition took the matter seriously and checked with the admin-

33 “Daħiliye vekālet-i celilesine: Ma‘rūz-u dā‘iyātımızdır. Da‘ileriniz esāsen Selānik şehri mübādillerinden ve dergāh-ı Yusufnişinlerinden olub Yunanistan dergāhlarımıza ‘aid hāne, dükkān çayır ve tarla ve bağ ve arşalar ‘akārāt-ı mevķūfe terk eylemiş ħinelkādım-i ittifāk ve ‘iāşemiz babalarımız tarafından dergāhlarımıza meşrūta kılınmış olan salif elzıkr varidāta münħaşır bulunmuş ve mukaddiman ‘imār ve iskān müdüriyet-i ‘āliyesine istid‘ā ile vuķu‘u bulan müraca‘āt ve teşebbüsümüze cevāben İzmir ‘iskān müdüriyetine i‘ade-yi vurūd iden derkenārda evķāf mes‘elesiniñ meclis-i milliyesinde henüz hāl-ı (...) kılınmadığından şimdilik i‘āşemizin ...-i münāsibe ile te‘mini zıkr-ü ityān edilmiş ħuzūr-u refāhımızı müstemsil vaż‘iyete girmemizi da‘ıma (...) ve (...) buruyan vekālet-i celilelerinin bu gibi kararları biz muħācir ve mübādiller üzerinde büyük bir minnetdārı ve şükrān ħuşūle getirmiş ve (Ankara) müdüriyet-i ‘umūmiyesinden İzmir evķāf şubesine vārid iden 21 kānūn-u evvelisine (1)340 tarihli ve 956?5/118 numaralı taħrirāt-ı ‘umūmiyede ise Yunanistanda mebāni ve arazi-yi vakfiye terk idenleriñ Rumlardan kalan kilise ve aķārātından tefriķa-yi müstefid bulunmaları iş‘ār kılınmaķda ise İzmir iskān müdüriyeti uzun zamandanberi da‘ilerinizi süründürmekte ve bu bābda ‘imār ve iskān müdüriyet-i ‘āliyesiniñ dā‘i ve (...) ħaķķımızda inkāz itmemekte olduğundan bizler kesir evlād ve ‘ayālımızla sefālet ve perişāniyetin soñ derecesine varmaķda ve gün görmüş ve refāh eylemiş ile (...) (...) varmış. Bizim gibi kimselerin bir parça ķuru ekmek almaģa muħtāç kalmaları vekālet-i celilelerince bit-tabb‘ mecburiyet kılınmayacađını düşdüğümüz gerive-yi sefālet ħalimiz ħaķķında ħükümet-i cumhuriyemizin ‘adl-ü ilticā ile vekālet-i celilelerinin ħuķūķ-u sariħimiziñ muħāfaza ve ... ħaķķında müşfikla(?) ve ‘adilāta kararınıñ İzmir vāliliğine ‘emr-ü iş‘arını niyāz-ı istirħām eyleyiz efendim ħazretleri. Selānikte mekān-i Mūsa Baba dergāhi Yusufnişin Şeyh Muhammed ‘Ali, Selānikta mekān-i (...) dergāh-i Yusufnişin Şeyh Yusuf Ziyaeddin. 21 Mart 341. CA 272...12.44.69.07, 2.

istration of pious foundations how they could proceed in the matter.<sup>34</sup> The *evkaf* directorate answered with a copy of said document, which admitted to the principal necessity to use church property, but nevertheless stated that such distributions were not to take place by order of the Ministry of Finance. Exchangees, including those who had left behind property that was part of pious endowments, were to be compensated in the course of *tefviz*, i.e., only out of privately owned *Rum* abandoned property.<sup>35</sup>

Dervish lodges and Sufi orders would be outlawed and their property nationalized only eight months after the *şeyhs'* petition, in November 1925. This step certainly affected not only existing Sufi orders in Turkey, but also frustrated the attempts of exchangee Sufis (such as the petitioners) at obtaining property of the Greek-Orthodox church as compensation: a series of documents written in November 1928 at the Ministry of Pious Foundations explicitly states that all income-generating abandoned property that belonged to endowments would continue to be administered by the Treasury (*Maliye*) (rather than the Ministry of Pious Foundations) – and that people who wanted to make claims to incomes generated by this property (possibly those few Greeks and Armenians who were still living in Turkey?) had to turn to the *Maliye*.<sup>36</sup> Yet, the ambitions of the Treasury not to give church property to Islamic endowments were certainly not completely successful, especially not in the countryside. This is suggested by a case that was investigated in November 1927 in Selçuk: Local people challenged the allocation of certain fig orchards to exchangees, argu-

34 CA 272...12.44.69.07, 3.

35 “Vekâlet-i celilesinden isti' nâd vekâlet-i müşarileyhden alınan cevâbda Rum kilise 'aķareti hukûk-u ta'rifîyesinde gelmiş ve gelecek muhâcirine tefvîz-i kânûn ile taşdıķ edilmesi mübâdele-yi ahâli-yi muķademesi mukteżâsından olmasına nazâran bunlara cihet-i vakfında? müdâhale etmesi lâzım geleceđi beyân edilmiş olmakla mübâdeleye tabî'i Rumlardan ķalacak kilise ve 'aķarâtına evķâf idârelerince vaz'iyed edilmemesi lüzümü beyan olundu.“ Ibid., 1.

36 “Emvâl-i metrukeniñ Mâliyece idâresi kânûn-u ahķâmından olmakla müdâhale (...) olunması icârât-ı (...) maķâţâtından maţlûbât-ı (...) Maliyeden (...)” CA 51.V28...3.26.2.

ing that the orchards were part of a pious endowment. An inspector of the settlement directorate found that some of the orchards in question were indeed part of a *vakf* made by a Greek called Hacı Panayot, and therefore ought to have been excluded from *tefviz* because they were now part of the local [Islamic] pious endowments.<sup>37</sup>

### 5.3 The importance of class

Even if the status of property as abandoned by local *Rum* people was uncontested, exchangees still had to go through a highly bureaucratic process, only at the end of which they could hope to receive temporary rights to houses or agricultural land. The applications and petitions discussed in this section provide some insights into the strategies that exchangees developed in order to strengthen and substantiate their claims, and how they protested against decisions they found to be unfavorable to them.

Apart from the status as exchangees, there were some sub-categories that were of importance when applications for property compensation were considered. One among these was social status (*içtimai durum*), which was, at least according to the regulations for *iskan-i adi* published in 1931, considered when property was allocated to individual families. These rules prescribed that people with a high social status would be given bigger houses than those of a more humble background. Applicants for property allocation occasionally made specific reference to this non-material aspect of their class background. In the case of the former *müftü* of Kandiye (Hanya/Crete), the original petition has not survived. The settlement directorate in Ankara wrote to İzmir in January 1926, explaining that *müftü* Ahmet Kamil Efendi had

37 “Bulundurduğu bahçelerden yalnız Hacı Panayot’a ‘a’id 16 dönümlük yer mülk-ü vakfa ‘a’idiyeti mukaddiman mahkeme-i şeriyeye teşbit ve taşdik (...) akıran (...) olduğu ... ve diğer arâziniñ evkâfa ‘a’idiyetine dâ’ir vakıfnâmelerde ...gibi başkaca taşdikî şâbit veşâ’ik dağhı ibraz edilmemiş ve işbu emlak vergü ve tapu kaydlerinde Rum emvâl-i metrûkesi olarak mukayyed bulunur olduğundan yalnız Hacı Panayota ‘a’id bahçeniñ istisnâsiyla diğerleriniñ tefviz mu’âmelesiniñ icrâsı ...olacağı anlaşılmıştır.” CA 272...12.56.142.25, 2-3.



“despite continuous efforts” not yet been settled, and ordered that the man be “given a house in accordance with the respective laws and his social position.”<sup>38</sup>

Applications for property liquidation (*tasfiye talepnameleri*) provide a particularly comprehensive picture of class matters and their importance for exchangees. These documents were collected by the Mixed Commission, which was supposed to check them and later calculate the total sum of claims on both sides. Although this final calculation was never accomplished, the applications nevertheless form an interesting body of sources, 140,000 of which are accessible to researchers in the Republican Archive in Ankara.<sup>39</sup> The samples I have worked with were written in 1925 (in Turkey, i.e. not, as had originally been planned, prior to the exchanges’ departure from Greece). They were reviewed and translated by the Mixed Commission in 1929. These *tasfiye talepnames* contained detailed information on the names, professions, places of residence and of origin of the applicant, usually the head of a household. The standard form asked for detailed information about movable and immovable property, their location, and the terms of ownership. Applicants were asked to provide copies of documents to substantiate this information, such as copies of title deeds or purchase contracts. The forms asked both about the value of property inscribed in title deeds, which might have been drawn up decades earlier, and the value estimated during the appraisal process based on the exchange agreement. Some *talepnames* contain copies of up to twenty additional documents, such as *tapu*

38 “Birçok seneden beri oraya gelerek vukû’u bulan birçok teşebbüsât ve müraca’âtına rağmen henüz iskân edilmediği ve ‘a’ile şâhibi bulunması hasbiyle şayan-i himâye ve mu’avenet bulunduğu anlaşılan mübâdil muhâcirinden Kandıye’niñ sabîk müftüsü Aḥmed Kâmil Efendiniñ bil-tahkîk evşâf-ı kânûniye ve haqq-ı iskâni tebeyyün etdiği taḳdirde (...) ve mevki’i ictimâ’isiyle mütenâsib bir hânedede.” CA 272.11.22.109.20.

39 This most valuable group of sources has only recently become available, and has, to my knowledge, not yet been studied in detail. For an overview on this subject, see Çelebi, “Mübâdillerin Yunanıstandaki Mal Kayıtları ve Muhtelit Mübadele Komisyonu Tasfiye Talepnameleri”.

*senedis*, wills, *vakıfnames*, and witnesses' statements, while others merely state the number of houses and fields applicants had left behind in Greece. This difference in the depth of detail arguably forms a first marker of class difference: A higher social status often translated into bureaucratic literacy.

Some exchangees provided detailed lists of movable property (such as bedsteads, silverware, linen, clothing, and books). Rather than just give the monetary value of these items, they specified brand names and materials, making a point of belonging to a middle-class that could afford to buy imported goods and used them for a lifestyle very different from that of poorer or more traditional people.<sup>40</sup> Fatma Hanım, a female exchangee from Chios/Sakız submitted her *talep-name* in 1925. She reported to have left the island in 1912, at the beginning of the first Balkan War, and migrated to nearby Çeşme. She was therefore one of those Balkan War refugees who were retroactively included in the exchange agreement between Greece and Turkey in 1923. Fatma Hanım could not produce *tapu* documents for her property on Chios. This was unusual among Chios exchangees since the island had been part of the mainland district of Çeşme until 1912: the relevant documents should have been available in the local court in Çeşme, rather than on nearby Chios. Fatma's application for property liquidation gives an interesting reason for her failure to produce these documents. It contains a declaration (*kefaletname*) signed by ten male compatriots that stated:

We hereby testify that (...) the *tapu* documents exist.  
When the Greek government performed a census, the  
hero Hüseyin Beyzade Seyyid Ağa brought them to Chi-

40 A certain Osman Efendi from Chios who worked as a clerk at the public debt administration in Çeşme, listed three sets of broadcloth suits (30 Lira), one lined oil-cloth raincape (*müşemma' kapuğa ma'a çizme*, 10 Lira), a set of porcellain plates (20 Lira), matching knives, forks and spoons (10), a dozen napkins made of linen (*keten peşkir dozina*, 5 Liras), an iron bedstead (*demir karyola*, 10 Liras), underwear and long undershirts (*iç çamaşirler ve fanelalar*) (10 Liras). He did not list such profane items such as cups, socks and bedding. CA 130.16.13.2 / 35.260.7.

os and had them recognized by the Greek government. When he went back to Çeşme in his boat, he was followed by Greek bandits, who killed him, destroyed the boat and stole all the cash and other valuables he had on him. In the course of this, the *tapu* records of Fatma Hanım, as well as her documents pertaining to her inheritance, were lost. They are, however, still kept at the land records office on Chios as well as in the tax offices there.<sup>41</sup>

Instead of Ottoman documents, Fatma Hanım provided a story that probably resonated with Turkish nationalist narratives common at that time: Greek bandits killed the Muslim messenger and destroyed his cargo. On the other hand, the story involuntarily testifies to the trust of former Turkish inhabitants in the new Greek authorities on Chios by depicting the latter as ready and willing to recognize Ottoman title deeds. Apparently, Fatma had been trying to have her property rights on Chios recognized even after her migration to nearby Çeşme in 1912. Going even further, the document suggests that the Turkish authorities verify her information by checking them against those documents held by the Greek administration on the island.

*Tasfiye talepnames* listed property left behind in Greece but do not provide any information on the houses, gardens and fields that ex-changees were given as compensation. Their petitions are more revealing in this respect, often showing which houses people wanted,

41 “Tapu senedâtları mevcûd olub bundan mukaddem Yunan hükümetiniñ vaz’ eylediği (...) -i mu’ayyine zarfında senedât-ı mezkûreyi Çeşme’de mukim Saķız muhâcirlerinden Kahraman Hüseyin Beyzâde Seyyid Ağa ile Saķıza göndererek merkûm Seyyid Ağa olvechle Saķızda senedât-ı mezkûreyi hükümet-i Yunâniyeye kayd ettirerek senedât-ı mezkûreyi (...) kayık ile Çeşmeye ‘avdet ederken eşķiya-yı Yunaniye râkib olduđu kayığa hücûm ile kendisini şehid ve kayığı gadık ve beraberinde bulunan nuķud ve mâlını (...) ve gâret eyledikleri cihetle bu meyânda mezbûre/yure? Faţma Hanımın emlak ve arâziye dâ’ir olan tapu senedâtı ve evrâķ-ı mışlye? -i sâ’iresi daļı maļv ve ziyâ’a uğradığını ve ancak Saķız haķâni ve ma’a taħrir vergü idâreleri kuyudâtında daļı olvechle muķayyed bulduklarını işbu elim? vaz’iyetimizle maķâm-ı şehâdetde taşdıķ ve beyân ederiz.” CA 130.16.3.2/ 23.25.11, 13.

but didn't get, or which ones were taken away from them. Sometimes, two or more people applied for the same house. In the case of a house in Quay Street (*iskele sokağı*) in Karantina (a seaside district of downtown İzmir), an exchangee from Drama named Ahmet petitioned in 1925, complaining that a house that had first been allocated to him had then been given to another exchangee and his brother. Ahmet considered this unjust, because the other exchangee (a certain Hasan Tahsin from Kavala) had applied a full three weeks after him. He also accused the brothers of having already received another house in Karantina.<sup>42</sup> A lady named Tevziye Hanım from Salonica received a house on the downtown seaside boulevard (*Birinci Kordon*, today's Atatürk Caddesi)<sup>43</sup> as early as 1923. The settlement administration reviewed her documents in 1927 and found her claims insufficient to match the house. Fevziye Hanım was asked to leave it to another lady from Salonica named Nuriye Hanım. Fevziye Hanım's son Arif Beyzade sent a petition from Istanbul to the Ministry of the Interior in the matter. In it he argued that the house had been given to his mother as part of the regular settlement process and could therefore not be taken away from her. He claimed that Nuriye Hanım was none other than "the mother of Rahmi Bey, the former governor of İzmir," and that "an allocation of the house to her is pursued even though it is contrary to all existing laws."<sup>44</sup> The claim about Nuriye Hanım's

42 "Hâlbuki: bendelerinden yiğirmibir gün sonra müraca'ât itdiği ...deki vesâ'ik-i resmîyye ve şa'abâtdaki ... resmîyye ile sâbit olan mumaileyh. Hâsan Efendi'den Mücerred ve meczûba? olduğu ... tahkîkâtıyla sâbit olduğu gibi kardeşi Süleymân Efendi ile bir 'a'ile olarak buraya gelerek Karantinada 582 numaralı hânede iskân görüb işbu hâneyi daği 'uhdelerine tefviz itdirmeleri başkaca hâne almalarına ... olacağı ve bir 'a'ileye ancak bir hâne verilebileceğine nazâran işbu mu'âmelesinde kânûna külliyyen muhâlif olduğu (...)" CA 272...12.46.80.15, 2.

43 According to the table of old/new street and neighborhood names in Baran, *Bir*, 76.

44 "Selânik Mübâdillerinden 'Arif Beyzâde vâlidem Fevziye Hânım dört sene evvel haqq-ı iskân edildiği hânedan çıkarılması isteniyormuş. (...) Mevzû'ât-ı kânûniyye buña iskân bırakamayacak derecede cerh olduğu hâlde muhtâkân hânedenî İzmir iskan müdürîyetince İzmir vâli-yi esbâkı Rahmî Beyiñ vâlidesine tefviz olduğu (...)" CA 272...13.79.8.21, 6.

family (which I have been unable to either verify or falsify) might have served two purposes: first, Fevziye Hanım's son certainly meant to imply that the other lady had made use of her son's contacts in the administration. Second, his emphasis on legal provisions might also have been a reference to the status of pre-1912 immigrants.<sup>45</sup> These earlier immigrants, usually officers (including Mustafa Kemal) and rich landowners, had immigrated prior to the Balkan Wars and were therefore not part of the population exchange. They were also never regarded as "refugees" (*muhacir*), a term that was reserved for poor immigrants.<sup>46</sup> The question of Nuriye Hanım's family and/or exchangee status was not taken up by the administration in İzmir and Ankara. The Ankara office regarded both women as exchangees and simply stated that Nuriye Hanım, having left behind two summer residences (*yahı*) on the seaside in Salonica, was perfectly eligible for the house in question. Fevziye Hanım's claim was dismissed as contradicting the principle that "houses in places as the first *Kordon* ought to be reserved to people who have left behind high-value real estate, and shall not be given to those who have only left behind winter houses, fields and the like."<sup>47</sup> The arguments that her son presented as working in her favor, i.e. (alleged) four years of continuous resi-

45 Rahmi Bey, governor of the Aydın province between 1913 and 1918, was indeed from Salonica and, like Mustafa Kemal and many others, had migrated to Anatolia prior to the First Balkan War. These early migrants from the city were not part of the population exchange (but they were compensated through protocol No. IX). I have been unable to find out the name of Rahmi Bey's mother.

46 See Erik J. Zürcher, "Who Were the Young Turks?" in *The Young Turk Legacy and the National Awakening: From the Ottoman Empire to Atatürk's Turkey*. London: I.B. Tauris, 2010, 95–109.

47 "Selânik'in mübâdillerinden Fevziye Ragib Hânımın emvâl-i mevzû'u bahîş hânениñ cinsine ve kıymetine tekâbül etmediği ve bil-hâşşa İzmir'de birinci kordon gibi bir mevki'deki hânelerin memleketlerinde pek yüksek kıymette müsâkkaf emvâl terk edenlere haşredilerek böyle kışlak tarla mesellü mâl bırakmış olanlara verilemeyeceği esâsât ve teflîgâtımız icâbından olmakla mu-maileyhâniñ hakk-ı tercihan iddi'ası hiç bir vechle vârid olamaz." CA 272...13.79.8.21, 4.

dence in the house and a previous settlement decision, were not taken into consideration.

#### 5.4 Allegations of corruption and fraud

Many petitions dating from 1926 and 1927 are connected to cases in which the authorities revoked previous decisions and claimed property back. An exchangee from Florina petitioned the TBMM in autumn 1926, when he was asked to evacuate a vineyard in Karşıyaka which he had been given in 1924. His petition was forwarded to the Settlement Directorate in Ankara, which inquired about the case in İzmir, with results that cannot be traced in the documents available to me.<sup>48</sup> Similar requests for more information were usually followed by investigations on the ground, which, however, often produced rather ambiguous reports. In May 1927, Hatice Hanım, an exchangee from Gobran, accused a clerk at the settlement office in Urla of having sold a garden that had been allocated to her. According to the report of the governor (*vali*) in İzmir, the matter was investigated by the district governor (*kaymakam*) in Urla, who reported that no record of such a sale existed, concluding that Hatice Hanım had unjustly accused the clerk. The report also contains some incomprehensible information on fields being measured and rented out, and mentions “the possibility that vineyards which people had requested for *tefviz* might accidentally have been sold.”<sup>49</sup> The Settlement Directorate in Ankara did not accept this confusing report, which did “not make it clear whether or not the vineyard was sold”, and asked, rather exasperatedly: “Has it been sold or not?” Moreover, Ankara asked for more information on the gardens that had admittedly been sold, for the names of those interested in getting them via *tefviz*, admonishing the provincial administration that it was “absolutely out of the question to leave the issue undocumented.”<sup>50</sup> At this point, the letter turns from the usual-

48 CA 272...12.50.105.30.

49 “Tefvizen talibi bulunan bağların yanlışlıkla şatılabilirdiği” CA 272...12.53.128.05.

50 “Bağının şatılıb şatılmadığı anlaşılamağtadır. Mümâileyhaniñ bağı şatılmış mıdır. Şatılmamış mıdır. Şatılmış ise kimiñ tarafından ne sebeble ne şüretle

ly cold voice of a bureaucrat to one outraged by misconduct – a point that might be further explained by the fact that it was no longer a member of the own local staff that was blamed, but an employee of the financial administration.

Local settlement offices often revoked *tefviz* decisions on the grounds that exchangees' claims did not match the property they had been given earlier in the settlement process. A certain Ali Ağazade Kâzım from Drama anticipated this argument when he petitioned from Söke in 1927, after receiving an eviction notice for a house he had been given three years before. He claimed to be “a victim of arbitrary conduct” since the house was “appropriate to my social position” and he was “eligible [literally: strong enough] for its allocation.”<sup>51</sup> Again, the outcome of the affair remains unclear: the only additional document in the file is a request for an investigation of the matter sent from Ankara to İzmir.

## 5.5 Voluntary and involuntary cohabitation

Whenever the value of previously allocated houses turned out to be too high to match exchangees' compensation claims, the inhabitants faced either eviction or something the settlement offices referred to as “squeezing in” or “settlement by squeezing” (*teksif/teksifen iskanı*), meaning that several families were settled in one house. Thus, many people suddenly had to share a house they had long considered their own. Hasan Hüsnü, an exchangee from Drama, describes the situa-

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şatılmıştır. (...) Yañlışlıkla şatılan bağların bunların müteffevüz (...) ve taliblerinin isimlerinde ve bu vaz'iyet karşısından vilayetçe lâ-kayd kalınmasına imkân olamayacağından bu bâbda vilâyetince ne yapıldığının iş'arı (...).” CA 272...12.53.128.05.

- 51 “Üç senedenberi iskanıma tahşış edilmiş ve imâr ettiğim hânemden tahliye edilmek üzere olduğum jandarma dairesinin tebligatdan anlaşılmıştır. Tahşış edilen hâne mevki-i içtimâiyemle münâsib ve tefvizine muhtedir olduğum nazâr-ı diğkhatına alınmıyor. Keyfi mu'ameleye kırbân oluyorum. Mağdûriyetime meydân kalmamak üzere tahkiki için icâb eyleyenlere 'emir buyurulması hükümeti cum-hûriyemizden müsterhîmim.” Söke'de Drama mübâdillerinden Ali Ağazade Kâzım CA 272.12...54.131.19.

tion particularly colorfully in his complaint against this practice in June 1926:

Despite my repeated telegraphic appeals, the unjust and illegal treatment I am subjected to has not been investigated, and my cries for help remain unheard. This morning, at a moment when no member of my family was home, the door was broken down with the help of the police, and two people—one a Balkan refugee, the other an exchange—were squeezed in by force. Throughout the two years I have been living in this house, I have never been at peace, and always been subject to harassment by the settlement administration.<sup>52</sup>

Hasan Hüsnü depicts the settlement administration as an institution that breaks down doors and trespasses into the private realm of the petitioner's family – thus threatening to sever his honor. Judging from other files, this accusation should have sufficed for the Ankara office to initiate an investigation. But the petition continued with further accusations:

Following the official announcement of the settlement administration that those houses that were supposed to be distributed as a whole in the course of default settlement (*iskan-i adi*) will now be held back for repair works, this is the second blow aimed against all exchangees. Neither the documents that prove my property ownership back home, nor my status as a new exchange [i.e., one who immigrated after 1922, not during the Balkan Wars], nor my status as a politically oppressed person [in Greece], nor, most important of all, the laws stating

52 “Mütekerriir telgraflarla müraca’âtıma rağmen hakkımda yapılmakta olan hakksız ve kânûnsuz mu’ameleyi tedkik ettirmeden feryadımı ilıstırrmeden mümkün olmaktadır. Bu şabâh eviminin ‘a’ilemden kimse bulunmadığı bir anda çapular polis ma’rifetiyle kırılarak bir Balkan muhâciri bir mübâdil (...) cebren tekşif olunmuştur. İki seneden berü iskân olduğum evininin râhat görmeyerek mütemâdiyyen iskân idâresinden tecvîzâta ma’rûz kaldım.” CA 272...12.49.97.01, 1.



that property be allocated to exchangees in those places they arrive at – [none of this] is taken into account. But the point I complain about most is that a Balkan refugee and another exchangee are treated better than me.<sup>53</sup>

The petition ends with a lament that stresses the petitioner's identity as a citizen of the newly established Republic of Turkey. Hasan Hüsnü laments that out that he is unable to “distinguish this treatment, which is incompatible with the holy values of our sacred Republic, from a violation of my humble personal rights.”<sup>54</sup>

Hasan Hüsnü employed a variety of tactical arguments to support his claim to an undisturbed life with his family. The first is to present his family as one deserving of a private home. Moreover, he presents the violation of his home as one that was aimed not only at him, but at all exchangees. He thus presents himself as part of a collective of exchangees that was harmed whenever one of them was treated unjustly. Within this collective identity, however, further sub-identities (and thus, in his opinion, claims to privileged treatment) were possible: Hasan Hüsnü was a “new” exchangee (i.e., one who only immigrated to Turkey after the exchange agreement had been signed) and he claims to have been oppressed for political reasons (with all likeliness in Greece). He presents both points as reasons for privileged treatment, which he, however, did not get. The final sentence essentially states that the republican government was violating the petitioner's

53 “İskân-ı ‘âdide ka’fiyyetinden bahısla evlerini i’âra ra’vet iden iskân müdürü-  
yetinden gazetelerdeki resmî ilânâtundan sonra bu hareketi bütün mübâdiller  
aleyhine bir harektir. Elimdeki evrak memlekette terk ettiğim mâlîn yeni  
mübâdil olmağım mağdûriyeti siyâsiden bulunmağım ve eñ şahâne  
mübâdilleriñ girdikleri yerlerde mevki’ilerini tefvîze istihdâf eden kavânin ve  
evâmir-i (...) kânûni hiç bir şeyi nazâr-ı diğğat ve ehemmiyete alınmayarak mesrûd  
edilmekteyim. Eñ ziyâde şayan-i te’yîd olan nokta bir Balkan muhâcirinde bir  
mübâdile bir müstehtlikle bir mütehaşşille (...) terci’i her intihâma (...)” CA  
272...12.49.97.01., 2.

