UNIVERSITY OF CALIFORNIA SAN DIEGO

"Setting the wolf to protect the sheep"? The Criminal Justice System in Late Ottoman Crete (1878-1913)

A dissertation submitted in partial satisfaction of the
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in

History

by

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2020

The dissertation of Kalliopi Kefalas is approved, and it is acceptable in quality and form for publication on microfilm and electronically:

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University of California San Diego

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DEDICATION

I dedicate this dissertation to my late grandmother, Kalliopi Kefalas, whose love for reading and dashed hopes to obtain a higher education because of her gender continue to inspire me long after she has left this world.

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ABSTRACT OF THE DISSERTATION

"Setting the wolf to protect the sheep"?
The Criminal Justice System in Late Ottoman Crete (1878-1913)

by

Kalliopi Kefalas

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This dissertation traces modernization processes in Crete through a case study of Ottoman imperial criminal justice reform. I argue that mid-nineteenth century Ottoman legal reforms, which were in part inspired by legal reform happening in Western Europe, were the main foundation by which Crete as a protectorate of Great Britain, France, Italy, and Russia was able to build a strong gendarmerie and court system when it became autonomous in 1898. Because of the endurance of these legal foundations, there was continuity in the interactions

between the Cretan public and criminal justice officials between 1878 and 1913, a period which is often deemed as one of sweeping changes on the island. In particular, much of the scholarship on this period on Crete argues that it was a time when Crete drifted away from Ottoman influence. Though Crete is deemed a rebellious province in Ottoman scholarship, Cretan participation in the structures and processes of criminal justice ranged from resistant to amenable depending on public perceptions of the system's branches they interacted with. This diversity in interaction, coupled with the strengthening of the criminal justice system as a whole, challenges the narrative of Crete as a Mediterranean honor society in which men in particular take justice into their own hands because of the weak state that governs them.

The way Cretan officials administered the justice system is also indicative of the strength of the Cretan state. Legislators were keen to impose a monopoly over legitimate violence after a period of incessant revolutions and built on Ottoman laws that were the foundations for it. Court officials, though unexpectedly lenient, still abided by these laws, which in turn gave judges and prosecutors a significant degree of discretion in determining punishment. These punishments themselves ranged widely and allowed officials to negotiate social expectations while adhering to the law. The gendarmerie itself over this period of time became an efficient and effective policing force through professionalization. With the examination of these parts of the criminal justice system, I show the transformation of Crete into a strong state.

Introduction

> These suburban conferences and open-air parliaments are often held amongst the mountain Cretans, either for some plan to evade the tax-gatherer or resist the authorities, or to settle some feud with a neighbouring village for blood-money or a victim: and they are characteristic of what the mountain Cretan always has been and still is, evidences of his high spirit and independent feelings.[1]

In 1851, Captain Thomas Spratt, a British surveyor, visited the island of Crete in the Eastern Mediterranean. The journal he kept during his journey told of a hospitable yet wild group of people who detested authority of any form. In this particular passage, Spratt highlights the rebellious attitude of Cretans. The "conferences" to which Spratt refers are a radical democratic form meant to discuss effective forms of resistance to taxation. Spratt implies that this resistance extends to other officials besides the "tax-gatherer" who are representatives of the Ottoman state on the island because of Crete's status as a province of the Ottoman Empire. The defense of personal and communal autonomy against government intervention was only one manifestation of independence as resistance. Another was the perpetuation of vendetta as the settlement of grievances without state institutions. In this case, the vendetta is apparent from the reference to a "feud" for "blood-money," to which the party who lost a family member was entitled. Due to the spread of kinship networks, vendetta was not only personal and familial, but involved the whole community and gave it authority in matters that would normally involve the state. Spratt concludes that these meetings are emblematic of Cretans' drive for independence both in a political sense – in their resistance to Ottoman state authority – and in a personal sense – in their persistence to keep the state out of familial or individual affairs.

[1] T. A. B. (Thomas Abel Brimmage) Spratt, *Travels and Researches in Crete*, Volume 1 (London: John Van Voorst, 1865), 22-23.

Spratt's comment encapsulates the longstanding narrative of the rebellious character of the island into which even contemporary scholarship on nineteenth-century Crete lapses, often uncritically. The three major rebellions in the first part of the long nineteenth century informed Captain Spratt's description and ultimate essentialization of the Cretan population while the even more frequent events during the second part of the century confirmed it. Crete was, without a doubt, a place of continuous resistance against political state authority. Spratt's portrayal of the island as a place where smaller scale feuds often took place is also accurate. At the same time, the context of these rebellions is taken for granted as a story of Cretans consistently fighting the Ottoman Empire.

Spratt's grouping of rebellion against state authority with the settlement of feud supports the overlap of the categories of the "personal" as what is within a man's realm of control and "political" as an access to power through the gathering of resources and reputation in honor societies. These societies in turn are identified by a lack of state involvement and the ensuing violence it leads to. In studies of Mediterranean honor societies, politics is often understood as being limited to the immediate community, with power relying on the same criteria that determined proper masculinity. In that sense, state politics was at odds with community politics because punishment and settlement were meted out according to communal standards by men in the community. Success in communal relationships was marked by a good reputation based on the ability to respond to attacks on that reputation or on the reputation of one's family members. How one responded, therefore, was the litmus test for honor. In other words, the ability to settle scores without the help of the state, a sign of weakness, was paramount in a Mediterranean honor society such as Crete.

In this dissertation, I reframe this overlap of the personal and the political in the context of state politics and legal reform in Crete and the broader Ottoman Empire. I argue that this overlap was a manifestation of the strength rather than the weakness of state institutions on Crete, whether Ottoman or distinctly Cretan. Crete slowly solidified its monopoly on violence between 1878 and 1913 as a response to the various rebellions that transpired on the island in the last half of the nineteenth century. The application of the principle of legality, responsible for the newly defined relationship between the state and its citizens, was widespread. As the Ottoman state identified violent actions as crimes rather than merely torts, which is how technically unlawful actions were treated in the empire before the nineteenth century, so did the later Cretan state as it turned toward a more interventionist law. In turn, the law was enforced by an increasingly effective gendarmerie that helped the state realize its monopoly on the legitimate forms of violence the law prescribed. The Cretan populace's reactions varied from small acts of resistance to compliance with the authorities that were responsible for upholding the new system of criminal justice, just as the authorities' manner of engaging with the population varied in the pursuit of different motives. While the legislative branch imposed harsh laws on the population which the police began to strictly enforce during the period of Cretan autonomy (1898-1913), these were tempered by the efforts of the courts, which were staffed with civil servants who were generally conciliatory towards civilian Cretans and balanced their desired outcomes with the Ottoman and Cretan state's for political and social order. This shows that the state's strength did not compromise its flexibility, which contributed to its condition of general order in the 1910s and reinforced the strength of the state in turn.

I also show that most disputes resolved in court were between people of the same religion, and mainly Greek Orthodox people, rather than between Muslims and Christians.[2] Even so, the few instances in which we catch a glimpse of relations between Muslims and Christians show that to a significant extent they were not informed by the religious politics that infiltrated the goal of self-governance that both major Cretan political parties strove towards. The emergence of a strong state on Crete challenges previous scholarly work on the Mediterranean as being characterized as honor societies, which in this region are in turn identified by a state's inability to implement law and order. On Crete, I argue that a strong state coexisted with an honor society as defined above. While scholars explain that this phenomenon is due to the perception of the state itself as weak or otherwise illegitimate, I argue that in this period it was due to an entrenched notion of what a state was supposed to do while the state itself was taking on a more interventionist role in the affairs of people by strengthening its legal framework and its institutions of law enforcement. Thus, Muslims and Christians were part of the same cultural environment and many disputes between them, as well as instances of support and working together, were rooted in this context.

Literature review

In this dissertation, I intervene in two main bodies of scholarly work. The first is the literature on Crete broadly, both in the nineteenth and twentieth century. This literature includes

[2] In part, this is due to the decrease in the Muslim population as a result of the Orthodox Christian-led rebellions on the island throughout the nineteenth century. See Stefanos Poulios, "Το κίνημα του 1889 στην Κρήτη και η εγκατάλειψη της υπαίθρου από τους μουσουλμάνους: καταστροφές περιουσιών, κρατική αντίδραση και ιδεολογικές προεκτάσεις" [The movement of 1889 in Crete and the abandonment of the countryside by the Muslims: destruction of property, state resistance and ideological extensions] (Master's Thesis, University of Crete Rethymno, 2007), 6, accessed from elocus.lib.uoc.gr.

scholarship on Cretan politics and revolution and Crete's place within the Ottoman Empire. The former subset of literature necessarily touches on the body of literature on Mediterranean honor societies, which I engage with further in chapter 4. The second set of work that I engage with is scholarship on criminal justice systems. I explore this literature on European systems and the Ottoman Empire as a whole and the role of the criminal justice system in state-building and maintenance of state power. The questions with which scholars frame their research in this literature lead to productive paths of questioning about imperial relationships, in particular the Ottoman Empire's relationship with its provinces and what it can reveal about the re-building of the state in the wake of the *Tanzimat*.

Crete's history of rebellion, discussed in detail in the following section, has informed historians who study the island. Though some historians acknowledge the complexity of the late nineteenth century in Crete, when arguably the most significant of these rebellions took place, the vast majority have been loyal to the same set of sources and methods which only give a limited perspective of Crete's administrative structures and its various social relations. The first set of these questions include a worthy exploration into sovereignty on Crete. In particular, historians are interested in whether and how the period of "semi-autonomy" (1878-1889) and the years of the autonomous Cretan state (1898-1913) were continuous with or different from the periods that preceded them. The arguments have produced much debate, perhaps best exemplified by the works of historians Manos Perakis and Emmanuel Chalkiadakis. While the former argues that the Pact of Halepa, which allowed for Crete to experiment with autonomous institutions, produced an effective break from the Ottoman Empire that preceded the period of autonomy in the late 1890s, the latter challenges this claim by arguing that autonomy for Crete was a replacement of Ottoman oversight with European sovereignty and overwhelming political

influence.[3] Elektra Kostopoulou's work on post-*Tanzimat* Crete challenges both of these views in showing the assertion of Ottoman sovereignty by granting autonomy in the first place. By so doing, Kostopoulou not only offers another perspective to "international colonialism," but also critiques the reading of Cretan autonomy as merely a path to union with Greece, evident in other works that discuss the goals of autonomy.[4] Instead, she argues that Ottoman federalism was still an option for Crete and that the Ottoman Empire exerted its imperial authority over the island with a new vocabulary of religious protection made possible by the systemic nature of the millet system as a result of the *Tanzimat*. She thus furthers her argument that the granting of autonomy was not a sign of Ottoman decline, but a renegotiation of "its political existence in line with the spirit of colonialism."[5]

Kostopoulou's work is not only a response to the Ottoman decline paradigm as well as the works that outright challenge it, but an evaluation of the goals of the Cretan revolutions. Some scholars such as Hasan Ali Cengiz argue that Cretan Christian dissatisfaction with reform along the lines of the *Tanzimat* were a pretext for rebellions whose actual ends were union with Greece. Cengiz claims that the movement was too far gone for reform efforts, the revolutionaries

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[3] Manos Perakis, *Το Τέλος της Οθωμανικής Κρήτης: Οι όροι κατάρρευσης του καθεστώτος της Χαλέπας (1878-89)* [The End of Ottoman Crete: The conditions of the collapse of the Halepa regime] (Athens: Vivliorama, 2008); Emmanuel G. Chalkiadakis, *Κρήτη 1898-1913: Απο την «Αυτονομία» στην Ένωση με την Ελλάδα. Πολιτική, Κοινωνία και Εκκλησία μέσα από τη φαινομενική Αυτονομία και το Ενωτικό Αίτημα* [Crete, 1898-1913: From 'Autonomy' to Union with Greece. Politics, Society and Church through the Apparent Autonomy and the Struggle for Union] (Heraklio: District of Crete, 2013).

[4] Elektra Kostopoulou, "The Island that Wasn't: Autonomous Crete (1898-1912) and Experiments of Federalization," *Journal of Balkan and Near Eastern Studies* 18, no. 6 (2016): 556. For works that explore the demands for Cretan autonomy, see Hasan Ali Cengiz, "Halepa Fermanı ve Sonrası Giritite Yapılan Düzenlemeler" [The Halepa Ferman and Subsequent Arrangements in Crete], *Trakya Üniversitesi Edebiyat Fakültesi Dergisi [Journal of the University of Thrace Department of Education]* 8, no. 16 (2018): 74-89; Leonidas Kallivretakis, "A Century of Revolutions: The Cretan Question Between European and Near Eastern Politics," in *Eleftherios Venizelos: The Trials of Statesmanship*, ed. by Paschalis M. Kitromilides, 11-36 (Edinburgh, UK: Edinburgh University Press, 2008); Theodore George Tatsios, *The Megali Idea and the Greek-Turkish War of 1897: The Impact of the Cretan Problem on Greek Irredentism, 1866-1897* (Boulder: East European Monographs, 1984); Pinar Şenışık, "Rethinking Muslim and Christian Communities in Late Nineteenth Century Ottoman Crete: Insights from the Cretan Revolt of 1897," *Journal of Modern Greek Studies* 28 no. 1 (2010): 27-47.

[5] Kostopoulou, "Armed Negotiations: The Institutionalization of the Late Ottoman Locality," *Comparative Studies of South Asia, Africa, and the Middle East* 33, no. 3 (2013): 297.

having been inspired by the French revolution and prompted by Russia.[6] Theodore Tatsios confirms this view with his discussion of how the *Megali Idea* not only influenced the Greek Kingdom to act on behalf of "unredeemed" Greek populations in the Ottoman Empire, but how it also prompted Cretans to rebel in 1866.[7] A number of other historians, however, highlight Cretan Christians' demands for reform in the late nineteenth century. Ayşe Adıyeke frames and explains the events in nineteenth-century Crete with Ottomanism, demonstrating that not only were equal rights a concern for Cretan Christians in the rebellions and the reforms that came out of them, but for Cretan Muslims as well.[8] Pinar Şenışık examines reform efforts and the nationalization of the Cretan Christian population simultaneously. She acknowledges that the ultimate goal of the Cretan Christian revolutionaries was unification, evidenced in the framework of theories of nationalism she employs, but her work advances studies of late Ottoman Crete by examining the dynamism of various social relations. In addition, she highlights the stages of revolution in the late 1890s, arguing that the demands of the revolutionaries took on an increasingly national character but did not necessarily ignore the possibility of reform.[9]

In a similar vein, Lilly Macrakis highlights the heterogeneous political views of the Cretan liberal party with her examination of its most influential deputy, Eleftherios Venizelos. Macrakis demonstrates that Venizelos' shift from a relatively moderate liberal by the standards of his time in the 1880s to a unionist liberal in the late 1890s was caused by increased Greek and European intervention in Cretan affairs.[10] Importantly, She argues that Venizelos was different

[6] Cengiz.
[7] Tatsios.
[8] Ayşe Adıyeke, *Osmanlı İmparatorluğu ve Girit Bunalımı (1896-1908)* [The Ottoman Empire and the Cretan Crisis (1896-1908)] (Ankara: Tarih Kurumu Yayınları, 2000).
[9] Şenışık, *The Transformation of Ottoman Crete: Revolts, Politics and Identity in the Late Nineteenth Century* (London, New York: I.B. Tauris, 2011).
[10] In particular, there was a shift in the Eastern Question in the 1890s in light of the Armenian massacres, but the European Powers took upon themselves the duty to intervene for humanitarian reasons as a way to prove its moral

than other liberals even when he did fight for union with Greece because of his unwillingness to give up efforts to reform the island, and in particular its judicial organization and legal framework, even under Ottoman suzerainty.[11] Macrakis thus challenges the teleological way in which unification is discussed, yet, like the other scholars, even those who would argue that reform was key in revolutionaries' demands, she still sees autonomy as a major turning point in terms of Crete's Ottoman character. In my work, I challenge this notion by examining the influence that the *Tanzimat* had on the changes to Crete's judiciary and laws in the late nineteenth and into the early twentieth century and highlight the continuities between the period during which the Halepa Pact was enforced and the period of autonomy. Placing Crete in an Ottoman context and using different theoretical frameworks, which will be discussed later, provides one critique of the view that Crete became Greek after 1898.[12] My examination of continuities between the periods of semi-autonomy and autonomy also includes a continuation of Şenışık's study of interconfessional relations.[13] I examine these relations by using a different body of sources to examine relations between Muslims and Christians, the island's two largest religious groups. This alternative group of sources facilitates an understanding of the cultural

civilizing mission. See Georgios Giannakopoulos, "A British International Humanitarianism? Humanitarian Interventions in Eastern Europe," *Journal of Modern Greek Studies* 34, no. 2 (2016): 299-320.

[11] A. Lilly Macrakis, "Venizelos' Early Life and Political Career in Crete, 1864-1910," in *Eleftherios Venizelos: The Trials of Statesmanship*, ed. Paschalis M. Kitromilides, 37-83 (Edinburgh: Edinburgh University Press, 2008).

[12] This view is similar to one taken by some historians regarding political participation and identities in the empire in the wake of the Young Turk Revolution and "Turkification." See, for instance, Hasan Kayalı, *Arabs and Young Turks: Ottomanism, Arabism, and Islamism in the Ottoman Empire, 1908-1918* (Berkeley, Los Angeles: University of California Press, 1997). In this work, Kayalı argues for an Ottoman contextualization of nationalism in the Arab provinces, which was not formed until the end of World War I.

[13] This includes not only her aforementioned book, but her contribution to a volume on the islands of the Eastern Mediterranean. Here, she focuses on perceptions of relations between two communities by representatives of the European Powers on the island, arguing that they are too simplistic and do not take into account "class differences, complex networks and various interactions which tied the Cretans together." See Şenışık, "Challenging Authority and Transforming Politics: A New Perspective on the Muslim and Non-Muslim Experiences in Ottoman Crete, 1896-97," in *Islands of the Eastern Mediterranean: A History of Cross-Cultural Encounters*, ed. Özlem Çaykent and Luca Zavagno, 79-94 (London, New York: I.B. Tauris, 2014), 85.

context, rather than merely the political context, of crime. With them, I explore the shared experiences of an honor culture that Muslims and Christians shared.[14]

In this dissertation, I also intervene in the scholarship produced on the twentieth century, which is by and large an examination of Crete as an honor society and thus rooted in sociological, anthropological, and ethnographic studies. In particular, most of these studies apply Pierre Bourdieu's theory of the context of masculinity and dominance, which is that strategies of domination, which include both a challenge to honor and a response to the challenge, are the product of a society that lacks solid state apparatuses that could bring about long-lasting mediation.[15] Because of the connection between honor societies and weak state structures and low state intervention, this literature tends to see Greek governance in Crete as weak. Scholars believe that this political vacuum led to the practice of self-help justice, by which society "regulated" itself by acts of revenge, thus legitimating violence in the hands of non-state actors.

Aris Tsantiropoulos in his work disagrees with the notion that vendetta, a prime manifestation of honor culture, is necessarily a marker of a primitive society. However, at the same time it is clear that he is not interested in necessarily examining the state structures in which Cretan vendetta takes place. At times, he takes perceptions of the inefficiency of these state structures and perceptions of them for granted because his work gives an in-depth look at the relationships and values that made and make vendetta possible.[16] Tsantiropoulos' work is

[14] In this endeavor, I use Molly Greene's work on early Ottoman Crete as a frame for my study of this topic. Greene argues that wars and "cultural hostility" were present in the early modern Eastern Mediterranean, but despite this, Christians and Muslims for the most part co-existed in a shared cultural and sociopolitical milieu. See Greene, *A Shared World: Christians and Muslims in the Early Modern Mediterranean* (Princeton: Princeton University Press, 2000).

[15] Pierre Bourdieu, *Outline of a Theory of Practice*, tr. Richard Nice (New York: Cambridge University Press, 2018).

