

Crime and Punishment in Istanbul, 1700-1800

By *Fariba Zarinebaf*

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Revisionist history is “in.” Indeed, there is no other history these days. This is the case for Ottoman history as well. This appears to be the trend for early modern history, which has received the bulk of the attention of the revisionists ever since we have re-oriented the “classical age” to the early modern age. The scholarship over the past two decades, brilliantly illustrated with the work of Daniel Goffman as well other scholars, have resituated the Ottoman Empire in its role in world history, as countries made the transition to the modern state. Fariba Zarinebaf puts crime and punishment at the center of this history of the global making of the modern state.

Putting together such an analysis is not an easy task. The ever more increasing accessibility of the Ottoman archival material provides an excellent ground for undertaking the writing of a “new history” of the Ottoman Empire. And the writing about the history of crime is a novel intellectual exercise for Ottomanists. Today, literary and semantic tools are also accessible and widely used in the ever-intensifying global approach to history. But is placing the Ottomans in the early modern age that doable? Or put differently do we have the methodological tools to do so? The correct starting point of this new methodological approach is the transformation of the state, which Rifat Abou El-Hajj has studied in his seminal work on the formation of the modern state. Perhaps, in an attempt to further this methodology, Zarinebaf instead offers a view of the making of urban society through migration, which brings forth crime. As unsurprising as that may

sound, the view of 18th century Istanbul in this prism is genuinely innovative and hence promising.

The scene is Istanbul and the period the 18th century. The book opens with a detailed description of life in Istanbul in the 18th century – immediately demonstrating how challenging writing revisionist history can be. For all the desire to move away from conventional periodization as one of the goals of this book is obviously an attempt at understanding 18th century as the age of emergent modern cities, we are continuously reminded of the so-called Tulip Age with all the stereotyping it encompasses.

The book’s first three introductory chapters describe the political and social milieu of 18th century Istanbul. They delineate the districts of the city, namely Eyüp, intramural İstanbul, Galata and Üsküdar, based upon social division and polarization that are seen as part of the decadence of the Tulip Age. Hence, the discussion of phenomena like migration, plague, social conflict that, even in this early part of the volume, inform crime, does not comprehensively revolve around the emergence of the modern city. Instead, the context still remains the central state apparatus that ‘fails’ to control urban life although it is also the main force behind its embellishments that are all the more visible in the “Tulip Age.” So much so that the main force behind the transformation of the city is discussed as one such failure: “During the seventeenth and eighteenth centuries, long wars, economic pressures, and political instability in the countryside led to waves of rural migration to towns and to cities like Istanbul

and changed their ethnic and social make-up.” (p. 49)

The tone of describing the Tulip Age as decadent continues through the analysis of the two rebellions: “The frivolities of some members of the Ottoman ruling class and their public display of grandeur, wealth, and pleasure during the Tulip Age about the most violent rebellion in the history of Istanbul, one that led to the overthrow of Sultan Ahmed III in October 1730 and the destruction of many of the recently built royal mansions.”

Nevertheless, the bulk of the book is on crime and punishment as promised in the title. Most crimes are taken from police records and perhaps that is why they are categorized rather crudely without much analysis of the social and urban meanings of petty crime: from theft to counterfeiting, from prostitution to vice trade, from violence to homicide. The intensity of the crimes varies based on the neighborhoods where they take place. The neighborhoods with migrant settlement have more criminal activity than the others. However, that still does not mean we have a clear understanding of the demarcations and why the crimes take place. The same can be said of the brief discussion of prostitution in Islam, which is illustrated by the following statement: “In the official Ottoman Islamic court and police records, it is almost impossible to distinguish between women who committed fornication and those who were involved in prostitution.” (p. 105) Then what do we learn from this discussion about the emergent urban life?

All this would be greatly remedied with a final discussion of law. After all, if change in a city means different and new crimes, that change can only be meaningfully discussed through the legal system that define and punishes crime. So, we turn to the last

part of the book, entitled “Law and Order” with the hope of learning more about the law as applied instead of the prescriptions we have so far heard much about: “The existence of multiple legal systems in the Ottoman Empire allowed for the flexibility of the legal process. The penal law itself was a combination of the sharia, custom, and sultanic edicts.” (p. 156) This well-known and well-established description continues, however, with the concluding remark of Farinebaf on the increasing involvement of the imperial council in law and order: “The Imperial Council functioned as a higher court of appeals and was open to all subjects-Muslims and non-Muslims, men and women.” (ibid) The way in which this function is different in 18th century Istanbul than previously and elsewhere would be a most important analysis in developing our understanding of law making and the rule of law. But alas, this must be a discussion Zarinebaf leaves to another work! Change in punishment also receives a similar description, as we are to be satisfied to learn that corporal punishment increasingly becomes a matter of political crime.

It is a great effort to place Istanbul in the category of imperial cities of Europe a la Braudel, Zarinebaf’s research certainly opens up new questions. Perhaps these questions could be better contextualized by re-setting 18th century Istanbul in urban and legal change than the descriptive tone adopted here. Certainly, *Naima Tarihi* and *Cevdet Zaptiye* are good places to start such a research but one finishes the manuscript wanting more, both in terms of material and understanding when it comes to early modern urbanization and the rule of law. Otherwise what is revised remains quite unclear.

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