54 “Muqaddes cumhûriyetimiziñ kudsî gâyeleriyle münâfi olan bu mu’âmele tek  
hakq-ı ‘âcizânemiñ tecvîzinden bir türlü akl ayırdayamıyorum.” CA  
272...12.49.97.01., 3.

rights, and thus failing to live up to its own “sacred” values – namely, the rule of law.

The file does not offer any clues to the results of Hasan Hüsni’s petition. Yet, the distinction between “old” and “new” exchangees also appears in a memo dated July 8, 1926, in which the then Minister of the Interior, Mehmet Cemil (Uybaydın) distinguishes between both groups, arguing that new exchangees ought to be preferred in the property allocation process because they “suffered both materially and immaterially in various ways, while the old ones have been around for quite a while, and therefore have been able to take over empty houses.”<sup>55</sup>

As many other petitioners, Hasan Hüsni argues that respect for his personal personal was (or should be) a core value of the state. Such a congruence of interests, however, was questioned in a co-ed published around the same time. Discussing protests of exchangees against sales of abandoned property in Istanbul, journalist Mehmet Şevki argued that “petitions to the Ministry of the Interior look as if they have the potential to seriously question [literally: to expose to an earthquake] a right that belongs to our state.” In Mehmet Şevki’s opinion, it was the state’s right to sell property and thereby secure income for the Treasury, especially since the values of abandoned property would eventually be balanced between Greece and Turkey. He depicts exchangee complaints against such sales as a threat to this right and reminded his readers that “it is the duty of all of us to protect the right of the state.”<sup>56</sup> For him, state interests were superior to the right of individual citizens to compensation.

55 “Çünkü yeni mübādiller her vechle maddi ve ma’nevî birçok zararlara ma’rüz kalmışlar. Eski mübādiller ise birçok senelerden beri burada mü’nasibleri boş ve müsait ? mülk bir vaz’iyette bulunmuşlardır. Bina’enaleyh tefvîz evrâkıñ tedkikinde böyle bir hâlde vukû’uyi sebeb (...) esbâb-i tercih olarak ...nâmede zikr edilmiş huşûşât (...) mübādiller arasında şâyân-ı ... edilecekler.” CA 272...13.79.03.06, 1.

56 “Devletin hâkını korumağ cümlemiziñ vazifesi olduğundan ve muhâbirimiziñ bildirdiği vechle Dâhiliye vekâletimize vukû’ubulan ma’rüzât devletimize ‘a’id bir

Hasan Hüsni mentions that he had petitioned before, and it is likely that the local settlement office in İzmir had made other attempts at settling fellow refugees with him before it finally resorted to brute force. His petition is not only unusual in its length (which, as the document was sent via telegram, translated into high expenses on his part) and the explicit criticism, but also because it was sent right after the unwelcome housemates had been settled. Most petitions related to “squeezing in” (*teksif*), however, were sent by people who were trying to get rid of people they had been sharing a house with for quite some time. Moreover, it is often not clear who had been settled first. Arif, a teacher and exchangee from Salonica, had been assigned a house abandoned by a certain Doctor Yorgi Kozmadi. Later, a “fire-victim” (*harikzede*) (i.e., a homeless person whose house had been destroyed during the war) called Osman Nuri Efendi had been “squeezed” in with him. According to a letter of inquiry sent from Ankara to İzmir, Arif claimed that Osman Nuri, owned a house in the provincial town of Kemalpaşa, and therefore ought to be evicted from the shared house in İzmir.<sup>57</sup> Fraudulent use of settlement rights is frequently mentioned in the provincial press of those years, which spoke of people who “used the exchangee status as camouflage” (*mübadil perdesi*) – without ever naming culprits. But even if the legal status of people as exchangees was undisputed, they could still cheat in numerous ways (or be accused of cheating). In the documents available to me it is usually involuntary housemates who reported such cases. In June 1926, Makbule Hanım from Salonica and her husband Yusuf Zehdi Efendi from Yeniçe-i Vardar were “squeezed” into a house in Karşıyaka where İsmail Hakkı, an exchangee from Salonica, was already living with 14 (!) other people. İsmail Hakkı denounced the couple in November 1927, arguing that Makbule

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hakkı az çok zelzele uğratacak mâhiyetde görüldüğünden.” Mehmet Şevki, “Devletin hakkını korumak,” in: *Ahenk*, February 14, 1926.

57 The document is dated October 30, 1926. Strangely, the house in İzmir is only characterized with the name of the Greek owner, no district or street is mentioned. CA 272...12.49.101.21.

ought to stay with her mother, who had been assigned another house in Karşıyaka. The investigation of the provincial settlement office brought to light that the couple not only had manipulated their documents in order to be settled in İzmir (rather than Denizli, their original destination), but that they also had concealed their marriage in order to be compensated twice.<sup>58</sup> The last point is curious, as it was very common for women to own their own property, and therefore to also apply for compensation in their own name.

Hadi Bey, and employee of the İzmir post office, and Fatma Hanım were both exchangees from Naslıç/Neapolis were probably not married, but simply desperate to find a house. They petitioned the settlement administration in Ankara, asking for permission to combine their compensation claims for a house in Karşıyaka, in Selimiye street no. 41. The house was particularly hard to get because it was mortgaged (possibly still in the name of the Greek owner), and would only be given to people who were ready to take over the debt. In his petition, Hadi Bey identifies himself as “an exchangee from Naslıç whose file number in the allocation register is fifty.” He explained that he had, “despite all efforts and numerous inquiries”, not found another house, saw “no chance to finding one in the future” and therefore was “currently homeless.” After explaining the situation and his desire to team up with Fatma Hanım, he repeats:

“my file number at the directorate is fifty. A brief consideration of this fact will make clear how unjustly I have been treated. It is utterly impossible to find a house that matches my claims. It has happened before in İzmir that people teamed up, and I humbly ask the Settlement Directorate to give permission in this matter.”<sup>59</sup>

58 CA 272...12.50.109.08.

59 “İzmir iskân müdüriyet-i ‘aliyesine. Naslıç mübâdillerindenim. Tefviz kısmında elli numaralı dosyam mevcüddür. Tâlib-i tefvizi olduğum Karşıyaka’da Selimiye sokağında 41 numaralı hâne merhûn bulunduğundan mu‘amele-yi tefviziyesi te’hîre uğramışdı. Pek çok tahriyâta ve ta’kibâtıma rağmen başka bir hâne bulmağa muvaffik olamadım. Bundan şoñra bulmağa da imkân göremiyorum. Bu sebeble

Strangely, Hadi Bey did not ask for the mortgage to be waived. The debt appears as an unpleasant fact he simply had to accept (by declaring his readiness to pay it) in order to eventually get the house he so desperately wanted. The settlement office in Ankara treated the mortgage in the same matter-of-factly way. In a first response to the provincial administration (*vilayet*), it accepted the idea to combine the two applicants' claims, but suggested that, since a precedent for teaming up *and* taking over a mortgage could not be found, the İzmir office should allocate another house to them.<sup>60</sup> A month later, it sent a second letter in which the *vilayet* was instructed to check whether or not the combined claims of the applicants were sufficient to liquidate the debt – an idea that had certainly crossed the minds of the provincial officers as well.

## 5.6 Squatting

The assignment of a house to an exchangee did not necessarily mean that the settlement agency was able to actually hand it over to him or her. The houses often turned out to be occupied by other people, who could, for one reason or another, not be evicted in order to settle the exchangees. Current occupants were either able to make their own, equally legitimate claims, or were powerful enough to prevent their eviction. The administration therefore ended up negotiating the claims of current occupants and exchangees, not necessarily prefer-

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el-ân yerleşmemiş bulunmağdayım. (...) Müdüriyet-i ifâ dosyamın numerusü el-lidir. Bu numeruya göre ne kadar mağdûr kaldığım ufağ bir mulâhaza ile anlaşılıyor. Yalnız kendi istihkakım derecesinde ev bulmak 'adimülîmkândır. İzmir'de emsâli mesbûk olduğu üzere teşrik-i vâkı'î'n ifâsı için vekâlet-i celileden müsâ'ade-yi istihsâlna delâlet buldurulmasını 'arz ve istirhâm eylerim efendim." Date illegible. CA 272...13.79.07.11, 2.

60 "Ancak tâlib-i tefvîz bulunduğu İzmir'de Karşıyaka'da Selimiye sokağındaki 41 numrolu hânenin merhûn bulunduğu cihetle bedeli rehin için ta'ahhüd şenedi vermek üzere hâkında mu'amele yapılmasını ... eylediğ*u* anlaşıl... bu şekildeki mu'amelesine esas... bulun... mezkûr hânenin tefvîzine 'â'id tâlibi şâyân(?)... görülemediğinden istihkak ...yetlerine.... mu'addel diğ*er* bir hâne tefvîz olunması münâsibdir." April 9, 1927. CA 272...13.79.07.11, 2, 4.

ring the newcomers. Some of these “squatters” had actually been given their houses by the state, which only later came to regard them as illegal occupants. In rare cases, it is possible to grasp the limited extent of central state control in rural areas and towns: in March 1926, two exchangees from Drama had their fields in Bergama taken away by a local gang leader, an Albanian called İştiripli Hakkı Bey. As they explained in their petition to the Ministry of the Interior, Hakkı Bey had been the local commander of the irregular nationalist army (*kuvayı milliye kumandanı*) during the war against the Greeks. Intervening in such a case would have meant to seriously alter local power relations, and would have been possible only by means of military force. Ankara instructed İzmir to investigate the case, but a place as remote as Bergama might not have seemed important enough for the administration to follow up on the case.<sup>61</sup>

In other cases, it seems that the settlement process was hampered by the early and rather chaotic registration practices of 1923 and 1924. For instance, in June 1926, a certain Hasan and his son Ahmet sent a petition from the town of Söke to the Ministry of the Interior in Ankara. Identifying themselves as “exchangees from Salonica resident in Söke,” they explained that a settlement inspector had come to town and “witnessed the unlawful and corrupt decision of the local settlement administration” for their eviction.<sup>62</sup> Ahmet complained that after the inspector’s departure, the local district governor (*kaymakam*) tried again, contrary to the inspector’s orders, to evict him, “insisting on the same treatment in order to destroy my home and family.”<sup>63</sup> He

61 “Bergama kaşası dahilinde ... .. mübâdile tefviz ederek komisyon-u mahşûsunuñ karârıyla tarafımıza teslim edilmiş arâziye kuvvâ-yi milliye sâbık kumandanlarından Arnavud İştiripli Hakkı Bey başta topladığı meçhûl .... Arnavudla ile birlikte cebren ve fuzûlan ... ve zirâ’at etmekte ve bizleri istifâdeden mahrûm eylemektel-er.” CA 272... 12.48.92.01.

62 “İskân müfettişi Nâmîk Bey Söke’ye geldi... İskân idâresinden hakkımda ta’bîkına kalkıştığı kânûnsuz ve yolsuz ta’hlîye kararına şahiddir.” CA 272...12.49.97.12.

63 “Müfettiş Bey gidince Ka’imakâm Bey meskenimi ve yuvamı bozmağ için yine eski icrâda ısrâr ediyor. Hukûk-u ‘adâlet nâmına hukûk ve hayât...?’ miz için seri’ ve ... müdâhaleñiz ...suz şeyle(re) istihâm ederim.” Ibid.

asked “for immediate action in the name of law and justice” for the matter to be corrected. The said inspector’s report dated June 6, 1926 narrates the affair quite differently. According to it, 48 houses in Söke had been allotted to exchangees in August 1924. During his tour, the inspector walked through the town with a list showing the previously allotted houses, only to find out that the data given there did not correspond to the actual situation at all. As for the exchangee Ahmet, he was indeed part of the list, but there was a (more recent) decision in place to give the house to another exchangee. Apparently, many houses, especially income-generating property such as hotels, depots, shops, etc. had been given to several people at once. The inspector stated that it was this point which had “caused conflict and complaints.”<sup>64</sup> He concluded his report with the suggestion that the settlement agency claim the already distributed houses back and start the whole allotment process in Söke anew. He did, in other words, admit that some people had become squatters as a result of contradictory distribution policies. The Minister of the Interior, however, did not approve of such an extensive revision and instead suggested that illegal occupants be asked to pay rent. Such cases of the authorities stumbling over their own records were not limited to the province of İzmir. A similar report on the settlement process in the nearby province Manisa written in 1927 came to the conclusion that the administration had completely lost track of the situation, and that the existing records were worthless.<sup>65</sup> As late as 1928, the allocation commission in İzmir had to revoke a decision it had previously taken because a house in Karşıyaka, which it had allocated to a certain Mehmet Derviş from Karaferye, turned out to be used as a school for hearing-impaired children (*dilsizler mektebi*). Upon an order from Ankara

64 “İzmir’de ve şikâyet bu noktadan doğmuştur.” CA 272...12.49.97.12., 2.

65 See Mehmet Öz and Ferhat Berber, “Mübadele Sürecinde Yaşanan Sorunlar Ve Merkezden Müdahaleye Bir Örnek: 1927 Manisa Teftişi,” *Atatürk Araştırma Merkezi Dergisi*, no. 78 (2010) (no page numbers).

(possibly caused by a petition sent on behalf of the exchangee) the commission gave him another house located in the same street.<sup>66</sup>

To be sure, many people were given the house they were already occupying. According to research conducted by Tülay Alim Baran, a register of assignment decisions (*tahsis defteri*) covering the years 1928–30 recorded allocations to 280 families, 114 of whom were already occupying the houses in question, while 68 other houses were occupied or rented out to illegitimate (*fuzuli*) occupants.<sup>67</sup> The term “rented out” in combination with the adjective *fuzuli* is curious. It might be a reference to cases of people who first illegally occupied houses and then started to rent them out to other people.<sup>68</sup> On the other hand, it seems that some legal owners continued to collect the rent due to them despite their houses being considered as abandoned property (they might have been considered illegitimate landlords as well): as late as 1928, the British vice-consul was paying rent to the (mainland) Greek owner of a house despite the fact that the house was officially administered by the abandoned property authorities.<sup>69</sup>

In January 1927, three exchangees from Kavala petitioned from the coastal town of Urla because the houses assigned to them continued to be occupied by fire victims (*harikzedegan*). The petitioners explained:

A state order for their removal to their village has not been put into effect, making it impossible for exchangees to be settled and bringing us into a most terrible condition. It has been decided to let the *harikzede* stay until March. Due to this, the exchangees, who, according to the law, have a legal right to be settled, will face

66 CA 272...11.23.123.06. Tevfiz commission's decision, March 13, 1928.

67 See Baran, *Bir*, 135.

68 Mehmet Şevki criticized this practice in *Ahenk*: “Ceratkar Canbazlar”, October 14, 1923.

69 The contract explicitly stated that the rent was payable to the Greek owner unless the authorities stepped in, see FO 369/2172/K 2583, K 2829.



the danger of dying in the streets. We therefore ask for [your] mercy in this matter.<sup>70</sup>

The exchangees' argument here is twofold: pointing to their legal right to settlement (if necessary, to the disadvantage of others), they additionally stress the life-threatening situation they were in. This was an argument usually employed by their current adversaries, the *harikzede*, who were by definition homeless.

Other documents in the same file show that both claims were successfully contested by the *harikzede*. According to the governor's report, the Ministry of the Interior had ordered in September 1926 that the *harikzede* be allowed to stay. Upon this, the local settlement office resorted to "squeezing in", trying to settle as many families as possible. Despite these efforts, 50 exchangee families were still "out in the open," while 114 houses continued to be occupied by *harikzede*, who included some civil servants and gendarmes. Reversing its previous policy, the Ankara office therefore ordered in December that the *harikzede* be brought back to their village. At this point, the *harikzede* successfully turned to a local court, pointing to the previous order in their favor and arguing that the exchangees were not homeless at all. Since both the district governor and the municipality supported the *harikzede*, the governor was unable to enforce their eviction.<sup>71</sup> He

70 Urla'da (...) emvâl-i metrûke hânelerinde ikâmet eden Kuşçular karyesi harikzedegânın hemân köylerine naklı ve hânelerine henüz iskân edilemeyen mübâdillere i'tâsı hakkında emr-ü devletleriñiz icrâ eylemediklerinden iskân görmeyen mübâdiller fec'î bir vaz'iyet içindedir. Harikzedegânın Marta kadar hânelerinde kalmaları için te'sisât-ı icrâ kılndığı işçâr kılndı. Harikzedegânın hânelerinde tahdid-i ikâmetine me'zûniyet verildiği takdirdе kânûnen iskâna tâbi'î olan mübâdiller açıklarda ölmek tehlikesine ma'rûz kalacaktır. Emr-ü devletleriñiziñ ... ta'tbiki hakkında ... .. iş'âr-i keyfiyet buyurulması merhâmet 17/1/27 Urla'da Kavalâ mübâdillerinden Muştafaoğlu Mü'sâ, İsmâ'iloğlu Hüseyin, Şerif Hüseyin. CA 272...12.51.114.06, 3-4.

71 The *vali*'s telegram dated January 13, 1927 reads as follows: 20 Kanunuevel 926 ve ... Urla'da Rum evlerine iskân edilmiş olan harikzedeleri Civâr (...?) veyahüd civar kıur'adaki hânelere çıkarılarak iskân elli hâne mübâdiliñ bu evlere iskâniyeti maħallına tebliğ ettim. Harikzedegân bu kere maķâma mürâca'atla evvelce bu

therefore wrote to Ankara again and was told that the *harikzede* would finally be evicted in March 1927. The last document in the file was written by the Minister of the Interior, Cemil Bey, himself. In it, he asks how many *harikzede* would need to be transported and re-settled back in their villages.

The Urla case shows that “the” state (certainly not only in this locality) was in fact comprised of a multiplicity of actors with often contradictory objectives. The exchangees’ claim to a privileged status appears to have resonated only with the central and provincial administrations, but not at all with the local ones (which were, at least partly, staffed by *harikzede*). To be sure, local authorities could not act completely independently from the central ones. However, the *harikzede* were able to exploit the contradictory character of orders from the center, thus winning the support of the local court and municipality.

As discussed above, illegal occupation of abandoned property by civil servants, army officers and gendarmes came to be tolerated when attempts of the settlement offices to evict these people turned out to be unenforceable. This policy was of special importance in İzmir, where housing prices skyrocketed in the 1920s. Living in abandoned property houses made it possible for public servants to live in a city that they would otherwise have been unable to afford. In fact, officials’ salaries were so low that free housing, together with corruption, must have been a tolerated (and possibly welcome) means of keeping state expenditure low. The main writer of *Ahenk*, Mehmet Şevki, devoted a long editorial to the situation of public servants in May 1928. In it, he explained that abandoned property, especially that owned by non-

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hanelerde ikâmetlerini taşıyıp buyuran vekâlet-i celilelerinin ... kendilerince ... olup şüret-i kaç’iyede tahliye ve mübâdillere teslim edemeyecekleri ve ancak bu kıs köylerinde kendilerinin bağ mucib olacağından ve zâten bu evlere gelecek mübâdiller açıkta olmayıp (illegible line) (...) istirhâm etmişler ka’imakanın ve maḥallî belediyenin (te’...-a) göre bu ḥarikzedeler sâkin oldukları haneleri artık kaç’iyyen tahliye edeceklerini görerek kendilerince? bir ... koyulmuşlardır. Elli ḥâne halkın (...?) kalmalarına ... verilmemek için soñ ve kaç’i olmak üzere kendilerine Mart on beşe... kadar ... müsâ’adeleri ricâ ederim efendim. CA 272...12.51.114.06, 5.

exchangeable Greeks, had long served as a last resort for penniless officials, but that this category of houses, too, was now about to be rented out at market prices. These prices had recently fallen and were no longer as high as several years ago, but continued to be beyond the means of officials. How, Mehmet Şevki asked, was an official who made 600 Lira per year supposed to pay 250 Lira of rent for the most basic housing available?<sup>72</sup>

Sırrı Bey was not a petty official, but the chief officer of İzmir's abandoned property administration (*emval-i metruke müdürü*). When a house on Tramvay Avenue<sup>73</sup> in Karataş (the Jewish neighborhood) was allocated to a *harikzede* in 1928, it turned out that Sırrı Bey was already dwelling in it illegally. A decision to evict him from the house was revoked after he petitioned the national property administration in Ankara. (The house must therefore have been owned by a person not subject to the population exchange, probably an Armenian or Jew). The governor's report on the matter mentions Sırrı Bey's occupation of the house only in passing. The document instead extensively discusses how to settle the fire victim in another house. The document thus suggests that certain influential officials were very well able to stay in houses they were officially supposed to surrender by 1928. Considering his position, however, it is interesting to note that Sırrı Bey was not able to stop his eviction himself, but rather petitioned Ankara. It was upon an order from there that the provincial administration abandoned the idea to evict him and set upon the task of finding alternative housing for the internal refugee.<sup>74</sup>

72 "Bugün basit bir eviñ bedel-i icârı ... liradan aşağı düşmüyor. Yılda.. lira alan bir me'mür ikiyüz ellisini ... bedeli icârı olarak tefrîk (ederse) geride kalan 350 lira ile geçinebiliyor mu? Bunu taķdır etmek ... deęildir." "...fetin temâdisi," *Ahenk*, May 2, 1928.

73 Present-day İsmet İnönü Caddesi. See Baran, *Bir*, 76.

74 "Osmaniye muhâcirlerinden (...) emvâl-i metruke müdürüyeti muhbirî Mehmed Beyiñ temlike taleb olduęu ve emvâl-i metruke müdürü Sırrı Beyiñ taht-ı işğâlında Karataş Tramvay Caddesinde kâ'in 355 numaralı hâneniñ talib-i evveli olan

## 5.7 Citizens as customers? The “temlik” law of 1928

In March 1926, the settlement scheme for internal refugees (“fire-victims”/ *harikzedede*) and other non-exchangees was changed from rent to purchase by mortgage, with a law applicable only to property “abandoned by people not subject to the population exchange.” According to the law (no. 781), this class of property would not be claimed by the state from people, “apart from those subject to the exchange, who have a legal right to settlement and have already been settled.”<sup>75</sup> Non-exchangeable people would be allowed to purchase real estate according to the rules of the law of obligations (*borçlanma kanunu*) issued in January 1926.<sup>76</sup> The property’s 1915 value would be transferred to the custodian accounts of the former owners, the rest of the money being given “to the respective administrative units.”<sup>77</sup> It seems likely that the application of law no. 781 was facilitated by the introduction of the new Turkish Civil Code (*Türk Kanun-u Medeni*) that had been issued in February 1926.<sup>78</sup> Article 530 of the Civil Code empowered the Treasury to have absent property owners declared as “missing” (*gaip*) in court in order to take over their inheritance. (This was a principle of *şeriat* law which had been discussed in the TBMM in 1922). This procedure was made possible for property that had either been administered in accordance with a court decision for ten years (i.e. since 1915, the year of the Armenian Genocide) or for absent owners who were presumably over 100 years old. Article 639

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Meḥmed Beyin haqq-ı iskânında 800 kuruş ma’âşı aşlısı bulunduğundan nâşi gayr-i muhtâc ‘add olunaraq (...)” CA 272...12.61.177.05, 1.

75 Mübadeleye gayri tabi eşhastan metruk olup hakkı iskâmı haiz olanlara verilmiş ve verilecek emvali gayri menkule hakkında kanun, No. 781, 13 Mart 1926, in: *Düstur*, 3. Tertip, cild 7, 655.

76 Law no. 716. The text is available online at [http://www.tbmm.gov.tr/tutanaklar/KANUNLAR\\_KARARLAR/kanuntbmmc004/kanuntbmmc004/kanuntbmmc00400716.pdf](http://www.tbmm.gov.tr/tutanaklar/KANUNLAR_KARARLAR/kanuntbmmc004/kanuntbmmc004/kanuntbmmc00400716.pdf) (accessed September 2, 2016).

77 These were the “custodian accounts” introduced in the course of the Armenian deportations. On the whereabouts of this money, also see page 298.

78 I would like to thank Afsin Umar (Bahçeşehir University, Istanbul) for pointing me towards these articles of the Civil Code.

made it possible for people who controlled property owned by a “missing” person to have that property recorded in their own name.<sup>79</sup> While law 781 for the sale of property to refugees did not mention the rules of the Civil Code, I think that the combination of both made it legally possible for the state to do away with the fiction of custodian care. It was hardly accidental that both laws were issued a little bit more than ten years after the genocide.

It is hard to tell if and from when on law no. 781 was actually implemented. Local migrants (*harikzede*) hardly ever appear in the files of the settlement office – they probably dealt directly with the Ministry of Finance, which was in charge of non-exchangeable property, the class of abandoned property in which they were supposed to be settled. The archive of the Ministry of Finance, however, is unfortunately not open for researchers.

The one group that can be traced through the settlement authorities’ files consists of people who immigrated from the Kingdom of Yugoslavia in 1927 and 1928.<sup>80</sup> Their files show a mixed picture: some documents explicitly state that the property they got as private proper-

79 §530: “Hayat ve memarı belli olmayıpta malları on seneden beri mahkeme marifetile idare edilen yahut mallarının bu suretle idaresi on seneden aşığı olmak-laberaber yüz yaşını ikmal etmiş olan kimsenin gaipliğine, hazinenin talebi üzerine, hükmolunur. (...)“

[http://www.tbmm.gov.tr/tutanaklar/KANUNLAR\\_KARARLAR/kanuntbmmc004/kanuntbmmc004/kanuntbmmc00400743.pdf](http://www.tbmm.gov.tr/tutanaklar/KANUNLAR_KARARLAR/kanuntbmmc004/kanuntbmmc004/kanuntbmmc00400743.pdf), 203 (accessed September 2, 2016).

§ 639: “Tapu sicilinde mukayyet olmayan bir gayrimenkulu nizasız ve fasilasız yirmi sene müddetle ve malik sıfatı ile yedinde bulundurmuş olan kimse o gayrimenkulun kendi mülkü olmak üzere tescili talebindebulunabilir. Tapu sicilinden maliki kim olduğu anlaşılamayan veya yirmi sene evvel vefat etmiş yahut gaipliğine hüküm verilmiş bir kimsenin uhdesinde mukayyet olan bir gayrimenkulu aynı şerait altında yedinde bulunduran kimse dahi o gayrimenkulun, mülkü olmak üzere tescilini talep edebilir. Tescil ancak hâkimin emrile olur.” Ibid., 221.

80 Most “Yugoslavian” refugees were from towns in present-day Macedonia such as İştip/Štip, Köprülü/Veles, Üsküp/Skopje and Tikveš. People from other places (such as Priština and Kolašin) appear with much less frequency.

ty would be mortgaged (*borçlanma yoluyla temlik*).<sup>81</sup> In the case of the internal migrant whose house turned out to be occupied by a civil servant (see page 286) in 1928, however, the correspondence did not mention the idea of mortgage at first. Later on, however, the bureaucrats in Ankara even included a circular of the Treasury in which all land registrar's offices were urged to stop any free transfer of non-exchangeable property, asking the provincial settlement office to act accordingly.