[16] Aris Tsantiropoulos, *Η Βεντέτα στη Σύγχρονη Ορεινή Κεντρική Κρήτη* [Vendetta in Contemporary Mountainous Central Crete] (Athens: Plethron, 2010); Tsantiropoulos, "Crime and Culpability in the community, the newspapers and the courts: The case of the feuding society of Crete (Greece)," in *Shame, Blame and Culpability: Crime and Violence in the Modern State*, ed. Judith Rowbotham, Marianne Muravyeva, and David Nash, 199-214 (New York: Routledge, 2013). Michael Herzfeld's research on Crete does the same. At the same time, scholars such

unrepresentative of this body of literature in that it compares vendetta in two distinct periods and traces the origins of twentieth century feuds to the nineteenth century. This highlights the longevity of vendettas and continuities between contemporary and past vendettas. The significance of this lies in the careful consideration of context and history, as Tsantiropoulos outlines Crete's history of rebellion. While it is an important distinction from other work on twentieth century Crete, and other honor societies, it again does not consider state frameworks. While analyzing the strength of the Greek state is beyond the scope of this dissertation, I challenge the notion that honor societies can only exist in weak states by examining the transformation of Crete's criminal justice system, the part of the state that could realize an effective monopoly on legitimate violence.

Besides the weakness of states, the foreign nature of states can also be a deterrent to the state being able to enforce this monopoly, which is a common focus of the literature on Greek criminal justice proper. Decision-making in the hands of foreign powers was certainly a reality for Greece because of its position as a "crypto-colony" under the protection of three major European countries.[17] Additionally, independent Greece's first monarch was a young Bavarian prince who brought with him a number of Bavarian political advisors as well as military staff. As Thomas Gallant argues, the identity of the security forces of the country was crucial. Additionally, German jurisprudence, as much as it took Greek custom into account, was not Greek and therefore not legitimate in the eyes of Greeks. If the state did hire locals as police,

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as Urania Astrinaki have provided context for this type of research in their assessment of Greek statehood. See Astrinaki, "'Παράδοση βίας' και ιδιόματα κρατικότητας στις ορεινές κοινότητες της δυτικής Κρήτης" ['Tradition of violence' and idioms of statehood in mountainous communities of Western Crete], in *Ελληνικά Παράδοξα: Πατρωνία, Κοινωνία πολιτών και Βία* [Greek Paradoxes: Patronage, Civil Society and Violence], ed. Eleni Gara and Katerina Rozakou (Athens: Alexandria Publications, 2013).

[17] This type of state is described by Michael Herzfeld as a country that obtained its "political independence at the expense of massive economic dependence." See Herzfeld, "The Absent Presence: Discourses of Crypto-Colonialism," *The South Atlantic Quarterly* 101, no. 4 (2002): 901.

these men were also perceived as ineffective because they in fact were, being former brigands and interested in economic gain from the population they were supposed to protect. Gallant argues the weak state allows "military entrepreneurs" to flourish and points to the foreign state as a major factor in undermining criminal justice, and thus a place where revolutions could begin.[18] However, this model, as I argue, does not apply to Crete, who even after autonomy experienced a revolution. Regardless, it is useful for understanding states not as ideal types, but as attempting to become the ideal type that is the foil to his weak state – the strong state with effective criminal justice institutions and limited access to weapons for the general population. Additionally, Gallant's model allows for the existence of honor in these strong states, though he argues that this honor is one devoid of manifestations of violence. I demonstrate that this is not the case for Crete in chapter 4.

Literature on colonial criminal justice systems explains that institutions in colonies are often seen as imported from the metropole and therefore illegitimate.[19] The scholarship on the Ionian Islands, another part of Greece that was not included in the Greek Kingdom post-independence in 1830 but that had a robust unionist movement, provides a good comparison to Ottoman Crete. Recently, Sakis Gekas provided an alternative interpretation to modernizing reforms on the Ionian Islands, arguing that their expense as well as inconsistency in liberalizing the judiciary on the islands was responsible for their failure.[20] Relevant in his work is the substantial participation of the Ionian bourgeoisie in the creation and codification of new laws. Because of Crete's special place in the Ottoman Empire, Cretans, too, drafted legislation and

[18] Thomas Gallant, "Revolutions and regimes of violence," *Historein* 15, no. 2 (2015): 30-40.
[19] See Gallant, *Experiencing Dominion: Culture, Identity, and Power in the British Mediterranean* (Notre Dame: University of Notre Dame Press, 2002).
[20] Sakis Gekas, *Xenocracy: State, Class, and Colonialism in the Ionian Islands, 1815-1864* (New York: Bergahn Books, 2017).

even enforced it in the courts and on the streets as gendarmes. Gekas, like the scholars of autonomous Crete, contends that this participation was instrumental in turning the character of the island to one distinct from the empire that had sovereignty over it. However, while Gekas puts the Ionian Islands in British colonial context, scholars of Crete, particularly those interested in its judicial system, do not do the same. While Crete was not a colony and a periphery, the imperial framework and the comparison of British rule between the Ionian Islands and other parts of the British Empire are useful in grounding my research appropriately. With this context, I can contribute to and confront the narrative regarding influences on Cretan law in the period of autonomy that other scholars, including Macrakis, have created.[21]

The body of literature on the Ottoman criminal justice system proper is vast and has made great inroads into its the system's origins and influences, evolution, and nature in terms of how it conceptualized the relationship between Ottoman subjects and the state. Starting from the foundations of the system, important research has been conducted on Ottoman law. Scholars have asked questions about the change in Ottoman law due to the *Tanzimat* and have debated how researchers should approach and think about legal plurality in the empire. Avi Rubin, for instance, clarifies that pluralism is not something that should be defined as a duality, as religious versus secular, for instance.[22] This challenges both the premise of June Starr's research question, which assumes a coexistence but nonetheless separation between Islamic and secular legal institutions, and the way in which Ruth Miller discusses the influence of religion and morality on nineteenth-century reform as a pure abstraction.[23] Additionally, Rubin and Miller embody the

[21] Also see Stratis Papamanousakis, *Αναδρομή στην Ιστορία του Δικηγορικού Συλλόγου Χανίων, 1884-1984* [Retrospection on the History of the Lawyers' Society of Chania, 1884-1984] (Chania: Lawyers' Society of Chania, 1984).
[22] Avi Rubin, *Ottoman* Nizamiye *Courts: Law and Modernity* (New York: Palgrave Macmillan, 2011), 55-80.
[23] June Starr, *Law as Metaphor: From Islamic Courts to the Palace of Justice* (Albany: State University of New York Press, 1992); Ruth Austin Miller, *Legislating Authority: Sin and Crime in the Ottoman Empire and Turkey* (New York: Routledge, 2005).

debate between the purpose of reform and thus how law can either be seen as part of or separate from society and the changes it was undergoing in the nineteenth century. In this work, like Rubin, I place the study of laws on Ottoman Crete in a sociolegal framework. Law, law enforcement, and legal institutions were informed by social problems. While engagement with pluralism proper is outside the scope of this dissertation because of my sources, I show that laws and the legal system in Ottoman Crete, and the Ottoman Empire at large, grew out of Islamic legal tradition.

Perhaps most relevantly, the argument this dissertation pushes forward about the interventionism of the Ottoman legal system on Crete and then the autonomous legal system is in line with the claims of Omri Paz. Paz argues that the legal institutions established between the 1840s and the 1860s in the Ottoman Empire that were neither part of the *Shari'a* nor the *Nizamiye* courts were a response to an increasingly interventionist system that Paz dubs "activist." He contrasts this system with the "reactive" system of the seventeenth and eighteenth centuries.[24] However, the logical extension of this argument, articulated by Avi Rubin in his recent work on the Yıldız case, is that with such a legal system comes a lack of flexibility. The law is no longer perceived by contemporary legal actors as attached to a particular moral or social code despite the fact that Rubin himself uses a sociolegal approach to analyze it. Rubin argues that previous *kanunnames* had legitimated these morals and social codes by being valid in the provinces, but "The modern Ottoman codes… exhibited a different logic: the exclusive

[24] Reactive systems give subjects more of a role to play in the legal system. Evidence collection, for example, was the responsibility of private parties and the evidence itself was oral testimony as there was a lack of a hierarchical system that created a solidified culture of meticulous record-keeping. (Of course, this is not to say that reactive systems do not keep records.) More often than not, subjects were encouraged to settle matters outside of the court. Most significantly, the point of these systems is to resolve disputes. Activist systems, on the other hand, seek to promote policy, in this case the principles of reform. They are hierarchical and more centralized and punishment becomes necessary if the rules of evidence apply and the defendant is found guilty with their application. See Omri Paz, "'Documenting Justice': New Recording Practices and the Establishment of an Activist Criminal Court System in the Ottoman Provinces (1840-Late 1860s)," *Islamic Law and Society* 21 (2014): 81-113.

authority of the law was legislation, and each of the numbered clauses in every single code was meant to be applied across the imperial territories in the same manner."[25] I contest this claim and show that even though the new legal system was interventionist, on Crete during this period it retained flexibility. This seems to have been a result of a "built-in" flexibility in the Ottoman and autonomous Cretan law and the courts continuing to use oral witness testimonies. Semi-autonomy and autonomy created a mixed system on the island. However, this did not mean there was no rule of law. Additionally, as Rubin claims, rule of law is merely an experience, and perhaps a necessary but not sufficient condition of successful order.[26] The Cretan legal system's attuning to the various challenges the island faced made it successful.

Background

The Ottoman Empire captured Crete from Venice in 1669 and held onto it for over 240 years thereafter. Crete became an important factor in the broader "Eastern Question," which the Western Powers contended with as they perceived the decentralization of the Ottoman Empire in the eighteenth century as a weakening of the Ottoman state's hold on its lands. This perception seemed to be confirmed with the Ottomans' frequent losses in wars with their northern neighbors and rivals during the course of the "long nineteenth century." In 1770, a Cretan ship owner from the region of Sfakia in the Western part of the island named Ioannis Vlachos, who became known as Daskalogiannis, led a group of approximately 2,000 men in a massacre of Muslims in Western Crete. The Daskalogiannis rebellion was a demonstration of resistance against the

[25] Avi Rubin, *Ottoman Rule of Law and the Modern Political Trial: The Yıldız Case* (Syracuse: Syracuse University Press, 2018), 37. *Kanunnames*, regulations, were compiled into sets of law at the sultan's discretion known as *kanuns*.
[26] Rubin, *Ottoman Rule of Law*, 41.

Islamic Ottoman Empire, which Cretans hoped to overthrow with Russian help offered as part of the broader Russo-Ottoman War which took place between 1768 and 1774. The rebellion itself was supposed to rally support from fellow Orthodox Christians in the Balkans in favor of the Russians in the Russo-Ottoman War. To this end, Russian Empress Catherine the Great sent Fyodor Orlov, the younger brother of the Russian navy commander Aleksey Orlov, to the Peloponnese to incite the masses to rebel. In the meantime, Catherine encouraged the movement of Greeks to the Crimea and to the north of the Sea of Azov with economic incentives in what would become New Russia. It was from the Peloponnese that the rebellion spread to Crete. Daskalogiannis spread the news about the empress's promises to Greek Orthodox Christians to create a new Orthodox Empire with Russia inheriting the mantle of Eastern Christianity from the Byzantine Empire. Though Daskalogiannis was captured and killed and his revolt crushed, Catherine's victory in the war led to the more systemic settlement of Greeks in New Russia as well as the Russian claim of protection over Orthodox populations in the Ottoman Empire with the signing of the Treaty of Küçük Kaynarca.

On the other hand, the ideas the Daskalogiannis rebellion stood for began a series of other uprisings on Crete throughout the nineteenth century that were motivated by a vision of Christian rule. At first, revolutionaries thought this would be realized through an Orthodox Christian Empire, as was the goal in the Daskalogiannis rebellion.[27] Cretans rebelled against Ottoman authorities in solidarity with their Greek Orthodox Christian counterparts in the Peloponnese during the beginning of the Greek War of Independence in the early 1820s. This led to the brief cession of Crete from central Ottoman rule proper to the autonomous province of Egypt under Mehmet Ali, its powerful governor, for its assistance in fighting Greek rebels in the Morea

[27] Yakup Öztürk, "The First Cretan Rebellion against the Ottoman Authority: Narratives and Sources," *The Journal of Ottoman Studies* 53 (2019): 195-229.

during the War of Independence. Cretans, as part of the Ottoman campaign on the island during the war, were taken to Egypt as slaves. The attempts to free them by the Greek diplomat in Egypt at the time, who was instructed by Greek statesmen to be flexible in his negotiations with Mehmet Ali, is indicative of the special relationship Greeks under the tutelage of the Egyptian governor had. This relationship was due to the novelty of the Greek state and the fact that it was still in the process of state-building.[28] In the meantime, the governor of the island appointed by Mehmet Ali, Mustafa Naili Pasha, levied new taxes to rebuild the island after the war, building schools, infrastructure, and replacing the janissaries with Egyptian and Albanian soldiers.[29] Cretan Christians initially protested the expense of these measures in 1833, though overall, their thinking about the goals of rebellion turned even with the spirit of reformation in the empire that came with the *Tanzimat*.[30]

These reforms during the period of Egyptian rule preceded broader Ottoman reforms during the period of the *Tanzimat*, including on Crete, which would push Cretans to demand their application in the last half of the nineteenth century. Understanding these reforms is essential to understanding the rest of Crete's nineteenth-century history. The *Tanzimat*, which began in 1839 with the proclamation of the Gülhane Rescript, had two main goals. First, the Ottoman state gave the same rights to non-Muslims that Muslims had. It did this by implementing a single legal system to uphold the principle of equality before the law. Additionally, instead of distinguishing "Muslims" and "dhimmis," or non-Muslim subjects who did not have the same rights or duties as Muslim imperial subjects, there was now only the single

[28] Alexander Kitroeff, *The Greeks and the Making of Modern Egypt* (Cairo, New York: The American University in Cairo Press, 2019), 36.
[29] Chris Moorey, *A History of Crete* (London: Haus Publishing, 2019), 195-196.
[30] Kallivretakis, 16; Theocharis Detorakis, *Ιστορία της Κρήτης [History of Crete]*, 2nd ed. (Heraklio: Mystis, 1990), 352-355.

secular category of "Ottoman" for imperial subjects, now on their way to becoming more like modern citizens. A second goal was imperial re-centralization, in part shown by the creation of the Ottoman "citizen."[31] The empire also attempted to centralize by instituting new structures of governance that would take on the name of *Nizam* (order). These had a clear hierarchy with the imperial center at the top, making the goal of centralization clear.[32]

Some scholars would argue that the failure of the empire to meet its promise to enact the aforementioned reforms, including some that were beyond what was in the realm of the *Tanzimat*, was in some sense desired by Cretan Christians who wanted union with Greece, or *enosis*.[33] The inability of the empire to meet their needs, as they saw it, gave their demands for *enosis* legitimacy. Furthermore, the existence of a Greek state, even if new and with the help of the European Powers of France, Great Britain, and Russia, motivated the eventual Cretan goal of obtaining unity with that state. In turn, these powers found that this influence they had on Cretan goals benefitted them in their attempts to solve the Eastern Question. Finally, the Greek state's use of the *Megali Idea* as foreign policy throughout the mid and late nineteenth century gave Cretans hope that unification would shortly be realized.

Ultimately, the empire's uneven implementation of these reforms and their delay in reaching the provinces caused non-Muslim Ottoman subjects in these areas to react.[34] Crete

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[31] For more on eighteenth century Ottoman decentralization, see, for instance, Ariel Salzmann, *Tocqueville in the Ottoman Empire: Rival Paths to the Modern State* (Leiden, Boston: Brill, 2004); Baki Tezcan, *The Second Ottoman Empire: Political and Social Transformation in the Early Modern World* (Cambridge, New York: Cambridge University Press, 2010); Donald Quataert, *The Ottoman Empire, 1700-1922*, 2nd ed. (Cambridge: Cambridge University Press, 2005). A good work on center-periphery relations that highlights the diverse methods the empire used to negotiate those relations in different ways is Karen Barkey's *Empire of Difference*. Barkey discusses the politicization and modernization of groups in the imperial periphery in the eighteenth century in Chapters 6 and 7. See Karen Barkey, *Empire of Difference: The Ottomans in Comparative Perspective* (Cambridge, New York: Cambridge University Press, 2008).

[32] Rubin, *Ottoman Nizamiye Courts*.

[33] Cengiz.

[34] This was not only the case in Crete. For reform in the Levantine region, for instance, see *Moshe Ma'oz, Ottoman Reform in Syria and Palestine, 1840-1861: The Impact of the Tanzimat on Politics and Society (London: Clarendon Press, 1968)*.

returned to Ottoman suzerainty in 1840, though Mustafa Naili continued his post and his reforms. These ceased, however, when the island received a new governor in 1855 who ignored the Hatt-ı Hümayun of 1856, which was supposed to ensure the extension of the *Tanzimat* reforms to the provinces.[35] A brief series of protests by the rebel Mavroyenis in 1858 caught the attention of the Porte, which replaced the governor and issued a *ferman* for reform on the island. The peace on the island after the Mavroyenis movements was relatively short-lived and most would argue that it was due to the fact that the revolutionaries believed the time for reform had ended.

In 1866, Cretan Christians tried their hand at demanding freedom, which would presumably lead to *enosis*. The rebellion thus was a culmination of a "counterrevolutionary" movement whose goal was Greek governance with British protection on Crete.[36] Its influence was demonstrated by the fact that the revolutionaries submitted a memorandum to the European Powers that formed the protectorate of the Greek Kingdom calling for their support in the Cretan attempt at *enosis*.[37] However, this was done secretly while they demanded a number of reforms from the Porte while asking for reprieve from heavy taxation, to which the Porte responded by stating that Cretans already enjoyed a number of benefits. A number of Cretan Christians in turn began to attack Ottoman forces. One group, seeing itself cornered in the monastery of Arkadi in Apokoronas, resisted defeat by starting an explosion in a room being used as the armory, setting fire to the monastery and killing hundreds of Cretan Christians, including women and children, who had previously taken refuge in the monastery.[38] The insurrection ended with the Organic Law of 1868. This law called for the equal participation of Christians in the administration of the

[35] Moorey, 197.
[36] Detorakis, 359.
[37] Kallivretakis, 19.
[38] Detorakis, 367.

island and created a General Assembly for this purpose. Additionally, the island's governor would be advised by one Muslim and one Christian. The law also promoted the equal use of a new system of courts of law by both non-Muslims and Muslims. Likewise, the staff of these courts was to be comprised of both Muslims and Christians.

When the Organic Law failed to be fully implemented and the Porte once again ignored the complaints of the Assembly, this time about the need for the practice of reform efforts in good faith, Cretan Christians again rebelled in 1878. This rebellion resulted in the Halepa Pact, which ushered in a period of experimental autonomy with the full implementation of the Organic Law. The Halepa Pact was signed between the Ottoman Empire and the members of the Cretan revolutionary committee, revolutionaries elected to negotiate the terms of the changes they sought in the island's administration. In the process of negotiation, the empire conceded to the revolutionaries seats in the General Assembly that rendered it more proportional (but still not completely proportional) to the Greek Orthodox population. It also agreed to the formation of a gendarmerie on the island in which Orthodox Christians could participate and allowed the governor to be Greek Orthodox. Overall, the Halepa Pact was meant to apply the Organic Law of 1867 and, in that sense, was not meant to introduce radical changes.

The major break between the Organic Law and Halepa was the judicial reorganization and legal reform that was enacted during the period of the Halepa Pact, marking the transition to, albeit experimental, full autonomy. In many ways, Crete was striving to emulate Greece, which, in turn, was "Westernizing" during this period under the progressive Prime Minister Harilaos Trikoupis[39]. However, unlike Greece, Crete under a majority Conservative General Assembly

[39] On and off – when Trikoupis was not PM, it was Theodoros Deliyiannis, but it was Trikoupis who had set this stable system in place with his realization of dedilomeni. For more on Trikoupis, his reforms, and the consequences during this period, see Gallant, *The Edinburgh History of the Greeks: The Long Nineteenth Century* (Edinburgh: University of Edinburgh Press, 2016), 171-183.

adapted gradual changes. Since the Halepa Pact did not mention judicial reform, the General Assembly proposed these kinds of changes to the Porte shortly after the agreement was signed.[40] In addition to the mixed courts introduced in 1867 and the older religious courts, inhabitants were free to use a new three-tiered court system, consisting of the Justices of the Peace, Courts of First Instance, and Appellate Courts similar to Western European courts.[41] The members of the new courts were either appointed or chosen by the elder council as opposed to directly elected by the population and comprised both Christians and Muslims. The president of the Appellate Court and prosecutor (*εισαγγελέα – eisaggelea*) of the Appellate Court in the capital of Chania in Western Crete, an important and Western-educated political figure named Ioannis Skaltsounis, was tasked with drafting a civil and penal code. In this sense, the legal reforms of Halepa were unprecedented.

The success of applying the Organic Law in 1878 and the generally peaceful conditions, at least on a political level, that the Halepa Pact produced halted with its dissolution in 1889. Disagreements between the Cretan conservative and liberal parties in the late 1880s over what reforms to implement and renewed tensions between Cretan Muslims and Christians led to yet another rebellion in 1889. The growing animosity between the Conservative party, which had recently become a minority in the assembly, and the majority Liberal Party culminated in political instability in the late 1880s. This was followed by inter-confessional violence, with Christian members of the Conservative party's revolutionary committee attacking Muslims in various instances of animal theft, weapons seizure, and arson in retaliation for what they felt

[40] Perakis, *The End of Ottoman Crete*, 103

[41] Kallia Kalliataki-Mertikopoulou, "Δικαιοσύνη και Πολιτική στην Κρήτη: 1868-1878" [Justice and Politics in Crete: 1868-1878], *Κρητικά Χρονικά* [Cretan Annals] 3, no. 27 (1987): 298-329.

were privileged living conditions.[42] The end of the Halepa Pact marked a decline in the power of the Liberal Party again and caused the Conservatives to declare nominal *enosis* with Greece. What followed was opposite of what the revolutionaries hoped for. Crete returned to full Ottoman control.

Between the end of the first period of experimental autonomy and 1898, when Crete became autonomous, the Porte not only revoked the Halepa Pact, but also imposed martial law on the island. The revocation of the Halepa Pact conditions discouraged Christians from running for local office as they did not want to participate in a government that would legitimate the effective monopoly of Muslims over Cretan administration. The situation worsened, with the Porte stripping Cretans Christians of civil liberties and dissolving the General Assembly in 1895. In response, a revolutionary committee assembled to demand that the Organic Law be restored. While this was granted in July 1896, thus restoring the conditions of the Halepa Pact, the ensuing revolution in 1897 showed that Cretan rebels again turned to Greek *enosis* as violence between Muslims and Christians occurred. The Greek state, until now reluctant to intervene because of what that would do to the European balance of power, decided to act and sent an occupation force along with munitions.[43] This resulted in the Greco-Turkish War of 1897. The European Powers were crucial to the outcome of this war for Crete. Great Britain, France, Russia, and Italy occupied the island in the interest of a quick peace. These powers were against Greece's involvement in the Cretan revolution. However, this intervention seemingly mattered less to

[42] The Conservatives thought that the Liberals, who held the majority in the Cretan Assembly, had almost absolute power. See Perakis, *The End of Ottoman Crete*, 124-125; Şenışık, *The Transformation of Ottoman Crete*, 82.
[43] Even after autonomy, it was clear that Greece's influence should be curtailed in Crete in the interest of peace. In a note on July 8, 1900 from the post office management to an administrator in the department of public safety in Chania, it was requested that the authorities of the interior be notified of and take action to enforce a ban on the newspaper "Ενωση της Κρήτης" (Union of Crete) from Athens («Προς την Διεύθυνσιν των Κρητικών Ταχιδρομείων» ["To the Department of the Cretan Post Office"]), 8 July, 1900, Box 1, Folder 7, July-December 1900, Superior Directorate of the Interior First Division of Public Safety (1900) E43, IAK Chania, Crete, Greece.

them than Ottoman troops' massacre of hundreds of Cretan Christians in the town of Heraklio (Candia) on the eastern side of the island in the late summer of 1897. Humanitarian intervention, especially on the part of Christians in lands that were not "enlightened," was crucial in the name of upholding international law and thus legitimating their power.[44] Their favorable mediation toward Greece at the end of the war despite Greece's embarrassing loss led to Crete's autonomous status.

With the help of the European Powers, the revolutionaries were able to negotiate an arrangement that put a Greek in charge of the island's affairs. The position of Governor General was replaced by that of the High Commissioner in order to exclude the Porte from the island's internal affairs, even if it was still, at least nominally, under its suzerainty. While the Great Powers chose the High Commissioner, Prince George of Greece, they were technically not allowed to intervene in Cretan internal politics, needing to run decisions by Crete's new government.[45] To highlight the Porte's exclusion from the island's affairs, the Powers scheduled the expulsion of Ottoman troops. While the purpose was to make way for the European troops, the Greek army was also not allowed to enter the island. The Powers also reorganized the gendarmerie and put it under the control of European officers. Greek Orthodox Christians held the majority of the seats in the new Cretan Assembly, and a constitution approved by the European Powers was drawn up. In general, autonomy was supposed to provide a complete break from the previous status quo, although scholars differ on whether this was actually the case because of the influence the Powers had over the island in practice.[46]

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[44] See Davide Rodogno, *Against Massacre: Humanitarian Interventions in the Ottoman Empire, 1815-1914* (Princeton: Princeton University Press, 2012).
[45] Chalkiadakis, 127.
[46] Emmanuel Chalkiadakis, for instance, argues that there was more continuity than change in the period of autonomy.

While some Muslim Cretans hoped that autonomy would provide a lasting peace and stability, many Cretan Christians, and especially those in the Liberal party, saw autonomy as a mere step, even if a significant one, toward *enosis*. The foremost leader of this party, Eleftherios Venizelos, who had previously served as the Minister of Justice in Prince George's executive cabinet, grew impatient at the High Commissioner's approach to *enosis*, which he believed relied too much on the inconsistent graces of the European Powers. The two men butted heads, and in 1901 Prince George had Venizelos removed from his post and, indulging in his authoritarian tendencies, had him imprisoned two years later. Support for the former minister, after all, had been criminalized. In 1905, Venizelos gave the prince an ultimatum before he himself pursued action. Either he would move his government into more active engagement of the issue of enosis, including declare union unilaterally, or replace the constitution with one that gave equal power to the General Assembly. Venizelos and his supporters declared a Revolutionary Assembly at Theriso, a village in Chania, after the Prince failed to respond to their demands. The Assembly was only the beginning of an effective parallel government that later developed during the course of the ensuing revolt that spread throughout the western and central part of the island. It only ceased when the Powers agreed to compromise with Venizelos. Another constitution that allowed for greater legal autonomy was implemented and Crete's government would be headed by the new High Commissioner Alexandros Zaimis, the former Prime Minister of Greece.

It was not long after that Crete became united with Greece, first unilaterally and then bilaterally under the auspices of the Great Powers. With the Powers accepting the unilateral declaration of Bulgaria and the annexation of Bosnia-Herzegovina by the Austro-Hungarian Empire, Crete saw its chance to declare unilateral *enosis* in 1908. It took several years and the two Balkan Wars, however, for Greece and the European Powers to legitimate this declaration.

Because of the success of Theriso and his proactivity in the question of *enosis*, in 1909, Greek military officers disillusioned with the unstable political situation in Greece and aware of pro-royalist favoritism in the military invited Venizelos to Athens after overthrowing the government of Dimitris Rallis. Not wanting to disappoint the Great Powers, they invited Venizelos to form a new government, though Venizelos himself only became Prime Minister after he himself called for elections. Becoming more involved in the international affairs of Greece proper, Venizelos was aware that he could not "overextend" himself. That is, by outwardly supporting Cretan enosis he may not be able to realize some of his carefully crafted plans to come close to fulfilling the *Megali Idea* because of the potential disapproval of the Great Powers, especially if their intent was to preserve Ottoman territorial integrity.[47] Ultimately, however, the Powers drew up the Treaty of London, which recognized Crete as part of Greece and was signed by the Porte.

Theory

This dissertation necessarily engages with theories of state and social formation. One cannot discuss the criminal justice system without thinking about the primary goal of that system writ large – to assist the state in establishing a monopoly over the means of physical force and violence. The concept of monopolization is discussed at length by sociologists Max Weber and Norbert Elias. In a lecture delivered in a public forum hosted by the University of Munich in January 1919, Weber talked about the necessary and basic political conditions that form the

[47] For more on Venizelos' diplomacy, see Michael Llewellyn Smith, "Venizelos' Diplomacy 1910-23: From Balkan Alliance to Greek-Turkish Settlement," in *Eleftherios Venizelos: The Trials of Statesmanship*, ed. Paschalis M. Kitromilides, 134-192 (Edinburgh: Edinburgh University Press, 2008).

modern state as a basis for his broader discussion on how one might make politics his vocation.[48] Weber argues "that the state is the form of human community that (successfully) lays claim to the monopoly of legitimate physical violence within a particular territory - and this idea of 'territory' is an essential defining feature."[49] Thus, according to Weber, a state must have clear boundaries in order to demarcate the territory its rule encompasses and total control over the means of physical force within that territory both to protect it from external threat and eliminate any internal threats. Legitimation of the state can come from three kinds of authority according to Weber, though he argues that modern states in particular are authorized by rational law.[50] As such, those who work for the state serve the purpose of upholding that law, in which the monopoly over legitimate physical violence assists them as it elicits the populace's fear.[51]

Elias further expands on Weber's theory of the modern state by historicizing the process of monopolization that accompanies modern "civilization." Like Weber, Elias asserts that the modern state is characterized above all by a monopoly over the means of violence (weapons) and taxation.[52] Weber's claim is contextualized within his overview of European feudalization, which provided the conditions for a broader monopolization, regional hegemonic power, by virtue of the elimination of competition.[53] When the ruler's power is consolidated, the amount of responsibilities he has in overseeing the management of the means of violence and taxation lead to the necessity for delegation, which comprises the second phase of monopolization. This leads

[48] Fittingly, Weber's invitation to lecture came at a time of uncertainty for a post-war and revolutionary Germany that witnessed escalating violence. Weber's "answer" to what was to be done came in the form of a lecture on political education. See Mark Jones, "Introduction," in *Founding Weimar: Violence and the German Revolution of 1918-1919* (Cambridge, New York: Cambridge University Press, 2018).
[49] Weber, *Politics as a Vocation*, 33.
[50] Weber, *Politics as a Vocation*, 34.
[51] Weber, *Politics as a Vocation*, 35.
[52] Elias, *The Civilizing Process: The History of Manners and State Formation and Civilization*, trans. Edmund Jephcott (Oxford, Cambridge: Blackwell, 1994), 345-346.
[53] Elias, 338-339.

to the ruler being dependent on the people to whom he delegates some of his authority, while those people remain dependent on him, creating an "interdependent human web."[54] The permeation of this interdependence in society accounts for the correlation between civilization and civility according to Elias and the self-restraint associated with it, including that of aggressive behavior. The competitive pressure that informs how people interact in a socially interdependent network, or "tempo," as Elias dubs it, is responsible for individual self-restraint from a set of behaviors ("drives") that society as a whole has deemed irregular and only appropriate as private.[55]

What Weber and Elias discuss is modernity, even if they use different terms and contextualize it differently. Their dissection of it points to the conclusion that modernity necessarily precludes a particular kind of centralized state. The centralization of the state, achieved through the aforementioned monopoly, is deemed a modern strong state, in this case different than an authoritarian state proper in the sense that James C. Scott discusses it, for instance. Weber and Elias account for delegation of power and the formation of a state that ultimately embraces ongoing competition for power and a feedback loop of social legitimation.[56]

Even though I use Weber and Elias' framework of "strong" as modern rather than authoritarian, Scott's argument about the importance of "metis" proves useful in understanding the Cretan criminal justice system at the end of the nineteenth century and at the turn of the twentieth. He claims,

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[54] Elias, 354.
[55] Elias, 156-157, 457.
[56] Contrast this to Scott's discussion of the irony of authoritarian high modernism in the name of progress. While scientific progress is normally built on alternative interpretations and disagreements as part of a self-checking system that informs a forward-looking path, Scott argues that the social engineering of the authoritarian schemes he references instead silenced any form of criticism. See Scott, *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed*, Veritas Paperback ed. (1998; repr., New Haven: Yale University Press, 2020), 93.

> By themselves, the simplified rules can never generate a functioning community, city, or economy. Formal order, to be more explicit, is always and to some considerable degree parasitic on informal processes, which the formal scheme does not recognize, without which it could not exist, and which it alone cannot create or maintain.[57]

Therefore, Scott argues that formal state-building processes cannot function properly without the help of informal processes. The knowledge of when to use formal processes over informal ones and vice versa is what Scott refers to as metis, in other contexts referenced as cunning. In this case, metis, then, is practical knowledge used to realize a political goal. In short, "Knowing how and when to apply the rules of thumb in a concrete situation is the essence of metis."[58]

In the case of modern Crete, the examination of the different parts of the criminal justice system leads to the conclusion that metis was most demonstrated by the judges and prosecutors of the courts. If law can be interpreted as the set of formal rules, then the informal processes are what officials make of those rules and how they decide to punish the people that break them. Additionally, the informal processes at work are informed by informal social rules, what some scholars of honor societies refer to as unwritten law.[59] As such, these informal processes are part of broader culture.

A final theoretical point is borrowed from Lawrence Rosen, who argues that law, society, and culture intertwine and that legal frameworks are informed by the cultural contexts they are produced in as well as by political goals specific to the making of the state they govern.[60] Specifically, Rosen, taking issue with the approach to law as primarily a tool for the resolution of

[57] Scott, 310.
[58] Scott, 316.
[59] Gallant, "When 'men of honor' met 'men of law': violence, the unwritten law and modern justice," in *Problems of Crime and Violence in Europe, 1780-2000: Essays in Criminal Justice*, ed. Efi Avdela, Shani D'Cruze, and Judith Rowbotham (Lewiston: Edwin Mellen Press, 2010).
[60] Lawrence Rosen, *The Justice of Islam* (Oxford, New York: Oxford University Press, 2000).

disputes or as something that only appears in modern societies as a written and complex code, writes:

> Rather, it appears more fruitful to view law as part of the larger culture, a system which, for all its distinctive institutional history and forms, partakes of concepts that extend across many domains of social life. In law, as in politics and marriage, one has the opportunity to see ordinary assumptions put to the test of scope and implication, and though the response may be peculiar to its own domain, analyzing the realm of law as a cultural phenomenon is no more unusual than viewing aspects of a society through the behavior of its members in the public market-place, the family dwelling, or the house of worship.[61]

Because the law is the very set of rules that underpins coercion in the service of monopolization and social pacification, which in turn legitimizes the law, it is necessary to clarify that this work uses Rosen's approach to the law. The law, then, is both the precondition for the maintenance of power.[62]

As convention is a part of culture, even in Weberian terms, convention, such as self-help justice in an honor society, has a place in his sociology of law in the making of an order. Additionally, Weber does not necessarily consider convention as something that can weaken the order, but that can effectively penalize and pacify, in some cases "more than any legal compulsion could effect."[63] For both Weber and Elias, the use of custom rather than written law would merely be seen as pre-modern rather than weak per se, though the two have been conflated in the literature. Perhaps this is due to the influence of Pierre Bourdieu's theories in this literature. Bourdieu argues that it is because of law's absence as a source for long-lasting mediation that honor societies, defined by the reproduction of male struggles for dominance, that

[61] Rosen, *The Anthropology of Justice: Law as culture in Islamic society* (New York: Cambridge University Press, 1989), 5.
[62] Weber, *Economy and Society: A New Translation*, ed. and trans. Keith Tribe (Cambridge, London: Harvard University Press, 2019), 132.
[63] Weber, *Economy and Society*, 113.

strategies to build honor and the rules that guide them take the place of a state.[64] Not only does this indicate that Bourdieu perceives written legislation as at least necessary to the existence of a state but that he also sees custom and law as separate and at odds, unlike Rosen.

A more specific example of the relationship between law and custom is Durkheim's theory of violence. In outlining an approach to sociological methods based on the observation of social facts, which are actions and experiences external to the individual that act upon him, Durkheim breaks up these social facts into two categories, the normal and the pathological. According to Durkheim, crime fits into both of these categories, because the content of crime, the behavior manifested when one commits a crime, is pathological while the existence of it is normal. Furthermore, Durkheim's theory is useful for this study because it sees crime as the interruption of society as integral for the society's health: "Where crime exists, collective sentiments are not only in the state of plasticity necessary to assume a new form, but sometimes it even contributes to determining beforehand the shape they will take on."[65] Crime informs how society reacts to certain actions and behaviors. If, then, law is informed by custom, made up of the actions, behaviors, and values of people, then crime also has an impact on the shaping of law.

Sources and limitations

This dissertation uses a diverse source base to examine the relationship between the arbiters of the criminal justice system, including legislators, gendarmes, judges, and prosecutors, and locals as well as a glimpse of relations between the island's two main religious communities,

[64] Bourdieu.
[65] Emile Durkheim, *The Rules of Sociological Method and Selected Texts on Sociology and its Method*, ed. Steven Lukes, trans. W.D. Halls (New York: Free Press, 2014), 64.

Muslims and Orthodox Christians. I primarily used newspapers, legal codes, court records, police reports, and correspondence between government officials in the Kingdom of Greece and Crete. I used both conservative and liberal newspapers. My main press sources are official state publications from the 1880s and the late 1890s and 1900s, the newspapers *Kriti* and *Episimos Efimeris tis Kritikis Politeias*, respectively. This is in part because of their inclusion of proceedings transcripts of the General Assembly. These proceedings informed my analysis with insights regarding the logic behind effected policy. Additionally, these newspapers published police orders and the Cretan Penal Code once the island became autonomous. The books that contained the legal codes, printed at the beginning and toward the end of each new period in the island's history in the late nineteenth and early twentieth century, included civil and criminal codes as well as the procedural and substantive law of each. The civil and criminal codes and codes of procedure were found in some books while absent from others, which is why I reference some books and not others for these codes. Additionally, the detailed notes about amendments in some books, while often helpful, impede clarity about judicial process, which is why I prefer some books over others when discussing procedure and organization. For instance, the Organization of the Courts is present in all three books I reference for the Halepa period. The titles differ and the organization of the law is slightly different between the books published in 1881 and 1893 because separate laws were created for previous sections of the Law of the Organization of the Courts. I prefer the book published in 1881 for the Organization of the courts because it centralizes those sections and more directly and explicitly addresses a legal definition or staff responsibilities.

The court records I used mostly included proceedings of hearings of the Justices of the Peace of various villages in the district of Rethymno and of the town of Chania in Western Crete

and of the Court of First Instance of the flagship towns of Rethymno and Chania. I also had limited access to books with the verdicts of hearings and, most rarely, full case dossiers. The files of police reports housed in the Historical Archive of Crete in Chania included quantitative data about crimes committed daily, monthly, and annually along with descriptions of individual crimes and ongoing investigations of them. The topics of correspondence between Greece and Crete found in the Gennadius Library Archives in Athens varied. Officials discussed everything from the material conditions and quality of work of the Cretan gendarmerie to the general state of affairs between Muslims and Christians on the island. This was all contextualized in the "Cretan question" as Greek statesmen decided when and how to intervene in Cretan affairs and fulfill the *Megali Idea*.