Up until 1926, both exchangees and other groups (*harikzede, muhacir*) had been relatively irrelevant as buyers of abandoned property: exchangees received most of their property "for free" (i.e. in accordance with their claims), while internal migrants and other immigrants were treated merely as tenants of the Treasury. Law no. 781 changed this situation by turning non-exchangee migrants into prospective buyers in 1926. As the law granted the transfer of full property rights to them, this group was now able to mortgage the houses in question. Exchangees, on the other hand, were still subject to the *tefviz* legislation, which explicitly denied them the right to mortgage their houses. Seen from the perspective of the Treasury, it was now much more profitable to sell property to non-exchangees than to allocate it to exchangees.

This new legislative situation soon became the reason for a conflict between the Ministry of Finance and that of the Interior. In January 1928, Minister of the Interior Şükrü Kaya complained about accelerating sales of abandoned property which were jeopardizing his own ministry's efforts at settling refugees.<sup>82</sup> Almost simultaneously, the settlement directorate in İzmir evicted tenants from Armenian property in order to allocate those houses to exchangees. According to a complaint of the National Property Directorate (*emlak-ı milliye müdürlüğü*) to the Directorate for Settlement, such cases had "lately"

81 For instance, see the file of an immigrant from Köprülü/Veles who, two years after his application, got an Armenian house in Karşıyaka via mortgage in 1928: CA 272...12.57.147.22.

82 Petition Şükrü Kaya to Prime Minister İnönü, January 14, 1928. CA 30.10.140.2.9.

started to occur (the letter was written in March 1928). The letter claimed that exchangees preferred Armenian property because it was “better ground for profits” [than *Rum* property]. Although there was a “legal foundation” for allocation of Armenian property to them, the letter argued that enough *Rum* property was available and urged the Settlement Directorate to keep their hands off Armenian houses. The Settlement Directorate forwarded the complaint to its office in İzmir, which apparently ignored it. By July 1928, the Ministry of Finance complained again, this time with more urgency: Tenants of Armenian houses, who were paying rent to the Treasury, had supposedly been evicted in order to make room for exchangees, and were now claiming their rent back from the Treasury.<sup>83</sup>

When these documents were exchanged, the Ministers of Finance and Interior Affairs were already negotiating a new law that would eventually grant full property rights to exchangees. The Minister of the Interior, Şükrü Kaya, stated in his petition that he had only given his consent to renewed sale campaigns of the Ministry of Finance because he expected that new laws intended for property allocation to exchangees would be issued equally promptly. This, however, had not happened, while the sales were proceeding much more quickly than he had anticipated.<sup>84</sup> Both policies were indeed interdependent insofar as law no. 1331, which was known as *temlik kanunu* and was finally issued in May 1928, turned exchangees, too, into prospective buyers

83 Rents were usually paid annually and in advance. FO 369/2172 K 2583, K 2829 rent allowance for vice-consul in Smyrna.

84 “(E)mri tazvib devletleriyle iki milyonluk emlak-ı metrukeniñ derhâl şatılmağa çıkarılması Maliye vekâletiyle tekerrür ettirilmiş ve Maliye vekâletinen mülhâkâta da emir verilmişti. Bu meş’ele hakkında soñ irşâd-ı devletlerini telâkki edinceye kadar şatılmak muamelesine devam edilmekte olduğuna da sûret-i ka’fiyede zâhib idim. İzmir gazetelerinde gördüğüm emlak-ı metruke şatılışlarını da bu ’emrin infâzına ’atîf etmekte idim. Hattâ te’hir-i tefviz hakkında verilmiş olan ’emriñ geri alınması hakkında Mâliye vekili beyefendiniñ aẓhar buyurdukları arzunuñ ta’bîkînden yeni kânûnuñ alacağı şekle te’likan(?) harfi nazâr edilmesini ricâ eden de bendeñizdim. Petition Şükrü Kaya to Prime Minister İnönü, January 14, 1928. CA 30.10.140.2.9.

of abandoned property. In other words: It had the potential to end the conflict between the two ministries.

The contemporary press reported on the bill for law no. 1331 while it was still discussed in parliament. Yunus Nadi, editor of Istanbul-based *Cumhuriyet* and deputy for Muğla, predicted that it would “without any doubt be one of the most important projects of the third İsmet Paşa government” because it would “finally and completely clarify the situation of the exchangee citizens.”<sup>85</sup> The law would “with greatest justice bring about the solution of a messy situation which has been [a nuisance] for a long time.” According to Nadi, the present state of affairs was not the responsibility of the Turkish, but of the Greek government, which had made it impossible to draw up a complete inventory of the property in Greece. The implementation of the exchange convention had therefore failed. Although most exchangees had been settled, the property distribution had only been carried out in a temporary manner, a situation which had “caused a lot of bad talk.” After thus blaming the Greek government and explaining the policy that the Turkish government had followed so far, Nadi proceeded to an overview of the new law’s stipulations, which differs from the actual text of the law in one important aspect: according to him, exchangees would be given bonds corresponding to the value in their documents that were not accepted as direct claims (i.e. those 50 or 60 percent so far not considered – the rule would not be applied to *kefaletnames*, i.e. written testimonies of fellow exchangees stating the value of property in Greece, which were considered the least reliable

85 “Dağiliye vekili Şükrü Kaya ve Maliye vekili Saraçoğlu Şükrü Beylerin gayret-i vağâmetleri ile bu sene meclisden mühim bir kânûn çıkmak üzere bulunuyor: mübâdeleye tabîi vatandaşlarımızın vaz’iyetlerini ka’fiyen intâc ve taşfiye edecek olan kânûn. Üçüncü İsmet Paşa hükümetinin en eşâşî işlerinden birini de bu kânûnun teşkil edeceğine şübhe yoktur. (...) bu lâyiha karışıklığı çok devâm etmiş bir vaz’iyeti a’zâmi-yi ‘adâletle taşfiye ve tesviye etmiş olacaktır. (...) 1: muvaqqat mâhiyetli tefvîz senedlerine muqâbil tapu verilecektir. 2: istihkâk bakiyesi için mâliye vekâletince bono verilecektir. 3: bu bonolar metrûk emlak satışında ‘aynen nakid gibi geçecektir.” Yunus Nadi, “Mühim bir taşfiye,” in: *Cumhuriyet*, April 30, 1928.



class of documents). These bonds would be accepted in place of cash in property sales. The state would thus take a big step towards a just and rightful compensation, which had hitherto not been accomplished. By “accepting its devotion to fix this situation”, the state had “given proof of its desire to show the greatness of justice, which will put the refugee’s concerns to peace.”<sup>86</sup> Yunus Nadi depicted the bill as refugee-friendly, and approved of it.

Mehmet Şevki in İzmir had a completely different approach to the bill: his text displays outright hostility towards exchangees. Writing a week after Yunus Nadi, he depicted the bill as one that would make sure that “no one will end up with more property than he deserves.” The objective of the law was to “do away with the losses that have been inflicted on the Treasury.” The real estate that had been given to exchangees would be put on auction. Exchangees would be given property of a value nine times as high as that inscribed in their *tapu* documents, while the rest would be given to the Treasury. Şevki did not mention bonds, but assured his readers that exchangees who had received more than they deserved (by applying for property distribution in several towns rather than only in one) would have to return the property.<sup>87</sup> Şevki mentioned that other refugee groups were affected,

86 “Devlet müşevveş bir vaz’iyetiñ ıslahı nâmına bu fedakârlığı kabûl etmekle fikirlere ve vicdânlara sükun verecek a’zâmi-yi ‘adâlet hıssını göstermek istediğinin enbüyük delilini vermiştir.” Yunus Nadi, “Mühim bir taşfiye,” in: *Cumhuriyet*, April 30, 1928.

87 “İstanbul 7 Mayıs (muhbiri mahşüşumuzdan) Mübâdilleriñ, muhâcirleriñ, mu’amelelerine hemân hemân yeniden başlanmasına mu’addil bir kânûn ihzâr edilmektedir. Şimdiye kadar gayrimemnûniyeti mücib olmuş ve netice itibâriyle istihkâklardan fazlâ emlak ve sâ’ire alınması şüretiyle hazine aleyhine vaq’i olmuş bulunan zararlarıñ bu kânûniyle ortadan kaldırılması istihdâf olunmaktadır. Bu kânûna nazâran mübâdillere tefvîz olunan emlak müzâyedeye konacak, mübâdiller ellerindeki tãpûlarda muqayyed olan kısmıñ tokuz müşına şahib olacaklardır. Ve mütebâki kısım hazineye intikâl edecektir. Ma’lumdur ki devlet mübâdeleniñ netâyicini tekeffül etmiştir. Her hangi bir kimseye istihkâkıñdan ne mâhiyetde olursa olsun fazlâ bir şey verilmiş olmayacaktır. Eğer iki kazâda mâl almış mübâdil olursa bunlarıñ da bir kazâdan aldıkları emvâl ellerinden istirdâd edilecek ve kendilerinde yalnız bir kazâda aldıkları mâl bırakılacaktır.” Mehmet

too, but only discussed those policies aimed at exchangees. His editorial depicts them as an essentially fraudulent lot whose scandalous abuse of their rights was about to be curbed.

The exchangees in İzmir were quick to react to Mehmet Şevki's text. Only two days later, on May 10, 1928, they sent a collective petition to Ankara. 148 exchangees, both male and female, from towns all over New Greece signed the text, which might in fact have been the product of a hastily held meeting. Without using any of the usual introductory phrases, the petitioners come right to the point of their concern:

We have learned from announcements in the newspapers that the Ministry of Finance has made some last adjustments to the bill for an issuance of title deeds for property granted through tefviz, and that these adjustments unfortunately either completely deny or ignore our most eminent rights.<sup>88</sup>

The matter that had spread "anxiety and distress" (*endişe ve heyecan düşürdüğü*) among the refugees was the government's (alleged) plan to compare the present-market value of property in Turkey to the value inscribed in the exchangees' title deeds brought from Greece, merely assessing their present value as nine times of that recorded in the *tapus*. The argument of the petition follows the line that such a policy only made sense in rural areas. Anywhere else (i.e. in urban settings, and especially İzmir proper), where present market values were considerably higher than that, exchangees would effectively be

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Şevki, "Mübâdillere 'âid bir kânûn hazırlanıyor. Hiç kimseniñ elinde istihkâkıñdan fazlâ mâl bırakılmayacaktır," in: *Ahenk*, May 8, 1928.

88 "Mübâdillere tefviz edilen emlakın tãpüya rabtı hakkında hazırlanan lâyiha aħıran mâliye vekâletince ba'zı ta'dilât yapıldığı ve ma'alesef bu ta'dilâtın eñ bãriz haħklarımızın açiktan 'aciziye-yi inkâr veya tecãhül mâhiyetinden olduđunu ba'zı gazetelerde intiřar edilen ħaberlerden anladık." CA 30.10...123.878.07, 1.

stripped of their right to property allocation, because their documents would be worthless in the auctions.<sup>89</sup>

The petition goes on to present such treatment as a clear violation of the Republican promise and as a threat to people's loyalty to the government:

However much our local government might be a people's government – it nevertheless harms us. The quick and lawful conclusion of the settlement process is a matter of the highest importance [for the government]. (...) [However,] things have come to a point where the idea of justice and legality, which once governed the policies towards us, is nothing more than a wish. This realization has caused a lot of confusion among the people, who once believed that the Republic of Turkey would never become the scene of such conditions, and certainly not [a place] where they take the form of laws."<sup>90</sup>

The petition does not only take up Mehmet Şevki's information about the projected calculation of the petitioners' claims, but also contests his depiction of the exchangees as a group of swindlers. Instead, the petitioners argued that their interests and those of the Treasury were essentially identical: if one citizen got more than he deserved, the

89 "Bunlara inanmak lâzım gelirse (...) mütefevvide ancak bir kazâ-yı dâhiliyede mâl tefvîzini ve bunun hâricinde şimdiye kadar mer'î olan şoñ kânûn ve nizâmâta tevfiķan tefvîzi istediđi emvâlîñ istirdadı (...) edildikten başka tefvîz edilen mâlîñ kıymet-i hazırısı tefvîzine esâs olan tapu kıymetiniñ tokuz mışlma fâik olduđu taķdirde bunun bil-müzâyede fûrûhtu ile mütefevviz ancak tapu kıymetiniñ tokuz mışlı derecesinde varaķa-yı taķdir te'diyât ile iktizâ edilmesi (...) tefvîz hâķķımı fi'ilen ibtâla mu'âddil (...) "CA 30.10...123.878.07, 2.

90 "İfâ-yi iskân işleminiñ a'zâmi şûret ve hâķâniyetle buyurulması eñ ziyâde maţlûbu mültezem olan şü arada hükümet-i maħalliyemiziñ halk hükümeti her ne şekil ve şüretle olursa olsun ihlâliyeden meshûķ buluruz. Bir an siyâsetine ve mübâdiller hâķķında öteden beri bir (...) ve ibrâz eylediđi yüksek hâķâniyet ve fikr-i 'adâlete (...) maţlûb düşmesi bu gibi (tadirâtîñ?) cumhûriyet Türkiyesi'nde mevķi'i olmadığı ve hiç bir zamân kânûn şeklini (...) edemeyeceđi düşüncesi (...) " CA 30.10...123.878.07, 2.

most immediate result was that another citizen did not get enough. Therefore, those having the most vital interest in a remedy to current shortcomings were the exchangees themselves.<sup>91</sup> The present bill, however, would revoke a practice that had sometimes been abused only to replace it with universal injustice.<sup>92</sup> Auctions were an ill-suited instrument for the establishment of current market prices as long as the property in Greece was not appraised in the same way.<sup>93</sup> Rather than that,

we humbly ask [you] to let us remind [you] that the shortest and most logical way to arrive at the desired result, i.e., to give every citizen what he deserves without bringing harm to the Treasury, is to perform the universal appraisal projected in the exchange agreement, which has been accepted by the National Assembly and therefore has the status of a national law.<sup>94</sup>

Unfortunately, the file at hand doesn't contain any additional documents that would offer clues for an assessment of the government's reaction to this unusual and highly critical petition.

- 91 "Mübâdiller kitesiniñ bu haqqlarında hazine ile hem müte'allik olduđu iskândir. Çünkü her hangi vatandaş haqqından fazla mâl alması diğer ba'zı vatandaşların da haqqını alamaması neticesini vermektedir ki bundan eñ ziyâde mute'essir ve bina'enaleyh bu vaz'iyetiñ izâlesinde herkesden fazla 'alâkası olan şübhesiz ki mübâdillerdir." Ibid., 2-3.
- 92 "Teklif edilen ta'dilât ise ma'âlesef hûkûki ba'zı yolsuzlukları temyiz için 'umûmî bir haqqsızlığı te'siye mu'addil görünmektedir." Ibid., 5.
- 93 "Müzâyede usûlunuñ taqdir kıymete esâs olabilmesi için Yunanistan'da metruk Türk emlakın da aynı şekilde müzâyede ile kıymet taqdiri icâb edeceđi ve yoksa bir tarafından tãpü kıymeti mübâdil mülkü için esâs 'add ediliyorken diğer tarafında tefvîz edilecek mâla müzâyede ile kıymet taqdiriniñ 'adilâne bir taqdir kıymetle hiç bir münâsebeti olamayacağı (...)" CA 30.10...123.878.07, 6.
- 94 "Maflüb olan gâyeye ya'ni hazineyi mütezerrer etmeksizin her vatandaşın haqqını vermekte neticesine varmak için eñ kışa ve mantıķı yoluñ Büyük Millet Meclisince kabul edilmiş bir kânûn mâhiyetinde olan mübâdele i'tilâfnâmesiniñ müfred(?) "umûmî" taqdir-i kıymet ve taşdiķ esâsına şüretden ibâret olduğunu hatırlatmamıza müsâ'ade et(...menizi?) istirhâm eyleriz." Ibid. 3.

Law no. 1331 “for the *tapu* registration of immovable property which has been granted or allotted in accordance with exchangee, non-exchangee and other migrants’ legislation” was published on May 30, 1928.<sup>95</sup> It came to be known simply as “granting as freehold law” (*temlik kanunu*), and was supposed to regulate both such *tefviz*-procedures that had already taken place and those that would be performed in the future. *Mübadil* refugees were given the right to register property in their name that had already been assigned to them, provided that the value did not exceed a certain percentage of the value recorded in their documents from Greece: 20 percent for guarantees drawn up according to *tasfiye talepnames*, 40 percent for title deeds without values (*kıymetsız tapu*) and 50 percent for those title deeds which included values (*kıymetli tapu*).<sup>96</sup> (As these percentages were the same that had been accepted in the regulation for the application of the 1924 *tefviz* law, the law basically transformed temporary rights into permanent ones.) According to §2, refugees who had not left behind any property, local homeless people (*harikzede*), and nomadic tribes would also be given title deeds for the property that had been assigned to them, but in their case, the property would be mortgaged. With the exception of people whose documents were still under review at the Mixed Commission (§3), people were given six months time to apply for the procedure. A distinction was made between people who had received property of a value between 2,000 and 10,000 Lira and those who had been given more valuable property. While the title deeds of the former were to be issued by the local allocation commissions (*tefviz komisyonları*), the *tapus* of those given more valuable property would only be issued by the Ministry of the Interior (§4). According to §5, the whole procedure was supposed to

95 *Mübadil, gayri mübadil, muhacir vesaireye kanunlarına tevfikane tefviz veya adiyen tahsis olunan gayri menkul emvalin tapuya raptına dair kanun*, May 30, 1928, [http://www.tbmm.gov.tr/tutanaklar/KANUNLAR\\_KARARLAR/kanuntbmmc006/kanuntbmmc006/kanuntbmmc00601331.pdf](http://www.tbmm.gov.tr/tutanaklar/KANUNLAR_KARARLAR/kanuntbmmc006/kanuntbmmc006/kanuntbmmc00601331.pdf) ; Kardeş, “Tehcir ve emval-i metruke mevzuatı”, 107–9.

96 For the (possible) difference between “kıymetli” and “kıymetsız” *tapu* documents, see page 260.

be finished within a year. With the exception of property abandoned by people subject to the population exchange (i.e., Ottoman Greeks), all abandoned property that had not yet been distributed among refugees was given to the Treasury (§6).<sup>97</sup> In the event of absent owners successfully reclaiming property rights, article 7 prohibited the restitution of real property to them and stipulated that compensation would be paid by the Treasury.<sup>98</sup> The migrants who received property rights would be asked to pay the usual fees for the issuing of *tapu* documents. Those who already lived in the houses were allowed to pay the fees in three installments over a period of three years (§8).

It is important to note that the property to which full property rights were given with law no 1331 was never called state property. The law made it very clear that the issue at hand was not expropriation. Indeed, §7 mentions the possibility that the actual owners would successfully reclaim their rights. The law protected the settlers (and the Treasury) by outlawing the restitution of property to its real owners, who were not expropriated. The law did, in other words, illegally transfer rights from one owner (the absent non-Muslim) to a new one (a *mübadil* or another kind of migrant). The property had never been legally transferred from the Greek and Armenian owners to the state. This is most obvious for Armenian property, but also for that owned by Ottoman Greeks: The complete valuation of all exchangeable property had not been performed, therefore *Rum* property, too, had not passed into legal ownership of the Turkish state yet. Its transfer to the refugees was technically illegal, and yet another step in safeguarding the dis-possession of the former owners.

At a point in time when neither the legal status of abandoned property in Greece and Turkey nor its amount and total value had been clari-

97 This was merely an affirmation of a rule that had been in place since 1924. A petition of Minister of the Interior Şükrü Kaya to Prime Minister İsmet indicates that he had been very upset about the Maliye's continued and unabated sale of abandoned property in January 1928. CA 30.0.10...140.2.9. The paragraph apparently once again marked the division of labor between the two ministries.

98 This principle can already be found in article 4 of the "liquidation law" (*tasfiye kanunu*) of 1915: See chapter 1.6.4.

fied, this aspect (the safeguarding of the Armenian dispossession) might indeed have been the governments' main objective for bringing the bill in: in the very same parliamentary session in which law no. 1331 was issued, on May 24, 1928, the TBMM also issued law number 1349, which transferred future incomes to the "abandoned property current accounts" (*emval-i metruke hesab-ı carileri*), which were held in the name of absent Armenians and Greeks, to the general budget.<sup>99</sup> 300,000 Lira from these accounts were transferred to the 1928 budget of the Ministry of Finance. It is unknown how much money had been in these accounts in the first place, yet it is likely that this was the total sum, which was thus openly appropriated by the state. Likewise, we do not know the total value of the property whose rents and other incomes had been kept (certainly only partly) in these accounts. Law no. 1349 stipulated that the incomes of the sales projected in the *temlik kanunu* as well as all future ones would effectively be transferred to the state. At the same time, §6 of the *temlik kanunu* stipulated that non-exchangeable property not used for refugee settlement was to be transferred to the Treasury: both laws mutually secured each other, making sure that neither property nor money would have to be returned. Salahaddin Kardeş points at this function of the *temlik* law.<sup>100</sup> According to him, §6 of the *temlik* law effectively ended property restitution (to Greek citizens) that had been possible between 1926 and 1927. He cites two regulations that made restitution possible which were most likely issued in the context of negotiations with Greece (see chapter 4.2).<sup>101</sup> However, there were also important domestic reasons for the project. Significant amounts of several million Lira that had been obtained by selling state-controlled property were recorded in the budgets of the following years.<sup>102</sup> Onaran is probably correct in

99 On law no. 1349, also see page 111. The full text is available at [http://www.tbmm.gov.tr/tutanaklar/KANUNLAR\\_KARARLAR/kanuntbmmc006/kanuntbmmc006/kanuntbmmc00601349.pdf](http://www.tbmm.gov.tr/tutanaklar/KANUNLAR_KARARLAR/kanuntbmmc006/kanuntbmmc006/kanuntbmmc00601349.pdf) (accessed September 2, 2016).

100 Kardeş, "Tehcir", 9.

101 These were *kararname* no 3753, issued on June 13, 1926, and no. 5451, issued July 17, 1927. Both texts can be found in Kardeş, "Tehcir", 141, 164.

102 See Onaran, *Emvâl-i Metrûke*, 264–70.

assuming that much of this property had been owned by dispossessed Armenians and other minorities.

Minister of the Interior Şükrü Kaya claimed in 1931, when follow-up law no. 1771 was discussed, that law number 1331 had been passed in order to speed up the distribution process to refugees: from 1928 on, the land in question was no longer measured and categorized according to its characteristics, but solely judged according to its market value.<sup>103</sup> It might be true that this change in policy accelerated the whole distribution process – on the other hand, it effectively turned houses, fields and gardens that had practical value for dwelling and making a livelihood into a commodity to be measured solely in terms of market prices. A petition sent in July 1928 exemplifies the devastating effects of this change and the problems that arose when property values were appraised from afar: sent by a former inhabitant of a village in the province of Salonica, it explains that the place had once been comprised of 375 dwellings, 50 shops, 8 mills, and 3,500 *dönüm* of arable land. The houses and fields of the village had been appraised and officially registered for the first and last time in 1291/1875–76. At that point, the value of houses had ranged from 3 to 60 Lira, those of shops from 3 to 25 Lira and those of mills from 10 to 60 Lira. The fields had uniformly been estimated at 4 Lira. 46 years later, the appraisal prior to the villagers' departure for Turkey (which was apparently performed by a local mixed commission) had estimated dwellings at 1,000 to 2,000, shops at 400 to 800, mills at 1,000 to 1,500, and fields at 100 to 150 Lira.

Salonica and its hinterland had been integrated into world markets in the late 19<sup>th</sup> century, and these numbers probably indicate the spectacular effect that this economic boom had on real estate and land prices. Even if the petitioner had brought his *tapu* records dating from

103 Şükrü Kaya justified this shift towards a value-oriented distribution by pointing out that the previous procedure had been far too slow: He claimed that only 1200 out of 40,000 applications had been checked between 1923 and 1928. See [http://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d03/c026/tbmm0302603\\_6.pdf](http://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d03/c026/tbmm0302603_6.pdf) (19 March 1931), 61 (accessed September 2, 2016).



the 1870s with him, they would have been nearly worthless in the compensation process. The *tasfiye talepnames* provided by local mixed commissions in Greece may have provided a more realistic picture of present-day values, but they were viewed with suspicion in Turkey. Applicants who presented this kind of document could, according to the *temlik kanunu* of 1928, only receive houses or fields whose value represented 20 percent of that inscribed in these documents.

The petitioner, a certain Hasan Hüsni, expressed his doubts about the widespread belief that some *tasfiye talepnames* contained exaggerated claims. He argued that even if they did, it had previously been decided to check them (and that it therefore was not necessary to universally accept parts of the sums only). He stressed that his claims were “accepted among the exchangees” and it was “clear as the day” that a just consideration of their claims would “also serve the glorious benefit of our national Treasury.”<sup>104</sup>

People from the Salonica province indeed found themselves in a particularly difficult position. According to a memo of the Ministry of the Interior from July 1926, *beyannames* (another name for *tasfiye talepnames*) of exchangees from there could only be considered after having been scrutinized by the ministry because this group had received their documents from the Greek government. (This internal memo did not mention the otherwise popular accusation that people had filled in the forms by themselves.)<sup>105</sup> The *temlik kanunu* of 1928 offers an alternative to considering these documents, namely, *tapu* and other ownership documents. However, when these were as old as those from the petitioner’s village, a consideration even of 50 percent of that value would indeed have left the exchangees with next to nothing. Even multiplication by factor nine (as discussed in Mehmet Şevki’s

104 “hağk ve hisşemde beynelmuhâcîrîn kabûl (...) hazine-yi milliyemizin menfa’at-ı ‘azîmeye nâ’îl olacağı gün gibi aşîkârdır.” CA 30.00.10...123.878.8.

105 “Selânik ve... .. vilâyeti Yunan hükümetince verilmiş ... beyännâmelerde münderiç olduđu şürette ...leri ...mu’âmeleye konamaz. (?) Ancak işbu ...lar ...den tanzîm edilemeyen beyännâmeleriyle vekâlet-i celîleye gönderilmesi (...) tedkîkâtta şoñra beyännâmeler ... tefvîz mu’âmele komisyonundaki ... gönderilir. Ancak bu şürette taşdik eyledikten şoñra... bir kıymet iktisâb edebilirler. CA 272...13.79.03.06.

editorial) would not have done justice to the (plausible) surge in prices that the petition claims.

The available data suggests that the government did not come up with a solution to this problem, turning a deaf ear to refugee complaints. The *İskan Tarihçesi*, an overview over the settlement policies published in 1932, merely states that refugees often presented *tapu* s dating from as far back as 1865, and that it was not clear how to deal with them.<sup>106</sup>

Following its promulgation in May 1928, İzmir's newspapers did not criticize the rules laid down in the *temlik* law, but merely complained about delays in its implementation. §5 of the law projects that the process of settlement and *tapu* granting be finished within a year. In 1928, employees of the *tapu* office in İzmir were ordered to work until 8 p.m. in order to meet the deadline, which could nevertheless not be met.<sup>107</sup> *Ahenk* reported in 1929 that not even half of the 3,000 cases for İzmir had been finished and that of those finished, not even 10 percent had been granted *tapu*s. Worst of all, many decisions of the commission had ended up in court, where people were now "at each other's throats." The same article calls for a new settlement director, arguing that the present one was utterly incapable of doing the job.<sup>108</sup> An open letter to the governor even calls for a complete dissolution of the settlement agency:

Your Excellency, unless you want to end up feeling responsible for this mess, knock down the whole settlement machinery and replace it with one that actually works. You can be sure that the exchangees and refu-

106 Arı, *Büyük Mübadele*, 142; *İskân Tarihçesi*, 47.

107 *Anadolu*, December 12, 1928, cited in Baran, *Bir Kentin Yeniden Yapılanması (İzmir 1923-1938)*, 129.

108 "Verilen bir çok kararlar ashabı mesalihi, mahkeme kapılarına sürüklemiş ve gırtlak gırtlığa mücadeleye düşürmüştür. Bugün İzmir iskan dairesinde. nefsi İzmir'e ait dosyaların adedi 3000 kadardır. Bunların daha nısfı bile tefvizden geçmemiştir. Geçenlerin de onda birine tapu verilmemiştir." Orhan Rahmi, "İskan," in: *Ahenk*, September 24, 1929, in: Arkan, *İzmir Basınından Seçmeler (1923-1938)*, 80.

gees will [out of gratefulness] build a memorial for you.<sup>109</sup>

The Ministry of the Interior announced in 1930 that working hours in İzmir's settlement office could be extended throughout the night.<sup>110</sup> The lagging settlement process continued to be a popular subject of the press in 1929–30.

## 5.8 The issue of debt, old and new

The application of law no. 1331 was far from satisfactory. Many of these problems can be triangulated from the follow-up law no. 1771, which was issued in March 1931, when Turkey was in the midst of the World Economic Crisis and large numbers of people were failing to repay their loans. It was known under the same name as the law that had regulated the dispossession of the deported Armenians in 1915: “liquidation law” (*tasfiye kanunu*). Several of its stipulations make reference to practices that were not spelled out in previous laws, but nevertheless appear to have been common. Most notable is the apparent mortgaging of land that had been provided by default settlement (*iskan-ı adi*). Moreover, law no. 1771 was the first law to mention the issuance of bonds (*kupon*) for those parts of claims that had not been considered before. These bonds were secured with and would be paid out of rent revenues from property “under control of the treasury” – in all likelihood, Armenian and other abandoned property that the state had illegally seized.

Law no. 1771 dealt with the status of those houses and fields that had been given to refugees in accordance with the previous *temlik kanunu* of 1928: All previous decisions for property distribution were declared irrevocable. However, the outstanding debts and mortgages were

109 “Paşa Hazretleri bu mühim konunun vicdani sorumluluğu altında kalmak istemezseniz mevcut iskân makinasını temelinden yıkmız ve iş görecek bir hale koyunuz. Emin olunuz ki mübadil ve muhacirler heykelinizi yaparlar.” A. Kami in *Ahenk*, February 7, 1929, cited in: Baran, *Bir Kentin Yeniden Yapılanması (İzmir 1923-1938)*, 115.

110 *Anadolu*, June 2, 1930. *Ibid.*, 129.

equally declared valid and fully repayable (§1, §2).<sup>111</sup> All those exchangees who were still occupying houses that exceeded their legal claims were obliged to either mortgage the house or leave it (§2). People who had received houses and/or fields in accordance with and up to the standards of the basic settlement procedure (*iskan-ı adi*) would be given full property rights. Standards for this basic amount of land deemed necessary for a family were spelled out in an annex to the law. Fire victims, regardless of the legal status of their occupancy (i.e., even if they were squatters) were given full rights to those properties up to the *iskan-ı adi* standards, but anything exceeding these standards would be given to them via mortgage (§5). Pending installments for mortgaged property that stayed below the limits of *iskan-ı adi* became obsolete, however, installments that had already been paid would not be paid back (§6). No *tapu* fees would be demanded of exchangees, refugees and fire victims (§7). Those people who had applied according to the previous law but had not received property yet were given an additional three months to apply for the *temlik* procedure (§9). A *tasfiye* delegation (in charge of the liquidation of claims), to be comprised of officials from the Ministry of the Interior and the Ministry of Finance, was set up (§8), and charged with a review of all *tefviz* documents, which would be sent in by the provincial *tefviz* commissions. This inter-ministerial delegation would issue liquidation documents for the claims (§10). Liquidation documents would be comprised of bonds (*kupon*) to be issued in three installments. The value of the bonds would be that of the verified sum of an applicant's claims. Only those exchangees who had received less than a third of their legal claims in property would be given bonds of all three installments, the others either two (up to two thirds received) or only one (two thirds or more received) (§11). The bonds would be marketable and inheritable according to the general laws (§12). With the exception of real estate earmarked for *temlik* to claimants, all property still in the hands of the Ministry of the Interior was transferred back

111 Mübadele ve teffiz işlerinin kat'i tasfiyesi ve intacı hakkında kanun no 1771, in: *Düstur*, 3. Tertip: cild 12 (Ankara, 1931), 222–25.

to the Treasury (§13). Real estate that should have been given to non-exchangeables (*gayrimübadil*), but had been distributed among fire victims and refugees (*muhacir*) would remain in the hands of the present occupants, the non-exchangeables would instead be given property of equal value. Exchangeables who were still paying installments for mortgaged exchangeable property would be allowed to use their bonds for payments (§13). The Treasury would prepare the exchangeable property for sale that had not been distributed yet, according to the legal claims of the exchangeables (§14). In these sales, the documents issued to claimants would be accepted as equal to cash. (§15). The bonds were secured with the revenues of immovable property that was controlled by the Treasury (the lion's share of which must have been Armenian-owned). These revenues would be paid to the Agricultural Bank, which would use them to cash the bonds (Art. 16). In the event of the first installment of bonds not being cashed or used in the auctions, the second installment would not be started. The same rule would apply for the third installment, depending on the second. If the money at the Agricultural Bank or the property at hand should turn out insufficient, those bonds issued last would be served first (§17). If either money or property remained, it would be transferred to the Treasury (§18). All previous legislation that contradicted the present regulations was declared void (§20).

It seems possible that the rules for property appraisal that had already been laid down in previous laws only came to be fully implemented in 1931. This might explain why the newspapers in İzmir only started to really criticize the under-evaluation of exchangeable property in Greece at this point. A certain Mehmet Sırrı masterfully linked the issue of values to those of ethnicity and citizenship. Interestingly, he made a terminological distinction between the Greeks' status as Ottoman citizens (*teba'a*) and that of the contemporary Türk (*Türk vatandaşı*):

Do you really consider a Turkish house with six rooms equal to a Greek one with only one? You seem to think that Turks are a bunch of tramps who have never seen a proper house, let alone lived in one, but spent all their

life in the streets. Asked how they can possibly appraise a Turkish house [in Greece] at twenty, but a Greek one [in Turkey] at 1,500 Liras, they tell us: “We also see the absurdity of it, but this is the order, decision, and law that came from Ankara.” We would like to ask the inspector: does the nation pay you for bringing their claims down to zero? Seeing the wrongness of these orders, why don’t you point it out to Ankara?<sup>112</sup>

In 1931, when law no. 1771 was issued, Turkey was in the midst of the World Economic Crisis, suffering heavily from the massive slump in prices for agricultural raw products (which had started as early as 1928 in Turkey). Prices of agricultural land, but also those of real estate in the cities, had dropped dramatically, while property taxes stayed the same, driving great numbers of people into bankruptcy.<sup>113</sup> Not only taxes, but also installments for property that people had purchased in the auctions of abandoned property that had taken place since 1922 needed to be paid. One deputy at the TBMM actually claimed in 1931 that the run on abandoned property in the early 1920s had caused the current crisis. Şevket (Akyazı), deputy for Ordu, brought in a bill on this issue. He pointed out that abandoned property had usually been sold against down payments, the full prices to be paid in eight annual installments. High demand had led to fierce competition among potential buyers in towns and villages, leading to

112 “Nazarıınızda bir Türkün altı odalı bir evi, bir Rum evinin tek odasına karşılık gelecek kadar kıymetsiz itibarsız mıdır? Nazarıınızda Türk vatandaşlarımız hiç ev görmemiş, iyice bir ev de yatmamış, bütün hayatlarını sokak ortasında geçirmiş bir alay serseri midir ki, onun evine 20 lira verilsin tebasımın her evine bin beşyüz lira kıymet takdir ediyorsunuz? Denildiği zaman size şu cevabı verirler: Bu kararların saçmalığını biz de biliyoruz fakat, Ankaradan gelen emir, karar, kanun böyledir. Bir gün Müfettişe sormak istedik. Millet size maaşınızdan başka bu yevmiyeleri milletin hakkını sıfıra, hiçe indirmek için mi veriyor? Saçmalığını sizin de görüp itiraf ettiğiniz bu yanlış ve sonu çıkmaz emirler için Ankara’nın dikkatını çekemez misiniz?” Mehmet Sırnı in *Halkın Sesi*, June 24, 1931. Cited in Baran, *Bir*, 149.

113 Emrence, “Turkey”.

many properties being bought for five to six times the former prices. Not only were people now, in the midst of the crisis, struggling to pay their debts (and the high interest, which amounted to almost the same as the original purchase price), but the property rush itself could be seen as a cause of the crisis.<sup>114 115</sup> Şevket Bey further explained that the Treasury was now once again auctioning property (in order to collect tax debts) to prices lower than before, handing the houses over to new tenants, but nevertheless demanding the first buyers to pay the difference.<sup>116</sup> Şevket Bey's bill therefore foresaw that the Treasury, which had "already pocketed the recorded prices of the abandoned property", would cancel all remaining debts.<sup>117</sup> The bill was indeed taken up by the assembly. However, the resulting law did not provide

114 "Hazineye intikal eden emval-i gayri mekûlenin (sic) satış bedelleri bidayeten peşinen alınmakta idi. Bilahara sekiz sene müddet ve sekiz taksitte ödenmesi (...) kabul edilmiştir (...) taksitlerin vakti zamanile ve müşkilat çekilmeksizin ödeyebilmek hususunda memleketin her tarafında fezi bereket meşhut olması hasebile emvali gayri menkuleye olan ihtiyaçlarını tatmin etmek kastile köyli ve kasabalı bir çok halk tarafından gayri menkul emval müzayedesine iştirak ve ekseriyetle görüldüğü üzere saikai rekabetle değer kıymetinden (...) beş altı mışlı fazlasına iştirak edilmiştir. Müddeti hulûl eden taksitlerin tediyesi için alakadarların istikrazı dahil tahvilatı mübayaasına tehacümü bu tahvilin yükseldikçe yükselmesine ve nihayet evraki naktiye ile hemen hemen başa baş bir dereceye tereffuuna sebep olmuştur. Şu suretle emlak olarak taksitlerini ümit ve hesap ettikleri tarzda ödeyeceklerini zan edenler ağır bir yük altında kalarak şaşaladılar. (...) iktisadi buhran bu taksitlerin tediyesi imkanını selp edecek dereceye gelmiştir. Hatta kuvvetle iddia ve dermeyan olunabilirki iktisadi buhranın en mühim amillerinden birisi halkın gayri menkul emval almağa teşebbüs ve tehacümleri olmuştur." January 27, 1931. CA 30.10...3.18.6, 3.

115 Reports about the rush on Muslim property in Serbia after 1877–78 made a very similar argument, pointing out that the auctions had led to mounting indebtedness among the remaining population. Höpken, "Flucht", 18.

116 In this respect, the treasury acted exactly as Spanish banks do today: "Hazine de olbaddaki kanuna tevfikeyan satdığı emlakî yeniden müzayedeye çıkarmak ve talibine ihale ederek noksan satılanların fazlasını ilk alıcısından talep ve evvelce verilmiş olan taksitleri hazine lehine irat kayıt etmek vaziyetinde kaldı." CA 30.10...3.18.6, 4.

117 "Halbuki hazine almış olduğu ilk bir kaç taksitle emlakın mukayyet kıymetini istifa etmiş bulunuyordu." CA 30.10...3.18.6, 4.

for a cancellation of the outstanding installments, but merely for their postponement for a period of up to 12 years. The remaining sums were even raised by one installment (*bir misli?*) and made subject to an additional interest of 5 percent.<sup>118</sup> Subsequent laws issued in 1933 and 1936 show that repayments were stretched even further, and that the government insisted on the payment of these debts throughout the following years.<sup>119</sup>

Urban property that had been allocated to refugees had been appraised when prices were at their peak in the mid-1920s, and those sums that could not be covered by their claims had been mortgaged. The governments' insistence on these debts (in §2 of law No. 1771) caused considerable unrest in İzmir. The newspaper *Halkın Sesi* ("the voice of the people") criticized that the prices estimated in ongoing appraisals were far beyond the actual market prices:

Who has given the government the right to appraise a Turkish house at 50, and a Greek house at 1,000 Lira, leaving the citizen (*vatandaş*) with a debt of 950? Do the people in Ankara actually understand what a sum of 1,000 or 10,000 Lira means in İzmir today? Do they know that even a big house on the first *kordon* with several shops and depots in it is sold for only 10,200 Liras? How are refugees supposed to pay tens of thousands of Liras when they already lose their sleep whenever tax payments are due?<sup>120</sup>

- 118 Hazine'den taksitle gayrimenkul satın almış olanlarının taksit bedellerinin tescili hakkında kanun No. 1773, March 26, 1931, [http://www.tbmm.gov.tr/tutanaklar/KANUNLAR\\_KARARLAR/kanuntbmmc009/kanuntbmmc009/kanuntbmmc00901773.pdf](http://www.tbmm.gov.tr/tutanaklar/KANUNLAR_KARARLAR/kanuntbmmc009/kanuntbmmc009/kanuntbmmc00901773.pdf) (accessed September 2, 2016).
- 119 These were law no. 2222 (issued on 25 May, 1933) <http://www.resmigazete.gov.tr/arsiv/2417.pdf>, and no. 3031, (issued on June 11, 1936): <http://www.resmigazete.gov.tr/arsiv/3333.pdf>.
- 120 "Hükümete bir Türk'ün evine 50, bir Rum evine 1000 lira kıymet takdir ederek vatandaşları bu işlemde 950 altın borçlandırmak hakkını kim verdi? Bin altının, on binlerce liranın bugünkü İzmir için ne demek olduğunu Ankara'dakiler biliyorlar mı? Bugün İzmir'in en itibarlı yerinde, Birinci Kordonun en işlek bir nok-



Possibly as a reaction to growing criticism, those debts below the line of *iskan-ı adi* (i.e. the amount of land or housing deemed absolutely necessary for a family's subsistence) were canceled in July 1931.<sup>121</sup> İzmir governor Kâzım Paşa (Dirik) announced in the same month that 9,000 families in the province had been settled with *iskan-ı adi*. 4,700 of these had applied for a liquidation of their debts, which had already been granted in 2,000 cases.<sup>122</sup> Debts of people who had been settled according to other rules, however, stayed in place. According to nationwide statistics of the cadastral office (*tapu kadastro müdürlüğü*), 745,686 pieces of property were allocated to exchangees and other refugees or immigrants until 1937. For 61,484 of these, no *tapu* documents were issued, mostly because the real estate in question had exceeded the legal claims of the refugees and had therefore been mortgaged (the other reason were incomplete application documents).<sup>123</sup> The numbers indicate that most of the property that was given to exchangees was cheap enough to be matching their claims. Unfortunately, the data does not make a distinction between exchangees and other people, it is therefore hard to estimate how many exchangees actually had to mortgage houses and land.

Both the Ankara agreement of 1930 and the issuing of bonds in 1931 left a number of problems unsolved that were all related to debts. The following discussion is devoted to a small sample of cases that ended up in the Council of State (*Şurayi Devlet*). The cases were either referred there by lower-level courts or because conflicts between minis-

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tasında iki kahvehaneyi, bir büyük depoyu, muazzam yazıhaneleri ve otuz kırk kadar odayı içeren üç katlı bir binanın yalnız on bin iki yüz liraya satıldığını biliyorlar mı? Vergisinin taksidi yaklaştığı günlerde uykularını kaybeden muhacirlerden bu on binlerce lira nasıl alınacak?" Mehmet Sırrı in *Halkın Sesi*, June 24, 1931. Cited in Baran, *Bir*, 149.

121 Mübadele ve tefviz işlerinin kat'i tasfiyesi ve intacı hakkındaki 19-III-1931 tarih ve 1771 numaralı kanuna müzeyyel kanun, July 21/26, 1931.

[http://www.tbmm.gov.tr/tutanaklar/KANUNLAR\\_KARARLAR/kanuntbmmc010/kanuntbmmc010/kanuntbmmc01001866.pdf](http://www.tbmm.gov.tr/tutanaklar/KANUNLAR_KARARLAR/kanuntbmmc010/kanuntbmmc010/kanuntbmmc01001866.pdf).

122 Baran, *Bir*, 150.

123 CA 30.10...123.879.6.

tries had occurred. The council's decisions can be traced through copies sent to the Prime Ministry.

*Tapu* registration was the essential step in obtaining (relative) legal security of property rights. Without this document, the authorities could, and did, withdraw rights very easily, with potentially disastrous results for the exchangees: For instance, in 1931, in the midst of the *tapu* registration process (and the economic crisis) the Ministry of Finance started to sell property that had been allocated several years before in order to secure tax debts of the former owners. It could do so because the new inhabitant had not obtained full property rights yet. This practice led to a renewed conflict with the Ministry of the Interior. In the course of the argument, the *Maliye* demanded that the refugees pay the outstanding debts of the former owners, lest their houses be auctioned. The matter was brought to the Council of State, which conceded that tax claims of the state vis-à-vis “disappeared” and exchanged people may still be in place. However, the council ruled that these should have been secured in the process of liquidation (which had been performed in accordance with the liquidation law of 1915). In the meantime, the property had been handed over to the refugees in the process of *tefviz*, and was therefore no longer subject to treasury law (with the possible exception of those assets that refugees were still paying off).<sup>124</sup> The council ruled unanimously that the debts of former owners could therefore not be recovered from the newly settled refugees.<sup>125</sup> By focusing on the legal act of liquidation, the council elegantly avoided to discuss the legal significance of the *tefviz* procedure, which, after all, did not amount to a full transfer of property rights.

The court cases also show that the bonds issued in 1928 and after 1931 were, as permitted by law, frequently sold to other parties (far below their nominal value).<sup>126</sup> By 1937, this practice was causing trouble: some bonds had been declared invalid after the compensation

124 CA 30.10...140.2.11.

125 Şurayi Devlet, March 28, 1932, CA 30.10...140.2.11, 4-7.

126 Baran, *Bir*, 151.

claims of exchangees had turned out to be lower than originally thought. Their bonds, which had therefore been declared invalid, had nevertheless been sold. Now, third parties who had purchased them in the meantime were trying to cash the bonds. The Treasury argued that the bonds were invalid, and refused to pay, causing claimants to turn to the courts. Several courts came up with different opinions on the question if and to what degree the Treasury was obliged to cash these bonds. The matter went to the court of appeal, which ruled that the state was indeed obliged to pay, unless it could prove that the people now holding the bonds had been ill-intentioned. Both the Ministry of Finance and the Ministry of Justice argued that this situation ought to be clarified with a new law.<sup>127</sup>

In 1941, the Directorate of National Property (*milli emlak müdürlüğü*) approached the Prime Ministry and the Council of State with another question connected to debts. The Directorate explained that many people holding debts of exchangeable Greeks had turned to the Treasury in order to secure their debts. Although all property rights to the Greeks' land had been transferred to the government in 1930, no legal regulation for the status of their debts had been drawn up, and the ministry asked for instructions in the matter.<sup>128</sup>

Even in cases in which full property rights were granted, the Treasury made attempts at revoking them. In the case of a certain Fatma Zehra Hanım from Salonica, such an attempt failed for an interesting reason. She was at first treated as an exchangee and given a house via *tefviz*. (Neither place nor time are mentioned in the available document.) Based on this earlier decision, Fatma Zehra Hanım later received full ownership rights (*temlik*) and the property was registered in her name and that of her children. When she and her family turned out not to be subject to the exchange, the Ministry of the Interior went to court in order to have her *tapu* registration canceled.

127 Correspondence between the Ministries of Finance, Justice and the Prime Ministry, January-April 1937. Pages 13 and 14 contain copies of the court decisions. CA 30.10.123.879.7.

128 Maliye to Şurayi Devlet, September 22, 1941. CA 30.10.124.881.5.

Interestingly, the legal act in question was not that of the *tapu* registration, but that of *tefviz*. The *tefviz* commission in charge of the matter revoked its decision. Fatma Hanım went to court against this revocation and won. Following her success, the Treasury abstained from further pursuing the case.<sup>129</sup>

## 5.9 The official end of the compensation process

Open questions related to the *tefviz* and *temlik* processes (among them several that came up in the above-mentioned court cases) were finally regulated in 1945.<sup>130</sup> According to the law for the “definite clarification of the exchange and allotment procedures,” government bonds would be cashed at 15 percent of the nominal value (§1), a very low percentage. In the parliamentary discussion of the law, deputy for Istanbul Ziya Karamursal claimed that 90 percent of the bonds had ended up in the hands of “fortune-makers”, and that the low rates of payment therefore helped to keep a substantial part of the money out of their hands.<sup>131</sup> (This in itself is an indication that the Treasury had hardly ever cashed the bonds, as well as a hint at the low market prices paid for the documents.) Holders of bonds were given a period of six months to make their claims. Bonds that had been declared invalid in the meantime, including those currently held by third parties, were not accepted (§2). Paragraph 5 allowed the state to review previous allocation decisions (and possibly revoke them) within a period of six months. This point again created uncertainty for refugees, and was

129 Maliye Vekaleti Müşavirliği, July 22, 1940, CA 30.0.11.001.000.140.25.1

130 Mübadele ve teffiz işlerinin kesin tasfiyesi hakkında kanun No 4796, July 10, 1945. [http://www.tbmm.gov.tr/tutanaklar/KANUNLAR\\_KARARLAR/kanuntbmmc027/kanuntbmmc027/kanuntbmmc02704796.pdf](http://www.tbmm.gov.tr/tutanaklar/KANUNLAR_KARARLAR/kanuntbmmc027/kanuntbmmc027/kanuntbmmc02704796.pdf) (accessed September 2, 2016).

131 “bu bonolara verilecek olan paraların istihkak erbabının ceplerini değil, bir falcım istismarcıların kasalarını dolduracağını, uzun uzadıya arzettikten sonra bunlara tahsas edilen paradan cüzi bir miktarı bunların tediyesine hasredilerek kalacak kısmının memleket ve milletin menfaatlı, hayırlı işlere sarf edilmesini arzettiğim.” Ziya Karamursal, July 10, 1945, [http://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d07/c019/tbmm0701908\\_5.pdf](http://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d07/c019/tbmm0701908_5.pdf), 115 (accessed September 2, 2016).

severely criticized in the parliamentary discussion of the law.<sup>132</sup> The property rights and income generated by those assets that had served as security for the issuing of the bonds in 1931, along with any sum exceeding 1.5 million Lira in the custodian account for exchangees set up at that time, were transferred to the Treasury.<sup>133</sup> The remaining sum was earmarked for the construction of a tuberculosis hospital in Ankara (§6.1). Receivables held against exchangeable *Rum* would be served out of the property transferred to the Treasury, provided that real estate had been used as collateral against the debts, and that that transaction dated from a time prior to the exchange agreement of 1923. The creditor also had to prove that he had sued the debtor prior to that date (§6.2). The Treasury renounced any responsibility for debts that exceeded the earmarked funds and real estate (§6.3). The money transferred to the Treasury as well as the sums due to the exchangees would be accounted for in the 1945 budget. The stipulations of this law indicate that the Turkish state did not distribute all the property that had been part of the exchange, and that a considerable sum of money was paid to the state coffers rather than to the exchangees.<sup>134</sup>

## 5.10 Compensation for non-exchangees

On the inter-governmental level, a compensation of non-exchangees (i.e. people who had either left Greece or Turkey for the other country before the beginning of the First Balkan War or were absentees who owned property in one country while residing in the other) was first regulated by the document known as declaration No. IX (an appendix

132 Rıfat Vardar, deputy for Zonguldak, commented that this was basically an invitation to all financial officials to harass exchangees as much as they wanted: “Bu, o demektir ki, ey Maliye memurları, karşınızda bulduğunuz bütün mübadilleri istediğiniz kadar izaç edebilirsiniz.” TBMM July 10, 1945, 117.

133 Such an account *for exchangees* is never mentioned in any other document.

134 Mübadele ve teffiz işlerinin kesin tasfiyesi hakkında kanun No 4796, July 10, 1945. [http://www.tbmm.gov.tr/tutanaklar/KANUNLAR\\_KARARLAR/kanuntbmmc027/kanuntbmmc027/kanuntbmmc02704796.pdf](http://www.tbmm.gov.tr/tutanaklar/KANUNLAR_KARARLAR/kanuntbmmc027/kanuntbmmc027/kanuntbmmc02704796.pdf) (accessed September 2, 2016).

to the exchange convention of 1923) and subsequently by the Agreement of Athens signed in 1926.<sup>135</sup> Existing research generally regards both agreements as equally abortive, and therefore argues that pending questions of property compensation for this group were not solved before 1930, when the Ankara Agreement was signed. While this might be true for the inter-governmental level, documents from the Republican Archive in Turkey strongly suggest that the Turkish government started to indemnify non-exchangees in 1929, when negotiations for the Ankara Agreement were still going on, but could not finish the process until after 1934. Moreover, the government appears to have done so in cooperation with a “society of non-exchangees” (*gayrimübadiller cemiyeti*). This point is remarkable because it has generally been assumed that such pressure groups did not exist in post-1925 Turkey.<sup>136</sup>

The society of the non-exchangees held its first congress in Istanbul on November 6, 1926, when negotiations for the Agreement of Athens were still in progress.<sup>137</sup> In a report to the Prime Ministry dated August 29, 1929 the society’s administrative council gave an account of the association’s activities since 1926.<sup>138</sup> According to this document, the society had held several congresses, which had repeatedly asked the government to start the implementation of the Athens Agreement, in vain. Moreover, they had asked the government to

135 On the declaration and follow-up negotiations, see chapter 4.2.

136 In her article on the repercussions of the Ankara Agreement, D. Demirözü has stated that “[t]here is no information to indicate that—in contrast to the immigrants to Greece—the immigrants to Turkey organized a pressure group for their assets left in Greece.” D. Demirozu, “The Greek-Turkish Rapprochement of 1930 and the Repercussions of the Ankara Convention in Turkey,” *Journal of Islamic Studies* 19, no. 3 (2008): 314. M.A. Gökaçtı has found traces of a nationwide association of exchangees from 1923–24, but not for the time after 1925: Gökaçtı, *Nüfus*, 217–18.

137 On that occasion, the group sent a telegram to İsmet Paşa, asking him to protect their rights in the negotiations. See CA 130.00.10.140.3.4.