While they are vast, varied, and detailed, the sources, as all do, have a number of limitations. Perhaps the most important limitation is chronological. The archives in the cities of Rethymno and Chania, being in the process of transferring documents from the villages in those districts to the centralized archives, do not have complete collections for proceedings and decisions. The absence of volumes in these collections leaves sizable time gaps. This means that discerning change or continuity over the period in question is filled in with information from newspapers, which, as we see in the first chapter, had political agendas, especially as official organs of the state. This included state-run newspapers, as the state vis-à-vis the general population, had a different vision for how it wanted society to be ordered. The framing of perceptions about crime and the criminal justice system, then, in the following chapters takes the shape of state commentary unless where otherwise noted. Public perceptions are determined from letters to the editor in privately owned newspapers as well as from testimonies in proceedings.

The fact that these collections are not complete presents the separate problem of not having access to some decisions and additional statements from some people involved in the crime or witnesses. This limits the ability to get a complete picture of the events leading to a crime. However, as discussed in chapter 5, this limitation would still be present with a complete set of proceedings as court scribes framed narratives in certain ways and defendants, victims, and witnesses decided to exclude information or lie. Ze'evi Dror's observations about the limits for *Shari'a* court records can also be applied to this case. He notes that these types of documents cannot be taken at face value as they "defy categorization as simple reflections of reality."[66] The knowledge of what is complete and what is incomplete is a further problem in the reconstruction of cases for sociolegal history that exacerbates the previous problem of an incomplete reconstruction of events.[67] In the case of lack of knowledge of an appeal, I have mapped out the hierarchy of the courts and the jurisdiction of each type of court in Chapter 2.

To overcome these limitations, I, like many other researchers of Ottoman socio-legal history, focus on the connections between society and the courts. Dror recommends this method, though he urges treating the two as discrete. The chapter organization assists in this endeavor. Furthermore, the relationship I explore between society and the criminal justice system broadly is, at least in some way, an end to itself. Dror cautions against missing an opportunity to explore and appreciate the importance of the criminal justice system. Here, its assessment in late Ottoman Crete tells us much about the strength of the state it was integral to.

[66] Ze'evi Dror, "The Use of Ottoman Shari'a Court Records as a Source for Middle Eastern Social History: A Reappraisal," *Islamic Law and Society* 5, no. 1 (1998): 35.
[67] For research that exhibits great care in approaching this issue, see, for instance, Iris Agmon, "Recording Procedures and Legal Culture in the Late Ottoman Shari'a Court of Jaffa, 1865-1890," *Islamic Law and Society* 11, no. 3 (2004): 333-377.

Chapter synopses

The chapters in this dissertation are organized according to the parts of the criminal justice system, which includes the perspectives of the people who came into contact with it either as suspects or witnesses. The first chapter assesses the goals of legislation on the island using an important body of laws for controlling the carrying of different weapons. These particular laws are useful because they are most representative of why political context is so important to understanding the content of court records. Not only was the control of carrying weapons a public safety measure, but the broad definition of the term "weapon" showed that Cretan state officials were concerned with shepherds, who were seen as problematic because of their transhumance and, in turn, the potential their lifestyles had for assisting in violent revolutionary activity. The control of guns proper was also a means of disarming the population in the name of peace. An ability to control the population was important to the Cretan goal of achieving *enosis*.

Chapter 2 examines the adjudication of law and thus explores the courts. In this chapter, I argue that despite the existence of formal legal codes and their correlation with a strict legal formalism, judges, presidents, and prosecutors on Crete were flexible with punishments because the laws themselves were relatively flexible. Thus, the courts could be lenient without disregarding the law. Additionally, they were pragmatic in their sentencing and took into account custom as a way of fulfilling the aforementioned goal of preventing rebellion.

The focus of Chapter 3 is the main institution of law enforcement on Crete – the gendarmerie. In this chapter, I argue that the gendarmerie became more successful in catching criminals in the autonomous period and that this was at least in part because of their

professionalization. However, despite its success as an institution, relations between the general public and gendarmes remained tense. The reason for this is addressed in Chapter 4.

The fourth chapter argues that people's perceptions of public and private clashed with the new interventionist law, the foundation of the changing and later new state which the gendarmes were representative of. The main subjects of this chapter are the defendants and victims who used the courts, and the actions for which they found themselves in court show that Crete was indeed an honor society. However, unlike the studies of numerous scholars who approach honor societies as Bourdieu does and who treats honor codes as something that fills the void of an illegitimate or weak state, I demonstrate that honor societies can exist in strong states.

Chapter 5 delves into the significance of witnesses and their testimonies in court and their strategies in aiding successful defense or accusation. Many witnesses used the withholding of knowledge to deter the courts from being able to build a strong narrative, which ultimately was effective, as explained in Chapter 2, in that it generally evoked leniency. What is also striking is the significance of witnesses in the outcome of the case, especially given that criminal and civil procedure during this time placed significance on documents as evidence.

Chapter 1: The Smoking Gun: Legislation, Laws, and Weapons

On August 30, 1818, Vahit Mehmet Pasha, the governor general of the western part of Crete that included Chania and Rethymno, requested that the bishop of the nahiye of Selino order the *reaya* of the village of Agios Dikaios to give up the pistols and rifles in their homes. Vahit Mehmet Pasha then requested that the bishop register the names of those from whom firearms were confiscated as well as the quantity and the kind of guns taken. The bishop was then required to send the guns and the register to the military authorities.[1] This was an unsurprising request, especially given the status of the island and the fact of its significant Christian population, some of which had engaged in the Daskalogiannis rebellion 48 years earlier. It had also taken note of the events in Serbia in that decade which led to a partially autonomous Belgrade as well as the creation of an independent United States of the Ionian Islands.[2] While Vahit Mehmet could be a generous though commanding person according to the Austrian traveler and doctor Franz William Sieber, and often chose the path of negotiation with disgruntled Cretans, he was also committed to ensuring that local authorities, such as the bishop, executed their responsibilities.[3] He, as well as other Cretan Ottoman administrative authorities, "recognized in practice the influence that the clergy exercised over the region's Christian population, and when an issue was raised regarding moral and civil order according to Muslim conceptions of this order and *Shari'a* rules, they addressed the bishops to treat them."[4] The point,

[1] The description is from entry 109, page 38 in a translated register book (KK.d.827) found in the Ottoman State Archives in Istanbul that came from the personal archive of Vahit Mehmet Pasha. See Yiannis Spyropoulos, *Οθωμανική διοίκηση και κοινωνία στην προεπαναστατική δυτική Κρήτη: Αρχειακές μαρτυρίες (1817-1819)* [Ottoman administration and community in pre-revolutionary Crete: Archival evidence (1817-1819)] (Rethymno: General State Archives, 2015), 230-231.
[2] Gallant, *The Edinburgh History of the Greeks, 1768-1913*, 54-60.
[3] Spyropoulos, 18-19, 23.
[4] Spyropoulos, 53.

then, of taking away the guns in the aforementioned village was to ensure order and peace in the interest of maintaining imperial power as well as public safety. This was made explicit later with the promulgation of the Imperial Ottoman Penal Code of 1858, Article 55 of which declared that whoever antagonizes Ottoman imperial subjects and arms them is punished with death if their goal of fomenting rebellion is fulfilled.[5]

Given this context of disarmament and Crete's newfound autonomy, what is perhaps more surprising is a statement by Prince George, the High Commissioner of the Autonomous Cretan State given eighty years later. On December 25, 1898, the official newspaper of the new Cretan autonomous polity *Episimos Efimeris tis Kritikis Politeias* printed an edict that stated "we want to arrange for the assistance of the International Military Powers towards the maintenance of order, completion of local disarmament, repatriation of refugees and reorganization of the gendarmerie, capable of undertaking the defense of the region and its calmness."[6] The statement first and foremost demonstrated that Crete was seeking the backing of an international force and that it was dependent in this way. Second, social and political instability on Crete in the last three years had made the maintenance of order the Autonomous Cretan Polity's priority. Third, this instability had to be corrected via a reformed militarized police force, the gendarmerie, and disarmament. This final method was realized, or at least it was attempted, in a way that sought to take advantage of the last two realities – replacement of Ottoman troops on Crete with Russian,

[5] The next article says the same thing about the initiation of a civil war. *Αυτοκρατορικός Ποινικός Κώδηξ, Μετάφρασης εκ του Τουρκικού* [Imperial Penal Code, Translation from the Turkish] (Istanbul: S. Ignatiadou Press, 1859), Book 1, Ch. 2, Art. 55, p. 19. Hereafter this text will be referred to as *1858 Imperial Ottoman Penal Code (Greek translation)*. This and all other legal code books were accessed from the University of Crete's digitized collections at anemi.lib.uoc.gr

[6] «Εν τω μεταξύ Ημείς θέλομεν μεριμνήσει δια της αρωγής των Διεθνών στρατιωτικών Αρχών προς τήρησιν της τάξεως, συμπλήρωσιν του αισίως χωρούντος αφοπλισμού παλινόστησιν των προσφύγων κια διοργάνωσιν χωροφυλακής, εκανής να αναλάβη την φρούρησιν του τόπου και της ησυχίας αυτού». See «Διάταγμα» [Edict], *Επίσημος Εφημερίς της Κρητικής Πολιτείας* [Episimos Efimeris tis Kritikis Politeias], December 25, 1898. Accessed from the digitized collections of GAK, the Greek National State Archives, at arxeiomnimon.gak.gr.

British, English, and French troops and the confiscation of weapons from individuals. This chapter will explore the reasoning for the latter of these methods, besides the "maintenance of order."

As noted in the introduction, Crete's path to union with Greece was marked with two serious attempts to gain autonomy from the Ottoman Empire. The primary intention of the revolutionary committee that called for the Halepa Pact of 1878, however, was not union with Greece per se, but the proper application of the 1867 Organic Law, which was supposed to apply the *Tanzimat* reforms to the province. In this sense the Halepa Pact was not meant to introduce radical administrative or social changes. Even the period of autonomy to some historians is not considered one of radical change because it entailed a mere transfer of power from the Ottoman Empire to the European Great Powers.[7] During both of these periods the Cretan administration tried to effect gradual social change. For instance, the Halepa Pact was supposed to successfully apply the Organic Law, which Cretans demanded, in order to establish equality between Muslims and Christians. The Organic Law before it had already established mixed courts in which both Christians and Muslims served and members of both religious groups could use. Halepa tried to move even further away from religious chasms by putting in place a tiered court system similar to other European judiciary systems and one in which both Muslims and Christians could participate as administrators and that both groups were free to use as litigants.

Similarly, while the Cretan autonomous state was meant to represent a radical break from its previous status as Ottoman province, the Cretan government during the early part of this period endeavored to also transfer military and political control of the island in part by replacing Ottoman troops with Russian, Italian, British, and French troops and granting approval of its

[7] Chalkiadakis.

relatively conservative constitution to the European powers as well. It thereby ensured that there would be some continuity in its imperial status in the midst of major changes in the composition of the population that led to Christian hegemonic power. Even though some scholars argue that unification was not the actual goal for much of the Christian population, many did want European intervention in the political violence between Muslims and Christians and a new administration in accordance with the principles of the Halepa Pact.

Additionally, by this time, both major parties in the Cretan Assembly saw unification at least as a shared long-term goal. Therefore, the Cretan Assembly was concerned with preparing and disciplining the population to this end. After all, the appearance of order was crucial for Cretan Christians in Crete's provincial government. They had to make the case to the European states alternately interested in the Ottoman Empire's territorial integrity and partial disintegration that Crete was a civilized, Westernized state that did not belong in an empire, and an Islamic one nonetheless, anymore. Those in the legislature drafted an increasingly detailed legal code for the island that labeled immoral and disruptive actions as criminal. One specific way the Assembly attempted to tame the population was to add provisions for some of these actions that included weapons in the drafting of the penal code in the period of autonomy. In both periods, local ordinances issued by the gendarmerie banned the carrying of firearms. Thus, both Cretan central and regional legislation banned the use of weapons without a license. The Assembly's published proceedings demonstrate what its members thought was perhaps the most significant social problem in Crete – gun possession. As long as Cretans had access to the weapons that made rebellions possible, Crete could not be considered stable or civilized.

Rebellions were in fact a problem, but the Assembly also claimed that it wanted to decrease violence as a whole. The framing of this endeavor, at least in the period of Halepa,

showed its apparent and purposeful ignorance of the means of mundane violence. This showed that it did not base its enactment of change wholly on extant conditions and its laws would not solve the whole problem. Its laws would simply disarm the population as an end rather than a means. Furthermore, edicts and laws that were meant to fill the gaps in firearms laws and were tailored to everyday crime proved to be unreasonable as they interfered with people's legal and necessary everyday activities. However, even this served a political purpose – the state's drive to "professionalize" certain jobs outside of the bureaucracy. Even this in some cases had a connection to the stabilization of the island and the prevention of revolt.

Discrepancies in laws and the use of weapons

Rania Astrinaki argues that identifying Crete as a weak state is an oversimplification of the discrepancies and inconsistencies in state policy.[8] In this case, the Cretan Assembly's discussions of the dangers of firearms conveyed inconsistencies that showed ulterior political motives in disarmament. The Assembly's connection between the illegal carrying of firearms and violence in particular showed this. Next to finding solutions for paying off Crete's debt and creating an equitable system of representation within the Assembly itself, Assembly members were particularly concerned with public safety. One aspect of this was discussing problems within the gendarmerie and potential solutions. Another was what to do about the public carrying of weapons and in particular firearms.

The Imperial Ottoman Penal Code made it clear that weapons in the hands of civilians was a dangerous thing and imposed harsher penalties on crimes committed with weapons than

[8] Astrinaki, "'Tradition of violence'."

those without. In Chapter 7, "Regarding resistance and threats to state employees," Article 113 prescribes a punishment of six months to two years to people who threaten gendarmes with weapons versus one week to one month of jail to someone who threatens gendarmes without weapons.[9] A person could be confined for life if they committed a theft with weapons versus three years in a jail if they did not have weapons on them.[10] While this penal code was in effect in Crete during the period of semi-autonomy, the Cretan Assembly discussed ways that would give them a greater handle on limiting the use of weapons in attempting to reduce violence.[11]

In the newspaper *Kriti* on March, 31, 1879, an assembly meeting from late February was published in which two members of the Cretan Assembly, Dervis efendi Prasianakis and Ahmet efendi Argyrakis, amidst discussions over candidacy for local government positions, elections for those positions, and voting procedure, decided to address the pressing issue of public safety. The two men, in particular Dervis efendi, framed the discussion in terms of economic security, referencing the commonplace practice of animal rustling on the island in the Assembly meeting that took place eleven days prior to this meeting, but both focused on the necessity for disarmament.[12] The connection Prasianakis and Argyrakis suggested between the carrying of weapons and animal rustling will be discussed in the section of this chapter following the present one. For now, we must consider what the men thought of the carrying of weapons in particular.

It is telling that Prasianakis' first out of ten recommendations of public safety measures was a ban on unlicensed weapons. He cited an imperial *ferman* in declaring that every Cretan,

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[9] *1858 Imperial Ottoman Penal Code (Greek translation)*, Book 1, Ch. 7, Art. 113, p. 40.
[10] *1858 Imperial Ottoman Penal Code (Greek translation)*, Book 2, Ch. 7, Art. 217, 222, p. 71, 72.
[11] The Imperial Ottoman Penal Code of 1858 was the final iteration of Ottoman criminal codes, but not the final version, as it was revised after. For more on these revisions, in particular those in 1911, see Kent F. Schull, "Criminal Codes, Crime, and the Transformation of Punishment in the Late Ottoman Empire," in *Law and Legality in the Ottoman Empire and the Republic of Turkey*, ed. Kent F. Schull, M. Safa Saraçoğlu, and Robert Zens, 156-178 (Bloomington, IN: Indiana University Press, 2016).
[12] «Γενική των Κρητών Συνέλευσης» [Cretan General Assembly], *Κρήτη* [Kriti], March 31, 1879. Accessed from the Greek parliamentary digital microfilm collection at library.parliament.gr.

both Christian and Muslim, should not be allowed to carry weapons. Thus, he made the connection to the imperial center explicit and requested a reinforcement of orders from the Porte. Prasianakis stated that anyone who disobeyed the *ferman* should have the weapon confiscated and pay a fine of 25 grosia. Argyrakis, on the other hand, was more interested in first addressing policing during the interim between the regime of the old gendarmerie and the constitution of the new one. However, his approach to disarmament, which was one of his last suggestions on how the island could achieve order, was even more conservative than his fellow Assemblyman's. While Prasianakis was against the carrying of licensed weapons, Argyrakis wanted to outlaw all civilian weapons, stating that "no one [should] be wandering around armed except for the gendarmes."[13]

The drive to ban the carrying of weapons, at least without a permit, continued into the period of Halepa and was discussed more as Crete's new government and legislation had already been established. In the Assembly's proceedings published in *Kriti* on June 19, 1884, an Assembly member, Minos Isihakis, proposed the purchase of new firearms for the gendarmerie in the context of discussing the gendarmerie's annual budget. He supported his suggestion by noting the good quality of guns that criminals possessed, contrasting it with the ad hoc collection of firearms that gendarmes had no choice but to use.[14] Of course, as shown from Argyrakis' proposal five years earlier, the Assembly perceived civilians with guns as threats to the gendarmes, who were supposed to be the only group of people maintaining public safety and order. In this case, the threat loomed even larger as the guns were perceived as better than those the gendarmes carried. Furthermore, on July 26, 1887 the Assembly published a warning about

[13] «10ον να μη περιφέρηται ουδείς ένοπλος, εκτός των χωροφυλάκων.» See «Γενική των Κρητών Συνέλευσης» [General Cretan Assembly], *Kriti*, March 31, 1879.
[14] «Γενική των Κρητών Συνελεύσις, Συνεδρίασις Π'» [Cretan General Assembly, Meeting 18], *Kriti*, June 19, 1884.

arms bearing that was repeated the following month in another call to ban the carrying of firearms.[15]

However, the monopoly on violence was not complete and the Assembly was painfully aware of this fact. When Prasianakis and Argyrakis proposed how to establish order, they recognized the need for public cooperation, which acted as a failsafe during this transitionary period. While they perceived a registration of weapons by way of licensing them at or complete disarmament as an eventual necessity, they suggested the obligation of the public not only to report crimes, but to recommend suspects. Prasianakis, for instance, noted that in his experience, the majority of the time that an incident of animal rustling happened in a pasture in which several flocks were simultaneously grazing, the thief was the owner of one of those flocks.[16] Similarly, a writer for *Alitheia* asked for general vigilance from the public. This writer, however, was even more pessimistic than Prasianakis, reasoning that the public's help in detecting and preventing crime was necessary because of a lack of law enforcement.[17] The recognition of this deficit was linked to a push for the limiting and banning of carrying weapons.

The question remains, then, which kinds of weapons the local government wanted to restrict. When Argyrakis suggested the complete disarmament of Cretan civilians, he mentioned in the same proposal that the transitional units (μεταβατικά σώματα) that were to serve as policing units while the new gendarmerie was to be constituted should be responsible for arresting people with "weapons or other sharp instruments."[18] Because he specifically referred to "other" sharp instruments, it is clear that he conceptualized weapons as objects other than just

[15] «Περί δημοσίας ασφάλειας και τάξεως» [Regarding public safety and order], *Kriti*, July 26, 1887. The order forbidding the public carrying of firearms is repeated in *Kriti*, August 14, 1887.
[16] «Γενική των Κρητών Συνέλευσης» [General Cretan Assembly], *Kriti*, March 31, 1879.
[17] «Διάφορα» [Miscellaneous], *Αλήθεια* [Alitheia], May 16, 1881. Accessed from the Greek parliamentary digital microfilm collection at library.parliament.gr.
[18] «όπλον ή άλλον κοπτερόν όργανον.» See «Γενική των Κρητών Συνέλευσης» [General Cretan Assembly], *Kriti*, March 31, 1879.

firearms. However, he initially used the term when contrasting to whom these objects should belong. As gendarmes carried firearms, it is logical to infer Prasianakis' initial concern was with guns. This is supported by Isihakis' aforementioned concerns about criminals carrying better weapons than the gendarmes.