138 CA 30.10.140.3.6. I see no reason to doubt the authenticity of the document. However, it is the only document I have come across that indicates such a cooperation between governmental and non-governmental institutions.

seize property of non-exchangeable Greeks in Turkey (as an act of “reciprocity” for the mistreatment of Muslims in Greece) and to revoke decisions for distributions of non-exchangeable property to exchangeable Muslims in Turkey. Comprised of a list of unanswered petitions and ignored demands, the first part of the report radiates disappointment. By July 1928, however, the government’s attitude towards the group apparently changed: the society was asked by the Turkish delegation to the Mixed Commission to participate in a “commission for [property] distribution to non-exchangeables” (*gayrimübadiller tevziat komisyonu*). The commission was formed by two members of the Turkish delegation and one member of the *gayrimübadiller cemiyeti*. Later, a representative of a similar society of non-exchangeable Muslims from Western Thrace, the *Garbi Trakyalılar cemiyeti*, joined the commission.

According to the report, public administrations had handed close to 1,000 pieces of real estate over to the commission. Of these, 347 were the property of Greek citizens who had fled the country (*mütegayyip Yunan tebaası emlakinden*). This property had been seized by the previous government. The 700 remaining pieces of real estate had been seized from March 1929 onwards, in line with the principle of “reciprocity.”<sup>139</sup> (This means that the property was owned by *Rum* or Greeks who continued to live in Turkey with *établis* status). Of these more than 1,000 estates transferred to the commission, some were big and worth hundreds of Lira a month, but most were too small to yield any significant income (with rents of only a few Lira a month). In February 1929, the official members were withdrawn, and the task to distribute the property was transferred to the *gayrimübadiller* society. Since then, two councils, comprised exclusively of non-exchangeables

139 “Komisyon bidyeti emirde mukaddema hükümet tarafından vaz’iyet edilmiş mütegayyip Yunan tebaası emlakinden 250 parça emlakı Defterdarlıktan tesellüm etmiş (...). Müteakiben Teşirini evvel gayesinde komisyona daha yüze karip emlak devr edilmiş ve bu yekun 347 ye baliğ olmuştur. Hükümetin yine mukabele bilmiş kanunu mucibince bu senenin Mart ayı zarfında yeniden vaz’iyededüp komisyona devr ettiği emlakte takriben 700 parçadır.” CA 30.10.140.3.6., 4.

and Western Thracians, had met between two and four times a week, reviewing a total of 596 applications. Of these, 330 had been decided upon by 1929. Decisions had been made on the basis of *tapu* records from Greece. In order to calculate the present value of property in Greece, the value recorded in the documents had been doubled (for *tapus* issued between 1314/1899 and 1328/1912), tripled for the years 1302/1886 to 1314/1898 and quadrupled for any records older than 1302/1886. These values had then been divided by factor 15 in order to calculate the monthly income of the said property. The sum of claims that had been accepted was 25,518 Lira. Property of a value of 21,401 Lira had been distributed, the remaining real estate was about to be handed over (*emirlerine amade bulundurulmaktadır*). The real estate that had been handed over had yielded a total income of 91,214 Lira. The society reported to have spent 15,590 Lira on repair works, salaries, taxes, bills and office materials.

The report of the society of non-exchangees was written in 1929, when negotiations for a new and final agreement between the Greek and Turkish governments were in full swing. It shows that contemporary complaints of the Greek government about ongoing seizures of Greek-owned property in Turkey were justified and that these were legitimized as “reciprocal” measures in Turkey. The document also hints at a remarkable shift in government policy: between 1926 and 1928, the demands of the organization were apparently ignored. By 1928, however, selected members were first invited to cooperate in the distribution process and later entrusted with the task of property distribution to non-exchangees. This shift can only be explained in the light of ongoing negotiations with Greece. The Turkish side was probably eager to create a *fait accompli* in the question of Greek property in Turkey. By handing over the task of reviewing applications to people who were themselves affected (and who had both a good knowledge of local conditions in Greece and an interest in a quick procedure) the government made sure that the task was finished relatively quickly. (The state itself was always short on capable staff). The distributions already accomplished by 1929 might have helped to



negotiate the final stipulations of the Ankara Agreement, which fore-saw that a restitution of non-exchange property would take place only in Greece, but not in Turkey (although, as the report makes clear, such seizures had taken place in Turkey as well). This last point strongly suggests that Turkey was able to dictate her conditions on Greece in this issue. Moreover, the process appears to have been completely cost-neutral for the government, which merely handed over real estate (real estate it had illegally seized, not expropriated), the rents of which maintained the work of the commission. As far as the report goes, only property, but no money was handed over to the claimants.

No other source available to me mentions the distribution process outlined in this report. It has therefore not been possible to establish if these distributions took place at all. It is clear that the question of compensation remained on the agenda well into the 1930s, as did complaints of the non-exchangees.

### **5.11 Compensation policies for “non-exchangees”**

With the Ankara Agreement signed on June 30, 1930, all property of non-exchange Greek in Turkey (excluding those located in Istanbul) passed into the hands of the Turkish government. Moreover, Greece agreed to pay a sum of 425,000 £ Sterling, out of which the Turkish government would indemnify the Greeks of Istanbul, as well as Greek citizens, whose property had been seized and could not be returned. The agreement was welcomed in the Turkish press and seen as a step towards the solution of the problems related to the population exchange.<sup>140</sup> The non-exchangees, however, disliked the agreement: On July 17, the general congress of non-exchangees sent a telegram to Prime Minister İsmet Paşa in which they expressed their gratitude and joy over the conclusion of the agreement. They did, however, also make it clear that they now expected to be compensated fully and

140 See Demirozu, “Greek-Turkish.”

quickly. The telegram was signed by Hüseyin Bey<sup>141</sup>, TBMM deputy for Istanbul and chairman of the society's congress.<sup>142</sup>

By December 1930, the government had received the first installment of the Greek payment (62,000 £ Sterling, worth 600,000 T£) and had handed that sum over to the Agricultural Bank in order to be distributed by a commission in Istanbul.<sup>143</sup> Apart from this cash payment, the Ministry of Finance was working on a system, which, similar to previous policies for exchangees, was based on the issuing of government bonds, which would be accepted in auctions of Greek property in Turkey. In the course of this process, Mustafa Kemal (Atatürk), after personally receiving a delegation of non-exchangees,<sup>144</sup> suggested that Turkish delegations be sent to Greece in order to appraise the value of the property in question.<sup>145</sup> There is no indication that this idea was ever put into practice.

By May 1931, a commission for the appraisal of claims had been established in Istanbul as part of the Ministry of Finance.<sup>146</sup> In July 1931, a law (No. 1885) was issued that dealt with property that needed

141 Hüseyin Hüsni (Kavalalı) (1881-1960) was deputy for Istanbul between 1927 and 1931. Originally from Kavala, he was a member of the local CUP branch and served as mayor for his hometown. Later (in Istanbul) he became a member of the Mixed Commission in charge of the Greco-Turkish population exchange. See *TBMM Albümü*, 153.

142 CA 30.10.140.3.7. All documents concerned with this group suggest that the average *gayrimübâdil* had, as a rule, a higher social status and was politically better connected than the *mübâdils*. This point may partly be explained by the fact that many among the *gayrimübâdils* had either left Greece before 1912 (thus having more time to adapt) or had been absentee landlords who lived in Thrace or Anatolia already.

143 CA 30.10.140.3.8, Milli Emlak Müdürlüğü to Başvekalet, December 10, 1930, 7.

144 Technically, Mustafa Kemal himself was a non-exchangee: He had left his native Salonica prior to the Balkan Wars.

145 CA 30.10.140.3.8., 2, Mustafa Kemal to İsmet Paşa, October 12, 1930.

146 With a letter dated May 5, 1931, the commission (*gayrimübâdil takdir-i kıymet komisyonu*) informed the Prime Ministry that it had furnished two wives of a certain Abdülhamit with documents (bonds?) for their claims, which amounted to 19,532 T£ each. CA 30.10.140.3.9. (Note that polygamy had officially been abolished in 1926).

to be given back according to the Ankara Agreement (i.e. Greek and Rum-owned property in Istanbul only). It prescribed that all people presently resident in these houses would be evicted. Those who had been given full rights to such property would be expropriated and compensated in government bonds bearing an interest of 5 percent. The Treasury was entitled to issue bonds up to a total value of 1,5 million TL (§4). These bonds would be accepted as cash in government auctions of “national property” (*milli emlak*), but only in those. They would be cashed until the end of the financial year 1933. Such refugees who had a legal right to settlement and were at present living in the above-mentioned houses would be given full rights to property of a character and size to be established by the rules of *iskan-ı adi*. *Tapu* documents for them would be issued for free. Istanbul and İzmir were excluded from this rule (§5).<sup>147</sup>

İzmir was a place where many Greek citizens had lived and owned property. Their counterparts, the non-exchangeable Muslims from Greece, had mostly ended up in Istanbul. When the authorities' grip first on Armenian and then on Ottoman Greek property in İzmir tightened, Greek-owned property remained as a last resort for free housing, particularly for state employees. According to a co-ed published in May 1928, the Ministry of Finance was at that point starting to demand rent from these occupants as well.<sup>148</sup> Around the same time, it also started to auction Greek-owned houses that were occupied by people who had officially been settled in them by the provincial settlement administration. These residents successfully contested their eviction notices in the local court, which accepted their assignment documents (*tahsis vesaiiki*) as proof of their rightful claims. In August 1928, the Directorate of National Property (*emlak-ı milliyeye*

147 10 haziran 1930 tarihli mukavelenameye göre iadesi lâzım gelen emval hakkında kanun, August 3, 1931,

[http://www.tbmm.gov.tr/tutanaklar/KANUNLAR\\_KARARLAR/kanuntbmmc010/kanuntbmmc010/kanuntbmmc01001885.pdf](http://www.tbmm.gov.tr/tutanaklar/KANUNLAR_KARARLAR/kanuntbmmc010/kanuntbmmc010/kanuntbmmc01001885.pdf) (accessed September 2, 2016).

148 Mehmet Şevki, “...fetin temadisi,” in: *Ahenk*, May 2, 1928.

*müdüriyeti*) was still waiting for the court of appeal to decide on the matter.<sup>149</sup>

After 1930, the compensation for non-exchangees from Greece was performed along very similar lines as those for occupants of houses in Istanbul, with the important difference that the non-exchangees' bonds did not bear any interest. The Agricultural Bank started to put Greek property on auction in November 1931.<sup>150</sup> *Anadolu* reported in December 1931 that many non-exchangees from Istanbul came to İzmir especially in order to take part in the auctions held there. The prices reached in these auctions were exceptionally high.<sup>151</sup> Details of the bond policy and the auctions can be deduced from a petition that twenty-six non-exchangees sent to the TBMM (and in copies to the Prime Minister, the President and the Ministry of Finance) in the summer of 1932 and an explanation subsequently written at the Ministry of Finance. The petitioners, several of them represented by their lawyers, complained that bonds were only issued for 20 percent of their claims, with the result that the bonds did by far not suffice to pay the "extortionate prices unheard of in any other part of the world."<sup>152</sup> Moreover, the bonds did not bear interest and did not specify a date of repayment. Therefore, many *gayrimübadils* saw no other way but to sell their bonds for as little as 17 percent of their nominal value. The group fiercely criticized that they could only use their bonds in auctions of Greek (*Yunanlı*) abandoned property, which was scattered in

149 "Yunanlı emvālının tefvizi hakkında emre müsteniden tefviz edilen emvāl hakkında iskân muqarrerâtının intâcında vilâyetçe ısrâr edilmektedir. Her ne kadar bu hâneler tarafımızdan müzâyedeye çıkarılmakta ve ba'zı tâliblere ihâle edilmekte ise de İzmir birinci hukûk mahkemesi şâgiller tarafından veşâ'ik-i taşşîşiye ve tefviziye irâ'e edildiği takdirde taşliye iddi'ası redd edilmekte ve temyiz edilen i'lâmât hakkında mahkeme temyiz kararları gelmediğinden temyiz mahkemesi muqarrerâtının ne merkezden tecelli edeceği meçhul bulunmakta (...)" CA 272...12.60.169.24.

150 Baran, *Bir*, 157.

151 Ibid.

152 "(D)ünyanın hiç bir tarafında görülmemiş fahiş kıymetler takdir edilmesi," CA 30.10.140.3.11, 4.

remote areas all over the country, a point, they claimed, that had often forced them to re-sell whatever they could purchase with their bonds in order to buy other property that was easier to manage, at “stupefying prices.”<sup>153</sup> They compared the government’s policy to pay only installments of the sums due to them to “the payment of allowances to schoolchildren.”<sup>154</sup> Far from being schoolchildren, however, the non-exchangees (unlike virtually all other petitioners, who never dared to makes references to developments in Greece) were up-to-date on the policies of the arch-enemy: on the other side of the Aegean, they argued, the Greek government was compensating refugees from Turkey with bonds that were traded at the Athens stock market at 95 percent of their nominal value, while citizens of other countries whose property had been seized received full payments from Greece.<sup>155</sup> The Treasury was pursuing a course of profit-maximization, “unable to get it in their head that the pockets of the Treasury and those of the nation are one and the same.”<sup>156</sup> In conclusion, the petitioners demanded that the Treasury pay interest on the bonds and set a date of repayment, or, alternatively, accept the bonds as down payment in all auctions of real estate and as payment for tax obligations (at 50 percent of their nominal value).

The demands of the non-exchangees fell on deaf ears at the Ministry of Finance. In a letter to the Prime Ministry, the Minister of Finance,

153 “(A)klları durduracak yüksek fiyatlara almak mecburiyetinde kalmışlardır.” Ibid., 5.

154 “(B)onoların tamamını defaten vermeyipte mektep çocuklarına verilen haftalık gibi tevzii” Ibid.

155 “Halbuki Akdenizin diğer sahilinde Yunan devleti 'compensation' suretile kendisine terkolunan Türk emlakini karşılık itti haz ederek (kendi teb'asına berayı tazmin (Türkiyadan giden Yunanlılara) verdiği eshamın kıymeti % mevzuasıle 95.e yani 5% noksanına satıldığı Atna (sic) borsasının yevmi 'bulletin'lerinde görülmektedir.” CA 30.10.140.3.11

156 “(M)illetin kesesile devlet hazinesinin bir olduğuna bir türlü erdiremeyerek sözde hazineyi kazandırmak” Ibid., 5-6.

Abdülhalik (Renda)<sup>157</sup>, argued that a complete compensation was no longer possible since partial sums had already been distributed in the form of bonds. Admitting that very high prices had been paid in the auctions of non-exchangeable property, he argued that these had solely come about as a result of high demand among potential buyers – and were therefore inevitable. In the question of tax payments, he simply argued that they belonged to a different category of payments and could therefore not be mixed up with the bonds.<sup>158</sup>

The compensation of non-exchangeables stayed on the agenda until 1934 and after. In that year, the Council of Ministers, apparently as a result of a prolonged argument between the Ministry of the Interior and the Ministry of Finance, decided that Greek and *établis* land (land owned by Greeks who were resident in Istanbul) in Anatolia that had been sold to other immigrants (*mübadil*, *muhacir*, *mülteci*) would not be given to non-exchangeable Turks. (The Ministry of Finance had demanded exactly that.) Instead, the sums of the sales would be used to balance the compensation paid in accordance with law no. 1885 (this was the fund deemed for the cashing of bonds issued to people expropriated in the course of property restitution to Greeks in Istanbul). They would also be used to balance free property distribution to refugees (again according to law no. 1885). Anything remaining would be paid to a custodian account of the exchangeables.<sup>159</sup> Only real estate

157 Abdülhalik Renda (1881–1957) was born in Yanya/Iannina but left when Epirus was ceded to Greece in 1913. On the prominence of men hailed from the Balkans among Republican elites (who were nevertheless not considered to be “refugees”) see Zürcher, *Young*, 196. During World War I, Renda was responsible for large-scale massacres of Armenians in Muş and in charge of deportations to Der Ez-Zor. After the war, he was among the perpetrators arrested and sent to Malta. See Karagueuzian, *Perfect*, 129. Renda served as Minister of Finance four times between 1924 and 1934. He also was active in early Republican policies of forced settlement and assimilation against the Kurds: Polatel and Üngör, *Confiscation*, 103–4.

158 CA 30.10.140.3.11, 2-3.

159 “Türk Mübadilleri hesabı carisine geçirilmesi”. Decision of the Council of Ministers dated March 22, 1934: CA 30.18.01.02.43.12.16. As far as I can see, this is the first document to mention such an account. It re-appears in §6 of law no. 4796,

owned by Greeks and Istanbul *Rums* in Anatolia that would become available in the future (possibly due to emigration?) would be used for distribution among non-exchangees.<sup>160</sup> Around June 1934, the Turkish government received 25,000 £ Sterling, a part of the second installment of 47,500 repayable upon completion of the restitution process in Istanbul. This number indicates that a major part of the Greek-owned property in Istanbul had not been restored. The Turkish Council of Ministers decided to distribute this money among non-exchangees.<sup>161</sup>

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(issued in 1945), which formally ended the process of property distribution to exchangees and other refugees.

160 Decision of the Council of Ministers dated March 22, 1934: CA 30.18.01.02.43.12.16.

161 *Ibid.*

## 6 Conclusion

The metaphor of abandoned property as the “dowry of the state” is fitting insofar as Armenian and Greek land and houses were used in order to establish a new relationship between the Turkish nation state and its Muslim population. It is, however, important to note that these assets were stolen and illegally appropriated before they could be used to make not only the new national bourgeoisie, but a great number of people “beholden to the state.”<sup>1</sup> The Armenians and Greeks who were killed or expelled between 1913 and 1922 were also dispossessed, and among them only the Ottoman Greeks, who were later made part of the population exchange with Greece, had an opportunity to claim compensation. The dowry metaphor has been used here not to cover up this first, violent part of the story, but to shed light on its second, hitherto untold part.

Unlike a dowry, abandoned property was not handed over in a single instant, and negotiations over its amount and character cannot be clearly distinguished from its distribution. This distribution often took on rather tumultuous, and at times violent, forms. Abandoned property constituted a major bone of contention among various groups and individuals in Turkish society, such as local power-holders (first members of the CUP and later deputies at the TBMM), homeless people, Balkan War refugees and exchangees. There was also a great deal of debate and conflict between these people and government bodies, which have been traced here through petitions and administrative documents of the settlement directorate.

The debate over these assets, which accompanied their physical and legal appropriation, was a crucial part of the process whereby Ottoman Anatolia was transformed into a modern nation-state, and its Muslim population into Turkish citizens. Apart from its economic importance as agricultural land, income-generating property and

1 Keyder, “Consequences”, 45.



houses, abandoned property also helped Muslim people to make sense of the death and expulsion of their non-Muslim neighbors by framing the takeover of their assets as “compensation”, either for wartime losses or for property left behind in Greece.

The abandoned property debate helped to establish a conception of private property that recognized such rights for Muslims only. The rights of Armenians and *Rum* were at first openly, and later implicitly, denied, and these groups were thus excluded from the body politic. In this regard, the debate marks a crucial part of the transition from the Ottoman Empire to the Turkish nation-state, a process that started at least a decade before the Republic was formally established. The exclusion of Armenians and Ottoman Greeks from the body politic was a crucial part of this transition. Its demographic part was accomplished through the Armenian Genocide and the expulsion of the Ottoman Greeks. The discursive part lasted longer and was in full swing during the War of Independence. One part of this discourse has been traced here in the parliamentary debates from those years.

Apart from a handful of early critics in the Ankara parliament, none of the parliamentarians, journalists, administrators, and petitioners writing and speaking in the course of the debate recognized the rights of Armenian and *Rum* owners anymore. Their speeches and texts show that they considered the theft, sale and occupation of non-Muslim property as perfectly legitimate – providing these acts served “the nation”. While early debates in the TBMM also quite openly admitted that Armenians had been killed (with most speakers legitimating the killings), this point was quickly covered up with the fiction of custodian care. The Ankara government thus became the official legal proxy of Armenian and Greek property owners. While fictitious insofar as the government did not really represent their interests, this idea of representation nevertheless had important implications for politics of property distribution.

The identity of the Muslim or Turkish nation was highly ambiguous, especially in the years prior to 1923: government claims to abandoned property, and the revenue it generated, were vehemently challenged

in parliament as well as by ordinary people who had simply appropriated houses and fields. The parliamentary debates, and the public debates on the phenomenon of squatting in İzmir, are evidence of strong support for an understanding of the “the nation” as synonymous with “the people”, whose interests were deemed superior to the (financial) interest of the state, at least in 1920–24. Texts and documents analyzed here show how the government was gradually able to enforce its claim to full control of abandoned property. By 1926, when protests against policies of compensation began, they could no longer seriously challenge existing legislation. Eventually, it was the instruments of mortgages and bonds that helped solve the conflict of the earlier years by serving the financial interests of both the treasury and the exchangees.

My following discussion sums up the results of this study with regard to five problems: the emergence of abandoned property as a legal concept in Ottoman times, the importance of Armenian and Greek property for the establishment of new relationships between state and (Muslim) people, the impact of the population exchange on property distribution policies in Turkey, arguments about the relationship between nation, state and the people, and the conceptualization of land and houses as commodities.

## **6.1 The emergence of “abandoned property”**

Abandoned property as a legal category could only be developed against the backdrop of private property rights in land on the one hand and forced mass migration on the other. These two phenomena, in turn, emerged very much in tandem over the course of the second half of the 19<sup>th</sup> century in Ottoman and post-Ottoman lands.

The meaning of abandoned property differs from the older Ottoman concept of *mahlul* land, which was defined as land the title to which had fallen back to the state after its owner had either died without leaving heirs or had been absent and failed to work the land for more than three years in a row. Abandoned property, on the other hand, referred to land or buildings that *continued to be owned* by an absent

person or institution who was represented by the state, even after three years had expired. The idea of abandoned property thus depended on the pre-existence of a modern conception of private, unlimited property rights, which, in the Ottoman rural context, was established throughout the 19<sup>th</sup> century. Towards the end of the century, this conception of property was further extended to include ownership in absentia. Tellingly, the Treaty of Berlin of 1878 recognized this possibility for people owning land in the newly created Balkan states, but not for those whose homelands in eastern Anatolia were now to become a part of imperial Russia. On the other hand, we do know that even people from further away in the Russian Caucasus managed to keep their property rights by traveling back and forth between the Ottoman and Tsarist Empires.

Illegal appropriation of privately owned land, while certainly practiced before, reached unprecedented levels with the establishment of the *Hamidiye* cavalry in eastern Anatolia, whose members stole not only from Armenians, but from the peasantry in general. It further increased during the Hamidian massacres of 1894–96, when Kurdish warlords (and especially those who were part of the *Hamidiye*) appropriated private and communal lands of Armenians. The first appearance of the term “abandoned property” in 1901 is probably a reference to land “abandoned” during the massacres. Demands for restitution of this stolen property (rather than monetary compensation) became a major issue after the revolution of 1908, and the desire to keep this land may actually have been one among many reasons for local militias to participate in the genocide of 1915.

It was in the Bulgarian principality that the first administrations for abandoned property were created in 1877–78. I have argued that these administrations further developed the idea of ownership in absentia into that of an absent owners’ representation by the nation state. This legal construct was deeply contradictory from the very beginning: the state that supposedly took custodian care of a person’s property in their absence was the very same state whose *raison d’être* was that person’s removal from its territory. It therefore comes as no surprise

that the CUP government (after all, a nationalist government of an imperial state) expelled Christians and promptly settled Muslim refugees in their houses and on their land after the Balkan Wars. Custodian care of that property became a legal fiction, which, however, was held up for a long time, carrying along its inherent contradiction.

My discussion of the research literature on the fate of Armenian property and my close reading of laws and regulations have shown that the laws and regulations issued with regard to buildings, fields, household items, and even money, were drawn up after specific practices had already emerged. These practices were refugee settlement (either for free or against payment of rents) and auctions, usually at exceptionally low prices. Special commissions for the sale and liquidation of Armenian property were formed, and the revenues of sales were paid into “custodian accounts” which were officially transferred to the budget of the Treasury in 1928. The institutions dealing with *Rum* and Greek property rights in post-1922 Turkey were very similar to those in operation during World War I. The abandoned property commissions in charge of registering and selling movable and immovable property were regarded as notoriously unreliable and corrupt. The advertisements of this property published by the commissions working in İzmir are proof of their work and interesting for their reference to the actual owners’ names.

## **6.2 (Absent) Christian property owners, Muslims, and the nation state**

As argued in chapters Two and Five, the Greek and Armenian identity of property owners continued to be an issue for a long time after their death or their forced departure from what was to become Turkey. In this, their names resemble ghosts who continued to haunt deputies, administrators, local people and exchangees alike with their continued presence in the registers. While the owners were either physically absent or dead, their rights and obligations remained in place and were administered as such by the emerging Turkish nation state. Hasan (Saka), the Minister of Finance in 1921, commented on this

dichotomy of physical absence and legal presence when he argued that abandoned property was “ownerless in reality”, but not according to the *tapu* registers, where the owners’ names remained in place. The state no longer dealt with real people, but with their specters in the registers, collecting their rents and receivables, and selling off their property in order to pay back their (real or invented) debts, including tax debts. It is remarkable that these ghostly residues of the departed remained in the documentation: In rural contexts, it would have been possible to perform a wholesale expropriation of all abandoned property owners or simply apply the old rule that land fell back to the sovereign after three years’ time. Instead, a ten-year rule that was arguably inspired by Islamic law (and also covered urban property and buildings) was introduced with the Civil Code of 1926.

It is remarkable that the early republican governments chose to uphold the legal fiction of custodianship and to later replace individual, absent owners with individual (as well as institutional) new ones. In this manner, the transfer of rights from “exchangeable” *Rum* to Muslim exchangees was performed starting from 1928. It is not entirely clear whether the same was conducted for Armenian property, which was administered by the “Administration for National Property” (*emlak-ı milliye müdüriyeti*). However, the transfer of all custodian accounts to the Treasury in 1928 suggests that the fiction of these accounts, and thus the specters of Armenian owners, had been held in place until that time.

My explanation for this continued “presence in absence” of Armenian and Greek owners is that it had an important function in the process of Turkification. Turkish nationalism, and the bureaucratic machinery that translated it into everyday practices, needed the non-Turkish Other in order to produce Turkish people, a Turkish economy and a Turkish state. Property categories that carried references to the ethno-religious identity of non-Turkish owners allowed deputies, journalists, bureaucrats, petition-writers and petitioners to stress their antagonism to these former owners, and thus to confirm their own Turkishness. They did so in group-specific ways: Fire-victims (*harikzede*) and

Balkan War refugees stressed their suffering under the Greeks in order to obtain houses. Tenants of a Greek-owned farm stressed the Greekness of the estate by listing the owner's family members in order to obtain the farm. The former tenants of a farm that was part of sultanic private property (*emiriye*), however, did not mention ill-treatment by the Greeks, but claimed to have been unable to register their legal use of the land prior to the Greek occupation, now demanding that the Republican government finally perform the registration. The petitions of Balkan War refugees stressed that they fled from the "ill-treatment" of "monsters" and had come to the "motherland" for this reason. All these narratives evoked some variation of the adversaries of the Turkish nation state: Ottoman Greeks, the Greek nation state, and the corrupted, ineffective Ottoman Empire, assisting the petitioners to frame themselves as Turkish. The references to property categories were not always clear, and indeed, many of these letters were written in order to claim property belonging to a category that was earmarked for another group of claimants. In this sense, the petitions were all part of a larger struggle over these categories and their meaning. Of course, if all Greek and Armenian property had been expropriated and labeled "state property", references to former owners would still have been possible. However, the property category itself would not have evoked memories, and thus not have invited people to invest property with notions of their own national identity. The petitions of exchangee migrants provide remarkably scant reference to property categories, and hardly ever recount stories of loss and deprivation from Greek hands. They usually operate with a notion of rights which the state was obliged to grant them, and depict its failure to do so as cases of corruption. The remarkable exception is the *tasfiye talepname* from Çeşme in which an applicant declared to have lost all documents of ownership to Greek pirates and had her compatriots testify to the truthfulness of the story. This story hints at the importance of Ottoman (and, in some cases, Greek) documents in the process of property compensation for exchanges in Turkey. These documents provided the second part of "otherness" required in the

process: only the house and the (accepted) document together allowed exchangees to become property-owning, tax-paying citizens of Turkey. As my analysis of the abandoned property debate in the first Turkish National Assembly (TBMM) has shown, there was still a variety of interpretations of the term in 1920 and 1921. In the midst of a war they had not yet won, the deputies' specific conceptualizations of abandoned property mirrored their idea of the future relationship between themselves and Ottoman non-Muslims. I have argued that these ideas were influenced by their individual experience in war (and possibly their involvement in the Armenian Genocide and the later ethnic cleansing of survivors): deputies from the eastern provinces, military officers, and deputies from Rumelia and Greek-occupied western Anatolia rejected the idea of custodian care and advocated an outright state seizure of Armenian and Greek property. This group argued that the rights of non-Muslims in Anatolia had ceased to exist. A minority among the deputies continued to regard non-Muslims and their property rights through the lens of Ottoman and Islamic law. They argued that Christians who had fled the territories now under control of the nationalist movement and who had left their property behind were still *zimmi*: adherents of another book religion who were protected by the state and who, even after a temporary fall-out, could return and submit again to Muslim rule and protection. This minority interpreted the abandoned property bill they were discussing in a literal manner, and took its stipulations about custodian care seriously. They argued that the state could indeed oversee the property of an absent owner, but would give it back after this owner's return. However, they rejected the idea of the state as universal custodian, arguing that the right to appoint a legal proxy was protected both by Ottoman positive and Islamic jurists' law (*fikh*).

The other faction in the TBMM conceptualized Christians and the state they themselves would eventually live in radically differently. In their eyes, all those who had fled had done so as a result of their own treason on the very state that had once protected them. The "traitors" therefore had irretrievably lost their right to live in Anatolia, and to

own property there. In the eyes of these radicals, the old-established relationship between *zimmis* and the Muslim state had been irreparably severed. The Christians' rights no longer existed, while their property rights had automatically passed over to the state. This group repeatedly challenged the idea of custodian care laid down in the bill at hand, arguing that the property ought to be handed over to the state. Furthermore, they saw no reason to hide the real objective of the law, which indeed was full state seizure of Armenian and Greek property. As I have shown, many deputies openly admitted to this real objective of the law.

The liberal Islamic conception of property and minority rights appears to have been completely silenced with the eventual Turkish victory in 1922. None of the Turkish sources written after that year defend the property rights of Christian owners anymore. In the İzmir press, the possibility of the Christians' return was discussed as a threat that needed to be fended off by all means. Those who managed to remain (Levantines and Jews) were depicted as a thorn in the side of the new, national state.

One important arena of a positioning towards absent Greeks and Armenians were the legal terms developed to refer to them. The euphemism "people deported to other places" (*başka mahallere nakledilen eşhas*) for Armenians was developed during the Armenian Genocide and already in place when Greeks and Armenians were first forced out of Cilicia and then of western Anatolia and eastern Thrace in 1921 and 1922. The laws issued after 1920 referred to them as "the disappeared" (*mütegayyip*, actually: "those made to disappear") and "fugitive" (*firari*). These terms, which evoked memories of violence and forced migration, were in turn gradually replaced by new ones developed in the course of the population exchange. From 1924 on, laws used the terms "subject to the population exchange" for *Rum* and "not subject to the population exchange" for all other absent owners. To be clear, "deported to other places", "fugitive" and "disappeared" were also euphemisms. These terms, however, still carried references to the state-sanctioned violence that had led to property



becoming “abandoned.” The terminological shift to “exchangeable” and “non-exchangeable” property and people no longer carried such a reference, and thus helped to cover up the violence of the previous decade.

### 6.3 The impact of the 1923 exchange convention

My discussion of the negotiations between Greece and Turkey between 1923 and 1930, and of the distribution policies in Turkey during the same period, has shown that the convention on a population exchange with Greece had a – somewhat delayed – impact on the politics of abandoned property in Turkey. The terminological distinction between people who were or were not subject to the exchange (and thus, between property according to the identity of the actual owners) has already been mentioned. A similar distinction also made its way into the legislation for those groups who were to receive abandoned property from the state. These legal categories were taken over by petitioners: exchangees presented themselves as such, and sometimes explicitly demanded to be treated better than other groups, while others presented themselves as Balkan War refugees or non-exchangees. While very few petitions of local homeless people (*harikzede*) have been available to me, frequent discussions of their fate as well as other petitions mentioning this category suggest that there was a group identity built around this term as well.

The procedures followed by the Turkish government had strikingly little to do with the stipulations either of the 1923 convention or later agreements with Greece. Those documents that were explicitly mentioned in the convention, the declarations of property (*beyanname/tasfiye talepname*), ended up being least valued by the Turkish government, and there is some evidence that it was not their ostensible inaccuracy, but the fact that they had been filled out by Greek authorities, that made them suspicious in the Turkish authorities’ eyes. *Tapus*, *vakfnames* and other documents from imperial Ottoman times were more readily accepted. In this regard, one can indeed argue that the Turkish authorities treated the exchange not so much as

a Greco-Turkish but as an Ottoman-Turkish affair, as an administrative endeavor in the course of which Ottoman property rights were translated into Turkish ones. As Chapter Four has shown, the Turkish side was in a relatively advantageous position during the years of the follow-up negotiations with Greece and eventually was the country to receive money from the other side of the Aegean. These payments were made even though the total values of property on both sides had not been appraised. Despite earlier announcements, which had depicted the temporary granting of property rights to exchangees as dictated by the terms of the population exchange, the Turkish government started to grant full property rights to exchangees with the *temlik* law of May 30, 1928. i.e., two years prior to the final settlement with Greece. The law (no. 1331) was probably not only motivated by the negotiations with Greece (i.e., the desire to create facts), but by the Treasury's desire to turn exchangeable property, which had so far not been tradeable, into a commodity that could be sold and mortgaged, in order to finally turn it into a source of income for the state. Since the property in question was not (yet) legally owned by the state, the law-makers resorted to a trick: law number 1349 (also passed in 1928) transferred the revenues from those sales which would subsequently be made in the names of the non-Muslim owners to the Treasury. The 1930 Ankara Agreement, which transferred all property rights of *Rum* to the Turkish state, merely legalized this step.

As discussed in Chapter One, the Ottoman Empire was forced to manage large-scale immigration, and thus the problem of settling large numbers of people, as early as the 1860s. Lack of available settlement land and conflicts with the local population were a problem throughout the second half of the century. It was, however, only under CUP rule, during the Balkan Wars and World War I, that the government started to settle refugees in towns. At the same time, it started to actively force non-Muslims to emigrate and proceeded to settle Muslims in their houses. According to the regulation for the settlement of refugees (*muhacirin nizamnamesi*) of 1913, houses and land were either sold to refugees in installments, or rented out, or, if the refugees were

really destitute, distributed for free. We know that abandoned property was used for refugee settlement at this point, but the term did not yet appear in the regulation, which only earmarked state-owned land for that purpose. There is no indication that the state institutions treated houses and fields as compensation for the property that Balkan War refugees had left behind.

My analysis of the relevant laws issued after 1922 and of discussions surrounding them has shown that it was the population exchange that introduced the idea of compensation into refugee settlement policies in Turkey. At first, this invention was not welcomed: when the law for the new Exchange Ministry was discussed in November 1923, a deputy in parliament openly renounced the idea because it would create a privilege for exchangees over other refugees, arguing that all refugees ought to be treated according to the familiar pattern of charity. The first Minister for the Exchange, Mustafa Necati, welcomed such a privileged treatment, expressing his hope that compensation would give exchangees (unlike previous refugees) a chance at gaining economic independence from government support. It was in the course of this debate that deputies started to re-frame their demands for distribution of abandoned property along the lines of compensation. Interestingly, the first law that eventually sanctioned such a practice (law no. 441, issued in March 1924) was designed for the compensation of local people. It went further than that for exchangees (law no. 444, issued one month later) insofar as it allowed for an immediate transfer of full private property rights (*temlik*). The few petitions of Balkan refugees that I have analyzed here (such as the petition by the village population of Buca) worked with this notion of compensation (rather than ask for charity). However, as I have indicated, the legislation for property distribution to people not party to the population exchange subsequently gravitated away from the principle of full compensation for free, instead stipulating that property would be sold, usually against mortgaging (law no. 781, March 1926). The local settlement office in İzmir nevertheless continued to distribute property for free as late as 1928, a practice which led to conflicts with the Ad-

ministration of National Property, (*emlak-ı milliye müdüriyeti*) which repeatedly attempted to enforce the application of the new law. This case illustrates that even outdated legislation could continue to have an impact on (local) policies.

#### **6.4 Nation, state and people**

As shown in Chapter One, policies with regard to abandoned property were marred by two mutually contradictory objectives, namely to settle refugees *and* to secure revenue for the Treasury. The CUP government came up with a relatively handy solution to this problem: the regulations issued during World War I earmarked Greek and *Rum* property for refugee settlement only and increased the tendency to sell or rent, rather than just distribute, Armenian property. This decision may also have been motivated by the existence of the Greek nation state and the desire to keep it from joining the war on the side of the Entente. On the other hand, however, there is no indication that CUP policies towards Greek and *Rum* property were changed after Greece had indeed joined the war in June 1917.

The TBMM and Republican governments of the post-Ottoman period inherited this inherent problem from the CUP. Chapter Five has shown that the settlement policies of the 1920s were characterized by a constant conflict between the Ministry of Finance on the one hand and the Ministry of Exchange, and its successor, the Directorate for Settlement Affairs at the Ministry of the Interior, on the other. The first was eager to sell abandoned property (or rent it out), while the second and third prioritized refugee settlement. There was no consistent state policy, and by implication, no monolithic state, but rather conflicting objectives institutionalized in the form of the two ministries (and their directorates). My discussion has shown that the Ministry of Exchange had difficulty enforcing the far-reaching competences that the Law for Exchange, Reconstruction and Settlement (no. 368, issued in November 1923) bestowed on it: it was unable to gain full control of abandoned property, which it held only in theory because

other ministries, local police and the gendarmerie refused to cooperate.

The renewed distinction between Greek and Armenian property from 1924 onwards was negotiated as a reaction to demands for compensation of local people and *harikzede*. At first, law no. 441 allowed for full compensation of these losses, which were to be made from “special funds” to be obtained from the budget. I have argued that this was a veiled reference to the “custodian accounts” held in the name of absent non-Muslims, which were officially transferred to the budget in 1928. Law no. 441 permitted the Treasury to sell someone’s property to someone else, have the original owner pay for the transfer, and pocket the money. The law also effectively established a renewed division of competences between the Ministry of Finance and the Ministry of the Exchange. This division, however, did not appease the conflict between the two ministries. My discussion in Chapter Five has illustrated that both ministries were eager to use the respective other category of property for their ends. The conflict was partially ended with the conceptualization of all classes of property as commodities in 1928. This aspect will be discussed further below.

While it was certainly enhanced by a chronic lack of money on the side of the governments, the question of refugee settlement versus revenue was rooted in the more general question whether the state served the people or the people served the state. This was not a philosophical question, but one of major importance in a freshly declared republic, the general population of which was living in dire poverty. The conflict manifested itself in everyday politics, and particularly in the question of legal versus illegal appropriation of abandoned property. A government claiming to represent the nation, and to exercise full sovereignty in its name, was challenged by every instance in which individual people, and even populations of whole towns, chose to occupy abandoned property for their own ends. This study has shown that people expected the government to provide them with abandoned property, and when these expectations were frustrated,

either helped themselves to it or argued that failure to fulfill their needs contradicted the idea of a republican government.

The Treasury's desire to use abandoned property mainly as a source of revenue was contested throughout the period I have studied here, but on the whole the intensity of these conflicts decreased over time, a development that corresponded to the general increase in government control. During the discussion of the first abandoned property bill, deputies still openly voiced their criticism and distrust of the government, instead advocating its free distribution among refugees. Only six months later, in November 1922, criticism was voiced much less openly. Deputies no longer presented the interest of the people and that of the government as antagonistic, but merely criticized the authorities' failure to prevent the looting of İzmir. There was some open sympathy for Muslim looters, and especially for the ordinary soldiers among them, but the interests of this group were no longer presented as more important than those of the Treasury. State revenue was now depicted as the first priority, and distribution among the people merely as a welcome alternative. This depiction was usually accompanied by accusations against other groups (Jews, foreigners, profiteers) for having taken the booty instead.

The exchangee petitions written between 1925 and 1928 often depict the interests of exchangees and the state as essentially identical, arguing that prosperity among the exchangees would eventually serve the public good, and that a violation of their own rights amounted to a violation of the very principles of the republic. Petitioning refugees often presented themselves as citizens endowed with a certain set of rights which the government was obliged to recognize. An İzmir-based journalist, however, openly renounced the idea of exchangee rights, instead arguing for a need to protect the right of the state against its citizens.

My research has further supported previous studies which argue that petitions remained an important instrument of communication in early Republican times: Exchangee petitions were not taken lightly, but usually forwarded to the provincial administration for further

investigation. The claim of the petitioners that their treatment by the settlement administration was “contrary to the holy values of the sacred republic” or that they had “never expected that injustice would rule” probably raised red flags in Ankara, and helped to monitor the rising disappointment in İzmir with the republican government. Apart from this monitoring function, however, the few inspectors’ reports and more detailed administrative correspondence that I have come across indicate that local administrations were rather inflexible in their treatment of refugee complaints. In accordance with the official function of the petitioning system, petitioners usually claimed to have fallen victim to some kind of misconduct on the part of the local administration. These allegations could not always be verified. The one clear case of corruption that I have come across (the house that was revealed to be occupied by the director of the abandoned property administration) was solved by finding new houses for the two petitioners. The squatter himself was apparently too powerful to be evicted from the house. The available sources leave the impression that corruption among the highest echelons of the state was simply too widespread to be fought, possibly because everybody else was involved as well. That said, it is noteworthy that two active ministers, Hasan Fehmi (Ataç) and Kâzım Paşa (Özalp), were openly accused of having occupied abandoned houses in İzmir in the 1922 debate. İsmail Safa, who had been Minister of the Interior in 1922 and served as Minister of Education in 1926, petitioned *from* İzmir against the eviction of penniless state officials from abandoned houses. His petition raises questions about his own possible involvement in illegal squatting. There were many cases in which exchangees’ understanding of “injustice” and “corruption” apparently did not match that of the administrators. An exchangee’s argument that his low application number (i.e., the fact that his application had still not been considered) was a sign of ill-treatment was ignored, while his request for permission to “team up” with another exchangee was heard. Overall, the administrative correspondence displays a desire to stick to the rules and enforce their application, even if this application disappointed most exchange-

ees. Several petitions presented this disappointment as a collective experience, and thus point at the emergence of a collective identity among exchangees.

Chapter Five has shown that the local administration only gradually came to control abandoned property in İzmir. Illegal squatting clearly was commonplace in the surrounding towns by 1925. The inspector's report from Söke (written in 1926) gives a similar impression. However, the general drift of legislative changes suggests that government control increased over the years: Illegal squatting of Armenian houses was legalized in 1924 by making former squatters pay rent. By 1926, this category of people got the opportunity to buy the houses by mortgaging them: Practices that at first had to be tolerated were thus gradually brought under control. There is some indirect evidence for successful appeals of occupants to local courts (as in the Urla case in 1927, and the successful resistance against evictions in 1928). Unfortunately, the inaccessibility of court records, municipal and provincial documents has made it impossible to track down more of such cases. The Urla case, however, suggests that local courts were not completely independent, but ready and able to exploit inconsistencies in central state orders and legislation for the benefit of the local population. The bureaucratic procedure of *tefviz* established a special relationship of dependency between the state and the migrants who came to be known as exchangees, who were left with limited, temporary and revocable property rights for much longer time than any other group. Many of the petitions that were analyzed here show that exchangees were not aware of the revocable character of their rights, but felt that they really owned the houses allocated to them, and therefore protested against the settlement agency's decisions to evict them. The clustering of such cases in the years 1926 and 1927 also suggests that the authorities started to really control abandoned property at about this time. The eventual granting of full property rights in 1928 could be understood as an improvement for the exchangees. However, the law also marked the final disappointment of all hopes for a full compensation for the property they had left behind in Greece.



## 6.5 Abandoned property as a commodity

Very much like that of local *harikzede*, the compensation of exchangeees was characterized by an increasing commercialization over time (which eventually appeased the inter-ministerial conflict between the objectives of refugee settlement and income generation). The very first phase of exchangee settlement in 1923 and 1924 could unfortunately not be traced directly through the documents that were available for this study. Judging from cases of exchangees who were expelled from houses between 1925 and 1927 because the houses were found not to match their claims, however, it seems that the category of value gained importance around this time. With the *tefviz* procedure, which started in 1924, exchangees were (temporarily) compensated with houses worth certain percentages of the value shown in their documents. During this first period (up to 1928) the main feature of these policies was that the exchangees would not get title deeds for the property in question, and thus could not mortgage the assets. They were thus excluded from the circle of people who could buy property from the abandoned property administration (which usually sold against payment of the first of eight annual installments). Indeed, it seems that the Ministry of Finance and its local administrations (in İzmir and elsewhere) turned one group after another into buyers, and debtors, for abandoned property. This process can be described as a credit bubble which eventually burst in the late 1920s, prior to the World Economic Crisis: Shortly after the conquest of the İzmir area, buyers were local people and resident aliens who could afford to pay a first installment in government auctions. From 1926 onwards, Armenian houses were sold to their inhabitants, who were allowed to mortgage the houses. Exchangees were included by 1928, being given bonds that they could use as vouchers in government auctions. Beginning from 1931 non-exchangees (who apparently for the most part resided in Istanbul) were able to use their compensation bonds as vouchers in auctions of “abandoned property”, including those in İzmir. This ever-growing circle of new groups as buyers is especially significant in the light of reports mentioning that many

people were struggling to pay the installments for property they had bought shortly before. The economic situation in İzmir remained tense throughout the 1920s and further deteriorated towards the end of the decade, with debtors often struggling or failing to pay. This suggests that the purchase power of each group was depleted quickly after their inclusion into the circle of buyers, and that the Treasury therefore strove to further enlarge that circle. It is important to note that all groups apart from those who bid in 1922 had some form of government aid for their first installment: exchangees (1928) and non-exchangees (1931) received bonds/vouchers, while the inhabitants of Armenian property were able to mortgage the houses they already inhabited. Despite this help, people soon started to face difficulty in paying, and programs to extend the number of installments started as early as 1925 (nationwide for peasant exchangees). After 1930, the installments due for exchangees' credits were gradually extended as far as 1945. It seems that İzmir became the scene of a government-created speculation bubble that was re-inflated several times over the 1920s before it eventually burst in 1930. The bonds issued had the function of a paper-currency which, however, failed to kick-start the economy in the way so desired. Despite this short-time failure, in the long run the whole affair must have created two things: a steady, even if low, income for the treasury, and property titles for the buyers that, thanks to subsequent economic development and rising real estate prices, eventually paid off.

Most of the petitions that have been discussed here did not openly challenge the principle that compensation ought to be performed in accordance with property values. The two remarkable exceptions are the petitions written in 1928, shortly before and after the issuing of the *temlik* law no. 1331. Both transgressed the usual frame of a petition insofar as they did not claim to report a case of corruption, but openly criticized government policy. The collective exchangee petition (discussed in Chapter Five) sent from İzmir is most remarkable in this respect. The petitioners did not only point out that a comparison between pre-war values in Greece and present-day values in İzmir

would result in an almost complete devaluation of their claims, but went so far as to suggest a different procedure for the appraisal of real estate, namely that laid down in the exchange convention. The group of exchangees presented themselves not as supplicants, but rather as citizens willing and able to pass judgment openly and to criticize the policies of their government. Their explicit criticism exudes much more confidence than previous individual petitions. Though certainly rooted in a profound sense of disappointment and discontent, the petition also appears to address the government at eye-level. Similar petitions might have followed if the introduction of the Latin script had not blocked this traditional means of communication between administrations and the population. Its introduction blocked the traditional safety valve of petitioning, effectively silencing a population that may have just begun to articulate themselves as citizens of the new state.

## 6.6 Prospects for future research

This study has brought up several questions that could not be further investigated due to the inaccessibility of the relevant sources: It has largely been impossible to establish how the provincial office of the Directorate of Settlement Affairs proceeded after it had received instructions from Ankara. Likewise, the role of local courts and their handling of conflicts between exchangees, locals and state institutions would be a promising field of research – provided that the relevant sources were available. Furthermore, the few accessible documents discussing the administration of Armenian, Greek and pious endowments (*mevkufe*) property suggest that these categories, too, were the subject of major struggles. However, these categories remain largely out of reach pending the opening of the archives of the Ministry of Finance.

The period after 1930 has only been cursorily discussed in this study. However, it has turned out that much, if not most of the policies aimed at a full granting of property rights to exchangees were only performed from 1931 onwards. If studied through newspapers, peti-

tions and court records, these conflicts would provide further insights into the development of state-society relations after the introduction of the Latin script, and of statist economic policies in the 1930s. Such a study would certainly offer interesting insights into the character of the regime, which, just as that of the mid-to-late 1920s, has been described as authoritarian and utterly unwilling to communicate with the population.

# Bibliography

## Archival Sources

Auswärtiges Amt (AA), Berlin: Akten des Generalkonsulats İzmir.

Evangelisches Zentralarchiv (EZA), Berlin: Akten der Evangelischen Gemeinde Smyrna.

Public Records Administration at Kew, London: Foreign Office (FO).

NARA, College Park, MD: Records of the İzmir consulate.

Başbakanlık Cumhuriyet Arşivi, Ankara: Muhacir Fonu (272.), Başvekalet Fonu (30.),  
Tasfiye talepnameleri Fonu (130.)

## Parliamentary Minutes

### Meclis-i Ayân:

- 30 November 1915 (30 Teşrinisani 1331)  
<http://www.tbmm.gov.tr/tutanaklar/TUTANAK/MECLISIAYAN/mad03ic02c001/mad03ic02c001ink010.pdf>

### Türkiye Büyük Millet Meclisi (TBMM):

- July 5, 1920:  
<http://www.tbmm.gov.tr/tutanaklar/TUTANAK/GZC/d01/CILT01/gcz01001028.pdf>
- March 14, 1921:  
<http://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d01/c009/tbmm01009007.pdf>
- April 7, 1921:  
<http://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d01/c009/tbmm01009017.pdf>
- September 19, 1921:  
<http://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d01/c013/tbmm01013095.pdf>
- November 10, 1921:  
<http://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d01/c014/tbmm01014108.pdf>
- April 16, 1922:  
<http://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d01/c019/tbmm01019028.pdf>

- April 22, 1922  
<http://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d01/c019/tbmm01019031.pdf>,
- September 11, 1922:  
<https://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d01/c022/tbmm01022100.pdf>
- September 14, 1922:  
<http://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d01/c023/tbmm01023102.pdf>
- September 18, 1922:  
<http://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d01/c023/tbmm01023104.pdf>
- November 25, 1922:  
<https://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d01/c025/tbmm01025145.pdf>
- November 27, 1922:  
<http://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d01/c025/tbmm01025146.pdf>
- November 29, 1922:  
<https://www.tbmm.gov.tr/tutanaklar/TUTANAK/GZC/d01/CILT03/gcz01003147.pdf>
- April 15, 1923:  
<http://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d01/c029/tbmm01029025.pdf>
- November 1, 1923:  
<http://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d02/c003/tbmm02003046.pdf>
- November 8, 1923:  
<http://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d02/c003/tbmm02003050.pdf>
- March 19, 1931:  
<http://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d03/c026/tbmm03026036.pdf>
- July 10, 1945:  
<http://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d07/c019/tbmm07019085.pdf>

## Published Sources

- Arıkan, Zeki, İzmir Basımından Seçmeler (1923-1938): II. Cilt- I. Kitap. Kent kitaplığı dizisi
37. İzmir: İzmir Belediyesi Kültür Yayınları, 2003.
- . İzmir Basımından Seçmeler (1923-1938): II. Cilt - II. Kitap. Kent kitaplığı dizisi
58. İzmir: İzmir Büyükşehir Belediyesi Kültür Yayınları, 2008.
- “Arşiv Belgeleriyle Ermeni Faaliyetleri 1914-1915: Cilt I (1914-1915).”.  
<https://docs.google.com/file/d/0BzTG7ZKYLQglSnRfQkMwZDM0ZTg/edit?pref=2&pli=1>.
- “Convention Concerning the Exchange of Greek and Turkish Populations.” In *Crossing the Aegean: An Appraisal of the 1923 Compulsory Population Exchange between Greece and Turkey*. Edited by Renée Hirschon, 281–7. New York, Oxford: Berghahn, 2003.
- Düstur 1. Tertip Cild 7*. Ankara: Başvekalet Devlet Matbaası, 1941.
- Düstur 2. Tertip, Cild 5*. Dersaadet/Istanbul: Matba'a-yi 'âmire, 1332/1913.
- Düstur, 3. Tertip: Cild 12*. Ankara, 1931.
- Düstur, 3. Tertip: Cild 5*. Istanbul, 1931.
- Gillard, David, ed. *The Ottoman Empire in Asia, 1860–1880. British documents on foreign affairs: reports and papers from the Foreign Office confidential print.Pt. 1: From the mid-nineteenth century to the First World War Pt 1, Series B, vol. 6*. Frederick, Md: Univ. Publ. of America, 1984.
- Gust, Wolfgang, ed. *Der Völkermord an den Armeniern 1915/16: Dokumente aus dem Politischen Archiv des deutschen Auswärtigen Amtes*. zu Klampen, 2005.
- H.M.S.O. *Lausanne Conference on Near Eastern Affairs 1922-1923. Records of Proceedings and Draft Terms of Peace: Presented to Parliament by Command of His Majesty*. London: H.M.S.O., 1923.
- Holland, Thomas E., ed. *The European Concert in the Eastern Question: A Collection of Treaties and Other Public Acts, ed. with Introduction and Notes*. 1885. 2nd ed. Aalen: Scientia, 1979.
- Inter-Allied Commission of Inquiry. “Documents of the Inter-Allied Commission of Inquiry into the Greek Occupation of Smyrna and Adjoining Territories.”. <http://www.ataa.org/reference/iacom.pdf> (accessed February 3, 2016).