The fact that *Kriti*, keeping in mind its status as an official newspaper, was also filled with stories of violent crime being committed mostly with firearms shows that it was with these kinds of weapons the Cretan legislature was mostly concerned. The number of violent encounters reported in the paper involving guns were almost equal to those in which other weapons were used. Perhaps the Cretan Assembly was trying to argue the necessity of a ban on carrying firearms by positing that guns were just as likely to be used to injure or kill as knives or rods.

There were, however, several differences between when and where guns and other weapons were used in these instances. In many of the cases in which the guns were used, nobody was killed or even injured. The shots seemed to be intended as warnings. For instance, it was reported on June 6, 1887 that a group of men who tried to steal sheep from Emin Haji Ismailaki shot at him while Ismailaki went after them to protect his flock.[19] In another case of animal theft and attempted injury of the animals, published in the paper the same year on June 24, Nikolaos Kyvriotakis shot at the owner of the sheep and missed, deterring the owner from trying to save them.[20] Another commonality amongst many of these shootings is that they occurred in places in which few or no people would be in. One of them, for example, happened inside of a house while another just outside of a village. Considering that guns made noise, unlike a knife or blunt object, and that many of the men missed with them, they were not very efficient for attacks. The shootings recorded in the newspaper also were clustered around the end of the Halepa period,

[19] «Αστυνομικό Δελτίο» [Police Bulletin], *Kriti*, June 6, 1887.
[20] «Αστυνομικό Δελτίο» [Police Bulletin], *Kriti*, June 24, 1887.

during which time violence in general was more common because of the volatile political situation. Yet another potential explanation is regional weapons preference, as approximately half of the shootings recorded happened in the prefecture of Sfakia, whose inhabitants were known for their revolutionary fervor and their love of weapons generally.[21] If the sample considered here is any indicator of greater trends of violent crime on the island, most perpetrators, even if by a small margin, used weapons other than guns in attacks. This perhaps shows a focus on special cases in which guns were used in the newspaper. However, it is unlikely that these samples from the newspaper were representative of the types of weapons people used to commit violent crimes, or at least violent crimes that were not strictly political in nature.

The relatively even balance between the use of guns and other weapons shows that the state was indeed preoccupied with the use of guns proper rather than these other more common weapons, though they had no reason to be, at least for reasons of general public safety. A sample of court cases shows that anyone who proposed a limitation on the carrying of firearms proper did not base his decisions on the realities of violent crime. In 1881, only 2 of 27 (out of 124 total) cases of assault, battery, and injury in Rethymno's Court of First Instance involved a gun. Of these 27 cases of nonsexual violent crimes, the weapons used to commit the crimes in 25 were rods, knives, and mundane objects such as a bottle or rock in a few particular instances. Even with the addition of cases of sexual violence and the possibility of two of those cases including firearms as a threat, only 4 out of a total of 31 cases of violent crimes involved guns. Guns, then, were weapons of secondary importance in the committing of violent crimes.

[21] Şenışık, *The Transformation of Ottoman Crete*, 68.

During the period of the autonomous Cretan state there was a conscientious effort to explicitly define what a weapon was in central Cretan legislation. The 1899 Penal Code delineated illegal arms distribution, sale, and bearing as its own discrete criminal category in Articles 618-622. In this subsection of the broader section on accidents in public. Here, the weapons described were clearly guns, and both firearms and air rifles were referenced in the context of public shooting, unsafe carrying and storage practices, and the irresponsible and illegal sale and carrying of these weapons.[22] In addition to this central legislation, there were ordinances reminding people that carrying weapons without a license was illegal. In the code, there was an intentional broad focus on crime. The point was to form a set of laws based on criminal categories created from laws regarding particular criminal behavior. Each relevant category allowed for the definition of a different criminal subcategory that had a different punishment attached to it. In the instance of theft, one who steals without the use of a weapon would merely be committing theft, though an armed thief who intended to come into contact with people would be considered a robber or bandit.[23] This would also make the targeting of unlicensed weapons fit into several different criminal categories and allow legislation to be flexible on what a weapon was depending on context.[24]

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[22] «Ποινικός Νόμος» [Criminal Code], *Παραρτημα της Επίσημου Εφημερίδος της Κρητικής Πολιτείας* [Supplement of the Official Newspaper of the Cretan Polity], 1899, Book 3, Part 2, Section 10, Subsection 5, Art. 618-622, p. 200-202. Hereafter this text will be referred to as the *1899 Cretan Criminal Law Code*.

[23] Weapons are mentioned in relation to banditry in Article 363: "Those who are punished as guilty of banditry are … 3. Those, who without being previously supplied with weapons, used these at the time of arrest, or which they brought with them as tools of the theft to use as weapons according to the second manner, in order to carry out the theft." [«Ως ένοχοι ληστείας τιμωρούνται... 3. όσοι, χωρίς να ήναι πρότερον εφωδιασμένοι ιδίως με όπλα, μετεχειρίσθησαν όσα τοιαύτα συνέλαβον, ή τα οποία έφερον μεθ εαυτών προς εκτέλεσιν της κλοπής εργαλεία τα στρέφουσιν εις όπλα κατά τον εις τον αριθ. 2 ωρισμένον τρόπον, δια να φέρωσιν εις πέρας την μελετηθείσαν κλοπήν.»] See *1899 Cretan Criminal Law Code*, Book 2, Ch. 22, Section 1, Art. 363, p. 113).

[24] This was also the case for the subsection immediately following the one on the storage, use, and sale of weapons, which had to do with the throwing of things in public spaces where they could harm people or property. See, for instance, *1899 Cretan Criminal Law Code*, Book 3, Part 2, Section 10, Subsection 6, Art. 623, p. 202.

An article of the code explicitly showed this contextual flexibility as a product of the Assembly's choice to expand the definition of a weapon. Guns were not the primary weapons of violent crime, at least in this period, and a broad definition of a weapon, already in use in an encyclical against the carrying of weapons, was significant in laying the groundwork for the local legislation that would be responsible for forbidding the illegal carrying of firearms and other weapons. Article 126 of the 1899 penal code defines weapons as "tools with which, when they are used for the most malignant purpose, one can, during a usual usage, inflict lethal injuries."[25] The law, then, generalized and solidified the 1890 encyclical's definition of a weapon, which listed common instruments used as weapons, including firearms and daggers.[26]

The Assembly drafted legislation with the safety of the broader island in mind, though it left regional variations of weapons laws to the gendarmerie of each *sancak*. Those arrested for illegally carrying weapons were likely carrying guns or knives, though in Chania at least they probably could have included other types of weapons. When crafting the protocols on illegal weapons, the gendarmerie of Chania was careful not to exclude another type of popular weapon – the rod. Of course, rods took many forms, including canes and staffs, though swords were also considered rods. This variety was shown in the May 13, 1902 protocol of the district of Chania regarding rod-like objects published in a handbook for Cretan gendarmes:

> It is noted that many of the residents of our district without a compelling reason always carry with them swords and other types of rods of great length and weight not any different from lethal weapons. Because this conduct is not only

[25] *1899 Cretan Criminal Law Code*, Book 2, Ch. 1, Art. 126, p. 36.

[26] *Κρητικός κώδιξ περιέχων τα από του έτους 1868 μέχρι σήμερον χορηγηθέντα εις την Κρήτην προνόμοια [sic] μετά των σχετικών Αυτοκρατορικών Φιρμανίων, άπασαν την εν ισχύι Κρητικήν νομοθεσίαν, Διατάγματά τινα της Γενικής Διοικήσεως και Εγκυκλίους αυτής τε και της Εισαγγελίας των Εφετών, Τ. Α'* [Cretan code including those privileges issued from the year 1868 until today in Crete after the related Imperial Fermans, the whole Cretan legislation in force, all Orders of the General Administration, and its Circulars and those of the General Prosecutor's Office, vol. 1], 2nd ed. (Chania: Press of the Cretan General Administration, 1893), «Εγκύκλιος περί απαγορεύσεως του οπλοφορείν» [Encyclical regarding the banning of weapons bearing], June 17, 1890, p. 147. Hereafter this text will be referred to as *1893 Codes and Edicts (1868-1893)* followed by the appropriate volume number.

> inappropriate, making an adverse impression on the people, but also draws reasonable suspicion for malicious intent from the administration. We desire to diminish this inappropriate [behavior]. We forbid all the residents of the District of Chania to carry with them swords or rods of great length and weights of over 250 grams, or sharp at the edges. Exempt are those who are over 50 years of age and the disabled, those who because of their age or the condition of their health are obliged to bring these with them. The punishment provided in article 697 of the Penal Code will be applied to offenders of this ordinance.[27]

The punishment cited in Article 697 that the protocol references is under a subsection in the code that lists penalties for infractions against ordinances and the disobedience of authorities. The particular penalty, which was the first one listed and seems to be a punishment for general infractions against local authorities (including rural policemen), was a two-week maximum detention or a maximum fine of 50 drachmas.[28] The protocol, treated as an ordinance in Chania judging from the penalty, attempts to balance the perception of rods and swords as a potential danger with their use as an object of defense. It implies that these weapons could be used for the safety of those most vulnerable in society who could still wield them, presumably without harming themselves or others unintentionally.

However, the physical features of these weapons must be considered in gauging how balanced the treatment of these objects is. First, the protocol limits the size and weight of the

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[27] «Παρατηρείται ότι πολλοί των κατοίκων του υφ' ημάς Νομού άνευ ούδενος αποχρώντος λόγου φέρουσι μεθ' εαυτών πάντοτε σπαθόραβδα και άλλας ράβδους μεγάλων διαστάσεων και βάρους ουδόλως διαφέρουσαι των φονικών οργάνων. Επειδή δε η συμπεριφορά αυτή των το ούτων ου μόνον άτοπος είναι, προξενούσα την χειρίστην εντύπωσιν παρά τω λαώ, άλλα και την διοίκησιν εμβάλλει εις ευλόγους υπονοίας περί κακοβούλων σκοπών. Επιθυμούντες ν άρωμεν το άτοπον τούτο. Απαγορεύομεν εις πάντας τους κατοίκους του Νομού Χανίων να φέρωσι μεθ εαυτών σπαθόραβδα ή ράβδους μεγάλων διαστάσεων κα βάρους ανωτέρου των 250 γραμμαρίων, η αιχμηράς κατά το άκρον. Απαλλάσσονται της απαγορεύσεως οι υπερβάντες το πεντηκοστόν έτος της ηλικίας των και οι ανάπηροι, οι ως εκ της ηλικίας ή της καταστάσεως της υγείας των όντες ηναγκασμένοι να φέρωσι τοιαύτας. Εις τους παραβάτας της παρούσης διαταγής εφαρμοσθήσεται η υπό του άρθρου 697 του Ποινικού Νόμου προβλεμπομένη ποινή.» See *Αφορώντα εις την Χωροφυλακή Κρήτης ήτοι Νόμοι, Αποσπάσματα Νόμων, Διατάγματα, Εγκήκλιοι και Αστυνομικαί Διαταγαί* [Regarding the Gendarmerie of Crete including Laws, Excerpts of Laws, Decrees, Circulars and Police Orders] (Chania: E.D. Frantzeskakis Proodos Press, 1902), Part 3, Section 2, Protocol 2388/Conclusion 1245, p. 121. Hereafter this text will be referred to as *Regarding the Cretan Gendarmerie*. This text was found in the IAK Chania in Crete.

[28] *1899 Cretan Criminal Law Code*, Book 3, Part 2, Section 29, Art. 697, p. 224.

weapons concerned. It makes the argument that these weapons are unnecessary and impractical for other purposes than harming other people by citing the size of the rods. However, what is interesting to note is that the weight allowed, 250 grams, only amounts to half a pound, which is relatively light. Perceptions of carrying rods and swords then were the problem. To be sure, the types of swords discussed are often decorative objects on traditional Cretan men's costumes, though they hint at the masculinity of the wearer as well as point to the island's history of violent rebellion. Rebellion, at this point, was deemed needless. Any other perception of it would delegitimize the current status of Crete. A second feature that is not explicitly discussed is the materials from which the swords in particular were crafted. They indeed were shaped like traditional curved metal swords, though many were carved from wood and provided protection, as any blunt heavy object would, for those who could not afford another type of weapon or the license for it.

However balanced the protocol attempted to appear, it excluded the group of people for whom a rod in the form of a staff was most necessary – shepherds. Shepherds needed rods for balance in climbing the rough terrain their livestock needed to navigate in order to find food. Additionally, they needed them to control their flocks or ward off predators. This group will be the focus of the following section.

The expanded definition of 'weapon' was not relegated to abstract and theoretical legislation, but strictly enforced as well. Taking Rethymno as an example, the proceedings in the casebook of the Justice of the Peace of Agios Vasileios show clearly that the criminal classification "illegal arms bearing" was applied not only to the carrying of guns during that period, but of knives as well. In the Justice of the Peace of Mylopotamos, despite the lack of clearly delineated categorical terms for the crime, it was evident that knives were also sought out

in accordance with an ordinance. In these regions of Rethymno, the gendarmes checked people for guns actively and started treating knives solely as weapons. Thus, it did see that other choices in cases of assault, battery, and trauma were frequently used and sought to minimize the damage by cutting people off from the tools used in violent acts. Out of 62 cases from October to December 1899 in the first of two casebooks for the years 1899-1900 of the Justice of the Peace of Mylopotamos, 32 were illegal arms bearing cases and 28 out of those 32 involved knives. While the Cretan gendarmerie's annual reports do not include a separate category for illegal arms bearing (it is most likely in the category of 'general misdemeanors' since the cases of illegal arms bearing were heard in lower circuit courts, such as Justices of the Peace), the daily reports do. The gendarmerie's daily reports from 1899 show that illegal arms bearing was indeed prevalent, although clearly not to the extent shown by the sample from Mylopotamos. The higher frequency of the illegal carrying of weapons in Mylopotamos is likely a product of the region's mountainous terrain and consequent separate development.[29]

An examination of island-wide reports shows the effectiveness of enforcement and the targeting of people who carried weapons illegally. Quantitative reports on crime were conducted every day, at the end of every month for the month that had passed, and the beginning of every year for the previous year. The reports took a variety of forms. One type of daily report, for example, was a long-form list in which the *sancaks* were broken up into *moirarchies*, regional groupings of *kazas*, and the crimes were categorized into forty-one groups and subgroups. The second type was a simplified list with the most common crimes. Annual reports were similar to the daily comprehensive long-form and also included forty-one criminal categories, though they

[29] The environmental and ecological context poses difficulties in governance, especially with the combination of the largely pastoral economy, as we see in the next section. For a discussion of a village in contemporary Mylopotamos that exhibits similar characteristics, albeit in the twenty-first century, see Tsantiropoulos, *Vendetta in Contemporary Mountainous Central Crete*, 61-77.

were different ones and instead of breaking up incidents by region, they counted arrests according to the use of warrants and other factors. 'General infractions' in 1902 made up one third of the total arrests ex officio (773 arrests out of 2,316), and 15% of arrests by warrant (222 out of 1,476). Because this category was completely separate from the other common crimes of animal theft or general theft and because of the frequency of cases of arms bearing heard in Justices of the Peace, illegal weapons carrying likely made up a large percentage of general infractions, along with disobedience of police orders (for example, not turning lights on or off during designated times of the day), insult, and property damage, other common infractions.[30] To supplement this conclusion, the simplified daily crime lists included a separate category of illegal arms bearing, which is testament to its prevalence. The quantitative data, too, lends itself to the conclusion that illegal weapons carrying was indeed quite common. Given a mix of simplified and more detailed crime reports on almost every single day of November 1899, at least one person in at least one region of Crete was caught carrying a gun or other weapon illegally. While arms bearing was more prevalent in certain regions of Rethymno and Chania in Western Crete, it also was present in Heraklio and Mirambello (or Lasithi).[31]

[30] Animal theft: 325; General theft: 240; Crimes mentioned in the criminal code not noted in previous categories: 378 (Illegal arms bearing as a crime is not mentioned by name in the 1899 criminal code created after the establishment of autonomy in 1898. It became law later and is printed in a manual for the gendarmerie published in 1902). This means that even if illegal arms bearing only comprised a quarter of 'general misdemeanors', that would mean there would be approximately 200 instances of it still, making it the fifth most common crime in 1902. See «Πίναξ αριθμητικός των ενεργηθεισών συλλήψεων κατά το λίξαν έτος 1902» [Numerical chart of arrests made during the previous year 1902], Protocol 144, January 17, 1903, Superior Directorate of Justice (1903) D54, IAK Chania, Crete, Greece.

[31] See «Αριθμητική εκθέσεις των συμβάντων εγκλημάτων εν τη Νήσω και των εκτελεσθεισών συλλίψεων εκ του γραφείου και κατόπιν εντάλματος συλλήψεος» [Quantitative reports of the crimes on the Island and arrests ex officio and arrest warrants thereafter], Protocol 2249, November 27, 1899; Protocol 2236, November 26, 1899; Protocol 2209, November 23, 1899; Protocol 2211, November 24, 1899; Protocol 2276, November 28, 1899; Protocol 2282, November 29, 1899; Protocol 2302, November 30, 1899; Protocol 2072, November 15, 1899; Protocol 2106, November 16, 1899; Protocol 2112, November 17, 1899; Protocol 2129, November 18, 1899; Protocol 2135, November 19, 1899; Protocol 2066, November 13, 1899; Protocol 2061, November 12, 1899; Protocol 2009, November 10, 1899; Protocol 2004, November 10, 1899 (this is not in error – two daily reports were present for November 10. One may have been mislabeled); Protocol 1994, November 8, 1899; November 7, 1899 (no protocol number); Protocol 1973, November 6, 1899; Protocol 1941, November 4, 1899; Protocol 1949,

In terms of violent criminal activity, in Agios Vasilios of Rethymno, for example, the case records of the justice of the peace for the year 1899-1900 show that nearly all (14 out of 17) of the violent crimes brought to court were conducted using knives, rocks, rods, or other objects. Granted, this is a very small sample given the nature of the crimes brought to Justices of the Peace as opposed to the Courts of First Instance or the Court of Assizes, but looking broadly at the whole of Crete during this period, the fact still rings true. Most of the police reports from different precincts in Crete that mention violent acts also prove that weapons other than guns were used in these acts.

Making professionals out of workers

The impact of carrying weapons illegally on public safety concerned the Assembly, but public safety proper was not the only reason for the drafting of laws and ordinances restricting the carrying of various weapons. In the beginning of the period of semi-autonomy, the Cretan General Assembly was faced with a difficult decision about what to do regarding the crimes committed during the most recent rebellion the previous year. These crimes not only included massacring populations that were perceived to be impediments to progress, but the destruction and theft of their property, including the livestock they owned.[32] In their meeting on March 2, 1879, the assembly attempted to agree on a range of dates during which revolutionaries committed crimes for which amnesty would apply, settling on February 3 through October 3,

November 5, 1899; and Protocol 1926, November 3, 1899, Superior Directorate of the Interior Gendarmerie Lists and Reports (1900) E36, IAK Chania, Crete, Greece.

[32] See Şenışık, *The Transformation of Ottoman Crete*, 79. These practices continued in the next major rebellion of 1889 as well. Regarding the targeted populations, these were not necessarily people of another religion, but even people from the same faith from the opposing party (Şenısık, *The Transformation of Ottoman Crete*, 89-90).

1878. However, some assembly members, such as Antonis Mihelidakis, pointed out that perhaps any livestock that was stolen during the rebellion should not be returned and thus the crime should be amnestied, and especially for the Orthodox Christian revolutionaries, because it was unfair for them to return just "one or two animals that were found on their hands." [33] The fact that the return of the livestock was in the discussion at all as part of a repertoire of political crimes makes this act as well as the people who most frequently tended to commit it worthy of attention.

While Mihelidakis downplayed the importance of animal theft in the most recent Cretan revolution, those who were not involved in politics had a different view of the matter. On August 8, 1881, the editors of the newspaper *Alitheia* published the letter of a concerned citizen. The writer sent the letter to the editors on July 31 and discussed violence connected with animal theft in the region of Sfakia. Specifically, he wrote about a group of criminals who broke into a house where gendarmes were sleeping to take their weapons. He claimed, "A few days ago in Sfakia criminals tore through the roof of a house where the gendarmes were sleeping likely in order to take two or three weapons (Martinis), and we are not short of any animal thefts."[34] The writer perceived a connection between animal theft, which posed a serious threat to many Cretans lives and livelihoods both during periods of rebellion and peace and even after autonomy, and guns, making it explicit in his narrative. The implied criminals here were clear, as they were people involved in a trade that encouraged animal rustling – shepherds.

Animal rustling was singled out as a particularly problematic form of theft in Crete throughout the late nineteenth and early twentieth centuries, though it was subsumed under

[33] «Γενική των Κρητών Συνέλευσης» [Cretan General Assembly], *Kriti*, April 11, 1879.
[34] «Γράφουσιν ημέν εκ Κομητάδων Σφακίων υπό ημερομ. 31 Ιουλίου 1881» [Writing from Komitades Sfakia on the date 31 July 1881], *Alitheia*, August 8, 1881.

broader theft in formal legal codes. However, the penalties for animal theft in the period of autonomy were harsher, perhaps because many Cretans relied on animals to make their living. No specific chronology was assigned to punishments for theft committed in different ways, but Article 376 mentioned the theft of animals as one of nine conditions that would call for a harsher penalty between time in jail or time in prison, the latter being a more long term place of incarceration.[35] In the Imperial Ottoman criminal code, the only animals that are mentioned are beasts of burden, such as horses, rather than livestock, which were the primary targets of animal rustling.[36] However, theft with weapons was taken into account, and perhaps the connection between the use of weapons, large groups, and animal rustling, discussed below, was implicit when the drafters of the Ottoman penal code wrote this section. These conditions were punished with lifetime confinement, compared to the three years a group of two or fewer thieves received for a theft committed at night without weapons or a theft committed in the daytime with weapons.[37] Calls to stop the crime were frequent in the newspapers in both the periods of Halepa and autonomy, as it was discussed by members of the Assembly. Beyond the discussions noted above, deputies in the period of Halepa were willing to try anything to stop the crime, including placing gendarmes into special units dedicated solely to catching animal rustlers in each *sancak*.[38]

The gendarmerie was effective at answering the Assembly's calls to stop the crime. The gendarmerie's annual crime log that enumerated all the crimes committed in 1902 show that animal theft was the most committed, or at least the most targeted, crime for that year, with

[35] *1899 Cretan Criminal Law Code*, Book 2, Ch. 23, Art. 376, p. 118-120.
[36] *1858 Imperial Ottoman Penal Code (Greek translation)*, Book 2, Ch. 7, Art. 224, p. 73.
[37] *1858 Imperial Ottoman Penal Code (Greek translation)*, Book 2, Ch. 7, Art. 217, 222, p. 71, 72.
[38] «Εγκύκλιος περί των ληπτίων μέτρων προς καταδίωξιν των ζωοκλεπτών και ανεύρεσιν [κ]λοπιμαίων ζώων» [Circular regarding precautionary measures for the pursuit of animal rustlers and finding of stolen animals], *Kriti*, October 12, 1887.

1,414 instances out of a total of 7,629.[39] While this may not seem like a large percentage of the total crimes, it is actually more than it seems because of the large number of crimes quantified in the report. Forty-three crimes are quantified, and the largest number of crimes committed, 3,310, were "general police infractions," which was an unspecified category of miscellaneous crimes. While animal thefts were only one third of this number, "general police infractions" is a very large category that included the disobedience of numerous ordinances.[40] Additionally, the theft of livestock specifically surpassed theft in general.[41]

Unsurprisingly, the cases of animal rustling in the court documents show that shepherds most frequently committed the crime. Understanding the prevalence of shepherds as defendants for crimes related to their work, such as livestock theft and illegal weapons carrying (guns and otherwise) in Cretan courts requires a brief discussion on the relationship between shepherds and rebellious or revolutionary activity. In his work on brigandage in nineteenth-century Greece, John Koliopoulos frames his discussion of the fluidity between *armatoles*, or state border guards, and *klephts*, bandits, with a discussion of pastoral transhumance. Moving their flocks in the spring and autumn, shepherds were relatively vulnerable and competed for resources, including engaging in theft of other groups' animals. The competition required guns, and because these communities developed a culture of their own and were difficult to govern centrally, they were politically incorporated as *armatoles*, which made their ownership of guns state-sanctioned until the state no longer required or could not pay for their labor.[42] This group, then, was critical to the

[39] See «Πίναξ αριθμητικός των κατά το λίξαν έτος 1902: διαπραχθέντων κακουργημάτων, πλημμελημάτων και πταισμάτων» [Numerical chart of the previous year 1902: committed felonies, misdemeanors and infractions], Protocol 144, January 17, 1903, Superior Directorate of Justice (1903) D54, IAK Chania, Crete, Greece.
[40] «πταίσματα εν γένει»
[41] Trailing behind animal thefts were thefts in general, with 976 of these having been caught in 1902.
[42] John S. Koliopoulos, "Brigandage and Irredentism in Nineteenth-Century Greece," *European History Quarterly* 19 (1989): 193-228; Koliopoulos, *Brigands with a Cause: Brigandage and Irredentism in Modern Greece, 1821-1912* (New York: Oxford University Press, 1987), 22-35.

Greek revolutionary movement in the 1820s. It should be no surprise, then, that livestock theft was used in Cretan rebellions.

The Cretan governments needed to find a way to exert control over this particular occupational group, as it relied on finding remote and rough terrain that was often out of the state's reach, was connected to the ownership of weapons of all sorts, and committed actions that started as relatively small scale revenge but could escalate in periods of rebellion. It is worth mentioning as well that tactics to control particular populations were used at least later in the Ottoman Empire's history. Post-Young Turk Revolution, the CUP was in the habit of imprisoning the lower working classes of the empire, "the masses that the CUP feared so intensely," as a form of social control.[43] Shepherds could certainly be considered as part of the "masses" in a broad sense in Cretan society. Because farmers made up 52.35% of the population in 1881, for instance, and because of the movement of many Cretans from mountains to plains to work in viticulture, any remaining occupations of which approximately 10% of the Cretan population engaged in could be considered significant. The second most common occupation after farming was industry, with 12.71% of Cretans owning factories, which also showed that Crete was industrializing. After this, came shepherds, who comprised 9.58% of the population, just ahead of workers, who comprised 8.31% of the population.[44] Shepherds were part of the significant agricultural economy, but mostly illiterate and of modest means, making them a good target for broader social change.

[43] Schull, *Prisons in the Late Ottoman Empire: Microcosms of Modernity* (2014; repr., Edinburgh: Edinburgh University Press, 2018), 83.
[44] See Perakis, *The End of Ottoman Crete*, 282-283. For a discussion of the Cretan economy in general to contextualize the rise and fall of animal husbandry in the mid- to late nineteenth century, see Perakis, "An Eastern Mediterranean economy under transformation: Crete in the late Ottoman era (1840-1898)," *The Journal of European Economic History* 39, no 3 (2010): 481-526.

After the end of the Halepa Pact, Ottoman officials on Crete temporarily banned the distribution of firearm permits even for activities that were previously approved for a permit, such as hunting.[45] Even with this limitation on permitting, the military commander in Chania, Cevat, who released the circular forbidding permits for hunting on June 17, 1890, revealed that from that point until further notice, municipal authorities were only allowed to give firearms permits to shepherds or else be punished for giving out permits illegally.[46]

The following day, another circular by Cevat was published regarding the process of releasing these permits to shepherds and the conditions under which the shepherds were allowed to carry the permitted weapons. First, Cevat noted that every shepherd could ask for a license from the municipality and that it was free of charge. Second, in order to be eligible for the permit, the shepherd had to be of good character and without suspect of malicious intent as ascertained by the mayor. Third, once the shepherd received his license, he was obligated to show it to mobile imperial military authorities or gendarmerie units if he encountered them while taking animals to pasture. If the shepherd did not stop and show his permit, especially if called by the unit, or ran away when encountering the unit, the officers in it had the right to capture him dead or alive. A fourth stipulation of giving these permits was that the mayor, as a responsibility that took priority in this process, had to maintain a register of those to whom he gave licenses. The register was to be given to the military authorities and stored in the archives of the *kaza*, or

[45] In the period of autonomy, hunters once again were allowed to apply for licenses for their weapons. Additionally, people could obtain licenses for weapons that they believed had historical, archaeological, or artistic value. The ordinance determining the conditions for these applications, which followed the ordinance that allowed licenses for these occupations and activities were published in the *Episimos Efimeris tis Kritikis Politeias* in August 1899. See «Αριθ. Νόμου 64, Διάταγμα περί τιμωρίας της παρανόμου οπλοφορίας» [Law no. 64, Ordinance regarding the punishment of illegal arms bearing]; «Αριθ. Νόμου 65, Διάταγμα Περί αδειών οπλοφορίας» [Law no. 65, Ordinance Regarding arms bearing licenses], *Episimos Efimeris tis Kritikis Politeias*, August 26, 1899.

[46] *1893 Codes and Edicts (1868-1893)*, Vol. 1, Protocol 162/Conclusion 379, «Περί απαγορεύσεως του οπλοφορείν (Προς τους δικητάς και έπαρχους)» [Regarding the forbidding of arms bearing (To judges and prefects)], June 17, 1890, p. 147.

eparchy. As a fifth condition, the third article regarding the rules of presenting the license had to be printed on the back of the license so that the holder could understand his responsibilities. Sixth, each member of the shepherd's family also had to be registered and present themselves where the license for the family member to initially receive it was issued. Seventh, and finally, the licenses were not to be given to young shepherds twelve to thirteen years of age.[47]

These licenses exclusively for shepherds could be perceived as both a genuine concern for the safety of the shepherds and as a pretext for the ulterior motive of surveillance. Shepherds needed long-range weapons to protect flocks from attacks by various predators and thieves. A license free of charge to those who proved that they had not nor would not use a weapon for the disturbance of public order also would have been helpful in the attainment of a legal means of protection. However, the constraints, while seemingly reasonable at first, reveal that shepherds were in fact the object of close scrutiny once they obtained a license. Ottoman authorities on the island knew exactly who had access to weapons thanks to the registers. They could focus more closely on this group precisely because of the limits they placed on who could legally own a gun.

Additionally, the rest of the discussion regarding solutions for the minimizing of animal theft from February 1879 provides the context necessary for understanding how much authorities knew about the movements of shepherds. Dervis efendi Prasianakis suggested that anyone responsible for the transfer of animals from one *kaza* to another must get a letter approving that transfer and showing it as evidence.[48] This suggestion seems to have been adapted into an order regarding the grazing of animals that made it mandatory for shepherds who rented out pastures to

[47] *1893 Codes and Edicts (1868-1893)*, Vol. 1, Protocol 163/Conclusion 380 «Περί του τίνι τρόπου οι δήμαρχοι θέλουσι χορηγεί άδειας οπλοφορίας εις τους ποιμένας» [Regarding the manner in which municipal authorities should give licenses for weapons carrying to shepherds], June 18, 1890, p. 148-149.
[48] «Γενική των Κρητών Συνέλευσης» [General Cretan Assembly], *Kriti*, March 31, 1879.

get evidence of that rental from municipal authorities.[49] If they did not use rentals, they could use other private grazing lands with the permission of the owners of those lands. Prasianakis also had the idea to create a network of knowledge regarding those who broke the rules of grazing, primarily by encouraging the public's involvement in the reporting of animal thefts.[50] In that way, the moving gendarmerie and imperial military units could monitor patterns in these thefts and catch those responsible.

A final thing to note about the licenses the shepherds needed to carry in order to have and use their firearms when grazing is the sheer amount of detail on them. According to the sample of these licenses published in the book of laws on the island from the late 1860s to the early 1890s, the license provided the following information:

Name of the shepherd
Name of the shepherd's father
Last name
Age
Name of village
Name of owner of livestock
Last name of owner of livestock
Color of face
Eyes
Mustache
Beard
Nose
Mouth
Height
Type of weapon[51]

Some of the above information is clearly relevant for ownership of a weapon, such as the name of the person and the type of weapon owned. The registry put together for the eparchy's archive

[49] Cretan Codes 1868-1893, Vol. 1, «Περί βοσκής ζώων» [Regarding the grazing of animals], p. 140.
[50] «Γενική των Κρητών Συνέλευσης» [General Cretan Assembly], *Kriti*, March 31, 1879.
[51] *1893 Cretan Codes (1868-1893)*, Vol. 1, «Υπόδειγμα 'Αδεια οπλοφορίας Ποιμένων» [Sample of a License for the carrying of firearms for Shepherds], p. 150.

and the military included the weapon owner's name. The name of the owner of the animals is also important for purposes of verification in the event the livestock was stolen. The majority of the physical features, however, seem to be redundant or unnecessary unless it was a concern for the authorities that shepherds would attempt to share their licenses for nefarious purposes. Because the licenses were free and the only way one would not be able to obtain them is by having a bad local reputation or a criminal record, then the authorities were trying to keep weapons out of the hands of those trying to get around the system as much as it was possible without a photo of the shepherd. Additionally, the information would be useful for identifying stolen sheep and weapons. In this way, the information on these licenses in the wrong hands could act like posters for wanted people with an effective policing network.

While it is unlikely that the close monitoring of shepherds was completely successful, what is clear is the fact that the Assembly was trying to monitor and control them. The aforementioned networks of information between civilians and policing authorities that Prasianakis attempted to create were probably not built because the Assembly throughout the period of Halepa also frequently mentioned that the public was uncooperative with these very authorities. These authorities, however, eventually did become diligent in the period of autonomy about catching those who carried guns or other weapons illegally, as is shown in the book of crime statistics from 1902. The reason behind why they did so and the logic behind these laws and ordinances becomes evident that it was the professionalization of occupations, especially those that required the use of weapons of weapon-like objects. The gendarmerie, as demonstrated in Chapter 3, underwent the same process, albeit in a more extreme and systematized way because of the budget allotted for that purpose. However, a similar example is that of butchers, who were required to store their knives when not in or going to their shops and

slaughterhouses.[52] Additionally, as a way to help the gendarmes be successful in putting an end to animal theft, butchers needed to give a catalog of the features of the animal they were about to slaughter to the local gendarmes before they slaughtered it.[53] Thus, shepherds were not the sole targets of the state's attempts to raise the standards for occupations, but they were the ones whose occupation itself intersected with issues of public safety, professionalization, and the quelling of rebellion.

Conclusion: Political goals

The final and perhaps most significant reason that the Cretan Assembly, especially during the period of autonomy, was interested in licensing and registering guns and systemically confiscating those that were not licensed was political. As noted in the introduction to this chapter, the High Commissioner and his administration as well as their dreams of enosis were at the mercy of the four protecting European Powers. The High Commissioner, as well as Venizelos at least for the first few years of his political career during this period, saw that appeasing the powers meant showing that the autonomous state was capable of preventing revolt. To this end, the final context in which we see laws about arms bearing is in the part of the criminal code that dealt with resistance and social control, which actually was fairly early in the code itself as it had to do with political crimes against the state. The code specifically mentioned

[52] *Regarding the Cretan Gendarmerie*, Part 3, Section 1, Protocol 3059 «Περί των παρά των κρεοπωλών φερομένων μαχαιρών» [Regarding the knives carried by butchers], Chania, August 14, 1901, p. 84. The protocol seems to have been a reminder of a previous one, as confirmed by a case featuring a butcher who had his knife in his house and thus violating the first premise of that protocol. See Protocol 168/Proceeding 80, September 23, 1900, Justice of the Peace of Agios Vasileios Criminal Proceedings (1899-1900), Archive of the Justice of the Peace of Agios Vasileios, GAK Rethymno, Crete, Greece.

[53] *Regarding the Cretan Gendarmerie*, Part 3, Section 2, Protocol 3338 «Περί μέτρων προληπτικών κατά της ζωοκλοπής» [Regarding preventive measures against animal theft], June 24, 1902, p. 124-125.

that anyone who did not heed the commands of authorities, acting aggressively and violently when asked to stop, was deemed a rebel. The leaders of these groups were to serve at least three months in jail if they were armed and at most three months in jail if they were unarmed.[54] As for rebels who did not take leadership roles or partake in violence, the carrying or distribution of weapons was akin to committing an act of violence. People who did this and participated in acts of "rebellion" faced up to two years in jail depending on how long they participated in the movement.[55]

It was clear that the Assembly and Prince George's cabinet was keen to keep guns and other weapons out of the public's hands in order to prevent mass rebellion, among other reasons. What was also clear that people were sensitive to this fact, and that they thought of their guns both as symbolic of the island's recent rebellions that had been successful, even if by accident, and as practical. We see this pride, for instance, in the proceedings for a case of illegal arms bearing brought to the Justice of the Peace of Agios Vasileios, in Western Crete. A man named Antonis Zaharioudakis was arrested by gendarmes for having a gras rifle in his house, which he claimed was his brother-in-law's and whose location he had no knowledge of until it was found. The defendant's excuse was not compelling enough for the court to deem him innocent, and the president's council gave him four months in jail and a 100 drachma fine. They also told him that the rifle would be confiscated.[56] What is worth noting is that Zaharioudakis mentioned that his brother-in-law's weapon was from the last revolution. It is likely that he thought by framing it as a historical artifact, the court might let him off with a lighter sentence. Additionally, Zaharioudakis claimed that the gun probably ended up in his house because his brother-in-law

[54] *1899 Cretan Criminal Law Code*, Book 2, Ch. 6, Section 5, Art. 174, p. 51.
[55] *1899 Cretan Criminal Law Code*, Book 2, Ch. 6, Section 5, Art. 175, p. 51.
[56] Protocol 177/Proceeding 28, November 1, 1899, Justice of the Peace of Agios Vasileios Criminal Proceedings (1899-1900), Archive of the Justice of the Peace of Agios Vasileios, GAK Rethymno, Crete, Greece.

had heard that the authorities were confiscating weapons according to the High Commissioner's orders and hid his rifle at his house. His brother-in-law's action to keep the gun from the authorities shows that he shared the same pride in his weapon as Zaharioudakis.

A total encapsulation of the purpose that these laws were supposed to serve during this period is found in a proclamation by the High Commissioner to Cretans in the *Episimis Efimeris tis Kritikis Politeias*. In it, Prince George states that the wielding of weapons is completely unnecessary in the new state. He frames his warning against anyone who is apprehensive about relinquishing his weapons with praise for lawful and orderly behavior in the adaptation to the new administration, in a sense showing that his claim regarding the ownership and carrying of weapons is logical. The High Commissioner continues by noting the ultimate reason that Cretans need to yield their weapons: "in this state of affairs, those who maintain any weapons are unjustified because the wielding of weapons is particular only in a state of disorder and deprived of security; on the contrary, in this well-governed state the Authority is and must be the only protector of the state, and the guard and guardian of security."[57] The High Commissioner was thus asserting the state's total monopoly on violence, bringing together all of the goals of the laws on weapons carrying, and declaring that Crete was a strong state. Public safety, the means to survey the population and control how they conducted their work, and the quelling of rebellion were all underwritten in the framework of the state.