- İskân tarihçesi*. İstanbul: Hamit Matbaası, 1932.  
[http://www.tbmm.gov.tr/eyayin/GAZETELER/WEB/KUTUPHANEDE%20BULUN-AN%20DIJITAL%20KAYNAKLAR/KITAPLAR/DIGER%20YAYINLAR/197106714%20ISKAN%20TARIHCESI/0000\\_0000.pdf](http://www.tbmm.gov.tr/eyayin/GAZETELER/WEB/KUTUPHANEDE%20BULUN-AN%20DIJITAL%20KAYNAKLAR/KITAPLAR/DIGER%20YAYINLAR/197106714%20ISKAN%20TARIHCESI/0000_0000.pdf)
- Kardeş, Salâhaddin. "Tehcir ve emval-i metruke mevzuatı".  
<http://eskiportal.sgb.gov.tr/Publications/Tehcir%20ve%20Emval-i%20Metruke%20Mevzuat%C4%B1.pdf> (accessed November 3, 2013).
- League of Nations Treaty Series. "Greece and Turkey - Agreement to facilitate the Application of certain Provisions of the Treaty of Lausanne and of Declaration No. IX annexed to that Treaty, signed at Athens, December 1, 1926, with Annex, Final Protocol and Declaration of the same Date, as well as two Protocols and a Proces-Verbal of Signature, signed at Angora, June 21, 1925 [1927] LNTSer 172; 68 LNTS 11.". <http://www.worldlii.org/int/other/LNTSer/1927/172.html> (accessed January 12, 2013).
- . "Greece and Turkey - Convention regarding the Final Settlement of the Questions resulting from the Application of the Treaty of Lausanne and of the Agreement of Athens relating to the Exchange of Populations. Signed at Ankara, June 10, 1930 [1930] LNTSer 277; 108 LNTS 233.". <http://www.worldlii.org/int/other/LNTSer/1930/277.html> (accessed January 12, 2013).
- Ongley, F. *The Ottoman Land Code. Translated from the Turkish*. London: William Clowes and Sons, 1892.
- Ra'if Nezîh. *İzmir Târîhi*. İzmir, ca. 1928.
- Şimsir, Bilal N., ed. *Rumeli'den Türk Göçleri - Belgeler III*. Ankara: Türk Tarih Kurumu, 1989.
- Şimsir, Bilal N. *Lozan Telgrafları: Türk Diplomatik Belgelerinde Lozan Barış Konferansı*. Ankara: Türk Tarih Kurumu Basımevi, 1990.
- T.C. Başbakanlık Devlet Arşivleri Genel Müdürlüğü, ed. *Osmanlı Belgelerinde Ermeniler (1915-1920)*. Ankara, 1994.
- T.C. Sıhhat ve İctimai Muavenet Vekaleti, İskan Umum Müdürlüğü. *İskan Mevzuatı*. Ankara, 1936.



TBMM Basın ve Halkla İlişkiler Müdürlüğü. "TBMM Albümü 1920-2010: 1. Cilt 1920-1950." [http://www.tbmm.gov.tr/TBMM\\_Album/Cilt1/index.html](http://www.tbmm.gov.tr/TBMM_Album/Cilt1/index.html) (accessed September 2, 2016).

Tekin Alp. *Türkleşdirme*. İstanbul: Resimli Ay Matbaası, 1928.

## Books and Articles

- Abdullahzade, Cavid. "Emval-i Metruke Kapsamındaki Mülkiyet Davalarının Avrupa İnsan Hakları Mahkemesi Süreci Açısından Değerlendirilmesi," *Ankara Üniversitesi Hukuk Fakültesi Dergisi* 62, no. 2 (2013): 317 – 347.
- Aghatabay, Cahide Z. *Mübadelelerin Mazlum Misafirleri. Mübadele ve Kamuoyu 1923-1930*. İstanbul: Bengi, 2007.
- Akçam, Taner. *A Shameful Act: The Armenian Genocide and the Question of Turkish Responsibility*. New York: Metropolitan Books, 2006.
- Akçam, Taner, and Ümit Kurt. *Kanunların Ruhu: Emval-i Metruke Kanunlarında Soykırımın izini sürmek*. İstanbul: İletişim, 2012.
- Akçam, Taner. "Kanunların Ruhu ya da Emval-i Metruke Kanunlarında Soykırımın İzini Sürmek." *Altüst*, no. 7 (2012): 1–13.
- . "Uğur Ümit Üngör ve Mehmet Polatel: El Koyma ve Yıkım, Genç Türklerin Ermeni Mallarını Gasp Etmesi kitabı üzerine." *Tarih ve Toplum Yeni Yaklaşımlar* 14 (2012): 95–119.
- Akçam, Taner, and Ümit Kurt. *The Spirit of the Laws. The Plunder of Wealth in the Armenian Genocide*. New York: Berghahn, 2015.
- Akın, Yiğit. "Reconsidering State, Party and Society in Early Republican Turkey: Politics of Petitioning." *International Journal of Middle East Studies (IJMES)* 39 (2007): 435–457.
- Akşit, Elif E. "Girls' Education and the Paradoxes of Modernity and Nationalism in the late Ottoman Empire and the Early Turkish Republic." PhD thesis, State University of New York, 2004.
- Aktar, Ayhan. "Economic Nationalism in Turkey: The Formative Years, 1912–1925." *Boğaziçi Journal: Review of Social and Administrative Studies* 10, 1–2 (1996): 263–290.
- . *Varlık Vergisi ve "Türkleşdirme" Politikaları*. İstanbul: İletişim, 2000.
- . "Homogenising the Nation, Turkifying the Economy: The Turkish Experience of Population Exchange Reconsidered." In *Crossing the Aegean: An Appraisal of the*

- 1923 Compulsory Population Exchange between Greece and Turkey. Edited by Renée Hirschon, 79–95. New York, Oxford: Berghahn, 2003.
- . “Türk-Yunan Nüfus Mübadelesi’nin İlk Yılı: Eylül 1922– Eylül 1923.” In *Yeniden Kurulan Yaşamlar. 1923 Türk-Yunan Zorunlu Nüfus Mübadelesi*. Edited by Müfide Pekin, 41–84. Istanbul: Bilgi Üniversitesi Yayınları, 2005.
- . “Debating the Armenian Massacres in the Last Ottoman Parliament.” *History Workshop Journal* 64 (2007): 240–270.
- Aktar, Ayhan, and Abdülhamit Kırmızı. “‘Bon pour l’Orient’: Fuat Dündar’ın Kitabını Deşifre Ederken...” *Tarih ve Toplum Yeni Yaklaşımlar* 8 (2009): 157–186.
- Antoniades, Alexandre. *Le Développement économique de la Thrace*. Athens: Typos, 1922.
- Arı, Kemal. “Yunan İşgalinden sonra İzmir’de “Emval-i Metruke” ve “Fuzuli İşgal” Sorunu.” *Atatürk Araştırma Merkezi Dergisi* 5, no. 15 (1989). <http://www.atam.gov.tr/index.php?Page=DergiIcerik&IcerikNo=891> (accessed June 3, 2010).
- . “1923 Türk - Rum Mübadele Anlaşması Sonrasında İzmir’de “Emval-i Metruke” ve Mübadil Göçmenler.” *Atatürk Araştırma Merkezi Dergisi* 6, no. 18 (1990).
- . *Büyük Mübadele: Türkiye’ye Zorunlu Göç (1923–1925)*. Istanbul: Tarih Vakfı, 1995.
- Arıkan, Zeki. ed., Haydar Rüştü Öktem, *Mütareke ve İşgal Anıları*. Ankara: Türk Tarih Kurumu, 1991.
- Arkun, Aram. “Zeytun and the Commencement of the Armenian Genocide.” In *A Question of Genocide: Armenians and Turks at the End of the Ottoman Empire*. Edited by Ronald G. Suny, Fatma M. Göçek and Norman M. Naimark, 221–43. New York: Oxford University Press, 2011.
- Astourian, Stephan H. “The Silence of the Land: Agrarian Relations, Ethnicity, and Power.” In *A Question of Genocide: Armenians and Turks at the End of the Ottoman Empire*. Edited by Ronald G. Suny, Fatma M. Göçek and Norman M. Naimark, 55–81. New York: Oxford University Press, 2011.
- Atay, Çınar. *Tarih İçinde İzmir*. İzmir: Tifset Basım ve Yayın Sanayi, 1978.
- Aytekin, Attila E. “Agrarian Relations, Property and Law: An Analysis of the Land Code of 1858 in the Ottoman Empire.” *Middle Eastern Studies* 45, no. 6 (2009): 935–951 (accessed March 11, 2015).

- Azak, Umur. *Islam and Secularism in Turkey. Kemalism, Religion and the Nation State*. London: I.B. Tauris, 2010.
- Baghdjian, Kévork K. *La confiscation, par le gouvernement turc, des biens arméniens dit 'abandonnés'*. Montreal, 1987.
- . *The Confiscation of Armenian Properties by the Turkish Government Said to be Abandoned*. Antelias: Printing House of the Armenian Catholicosate of Cilicia, 2010.
- Bali, Rifat. "From Anatolia to the New World: The First Anatolian Immigrants to America." *International Journal of Turkish Studies* 12, 1&2 (2006): 53–69.
- . *Bir Türkleştirme Serüveni 1923-1945. Cumhuriyet Yıllarında Türkiye Yahudileri*. İstanbul: İletişim, 2010.
- Baran, Tülay A. *Bir Kentin Yeniden Yapılanması (İzmir 1923-1938)*. Arma, 2003.
- Barkai, Avraham. *Vom Boykott zur "Entjudung" Der wirtschaftliche Existenzkampf der Juden im Dritten Reich 1933-1943*. Frankfurt am Main: Fischer, 1988.
- Barutçitski, Michael. "Lausanne Revisited: Population Exchanges in International Law and Policy." In *Crossing the Aegean: An Appraisal of the 1923 Compulsory Population Exchange between Greece and Turkey*. Edited by Renée Hirschon, 23–38. New York, Oxford: Berghahn, 2003.
- Başgil, Ali F. "Vatandaşların Büyük Millet Meclisine Müracaat Hakkı." In *Tedris Hayatının Otuzuncu Yıldönümü Hatırası Olmak Üzere Medeni Hukuk Ordinaryüs Profesörü Ebül'ula Mardin'e Armağan*. Edited by Ebül'ulâ Mardin, 537–66. İstanbul: Kenan, 1944.
- Bayar, Celâl. *Ben de Yazdım: Milli Mücadele'ye Giriş*. İstanbul: Maha, 1967.
- Bayar, Yeşim. "Turkish Nation-Building Process: An Analysis of Language, Education, and Citizenship Policies during the Early Republic (1920-1938)". PhD thesis, McGill University, 2008.
- Ben-Bassat, Yuval. "In Search of Justice: Petitions sent from Palestine to İstanbul from the 1870s Onwards." *Turcica* 41 (2009): 89–114.
- Berber, Engin. *Yeni Onbinlerin Gölgesinde Bir Sancak: İzmir*. İstanbul: Tarih Vakfı, 1999.
- . *Bir İzmir Kâbusu. Mütareke ve İşgal Üzerine Yazılar*. Kent kitaplığı dizisi 25. İzmir: İzmir Büyükşehir Belediyesi Kültür Yayınları, 2002.
- . "Mütareke Döneminde İzmir Sancağında Yunanistan Karşısı Çalışmalarda Bulunan Toplumsal Örgütler (30 Ekim 1918– 15 Mayıs 1919)." In *Bir İzmir Kâbusu. Mütareke ve İşgal Üzerine Yazılar*, 40–75. Kent kitaplığı dizisi 25. İzmir: İzmir Büyükşehir Belediyesi Kültür Yayınları, 2002.

- . *Rumeli'den İzmir'e Yitik Yaşamların İzinde*. Kent kitaplığı dizisi. İzmir: İzmir Büyükşehir Belediyesi Kültür Yayınları, 2002.
- Bley, Helmut and Anorthe Kremer, eds. *The World During the First World War*. Essen: Klartext, 2014.
- Blumi, Isa. *Ottoman Refugees, 1878-1939: Migration in a Post-Imperial World*. London: Bloomsbury, 2013.
- Böke, Pelin. *İzmir (1919– 1922)*. İstanbul: Tarih Vakfı, 2006.
- Brockett, Gavin D. “Collective Action and the Turkish Revolution: Towards a Framework for the Social History of the Atatürk Era, 1923–38.” *Middle Eastern Studies* 34, no. 4 (1998): 44–66.
- . “Revisiting the Turkish Revolution, 1923– 1938: Secular Reform and Religious “Reaction”,” *History Compass* 4, no. 6 (2006): 1060–1072.
- ed. *Towards a Social History of Modern Turkey*. İstanbul: Libra, 2011.
- Çapa, Mesut. “İzmir Müdafaa-i Hukuk-ı Osmaniye Cemiyeti (Aralık 1918– 1920).” *Atatürk Araştırma Merkezi Dergisi* 7, no. 21 (1991).
- Çelebi, Ercan. “Mübadillerin Yunanistandaki Mal Kayıtları ve Muhtelit Mübadele Komisyonu Tasfiye Taleplerleri.” *Çağdaş Türkiye Tarihi Araştırmaları Dergisi* 12 (2006): 35–46.
- Çelik, Kemal. “Millî Mücadele’de İç İsyanlar, Vatana İhanet Kanunu ve İstiklâl Mahkemeleri.” *Ankara Üniversitesi Türk İnkılâp Tarihi Enstitüsü Atatürk Yolu Dergisi*, no. 40 (2007): 569–613.
- Çerkes Ethem. *Anılarım*. Berfin, 1962, 1993.
- Çetinkaya, Y. D. *1908 Osmanlı Boykotu: Bir Toplumsal Hareketin Analizi*. İstanbul: İletişim, 2004.
- . *The Young Turks and the Boycott Movement: Nationalism, Protest and the Working Classes in the Formation of Modern Turkey*. London: Tauris, 2014.
- . “Soykırımın Toplumsal Karakteri.” *Mesele*, April 2015.
- Chalcraft, John. “Engaging the State: Peasants and Petitions in Egypt on the Eve of Colonial Rule.” *International Journal of Middle East Studies (IJMES)* 37, no. 3 (2005): 303–325.
- Chochiev, Georgi, and Bekir Koç. “Migrants from the North Caucasus in Eastern Anatolia: Some Notes on their Settlement and Adaptations.” *Journal of Asian History*, no. 40 (2006): 80–103.

- Çiçek, Kemal, ed. *The Great Ottoman-Turkish Civilisation: Economy and Society*. With the assistance of Ercüment Kuran, Nejat Göyünç, and İlber Ortaylı, vol. 2. Ankara: Yeni Türkiye, 2000.
- Cohen, Julia P. "Fashioning Imperial Citizens: Sephardi Jews and the Ottoman state, 1856-1912." PhD thesis, Stanford University, 2008.
- Cohen, Morris. "Property and Sovereignty." In *Property: Mainstream and Critical Positions*. Edited by C. B. MacPherson, 153–75. Toronto: University of Toronto Press, 1978.
- Çomu, Aslı E. *The Exchange of Populations and Adana, 1830– 1927*. Istanbul: Libra, 2011.
- Craig, Gordon and F. Gilbert, eds. *The Diplomats, 1919–1939*. Princeton: Princeton University Press, 1953, 1994.
- Cuthell, David C. "The Muhacirin Komisyonu: An Agent in the Transformation of Anatolia, 1860– 1866." PhD thesis, Columbia University, 2005.
- Dadrian, Vahakn N. *The History of the Armenian Genocide. Ethnic Conflict from the Balkans to Anatolia to the Caucasus*. Oxford: Berghahn, 1995.
- Davis, Natalie Z. *Fiction in the Archives: Pardon Tales and Their Tellers in Sixteenth-Century France*. Stanford: Stanford University Press, 1987.
- Davison, Roderic H. "Turkish Diplomacy from Mudros to Lausanne." In *The Diplomats, 1919–1939*. Edited by Gordon Craig and F. Gilbert, 172–209. Princeton: Princeton University Press, 1953, 1994.
- Demirozu, D. "The Greek-Turkish Rapprochement of 1930 and the Repercussions of the Ankara Convention in Turkey." *Journal of Islamic Studies* 19, no. 3 (2008): 309–324.
- Diner, Dan and Gotthart Wunberg, eds. *Restitution and Memory: Material Restoration in Europe*. New York, Oxford: Berghahn Books, 2007.
- Doğan, Avni. *Kurtuluş, Kuruluş ve Sonrası*. Istanbul: Dünya, 1964.
- Doumanis, Nicolas. *Before the Nation: Muslim - Christian Coexistence and its Destruction in Late Ottoman Anatolia*. Oxford: Oxford University Press, 2013.
- Dragonas, Thalia G. and Faruk Birtek, eds. *Citizenship and the Nation-State in Greece and Turkey*. London: Routledge, 2005.
- Dumludağ, Devrim, and Bülent Durgun. "An Economy in Transition: Izmir (1918–38)." *Middle Eastern Studies* 47, no. 6 (2011): 923–945.
- Dündar, Fuat. *İttihat ve Terraki'nin Müslümanları İskan Politikası (1913– 1918)*. Istanbul: İletişim, 2001.

- . *Modern Türkiye'nin Şifresi. İttihat ve Terakki'nin Etnisite Mühendisliği (1913–1918)*. İstanbul: İletişim, 2008.
- . *Crime of Numbers. The Role of Statistics in the Armenian Question (1878–1918)*. New Brunswick, New Jersey: Transaction, 2010.
- . “Pouring a People into the Desert: The 'Definitive Solution' of the Unionists to the Armenian Question.” In *A Question of Genocide: Armenians and Turks at the End of the Ottoman Empire*. Edited by Ronald G. Suny, Fatma M. Göçek and Norman M. Naimark, 276–84. New York: Oxford University Press, 2011.
- Duru, Cihan, Kemal Turan, and Abdurrahman Öngoğlu. *Atatürk Dönemi Maliye Politikası. Mondros'tan Cumhuriyet'e Mali ve Ekonomik Sorunlar*. Ankara: TİSA, 1982.
- Eczacıbaşı, S. F. *Bir Kent, Bir İnsan. İzmir'in Son Yüzyılı, S. Ferit Eczacıbaşı'nın Yaşamı ve Anıları*. Edited by Yaşar Aksoy. İstanbul: Eczacıbaşı Vakfı, 1986.
- Eddy, C.B. *Greece and the Greek Refugees*. London: Allen and Unwin, 1931.
- Efiloğlu, Ahmet. “Fuat Dündar'ın, Osmanlı Belgelerinde Kaybolan 'Modern Türkiye'nin Şifresi'.” *Belleten* 74, no. 270 (2010): 531–570.
- Efiloğlu, Ahmet, and Raif İvecan. “Rum Emvâl-i Metrûkesinin İdaresi.” *History Studies* 2, no. 3 (2010): 125–146.
- Eldem, Edhem, Daniel Goffman, and Alan Masters, eds. *The Ottoman City between East and West: Aleppo, İstanbul, and İzmir*. Cambridge, New York: Cambridge University Press, 1999.
- el-Ghusein, Fa'iz. *Martyred Armenia*. London: Pearson, 1917.
- Emre, Erol. *The Ottoman Crisis in Western Anatolia: Turkey's Belle Epoque and the Transition to a Modern Nation State*. London New York: I.B. Tauris, 2016.
- Emrence, Cem. “Turkey in Economic Crisis (1927–1930): A Panoramic Vision.” *Middle Eastern Studies* 39, no. 4 (2003): 67–80.
- Engermann, Stanley M. and Jacob Metzger, eds. *Land Rights, Ethno-Nationality, and Sovereignty in History*. London: Routledge, 2004.
- . “Some Considerations of Ethno-Nationality (and Other Distinctions), Property Rights in Land, and Territorial Sovereignty.” In *Land Rights, Ethno-Nationality, and Sovereignty in History*. Edited by Stanley M. Engermann and Jacob Metzger, 7–28. London: Routledge, 2004.
- Erterzi, Hakan. “Terakkiperver Cumhuriyet Fırkası ve İzmir basını: The Progressive Republican Party and the İzmir Press.”. M.A. thesis, Dokuz Eylül Üniversitesi,

2000. <http://www.belgeler.com/blg/27ao/terakkiperver-cumhuriyet-firkasi-ve-zmir-basini-the-progressive-republican-party-and-zmir-press>.
- Esslinger, Eva, Tobias Schlechtriemen, Doris Schweitzer, and Alexander Zons, eds. *Die Figur des Dritten*. Berlin: Suhrkamp, 2010.
- Ewald, François. "Norms, Discipline and the Law." In *Law and the Order of Culture*. Edited by Robert Post, 138–61. Berkeley: University of California Press, 1990.
- Finefrock, Michael M. "Laissez-Faire, the 1923 Izmir Economic Congress and Early Turkish Developmental Policy in Political Perspective." *Middle Eastern Studies* 17, no. 3 (1981): 375–392.
- Fischbach, Michael R. "The United Nations and Palestinian Refugee Property Compensation." *Journal of Palestine Studies* 31, no. 2 (2002): 34–50.
- Foucault, Michel. *Power/Knowledge. Selected Interviews and Other Writings*. Harvester, 1980.
- . *Geometrie des Verfahrens: Schriften zur Methode*. Edited by Daniel Defert and François Ewald. Frankfurt am Main: Suhrkamp, 2009.
- Frangakis-Syrett, Elena. *The Commerce of Smyrna in the Eighteenth Century*. Athens: Centre for Asia Minor Studies, 1992.
- . *Trade and Money: The Ottoman Economy in the Eighteenth and Early Nineteenth Centuries*. Istanbul: Isis Press, 2007.
- Freitag, Ulrike, Malte Fuhrmann, Nora Lafi, and Florian Riedler, eds. *The City in the Ottoman Empire: Migration and the Making of Urban Modernity*. London, New York: Routledge, 2011.
- Gara, Eleni, Mustafa E. Kabadayı, and Christoph K. Neumann, eds. *Popular Protest and Political Participation in the Ottoman Empire: Studies in Honor of Suraiya Faroqhi*. Istanbul: Bilgi University Press, 2011.
- Georgeon, François. *Aux Origines du Nationalisme Turc: Yusuf Akçura, 1876–1935*. Paris: ADFP, 1980.
- Gingeras, Ryan. *Sorrowful Shores: Violence, Ethnicity, and the End of the Ottoman Empire, 1912–1923*. London, New York: Oxford University Press, 2009.
- . "Gangsters, Kidnappers, Killers and Other Patriots: The Writing of a New Social History of the Turkish War of Independence." In *Towards a Social History of Modern Turkey*. Edited by Gavin D. Brockett, 39–58. Istanbul: Libra, 2011.
- Göçek, Fatma M., ed. *Social Constructions of Nationalism in the Middle East*. Albany: State University of New York Press, 2002.

- Goffman, Daniel. "Izmir, from Village to Colonial Port City." In *The Ottoman City between East and West: Aleppo, Istanbul, and Izmir*. Edited by Edhem Eldem, Daniel Goffman and Alan Masters, 79–134. Cambridge, New York: Cambridge University Press, 1999.
- Gökaçtı, M. A. *Nüfus Mübadelesi: Kayıp bir Kuşağın Hikâyesi*. İstanbul: İletişim, 2004.
- Golder, Ben, and Peter Fitzpatrick. *Foucault's law*. Milton Park: Routledge, 2009.
- Goloğlu, Mahmut. *Devrimler ve Tepkileri, 1924–1930*. Ankara: Başnur, 1972.
- Goschler, Constantin and Philipp Ther, eds. *Raub und Restitution. "Arisierung" und Rückerstattung des jüdischen Eigentums in Europa*. Frankfurt am Main, 2003.
- Groot, Alexander H. de and Maurits H. d. van Boogert, eds. *Ottoman Izmir: Studies in Honour of Alexander H. de Groot*. Leiden: Nederlands Instituut voor het Nabije Oosten, 2007.
- Güçlü, Yücel. *Armenians and the Allies in Cilicia. 1914–1923*. Utah: University of Utah Press, 2010.
- Guesnet, François. "'These are German Houses' Polish Memory Confronting Jedwabne." In *Restitution and Memory: Material Restoration in Europe*. Edited by Dan Diner and Gotthart Wunberg, 141–60. New York, Oxford: Berghahn Books, 2007.
- Güneş, İhsan. *Birinci TBMM'nin Düşünce Yapısı (1920-1923)*. İstanbul: Türkiye İş Bankası Kültür Yayınları, 2009.
- Gupta, Akhil. "Blurred Boundaries: The Discourse of Corruption, the Culture of Politics, and the Imagined State." *American Ethnologist* 22, no. 2 (1995): 375–402.
- Gupta, Akhil and Aradhana Sharma, eds. *The Anthropology of the State: A Reader*. 2005.
- Halaçoğlu, Yusuf. *Balkan Harbi Sırasında Rumeli'den Türk Göçleri (1912–1913)*. Ankara: Türk Tarih Kurumu, 1994.
- . "Colonisation and Inhabitation." In *The Great Ottoman-Turkish Civilisation: Economy and Society*. Edited by Kemal Çiçek, 577–83 2. Ankara: Yeni Türkiye, 2000.
- Hanioglu, Şükrü. *A Brief History of the Late Ottoman Empire*. Princeton: Princeton University Press, 2008.
- Heyd, Uriel. *Foundations of Turkish Nationalism: The Life and Teachings of Ziya Gökalp*. Westport, Connecticut: Hyperion, 1979.
- Hirschon, Renée, ed. *Crossing the Aegean: An Appraisal of the 1923 Compulsory Population Exchange between Greece and Turkey*. New York, Oxford: Berghahn, 2003.



- Hobsbawm, Eric. *Nations and Nationalism since 1780*. Cambridge: Cambridge University Press, 1992.
- Holz, Klaus. "Der Jude. Dritter der Nationen." In *Die Figur des Dritten*. Edited by Eva Esslinger et al., 292–303. Berlin: Suhrkamp, 2010.
- Höpken, Wolfgang. "Flucht vor dem Kreuz? Muslimische Emigration aus Südosteuropa nach dem Ende der osmanischen Herrschaft (19./20. Jahrhundert)." *Comparativ: Leipziger Beiträge zur Universalgeschichte und vergleichende Gesellschaftsforschung* 6, no. 1 (1996).
- Housepian, Marjorie. *Smyrna 1922. The Destruction of a City*. London: Faber and Faber, 1972.
- İnalçık, Halil, ed. *An Economic and Social History of the Ottoman Empire: 1300–1600*. Cambridge: Cambridge University Press, 2005.
- . "Land Possession Outside the Miri System." In *An Economic and Social History of the Ottoman Empire: 1300–1600*. Edited by Halil İnalçık, 120–31. Cambridge: Cambridge University Press, 2005.
- İpek, Nedim. *Rumeli'den Anadolu'ya Türk Göçleri (1877–1890)*. Ankara: Türk Tarih Kurumu, 1994.
- . *Mübadele ve Samsun*. Ankara: Türk Tarih Kurumu, 2001.
- . *İmparatorluktan Ulus Devlete Göçler*. Trabzon: Serander, 2006.
- İslamoğlu, Huri. "Property as a Contested Domain: A Reevaluation of the Ottoman Land Code of 1858." In *New Perspectives on Land and Property in the Middle East*. Edited by Roger Owen, 3–62. Cambridge, Massachusetts: Harvard University Press, 2000.
- ed. *Constituting Modernity: Private Property in the East and West*. New York: I.B. Tauris, 2004.
- . "Politics of Administering Property: Law and Statistics in the Nineteenth-Century Ottoman Empire." In *Constituting Modernity: Private Property in the East and West*. Edited by Huri İslamoğlu, 276–319. New York: I.B. Tauris, 2004.
- . "Towards a Political Economy of Legal and Administrative Constitutions of Individual Property." In *Constituting Modernity: Private Property in the East and West*. Edited by Huri İslamoğlu, 3–34. New York: I.B. Tauris, 2004.
- Jäschke, Gotthard. "Der Freiheitskampf des türkischen Volkes. Ein Beitrag zur politischen Geschichte der Nachkriegszeit." *Die Welt des Islams*, no. 14 (1932): 6–21.