[57] «Εν τοιάυτη των πραγμάτων καταστάσει, αδικαιολόγητοι θα ήσαν οι διατηρούντες τυχόν έτι όπλα, διότι το οπλοφορείν ιδιάζει μόνον εις πολιτείας ευρισκόμενας εν εκρύθμω καταστάσει και στερουμένας ασφαλείας, εν ευνομουμένη δε τουναντίον πολιτεία, η Αρχή είναι και πρέπει να ήναι [sic] η μόνη των πολιτών προστάτις και ο άγρυπνος της ασφάλειας αυτών φρουρός.» See «Προκήρυξις της ΑΒΥ του Πρίγκηπος Γεωργίου της Ελλάδος Υπάτου Αρμοστή εν Κρήτη» ["Proclamation of his highness Prince George of Greece, High Commissioner of Crete"], *Episimos Efimeris tis Kritikis Politeias*, August 26, 1899.

Chapter 2: Courting the Populace: Court Flexibility in Adjudication

In 1887, the newspaper *Kriti* reported that a group of approximately 200 people from the village of Vorou in Heraklio stormed the courthouse of the county in which the village was situated, Pediados. With their weapons, which were brought by many of the villagers in the mob, they attacked the gendarmes who were stationed there to presumably secure the premises. During the attack, which was seemingly a distraction from another and potentially more significant act of defiance, other villagers stole the court's archives. The authorities investigated the matter immediately and found that the stolen records were taken to the village of Tympaki, approximately 60 kilometers southwest of Pediados, but only 4 kilometers west of Vorou. Officials returned the records to the courthouse soon after. Most remained in the condition that they were in at the courthouse before they were seized, but some citations, according to the article, had been damaged.[1]

This incident, while not representative of the type of relationship people seemed to have with the courts on a daily basis, still exemplifies the fragility of the criminal justice system during the two major periods of experimental autonomous rule in Crete. It also at least partially explains the courts' decision making. If one were only to read the legal codes applied to Crete during these periods, they would be under the impression that the criminal justice system was likewise strict when charging and punishing acts that would potentially not be perceived as crimes by the public. However, the civil and criminal law codes not only lent themselves to flexibility by, for example, giving long incarceration time frames for many common crimes, but court officials took advantage of these and tended toward shorter jail times. The above example,

[1] «Αστυνομικό Δελτίο» [Police Bulletin], *Kriti*, June 13, 1887.

then, further seems to be an anomaly in light of courts' general accommodation of the public. However, it is what courts likely wanted to avoid in their pursuit of justice. Their strategy for the most part was conducive to physically peaceful participation in the courtroom, and anyone who found themselves in court complied with protocol, albeit to varying degrees. Officials thus managed to fulfil their posts successfully.

This chapter engages with the concept of legalism and the meaning of the rule of law in the Ottoman Empire's provinces. In a recent work, Avi Rubin argues that the Yıldız trial in 1881 that sought to convict and punish the people responsible for the alleged murder of Sultan Abdülaziz was a modern political trial that showcased the use of legalism to frame political actions, namely Abdülhamid's attempts to get rid of his political enemies.[2] Rubin uses Judith Shklar's definition of legalism to make his case. As she defines it, legalism is the coopting of morals in making a set of laws that a population is responsible to such that moral behavior is defined primarily, if not solely, by following these laws.[3] The language of honor in state discourse in the early twentieth century facilitated this equation of morality to abiding by the law when it singled out "undesirable" people and excluded their behaviors from the realm of acceptable and legal social behaviors.[4] Legalism in the Ottoman Empire contributed to the creation of the rule of law, which Rubin, borrowing from Paul Kahn, defines as an experience of the law, which has been imbued with meaning through a legalistic framework. This experience is created by the state's work in making the law as geographically and conceptually far-reaching as possible.[5] It thus wills into existence the image of such a law that forges the aforementioned

[2] Avi Rubin, *Ottoman Rule of Law*.
[3] Rubin, *Ottoman Rule of Law*, 28.
[4] Noemi Levy Aksu, "Building Professional and Political Communities: The Value of Honor in the Self-Representation of Ottoman Police during the Second Constitutional Period," *European Journal of Turkish Studies* 18 (2014): 1-21.
[5] Rubin, *Ottoman Rule of Law*, 41.

experience. While the Ottoman rule of law sought to enforce legal uniformity and the separation of law and social custom, it did not fully succeed in doing either. In this chapter, I examine the second goal. I argue that Cretan courts took both local custom and the written law into consideration when making decisions. I also argue that the reasons for this are political if one broadens the definition of "political" to the process of making social definitions, as Rubin argues one should.[6] The last chapter showed that while the Cretan legislature did not account for the implications and impact of its laws, and its firearms laws in particular, those laws themselves were veiled in discourse about concern for public safety for political purposes. Likewise, this chapter examines patterns in Cretan courts' punishments of convicts of infractions and misdemeanors to fulfill the political goal of appeasing the population to avoid further violence that would jeopardize Crete's status as an Ottoman autonomous province potentially close to achieving union with Greece.

At the close of the nineteenth century and into the twentieth century, Cretan court officials strategically maneuvered between old social customs or practice and the new law as the legal system increasingly intervened in people's daily lives. In terms of observing custom, members of judicial councils considered the context of people's grievances to keep the population at large from raising havoc. The tense relationship between police and the general public, discussed in the next chapter, prompted courts to seek a middle way to gain peace between appeasement of the public and upholding the law's legitimacy by enforcing it. Court officials realized that one important way to maintain order was to satisfy the parties coming to court by recognizing the unwritten right to self-defense and, by extension to the public's perception, to retaliation. In delivering a lighter punishment as a signal of that recognition,

[6] Rubin, *Ottoman Rule of Law*, 62.

officials believed that people would not have reasons to violently demonstrate inside or outside of courthouses, as in the example above. However, the courts also could not and did not neglect their duty to uphold the letter of the law in addition to the spirit of the law. Court officials were obligated to charge crimes according to specific punishments for them. Each iteration of the criminal codes of this period, in becoming more interventionist, specified more illegal activities. Besides restricting people's actions and making more activities explicitly illicit, as will be discussed in Chapter 4, the naming of more crimes and the detailed explanations of how they should be punished left the courts with a narrower margin of discretion than the pre-*Nizamiye* courts had. A strong state was only possible with the enforcement of its laws. The first half of this responsibility rested with the gendarmerie, which will be discussed in the next chapter. Once the gendarmes arrested people for illegal actions, punishment for these crimes, the second half of law enforcement was the direct responsibility of the court system.

Throughout the period under consideration, the courts responded to witness testimonies and defense statements in a flexible manner. They balanced the demands of society and the state by accepting certain justifications verbalized in court for breaking the law. To do this, judges, prosecutors, and court scribes built and interpreted narratives about individual cases of everyday conflict parallel to the testimonies they heard, which are present in the casebooks that include trial transcripts of the period. To discern appropriate punishments, courts had to satisfy three parties – the accused, victims of crimes, and the state. The latter was the most significant in their consideration as in the majority of cases they followed the letter of the law at least to some extent. Satisfying the first two parties was significant in the Cretan state's endeavor to end crime and to prevent violent protest. Though seemingly counterintuitive, if the Cretan public believed that at least this branch of the criminal justice system, which was responsible for officially

judging its actions, was fair in its role, people would be more inclined to allow its involvement in private affairs. Additionally, people would stop righting wrongs themselves and a seemingly never-ending cycle of private violent retaliation would cease at the first killing or injury.[7]

The courts' verdicts also proved to be compatible with prison conditions and contingent on the testimonies that they received. Their shorter jail times were conducive to the prevention of escape during long incarceration times. Additionally, their tendency to lean toward the shortest possible imprisonment times for certain crimes relieved prisoners from the actions of abusive prison guards. The scarcity of information they often received from witnesses regarding the details of crimes led them to err on the side of leniency in decisions for cases with insubstantial witness testimony, of which there were many.[8] Finally, the common use of fines rather than imprisonment was testament to the aforementioned conditions. The logic of preferring fines had precedent in the early Ottoman Empire, even if the central administration abandoned it in the last half of the nineteenth century. They were seen as more flexible and irreversible in comparison to corporal punishment, for instance, especially for crimes that were difficult to catch in flagrante delicto or for which absolute proof was difficult to obtain. A similar logic applied to Crete in the late nineteenth and early twentieth century – a wrongly accused suspect could theoretically be recompensed for a fine they already paid, though time in jail could not be returned. Furthermore, the use of fines showed that courts employed an economic calculation in their punishments, as fines are generally less expensive to implement as a punitive measure provided that the correct

[7] The prevalence of violent crime in the form of vendettas prompted the prosecutor of the Appellate Court to write a public plea in the newspaper *Kriti* to officers of the gendarmerie to prevent these types of crimes by arresting perpetrators immediately as well as by reporting the crimes to the General Prosecutor's office in a detailed letter that also named accomplices and parties involved. See «Ο Εισαγγελεύς των Εφετών» [Prosecutor of the Appellate Court], *Kriti*, March 9, 1887.
[8] See Chapter 5 of this dissertation.

infrastructure is in place for reducing corruption in the collection of fines.[9] Besides attempting to balance between the general public and the law to account for the many-faceted definitions of "justice," the courts seemed to also account for practical constraints such as these.

Because of the negotiation described above, recorded witness testimonies examined in conjunction with the corresponding rulings in the court records reveal that certain crimes were more or less accepted, or recognized as accepted, by the public and thus punished less severely. This in turn illuminates the relationship judges had to written law as well as custom. Ruth Miller, a scholar of critical legal studies, argues that nineteenth-century Ottoman law represented an ideal and was formed separately from its social context. While she recognizes that the law intervened more in people's everyday life than it had previously and that theoretically "the victim" was disappearing, she interprets this change as a top-down imposition of the state.[10] However, this chapter challenges that position by making the implementation of the law by these officials the focus of the reform process and thus showing that judges took social context into consideration. The fact that court officials took into account witness and victim testimonies to inform their punishments shows that victims still had a role to play. Victims were technically witnesses in these cases because the acts recorded in criminal casebooks were crimes instead of torts. Court secretaries still recorded who the victim was when transcribing testimonies. Furthermore, even if the victim had been relegated to a witness in the proceedings, the mere presence of witnesses in addition to the content of their testimonies determined the outcomes of cases more than anything else.

[9] See Metin Coşgel, Boğaç Ergene, Haggay Etkes, Thomas J. Miceli, "Crime and Punishment in Ottoman Times: Corruption and Fines," *Journal of Interdisciplinary History* 43, no. 3 (2013): 353-376.
[10] Miller, 3-6.

The Cretan court system

Before the *Tanzimat*, the main state-sponsored avenues by which Ottoman denizens addressed grievances, and those courts about which scholars have most extensively written, were *kadi* courts. A *kadi* was an administrative official who supervised litigation and ensured the proper application of rules of procedure.[11] The crime itself was investigated by police, under whose jurisdiction criminal cases fell. Though the *kadi* interpreted these rules according to the Islamic Hanafi doctrine, Orthodox Christians could and frequently did use these courts in civil cases, even in disputes in which both parties were Orthodox. In fact, many Christians preferred these courts, as shown in the search for alternative decisions from Orthodox ecclesiastical courts, especially for matters regarding family law and inheritance. *Kadi* courts were often cheaper for non-Muslims to use, their stipulations and interpretations were less strict than the Orthodox communal courts, and their decisions were often more advantageous to them than those given by the Orthodox communal courts.[12] The final reasoning for choosing the *kadi* courts over the ecclesiastical courts was based on the fact that *kadis* combined *Shari'a* and *kanun* law with customary law in their decision making.[13] Additionally, if they so chose, Orthodox litigants could use priests in *kadi* courts as representatives or witnesses.

[11] Rudolph Peters, *Crime and Punishment in Islamic Law: Theory and Practice from the Sixteenth to the Twenty-first Century* (Cambridge: Cambridge University Press, 2005), 9.
[12] Barkey, "Aspects of Legal Pluralism in the Ottoman Empire," in *Legal Pluralism and Empires, 1500-1850*, ed. Lauren Benton and Richard T. Ross (New York: NYU Press, 2013), 95; Eugenia Kermeli, "The Right to Choice: Ottoman Justice vis-à-vis Ecclesiastical and Communal Justice in the Balkans, Seventeenth-Nineteenth Centuries," in *Studies in Islamic Law: A Festricht to Colin Imber*, ed. Andreas Christmann and R. Gleave, 165-210 (Oxford: Oxford University Press, 2007); Elif Bayraktar, "The Implementation of Ottoman Religious Policies in Crete 1645-1735: Men of Faith as Actors in the Kadi Court" (MA thesis, Bilkent University, 2005), 107-108, http://hdl.handle.net/11693/29747.
[13] Lawrence Rosen, *The Justice of Islam*, 3-4.

The Orthodox population, then, could also use ecclesiastical courts run by Orthodox clergy, including bishops and metropolitans, who applied Orthodox ecumenical law. These courts were the logical extension of the Ottoman Empire splitting the empire into millets to allow its non-Muslim communities a form of autonomous self-administration. As such, the leader of the Orthodox millet, the Greek Orthodox Patriarch in Constantinople, could threaten excommunication for the use of *kadi* courts in what they perceived to be religious matters, such as marriage. However, though the church showed anxiety over the assimilation of the Orthodox population in part shown through the predominance of the Islamic empire's courts, the members of the ecclesiastical courts were well-versed in Ottoman law to make sure that the members of their communities did not commit offenses against it, especially ones that would damage the relationship between the Sublime Porte and the Orthodox Church.[14]

The governor's court was another venue in which people could pursue justice if they were unsatisfied with the decisions of the *kadi* or Orthodox clergy. The jurisdiction of these courts was the same as the *kadis*', but they also were responsible for the investigation of criminal matters. In theory at least, all Ottoman subjects had to settle criminal cases in governors' courts because they were the ones that upheld the *kanun*. Even in these, however, the *kadi* had an important role to play in interpreting and re-defining the role of the *Shari'a* to reconcile it with *kanun* when it applied the rules of investigation and deposition procedures.[15] In this way, both the *Shari'a* and *kanun* were applied in the governors' courts.

While the *Tanzimat* brought courts into a tiered appellate system, further codified law, and regularized procedure, it maintained the legal pluralism of the early modern Ottoman state.

[14] Barkey, "Aspects of Legal Pluralism," 100.
[15] Sabrina Joseph, "Communicating Justice: Shari'a Courts and the Christian Community in Seventeenth and Eighteenth Century Ottoman Greece," *Islam and Christian-Muslim Relations* 20 no. 3 (2009): 339.

The Porte established new *Nizamiye* courts, which were representative of overall imperial centralization, after experimenting with and ultimately abolishing the criminal courts of the 1840s and 1850s. The *Nizamiye* courts followed the writing of the Mecelle, the civil code, and applied it.

In the later *Tanzimat* period, the courts in Crete underwent some structural changes. The first of these happened in the late 1870s and early 1880s and the second set of changes were implemented in the late 1890s and early 1900s. After the Halepa Pact in 1878, the courts in Crete were organized similarly to the courts in Istanbul with slight differences.[16] At the lowest provincial level, civil cases were handled by Justices of the Peace in twenty-three Cretan towns (including the seats of the *sancaks* or *livas*, which were the five administrative units into which Crete was split during this time) or eparchies, in Ottoman known as *kazas*. Additionally, there was a Court of First Instance in the seat of administration of each *sancak*, an Appellate Court in the capital city of Chania, and three commercial courts in Chania, Rethymno, and Heraklio.[17] Criminal cases were heard in twenty-three Police Courts in the same cities and *kazas* throughout the island where the Justices of the Peace were found; five Courts of First Instance, which acted

[16] Avi Rubin writes, "…the imperial capital had its own judicial arrangements, which resembled, but were not identical to, the provincial ones" (Rubin, *Ottoman Nizamiye Courts*, 29). These "arrangements" were a three-tier system that included Courts of First Instance, Appellate Courts, and the Court of Cassation in Istanbul. At a lower level there were also peace tribunals held by the council of elders in villages and townships for minor crimes, though these were not recognized as courts of law by the *Nizamiye* community (Rubin, *Ottoman Nizamiye Courts*, 32-33). Justices of the Peace seemed to be different entities than these, as they were part of the appellate system and their staff did not consist of members of the council of elders. Rubin himself differentiates between these tribunals and "regular peace courts" (Rubin, *Ottoman Nizamiye Courts*, 33).

[17] *Κρητικός κώδιξ περιέχων τους υπό της Γενικής των Κρητών Συνελεύσεως κατά την Ι'. Σύνοδον ψηφισθέντας και υπό της Υψ. Πύλης επικυρωθέντας Νόμους και κανονισμούς, οις προσετέθησαν Ο Οργανικός Νόμος της Κρήτης, η τροποποιούσα τούτον Σύμβασις της Χαλέπας μετά του επικυρούντος ταύτην Αυτοκρατορικού Φιρμανίου, Αυτοκρατορικά τινα Διατάγματα καί τινα Ψηφίσματα και Αποφάσεις της Γενικής Συνελεύσεως* [Cretan code including Laws and regulations voted on by the 10th Session of the Cretan General Assembly and ratified by the Sublime Porte, of which added were The Organic Law of Crete, the modified Pact of Halepa after the ratified Imperial Ferman, Imperial Decrees and Votes and Decisions of the General Assembly] (Chania: Press of the Cretan Province, 1879), Law of the Organization of the Courts, Part 1, Section 1, Ch. 1, Art. 1, p. 59. Hereafter this text will be referred to as *1879 Cretan Code*.

as Courts of Misdemeanors in the seat of each *sancak*; and a Court of Assizes in Chania.[18] According to Articles 35-38 of the Law of the Organization of Courts, trained courts of civil law could also acts as courts of criminal law. Justices of the Peace served as Police Courts, Courts of First Instance served as Courts of Misdemeanors, and the Appellate Court in Chania served also as the Court of Assizes.[19] The jurisdictions of these courts reflected their locations. Justices of the Peace and Police Courts were only responsible for their immediate *kazas*, Courts of First Instance and Misdemeanors for their broader *sancaks*, and the Appellate Court and Court of Assizes for the whole island. Any appeals made for decisions in these courts had to be appealed in the Court of Cassation in Istanbul.[20]

In the autonomous period, the system became five-tiered. At the lowest level, the number of Justices of the Peace rose slightly to 26 on the island. The Justices of the Peace adjudicated both civil and criminal cases in this period.[21] The Courts of First Instance remained in the same

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[18] *1879 Cretan Code*, Part 1, Section 1, Ch. 2, Art. 1, p. 68. In the period of Halepa, Police Courts and Courts of Misdemeanors both handled misdemeanors, but misdemeanors were split up into two categories in Crete during this period and in the period of autonomy, the lower of which were called πταίσματα (ptaismata) and were closer to infractions, as they will be referred to from now on. The differences in the cases that the courts took depended on the severity according to the penalty – the time spent in jail or the amount of the fine – in the period of Halepa. In the period of autonomy, the nature of the punishment – criminal, corrective, and police – determined the type of crime. These are briefly outlined in the Ottoman Imperial Penal Code of 1858 for the period of Halepa and in the codes for the period of the autonomous Cretan polity, Article 2 of the criminal law code included in that text. See *1858 Imperial Ottoman Penal Code (Greek translation)*, Ch.1, Art. 4, p. 4; and N. Kousourelakis, *Κώδικες Κρητικής πολιτείας περιέχοντες τους εν Κρήτη ισχύοντες νόμους, πλην του αστικού και εμπορικού, διατάγματα, διαταγάς και ερμηνευτικάς εγκυκλίους των τε ανωτέρω Διευθύνσεων και της Εισαγγελίας Εφετών, Τ. Α'* [Codes of the Cretan polity including laws in force in Crete except the urban and commercial, order and interpretive circulars of the superior Directorates and the office of the General Prosecutor, vol. 1] (Chania: E.D. Frantzeskakis, 1902), Penal Law, Book 1, Ch. 1, Art. 1-4, p. 377-378. Hereafter this text will be referred to as *1902 Codes of the Cretan Polity* followed by the appropriate volume number.

[19] See *1879 Cretan Code*, Law of the Organization of the Courts, Part 1, Section 1, Ch. 2, Art. 35-38, p. 68.