- Kabadayı, Erdem. "Working for the State in a Factory in Istanbul: The Role of Factory Workers' Ethno-Religious and Gender Characteristics in State-Subject Interaction in the Late Ottoman Empire.". PhD dissertation, LMU München, 2008.
- . "Petitioning as Political Action: Petitioning Practices of Workers in Ottoman Factories." In *Popular Protest and Political Participation in the Ottoman Empire: Studies in Honor of Suraiya Faroqhi*. Edited by Eleni Gara, Mustafa E. Kabadayı and Christoph K. Neumann, 57–74. Istanbul: Bilgi University Press, 2011.
- Kaiser, Hilmar. "1915-1916 Ermeni Soykırımı Sırasında Ermeni Mülkleri, Osmanlı Hukuku ve Milliyet Politikaları." In *İmparatorluktan Cumhuriyete Türkiye'de Etnik Çatışma*. Edited by Erik J. Zürcher, 123–56. Istanbul: İletişim, 2005.
- Kaplanoğlu, Raif. *Bursa'da Mübadele*. Bursa: Avrasya Etnografya Vakfı, 1999.
- Karacaer, Gül. "Türkiye Kent Yaşamı ve Mübadiller (1923-1930)". M.A. thesis, Dokuz Eylül Üniversitesi, 2006. <http://www.belgeler.com/blg/r4c/turkiye-kent-yasami-ve-mubadiller-1923-1930-the-city-life-and-emigrants-in-turkey> (accessed June 28, 2013).
- Karagueuzian, Hrayr S. *A Perfect Injustice. Genocide and Theft of Armenian Wealth*. New Brunswick, New Jersey: Transaction Publishers, 2009.
- Karayalçın, Yaşar. "Kanunlarımız, Doktrin ve Uygulama Açısından Mer'a ve Yaylaklar, 'Emval-i Metruke'." *Ankara Üniversitesi Hukuk Fakültesi Dergisi* 32, 1-4 (1975): 41–70.
- Karpat, Kemal. *Ottoman Population 1830-1914: Demographic and Social Characteristics*. London: University of Wisconsin Press, 1985.
- Kechriotis, Vangelis C. "The Greeks of Izmir at the End of the Empire: a non-Muslim Ottoman Community between Autonomy and Patriotism.". PhD thesis, Leiden University, 2005.
- Keohane, Robert O. "Reciprocity in International Relations." *International Organization* 40, no. 1 (1986): 1–27.
- Keskin, Nuray E. *Türkiye'de Devletin Toprak Üzerinde Örgütlenmesi*. Kızılay, Ankara: Tan, 2009.
- Keyder, Çağlar. *The Definition of a Peripheral Economy: Turkey 1923-1929*. New York: Cambridge University Press, 1981, 2009.
- . *State and Class in Turkey: A Study in Capitalist Development*. London, New York: Verso, 1987.

- . “The Consequences of the Exchange of Populations for Turkey.” In *Crossing the Aegean: An Appraisal of the 1923 Compulsory Population Exchange between Greece and Turkey*. Edited by Renée Hirschon, 39–52. New York, Oxford: Berghahn, 2003.
- . “A History and Geography of Turkish Nationalism.” In *Citizenship and the Nation-State in Greece and Turkey*. Edited by Thalia G. Dragonas and Faruk Birtek, 3–17. London: Routledge, 2005.
- Kieser, Hans-Lukas. *Der verpasste Friede: Mission, Ethnie und Staat in den Ostprovinzen der Türkei 1839-1938*. Zürich: Chronos, 2000.
- Klein, Janet. *The Margins of Empire: Kurdish Militias in the Ottoman Tribal Zone*. Stanford: Stanford University Press, 2011.
- Köker, Tolga. “Lessons in Refugeehood: The Experience of Forced Migrants in Turkey.” In *Crossing the Aegean: An Appraisal of the 1923 Compulsory Population Exchange between Greece and Turkey*. Edited by Renée Hirschon, 193–208. New York, Oxford: Berghahn, 2003.
- Kolluoğlu, Biray and Meltem Toksöz, eds. *Cities of the Mediterranean: From the Ottomans to the Present Day*. London: I.B. Tauris, 2010.
- Kolluoğlu-Kırlı, Biray. “The Play of Memory, Counter-Memory: Building İzmir on Smyrna’s Ashes.” *New Perspectives on Turkey* 26 (2002): 1–28.
- . “Forgetting the Smyrna Fire.” *History Workshop Journal* 60 (2005): 25–45.
- Kontente, Léon. *Smyrne et l’Occident*. Montigny le Bretonneux: Yvelinédition, 2005.
- Koraltürk, Murat. *Erken Cumhuriyet Döneminde Ekonominin Türkleştirilmesi*. İstanbul: İletişim, 2011.
- . “Türk-Yunan Nüfus Mübadelesinin İktisadi Sonuçları.” In *Erken Cumhuriyet Döneminde Ekonominin Türkleştirilmesi*, 51–94. İstanbul: İletişim, 2011.
- Kosova, Zehra. *Ben İşçiyim*. Edited by Zihni T. Anadol. İstanbul: İletişim, 1996.
- Kuşçubaşı, Eşref. *Hayber’de Türk Cengi*. Edited by Philip J. Stoddard. İstanbul: Arba, 1997.
- Ladas, Stephan. *The Exchange of Minorities: Bulgaria, Greece and Turkey*. New York: MacMillan, 1932.
- Lafi, Nora. “Petitions and Accomodating Urban Change in the Ottoman Empire.” In *Istanbul as Seen from a Distance: Centre and Provinces in the Ottoman Empire*. Edited by Elisabeth Özdalga, Sait Özervarlı and Feryal Tansuğ, 73–82. İstanbul: Swedish Research Institute in İstanbul, 2011.

- Lekka, Anastasia. "Legislative Provisions of the Ottoman/Turkish Governments Regarding Minorities and their Properties." *Mediterranean Quarterly* 18, no. 1 (2007): 135–154.
- Lewis, Geoffrey. *The Turkish Language Reform: A Catastrophic Success*. Oxford: Oxford University Press, 1999.
- Liotard, Jean-François. *Der Widerstreit*. München: Fink, 1987.
- Macartney, Maxwell H. H. "The New Opposition in Turkey." *The Fortnightly Review*, no. 117 (1925): 781–793.
- Macmillan, Margaret. *Peacemakers. The Paris Conference and its Attempt to End War*. New York, 2001.
- MacPherson, C. B., ed. *Property: Mainstream and Critical Positions*. Toronto: University of Toronto Press, 1978.
- Mango, Andrew. *Atatürk*. London: Murray, 2000.
- Mansel, Philip. *Levant: Splendour and Catastrophe on the Mediterranean*. London: John Murray, 2010.
- Mardin, Ebül'ulâ, ed. *Tedris Hayatının Otuzuncu Yıldönümü Hatırası Olmak Üzere Medeni Hukuk Ordinaryüs Profesörü Ebül'ula Mardin'e Armağan*. Istanbul: Kenan, 1944.
- Marx, Karl. *Das Kapital: Kritik der politischen Ökonomie: Der Produktionsprozeß des Kapitals*. 1890. Marx Engels Werke 23. Berlin: Dietz, 1963.
- Matossian, Der B. "The Taboo within the Taboo: The Fate of 'Armenian Capital' at the End of the Ottoman Empire." *European Journal of Turkish Studies*, Complete List (2011): 1–19. <http://ejts.revues.org/4411> (accessed June 26, 2013).
- . *Shattered Dreams of Revolution: From Liberty to Violence in the Late Ottoman Empire*. Stanford: Stanford University Press, 2014.
- Mauss, Marcel. *The Gift. Forms and Functions of Exchange in Archaic Societies*. London: Cohen&West, 1966.
- McCarthy, Justin. "Foundation of the Turkish Republic: Social and Economic Change." *Middle Eastern Studies* 19, no. 2 (1983): 139–151.
- . *Death and Exile: The Ethnic Cleansing of Ottoman Muslims 1821-1922*. Princeton, NJ: The Darwin Press, 1995.
- McDowall, David. *A Modern History of the Kurds*. 3rd ed. London: I.B. Tauris, 2004.
- Mehmetefendioğlu, Ahmet. "Rahmi Bey'in İzmir Valiliği." *Çağdaş Türkiye Tarihi Araştırmaları Dergisi* 1, no. 3 (1993): 347–370.

- Melson, Robert. "A Theoretical Enquiry into the Armenian Massacres of 1894-1896." *Comparative Studies in Society and History* 24, no. 3 (1982): 481–509.
- Metinsoy, Metin. "Fragile Hegemony, Flexible Authoritarianism, and Governing from Below: Politicians' Reports in Early Republican Turkey." *International Journal of Middle East Studies (IJMES)* 43 (2011): 699–719.
- Metzer, Jacob. "Jewish Land - Israel Lands: Ethno-Nationality and Land Regime in Zionism and in Israel, 1907-1967." In *Land Rights, Ethno-Nationality, and Sovereignty in History*. Edited by Stanley M. Engermann and Jacob Metzer. London: Routledge, 2004.
- Meyer, James H. "Immigration, Return, and the Politics of Citizenship: Russian Muslims in the Ottoman Empire, 1860-1914." *International Journal of Middle East Studies (IJMES)* 39, no. 1 (2007): 15–32.
- Miller, Donald E., and Lorna T. Miller. *Survivors: An Oral History of the Armenian Genocide*. Berkeley: University of California Press, 1993.
- Minkov, Anton. "Ottoman Tapu Title Deeds in the Eighteenth and Nineteenth Centuries: Origins, Typology and Diplomats." *Islamic Law and Society* 7, no. 1 (2000): 65–101.
- Mirkova, Anna M. "Land Ownership and Modernization in the Transition from Imperial Ottoman to National Bulgarian Rule (1879-1908)". unpublished PhD dissertation, University of Michigan, 2006.
- Montgomery, A.E. "The Making of the Treaty of Sèvres of 10 August 1920." *The Historical Journal* 15, no. 4 (1972): 775–785.
- Morack, Ellinor. "The Ottoman Greeks and the Great War: 1912-1922." In *The World During the First World War*. Edited by Helmut Bley and Anorthe Kremers, 213–28. Essen: Klartext, 2014.
- . "Refugees, Locals, and 'the' State: Property Compensation in the Province of Izmir Following the Greco-Turkish Population Exchange of 1923," *Journal of the Ottoman and Turkish Studies Association (JOTSA)* 2, no. 1 (2015): 147-166.
- . "Fear and Loathing in 'Gavur' Izmir: Emotions in early Republican Memories of the Greek occupation (1919-1922)," *International Journal of Middle Eastern Studies (IJMES)* 49 (2017), 71– 89.
- . "As a Matter of Fact, it has Become Ownerless' – Text and Subtext in the Turkish National Assembly's Deliberations on the 'Abandoned Property Law', 1921-22." Paper presented to the conference "A Civilisation Destroyed. The Wealth

- of non-Muslims in the Late Ottoman Period and Early Republican Era,” Istanbul, November 22, 2015.
- . “Squatting and Urban Modernity in Turkey,” in: Anders, Freia; Sedlmaier, Alexander (eds), *Public Goods vs. Economic Interests: Historical Perspectives on Squatting*, London: Routledge 2017, 99–121.
- Moralı, Nail. *Mütarekede İzmir, Önceleri ve Sonraları*. Istanbul: Ülkü, 1976.
- Mourellos, Yannis G. “The 1914 Persecutions and the First Attempt at an Exchange of Minorities between Greece and Turkey.” *Balkan Studies* 26, no. 2 (1985): 389–413.
- Mundy, Martha. “The State of Property: Late Ottoman Southern Syria, the Kazâ of ‘Ajlun (1875-1918).” In *Constituting Modernity: Private Property in the East and West*. Edited by Huri İslamoğlu, 214–47. New York: I.B. Tauris, 2004.
- Mundy, Martha, and Richard S. Smith. *Governing Property, Making the Modern State: Law, Administration and Production in Ottoman Syria*. London: I.B. Tauris, 2007.
- Nahum, Henri. *Juifs de Smyrne XIXe - XXe siècle*. Paris: Aubier, 1997.
- Naimark, Norman M. *Fires of hatred: Ethnic cleansing in twentieth-century Europe*. Cambridge, Mass: Harvard University Press, 2002.
- . *Flammender Hass: Ethnische Säuberungen im 20. Jahrhundert*. Bonn: Bundeszentrale für Politische Bildung, 2009.
- Onaran, Nevzat. *Emvâl-i Metrûke Olayı: Osmanlı’da ve Cumhuriyette Ermeni ve Rum Mallarının Türkleştirilmesi*. Istanbul: Belge, 2010.
- . *Cumhuriyet’te Ermeni ve Rum Mallarının Türkleştirilmesi*. Istanbul: Evrensel, 2013.
- Oran, Baskin. “The Story of Those Who Stayed: Lessons from Articles 1 and 2 of the 1923 Convention.” In *Crossing the Aegean: An Appraisal of the 1923 Compulsory Population Exchange between Greece and Turkey*. Edited by Renée Hirschon, 97–116. New York, Oxford: Berghahn, 2003.
- Owen, Roger, ed. *New Perspectives on Land and Property in the Middle East*. Cambridge, Massachusetts: Harvard University Press, 2000.
- Öz, Mehmet, and Ferhat Berber. “Mübadele Sürecinde Yaşanan Sorunlar Ve Merkezden Müdahaleye Bir Örnek: 1927 Manisa Teftişi.” *Atatürk Araştırma Merkezi Dergisi*, no. 78 (2010).
- Özbek, Nadir. “The Politics of Taxation and the ‘Armenian Question’ during the Late Ottoman Empire, 1876-1908.” *Comparative Studies in Society and History* 54, no. 4 (2012): 770–797.

- Özdalga, Elisabeth, Sait Özerverli, and Feryal Tansuğ, eds. *Istanbul as Seen from a Distance: Centre and Provinces in the Ottoman Empire*. Istanbul: Swedish Research Institute in Istanbul, 2011.
- Özmkas, Hacer, and Yavuz Özmkas. "Mehmet Şeref Aykut ve Dil Sorunu." *Anadili*, no. 32 (2006). [www.baskaizmiryok.com/makaleler/mehmet\\_seref\\_aykut.pdf](http://www.baskaizmiryok.com/makaleler/mehmet_seref_aykut.pdf) (accessed July 28, 2012).
- Özsoy, İskender. *İki Vatan Yorgunları Mübadele Acısını Yaşayanlar Anlatıyor*. Istanbul: Bağlam, 2003.
- Özveren, Eyüp, and Erkan Gürpınar. "Competition as Rivalry: İzmir during the Great Depression." In *Cities of the Mediterranean: From the Ottomans to the Present Day*. Edited by Biray Kolluoğlu and Meltem Toksöz. London: I.B. Tauris, 2010.
- Parla, Taha. *The Social and Political Thought of Ziya Gökalp, 1876-1924*. Leiden: Brill, 1985.
- Paz, Omri. "The Usual Suspect: Worker Migration and Law Enforcement in Mid-Nineteenth-Century Anatolia." *Continuity and Change* 30, no. 2 (2015): 223–249.
- Pekin, Müfide, ed. *Yeniden Kurulan Yaşamlar. 1923 Türk-Yunan Zorunlu Nüfus Mübadelesi*. Istanbul: Bilgi Üniversitesi Yayınları, 2005.
- Perez, Roland and Salgur Kançal, eds. *Enjeux et rapports de force*. Varia Turcica / Institut Français d'Études Anatoliennes. Paris: L'Harmattan, 1996.
- Polatel, Mehmet. "Turkish State Formation and the Distribution of the Armenian Abandoned Properties from the Ottoman Empire to the Republic of Turkey (1915-1930)." MA thesis, Koç University, 2009.
- Polatel, Mehmet, and Uğur Ü. Üngör. *Confiscation and Destruction: The Young Turk Seizure of Armenian Property*. London, New York: Continuum International, 2011.
- Post, Robert, ed. *Law and the Order of Culture*. Berkeley: University of California Press, 1990.
- Quataert, Donald. *Social Disintegration and Popular Resistance in the Ottoman Empire, 1881-1908: Reactions to European Economic Penetration*. New York: New York University Press, 1983.
- Riedler, Florian. "Armenian labour migration to Istanbul and the migration crisis of the 1890s." In *The City in the Ottoman Empire: Migration and the Making of Urban Modernity*. Edited by Ulrike Freitag et al., 160–76. London, New York: Routledge, 2011.

- Şaşmaz, Musa. "Immigration and Settlement of Circassians in the Ottoman Empire in British Documents." *Osmanlı Tarih Araştırmaları Merkezi* (1999): 331–366.
- Saydam, Abdullah. "The Migrations from Caucasus and Crimea and the Ottoman Settlement Policy (1856-1876)." In *The Great Ottoman-Turkish Civilisation: Economy and Society*. Edited by Kemal Çiçek, 584–93 2. Ankara: Yeni Türkiye, 2000.
- Senocak, Bülent. *Levant'ın Yıldızı İzmir: Levantenler, Rumlar, Ermeniler ve Yahudiler*. İzmir: Senocak, 2008.
- Sepetçioğlu, Tuncay E. "Cumhuriyetin İlk Yıllarında Girit'ten Söke'ye Mübadele Öyküleri." M.A. thesis, Adnan Menderes Üniversitesi, 2007. <http://www.belgeler.com/blg/1895/cumhuriyetin-ilk-yillarinda-girit-ten-soke-ye-mubadele-oykuleri-in-the-first-years-of-the-republic-population-exchange-stories-from-crete-to-soke> (accessed June 28, 2013).
- Serçe, Erkan. *Tanzimat'tan Cumhuriyet'e İzmir'de Belediye: (1868-1945)*. İzmir: Dokuz Eylül Yayıncılık, 1998.
- Serçe, Erkan, Fikret Yılmaz, Sabri Yetkin, and Zafer Yörük. *Küllerinden Doğan Şehir: The City which Rose from the Ashes*. İzmir: İzmir Büyükşehir Belediyesi Kültür Yayınları, 2003.
- Smiley, Will. "The Burdens of Subjecthood: The Ottoman State, Russian Fugitives, and Inter-Imperial Law, 1774-1869." *International Journal of Middle East Studies (IJMES)* 46, no. 1 (2014): 73–93.
- Smith, Michael Llewellyn. *Ionian vision: Greece in Asia Minor, 1919-1922*. London: Allen Lane, 1973.
- Smyrnelis, Marie-Carmen, ed. *Smyrne, la ville oubliée? Mémoires d'un grand port ottoman, 1830-1930*. Paris: Éditions Autrement, 2006.
- Steiner, Zara. *The Lights that Failed: European International History, 1919-1933*. Oxford: Oxford University Press, 2005.
- Stengel, Katharina, ed. *Vor der Vernichtung. Die staatliche Enteignung der Juden im Nationalsozialismus*. Frankfurt am Main: Campus, 2007.
- Suny, Ronald G., Fatma M. Göçek, and Norman M. Naimark, eds. *A Question of Genocide: Armenians and Turks at the End of the Ottoman Empire*. New York: Oxford University Press, 2011.
- Suny, Ronald G. "Writing Genocide: The Fate of the Ottoman Armenians." In *A Question of Genocide: Armenians and Turks at the End of the Ottoman Empire*. Edited by



- Ronald G. Suny, Fatma M. Göçek and Norman M. Naimark, 15–41. New York: Oxford University Press, 2011.
- Tekin, Ahmet. “Millî Mücadele Bütçeleri, Vergi Politikası ve Dış Yardımlar (1919-1923).” <https://www.tarihtarih.com/?Syf=26&Syz=353941> (accessed November 18, 2015).
- Terzibaşoğlu, Yücel. “Land Disputes and Ethno-Politics: North-Western Anatolia, 1877-1912.” In *Land Rights, Ethno-Nationality, and Sovereignty in History*. Edited by Stanley M. Engermann and Jacob Metzger, 153–80. London: Routledge, 2004.
- Tesal, Ömer D. “Azınlıkların Mübadelesi: Türk-Yunan İlişkilerinin Geçmişinden Bir Örnek.” *Tarih ve Toplum* 9, no. 53 (1988): 46–52.
- Toksöz, Meltem. *Nomads, Migrants and Cotton in the Eastern Mediterranean*. Leiden, Boston: Brill, 2010.
- Toprak, Zafer. “Osmanlı Kadınları Çalıştırma Cemiyeti. Kadın Askerler ve Millî Aile.” *Tarih ve Toplum* 9, no. 51 (1988): 162–166.
- . *Millî İktisat, Millî Burjuvazi*. İstanbul: Tarih Vakfı Yurt Yayınları, 1995.
- . “Nationalism and Economics in the Young Turk Era (1908-1918).” In *Enjeux et rapports de force*. Edited by Roland Perez and Salgur Kançal, 259–66. Varia Turcica / Institut Français d’Études Anatoliennes. Paris: L’Harmattan, 1996.
- Tosun, Ramazan. *Türk-Rum Nüfus Mübadelesi ve Kayseri’deki Rumlar*. Niğde, 1998.
- Toynbee, Arnold Joseph. *The Western Question in Greece and Turkey*. London: Constable, 1923.
- Tunalı, Ayten C. “Kurtuluş Savaşı’nda Esat Efendi (İleri).” *Tarih Araştırmaları Dergisi* 41 (2007): 81–99.
- Tunçay, Mete. *Türkiye Cumhuriyeti’nde Tek Parti Yönetimi’nin Kurulması: 1923-1931*. Ankara: Yurt Yayınları, 1981.
- Turgut, Hulusi. *Atatürk’ün Sırdaşı. Kılıç Ali’nin Anıları*. İstanbul: Türkiye İş Bankası Kültür Yayınları, 2005.
- van Bruinessen, Martin. *Agha, Shaikh and State: The Social and Political Structures of Kurdistan*. London, New York: Zed Books, 1992.
- Watenpugh, Keith D. “The League of Nations’ Rescue of Armenian Genocide Survivors and the Making of Modern Humanitarianism.” *The American Historical Review* 115, no. 5 (2010): 1315–1339.

- Winkel, Heike. "Kollektive Korrespondenzen, individuelle Praktiken: Das öffentliche Briefwesen im Stalinismus der Vorkriegszeit." Dissertation, Freie Universität Berlin, 2010.
- Wojak, Irmtrud and Peter Hayes, eds. *"Arisierung" im Nationalsozialismus. Raub, Volksgemeinschaft und Gedächtnis*. Frankfurt am Main: Campus, 2000.
- Würgler, Andreas. "Voices from among the 'Silent Masses': Humble Petitions and Social Conflicts in Early Modern Central Europe." *International Review of Social History* 46, Supplement 9 (2001): 11–34.
- Wyers, Mark D. "The New Republic's 'Other' Daughters: Legislating National Sex and Regulating Prostitution in Istanbul, 1880-1933." PhD thesis, University of Arizona, 2008.
- Yalman, Ahmet Emin. *Yakın Tarihte Gördüklerimiz ve Geçirdiklerimiz*. Istanbul: Yenilik, 1970.
- Yıldırım, Onur. *Diplomacy and Displacement: Reconsidering the Turco-Greek Exchange of Populations, 1922-1934*. New York, London: Routledge, 2006.
- Yılmaz, Hale. *Becoming Turkish: Nationalist Reforms and Cultural Negotiations in Early Republican Turkey, 1923-1945*. Syracuse, NY: Syracuse University Press, 2013.
- Yılmaz, Mehmet. "Policy of Immigrant Settlement of the Ottoman State in the 19th Century." In *The Great Ottoman-Turkish Civilisation: Economy and Society*. Edited by Kemal Çiçek, 594–608, vol. 2. Ankara: Yeni Türkiye, 2000.
- Yoltar, Çağrı. "When the Poor Need Health Care: Ethnography of State and Citizenship in Turkey." *Middle Eastern Studies* 45, no. 5 (2009): 769–782.
- Zamindar, Vazira F.-Y. *The Long Partition and the Making of Modern South Asia: Refugees, Boundaries, Histories*. Cultures of history. New York: Columbia Univ. Press, 2007.
- Zaret, David. "Petitions and the "Invention" of Public Opinion in the English Revolution." *American Journal of Sociology* 101, no. 6 (1996): 1497–1555.
- Zürcher, Erik J. *Turkey: A Modern History*. New rev. ed. London New York: I.B. Tauris, 1998.
- ed. *İmparatorluktan Cumhuriyete Türkiye’de Etnik Çatışma*. Istanbul: İletişim, 2005.
- . "Who Were the Young Turks?" In *The Young Turk Legacy and the National Awakening: From the Ottoman Empire to Atatürk’s Turkey*, 95–109. London: I.B. Tauris, 2010.

- . “The Ottoman Soldier in World War I.” In *The Young Turk Legacy and the National Awakening: From the Ottoman Empire to Atatürk’s Turkey*, 167–87. London: I.B. Tauris, 2010.
- . *The Young Turk Legacy and the National Awakening: From the Ottoman Empire to Atatürk’s Turkey*. London: I.B. Tauris, 2010.
- . “Young Turks, Ottoman Muslims and Turkish Nationalists: Identity Politics 1908-38.” In *The Young Turk Legacy and the National Awakening: From the Ottoman Empire to Atatürk’s Turkey*, 213–35. London: I.B. Tauris, 2010.

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When the Greeks and surviving Armenians of present-day Turkey were forced to leave their homeland in 1922, the movable and immovable property they had to leave behind became known as „abandoned property“ (*emval-i metruke*). In theory, this legal term implied that the absent owners continued to enjoy their property rights and were represented by the state. In practice, however, their houses, fields and belongings were stolen. They were used for the immediate housing needs of the remaining population, distributed among the rich and powerful and sold in public auctions.

Initially, only a small part of abandoned property was under control of the new Ankara government, which was eager to use it as a source of revenue for the empty state coffers. Before it could do so, however, the government had to deal with various forms of active and passive resistance: homeless people and refugees squatted „abandoned“ homes and fields, and members of parliament initially refused to pass laws that would have legalized government administration of „abandoned“ property. From 1924 onwards, the property compensation for incoming migrants from Greece (the so-called exchangees) threatened the financial interests of the state and pitted the newcomers against the existing population.

By focusing on all these aspects of the „abandoned property“ question this book offers unique insights into the socio-economic and political history of early republican Turkey.

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