[20] *1879 Cretan Code*, Law of the Organization of the Courts, Part 1, Section 1, Ch. 2, Art. 39, p. 68; *1893 Codes and Edicts (1868-1893)*, Vol. 2, Code of Civil Procedure, Book 2, Part 2, Section 2, Art. 228, p. 97; *1893 Codes and Edicts (1868-1893)*, Vol. 2, Code of Criminal Procedure, Ch. 3, Part 5, Section 1, Art. 170, p. 171.

[21] They handled civil cases for movable property worth up to 100 drachmas and immovable property up to 600 drachmas. The worth of the property did not matter for specific instances of the destruction of public property (i.e. infrastructure) as well as private property used for cultivation. Justices of the Peace also could act as criminal courts for cases that were punishable by fines or other monetary penalties worth less than 300 drachmas or by incarceration for less than a year. Regardless of the penalty, Justices of the Peace adjudicated the corresponding criminal cases for civil cases. See *1902 Codes of the Cretan Polity*, Vol. 1, Law of the Organization of the Courts, Part 1, Section 1, Ch. 2, Art. 4-10, p. 277-278.

five *sancaks* as they were in the period of Halepa and again took both civil and criminal cases, including appeals for any cases whose verdicts were revocable from the Justices of the Peace.[22] At the higher levels were the Appellate Court and the Court of Assizes. The Appellate Court, located in Chania, handled any appeals of civil and criminal cases coming from the Courts of First Instance, verdicts made by the Judicial Council, and conflicts regarding the dispensing of justice or responsibilities between judicial officials or between judicial officials and other authorities.[23] The Court of Assizes in the main cities of three of the *sancaks*, Rethymno, Chania, and Heraklio, judged felonies.[24] Unlike in the semi-autonomous period, the Appellate Court in Chania only served as the Court of Assizes for the same *sancak*.[25] Finally, there was a Review Court staffed by judges and the scribe from the Appellate Court as well as the island's general prosecutor.[26] The Review Court replaced the Court of Cassation in Istanbul as the court to which appeals for cases handled by the existing Cretan courts went.[27] Despite the separation from the center due to the appeals process, the court system during the period of autonomy was based on the system put in place during the period of the Halepa Pact and thus part of the *Nizamiye* court structure.

The composition of the courts.

[22] See *1902 Codes of the Cretan Polity*, Vol. 1, Law of the Organization of the Courts, Part 1, Section 1, Ch. 3 Art. 14-18, p. 279-280. In terms of civil case appeals coming from the Justice of the Peace, a verdict was revocable if movable property whose worth was 600 drachmas or less was involved. See *1902 Codes of the Cretan Polity*, Vol. 1, Law of the Organization of the Courts, Part 1, Section 1, Ch. 2, Art. 6, p. 277.
[23] See *1902 Codes of the Cretan Polity*, Vol. 1, Law of the Organization of the Courts, Part 1, Section 1, Ch. 4, Art. 21, p. 280.
[24] *1902 Codes of the Cretan Polity*, Vol. 1, Law of the Organization of the Courts, Part 1, Section 1, Ch. 5, Art. 22, p. 280.
[25] *1902 Codes of the Cretan Polity*, Vol. 1, Law of the Organization of the Courts, Part 1, Section 1, Ch. 5, Art. 25, p. 281.
[26] *1902 Codes of the Cretan Polity*, Vol. 1, Law of the Organization of the Courts, Part 1, Section, Ch. 6, Art. 31, p. 282.
[27] Note about an amendment to Article 33 made public in *Episimos Efimeris tis Kritikis Politeias*, Sept. 6, 1880. See *1902 Codes of the Cretan Polity*, Code of Criminal Procedure, p. 375.

In accordance with the Cretan General Assembly's laws that it promulgated after central Ottoman and Cretan officials signed the Halepa Pact, court personnel were either appointed by the Cretan government with the approval of the Sublime Porte, elected by the elder council (*dimogerontia*), or directly by eligible citizens. Posts in the court were filled mostly by people elected by inhabitants from the rural county or city that the court they served in was in, but the fact that some of these people were appointed by the central Cretan administration and had to be approved by the central Ottoman administration means that there was a connection with that administration as well as certain expectations of the Porte that they had to fulfill. The law itself that they had to uphold was Ottoman legislation, but Assembly members could also supplement it, particularly in making edits in the way of their own codes of procedure. These codes, however, and any ratifications made to them to better fit the needs of the local population had to be approved by the Sublime Porte.[28] Thus, litigants and witnesses communicated with representatives of both their "local" Cretan government and indirectly the imperial Ottoman administration.

In the autonomous Cretan state, which was recognized by Great Britain, France, Italy, Russia, and the Ottoman Empire in 1898, the situation was similar with European Power military units and gendarmerie officers stationed in each of the four Cretan provinces to ensure that the new Organic Law of 1896 was enforced by the gendarmerie and then upheld in the courts. In other words, the new imperial state was European rather than Ottoman. Thus, local Cretans had to obey the law overseen by the European Great Powers while also trying to manipulate it in court while facing Cretan court officials who were also privy to this law.[29]

[28] Halepa Pact, Art. 4.
[29] Emmanuel Chalkiadakis further argues that Crete was only autonomous in name because of the power these European states had over Crete.

The first article of the new constitution "as decided according to the conditions put forth by the four Great Powers" declared Crete's autonomy. While the Great Powers were not explicitly mentioned in the remainder of the constitution, the first article framed the rest of the document and set the stage for the influence that these countries would have on the ostensibly autonomous island.[30] The fourth article stated that no foreign power could station their army on the island, and yet the European powers still had portions of theirs in Crete, as mentioned, to keep the peace while Italian officers trained the new Cretan civil guard and gendarmerie and also served in it.[31] According to the new constitution of the autonomous Cretan state, civil servants, including judges, were appointed by the High Commissioner, also referred to as the "Hegemon" of the island, who in turn received recommendations for judicial appointments from his Council of Justice, comprised of three members appointed by the High Commissioner himself.[32] The Council of Justice, besides recommending judges and prosecutors to the High Commissioner, was also responsible for tracking where they were appointed and deciding on potential dismissals (except for the president and the prosecutor of the Appellate Court, who headed the Council). The High Commissioner could also dismiss and relocate judges and other civil servants after consulting with his Council. Judges were responsible for deciding cases in accordance with the legislation promulgated by the High Commissioner and the Cretan Assembly, whose members

[30] Article 1 of the Cretan Constitution claimed that «Η νήσος Κρήτη μετά των παρακειμένων νησιδίων αποτελεί εντελώς Αυτόνομον Πολιτείαν, κατά τους αποφασισθέντας υπό των τεσσάρων Μεγάλων Δυνάμεων όρους» ("the island of Crete and any adjacent islands comprise a completely Autonomous State as decided according to the conditions put forth by the four Great Powers"). See *1902 Codes of the Cretan Polity*, Cretan Constitution, Ch. 1, Art. 1, p. 7.

[31] A daily count of all the Italian officers serving in Crete at the end of November and December 1899 can be found in Superior Directorate of the Gendarmerie Lists and Reports (1900) E36, IAK Chania, Crete. They were the first group to be listed on these daily rolls before even the Cretan gendarmerie forces were enumerated; Wages of non-commissioned Italian officers can be found along with the wages of other Cretan officers in the documents with the title "Foglio Nominativo di Paga," Expenses Booklets (July 1900), Box απ' ("Salaries of the Gendarmerie"), Superior Directorate of the Interior Gendarmerie (1900) E35, IAK Chania, Crete, Greece.

[32] The Council of Justice was a new state organization established in Article 92 of the Cretan Constitution. See *1902 Codes of the Cretan Polity*, Cretan Constitution, Ch. 5, Art. 92, p. 20.

were elected by Cretans who were eligible to vote. However, the High Commissioner had the power to change a penalty.[33]

Each of the courts during the period of semi-autonomy had at least one judge, two deputies, and two secretaries. In Justices of the Peace and Police Courts, the person who played the role of judge, president, and examiner was the Justice of the Peace himself. His two-year office was government-appointed and included the overseeing of order in the administrative functions of the court, which was the president's responsibility in the other courts, as well as adjudicating cases.[34]

Judges exercised discretion in weighing the evidence and assessing the trustworthiness of witnesses.[35] However, how the judges performed their duties was controlled by the president of the court.[36] Judges were assisted by two elected officials known as *paredroi* who, in the judge's absence, performed his duties.[37] These courts also had two elected deputies, who helped them process cases. Finally, the primary responsibility of the secretaries, of which Cretan Justices of the Peace had two, was the compilation and securing of proceedings and notebooks from

[33] *1902 Codes of the Cretan Polity*, Cretan Constitution, Ch. 1, Art. 3.
[34] *1879 Cretan Code*, Law of the Organization of the Courts, Part 1, Section 1, Ch. 1, Art. 8, 23, p. 60, 65; See also *Κρητικού Κώδικος τεύχος τρίτον περιέχον τους υπό της Γενικής των Κρητών Συνελεύσεως κατά την ΙΔ' ψηφισθέντας [sic] Νόμους και κανονισμούς οις προσετέθησαν δύο σχετικαί εγκύκλιοι της Γενικής Διοικήσεως* [Cretan Code third issue including laws and regulations voted on by the 14th General Cretan Assembly and two additional related circulars of the General Administration] (Chania: Press of the Cretan General Administration, 1881), Code of Criminal Procedure, Ch. 3, Section 2, Art. 62, p. 198. Hereafter, this text will be referred to as *1881 Cretan Code*.
[35] *1879 Cretan Code*, Law of the Organization of the Courts, Part 1, Section 1, Ch. 1, Art. 31, p. 67.
[36] *1879 Cretan Code*, Law of the Organization of the Courts, Part 1, Section 2, Ch. 1, Art. 41, p. 69. A president's duties, according to Article 40, extended to almost all aspects of court function. Presidents headed sessions, guided the discussions of hearings, directed bailiffs, called everyone involved in the case during hearings, had the power to stop the hearing when he decided that a verdict could be reached with the available information, published said verdict, and was responsible for promoting general order during a session.
[37] For eligibility criteria for deputies and the position of a deputy (*paredros*), see *1879 Cretan Code*, Law of the Organization of the Courts, Part 1, Section 1, Ch. 1, Art. 11, p. 61. See Article 30, p. 67 for the passing down of duties and hierarchy of judicial positions.

meetings and examinations.[38] Secretaries were required to be residents of the *kaza* or *sancak* of the court to which they were appointed.[39]

Courts of First Instance and of Misdeameanors had one president, four judges, four deputies, one prosecutor, one examiner, and two secretaries. In this context, the deputies were responsible for undertaking the judges' duties in their absence. The position of prosecutor showed the expanded jurisdiction of Courts of First Instance in comparison to Justices of the Peace as well as the diminution of the private plaintiff as the state replaced his role.[40] Prosecutors were appointed officials who were subordinates of the prosecutor of the highest court in Istanbul. As such, their appointments were given by the Ministry of Justice and validated by imperial decree.[41] They had broad responsibilities, including personally overseeing individual cases as well as ensuring the smooth functioning of the criminal justice system as a whole. In terms of individual cases, prosecutors recommended witnesses, made sure that both witnesses and suspects were summoned, initiated and reviewed the examination, set deadlines for the progress of cases, approved arrest and imprisonment warrants, and saw to the implementation of decisions.[42] Like judges, they had some degree of discretion in convicting, though they had to see to the precise application of the law.[43] Additionally, prosecutors were responsible for making sure that everyone under their supervision in their assigned courts and even in the regions under their courts' separate jurisdictions, such as the gendarmes, performed their duties diligently and did not break the law. If any court employees under the prosecutors' supervision did something illegal, they had to report them to the prosecutor of the Appellate Court and write a petition for

[38] *1879 Cretan Code*, Law of the Organization of the Courts, Part 1, Section 2, Ch. 4, Art. 78, p. 79.
[39] *1879 Cretan Code*, Law of the Organization of the Courts, Part 1, Section 2, Ch. 4, Art. 80, p. 80.
[40] Article 56 stated that even under particular conditions described in the Code of Civil Procedure in some civil cases, prosecutors ought to act as plaintiffs. See *1879 Cretan Code*, Part 1, Section 2, Ch. 2, Art. 56, p. 73.
[41] *1879 Cretan Code*, Law of the Organization of the Courts, Part 1, Section 2, Ch. 2, Art. 48, p. 70.
[42] *1879 Cretan Code*, Law of the Organization of the Courts, Part 1, Section 2, Ch. 2, Art. 52, 57, p. 71-72, 73.
[43] *1879 Cretan Code*, Law of the Organization of the Courts, Part 1, Section 2, Ch. 2, Art. 49-50, p. 71.

disciplinary action. The staff of the Appellate Court in turn was responsible to the Cretan Governor General and his council, who would punish any members of the Appellate Court for offenses.[44] They were also expected to keep quarterly records of both closed and ongoing cases for review by the prosecutor of the Appellate Court and make comments on crime rates in their areas. Part of their duty in this latter process was to note the presumed causes in decreases or increases of particular crimes and on any measures taken towards the prevention of particular crimes. They also were encouraged to give a brief summary of the character of examination officials, notaries, lawyers, and other court personnel as well as the gendarmes. Finally, to the end of ensuring the control of crime and the quality of law enforcement, they had the power to suggest revisions to legislation if they saw that it was deficient in any way. These suggestions were also supposed to be written down in these quarterly records along with the aforementioned information.[45] Most importantly, however, prosecutors initiated the preliminary investigation and prosecution in criminal cases and put together indictments with the help of officials in charge of investigation, including justices of the peace, mayors and their deputies, and gendarmes.[46]

Another significant position in the Courts of First Instance and Courts of Misdemeanors was that of the examiner. These appointed officials were responsible for a case's investigation and could register complaints for a criminal case to begin a prosecution.[47] Investigation included collecting physical evidence, and especially that which could easily be destroyed or otherwise lost with any delays, and interrogating witnesses, suspects, and victims for information necessary

[44] *1879 Cretan Code*, Law of the Organization of the Courts, Part 1, Section 2, Ch. 2, Art. 52-53, p. 71-72.
[45] *1879 Cretan Code*, Law of the Organization of the Courts, Part 1, Section 2, Ch. 2, Art. 63, p. 74. Similar information had to go in records for civil litigation. See Articles 65 and 66.
[46] *1881 Cretan Code*, Code of Criminal Procedure, Ch. 3, Section 1, Art. 50-52, p. 194; Ch. 3, Section 1, Subsection 1, Art. 53, 55, p. 194-195; Ch. 5, Section 1, Subsection 1, Art. 98, p. 209. They could do this with or without a preexisting civil suit. See Ch. 3, Section 1, Subsection 4, Art. 59, p. 196-197.
[47] *1881 Cretan Code*, Code of Criminal Procedure, Ch. 3, Section 1, Subsection 2, Art. 56, p. 195; Ch. 4, Section 2, Art. 78, p. 203.

to deciding a case.[48] The examiner had to conduct a thorough investigation in order for the prosecutor to get a clear picture of the relevant facts of the case. The prosecutor only summoned witnesses who mentioned important and necessary information in their depositions to the examiner.[49] Besides these duties, the examiner had the right to call bailiffs and gendarmes and was accountable for keeping records of interrogations for inbound cases.[50]

Finally, the Appellate Court, which was used as the Court of Assizes for criminal cases, included one president, four judges, four deputies, one prosecutor, one deputy prosecutor, and two secretaries.[51] In addition to this staff, the court was appointed one examiner for the investigation of felonies.[52]

To uphold the principles of the *Tanzimat*, the religious identities of court employees were also addressed in the Organization of the Courts in the Cretan legal codes. A representational system, although not proportional, was implemented. In *kazas* with a mixed Christian and Muslim population, one deputy and scribe in the Justices of the Peace had to be Christian while the other had to be Muslim to equally represent the population. In the two higher tier courts the religion of the examiners and the prosecutors had to be different in order to ensure fairness in judicial procedure.[53]

In the period of autonomy, court staff changed and the roles of some of these figures were expanded. The Justices of the Peace simply contained one justice of the peace, and two deputies, one of which was an expert scribe. This appointed employee had two functions differentiated by the type of case, civil or criminal, that the Justice of the Peace was handling. In

[48] *1881 Cretan Code*, Code of Criminal Procedure, Ch. 3, Section 2, Art. 61, p. 197-198.
[49] *1881 Cretan Code*, Code of Criminal Procedure, Ch. 5, Section 1, Subsection 1, Art. 99, p. 209.
[50] *1879 Cretan Code*, Law of the Organization of the Courts, Part 1, Section 2, Ch. 3, Art. 70-72, p. 77-78.
[51] *1879 Cretan Code*, Law of the Organization of the Courts, Part 1, Section 1, Ch. 1, Art. 7, p. 60.
[52] *1879 Cretan Code*, Law of the Organization of the Courts, Part 1, Section 2, Ch. 3, Art. 69, p. 77.
[53] *1879 Cretan Code*, Law of the Organization of the Courts, Part 1, Section 1, Ch. 1, Art. 8, p. 60.

civil cases, his position simply was a deputy of the justice of the peace. In criminal cases, in particular in the handling of misdemeanors, he was an examining official and served as a public prosecutor, a new role in this period. In this sense, he was responsible for the initiation of a criminal prosecution.[54] The Courts of First Instance were staffed by one appointed president, three or four judges depending on location, and an equal number of deputies. Additionally, justices of the peace were considered deputies for Courts of First Instance.[55] The Appellate Court in Chania had one president, seven judges, and seven deputies, in addition to the presidents and the magistrate judges of the island's five Courts of First Instance. The president of the Appellate court also served as the president of the Council of Justice.[56] The Courts of Assizes had five judges, three of which were the judges of the Appellate Court and two of which were judges for the Courts of First Instance in the same cities as the Courts of Assizes.[57] Finally, the seven judges of the Appellate Court served in the Review Court and one of them was the president of the court. This court also had a general prosecutor, which served the duties of the prosecutor in the higher instance courts. The duties of the scribe for this court were fulfilled by the scribe of the Appellate Court.[58]

The personnel of the Courts of First Instance was organized into judicial councils, which made decisions jointly with a prosecutor. The council was comprised of three judges, one of which also served as an examiner. When the council could not reach a decision with the

[54] *1902 Codes of the Cretan Polity*, Law of the Organization of the Courts, Part 1, Section 1, Ch. 2, Art. 2, 13, p. 269, 278-279.
[55] One of these judges acted as a magistrate judge (*πρωτοδίκης*, *protodikis*). Four judges were appointed to the Courts of First Instance of Heraklio and Rethymno while only three were appointed to the Courts of First Instance of Lasithi and Sfakia. See *1902 Codes of the Cretan Polity*, Law of the Organization of the Courts, Part 1, Section 1, Ch. 3, Art. 15, p. 279.
[56] In his absence, the general prosecutor headed the Council of Justice. See *1902 Codes of the Cretan Polity*, Law of the Organization of the Courts, Part 1, Section 2, Ch. 8, Art. 116, pgs. 308-309.
[57] *1902 Codes of the Cretan Polity*, Law of the Organization of the Courts, Part 1, Section 1, Ch. 5, Art. 26, p. 281.
[58] *1902 Codes of the Cretan Polity*, Law of the Organization of the Courts, Part 1, Section 1, Ch. 6, Art. 31, p. 282.

prosecutor, the examiner had to be excused from the council meeting so that they could reach a decision.[59] The Appellate Court was also assigned a general prosecutor, who was in charge of the other prosecutors on these judicial councils.[60] The presidents of the Courts of First Instance, however, were directly in charge of the judicial councils, and his duties were similar to those in the period of semi-autonomy.[61]

Punishments

The flexibility of the courts was demonstrated in acquittals and jail and detention sentences or fines that were on the lower end of the prescribed punishments for corresponding crimes. Courts tended to acquit defendants in cases that did not involve physical violence or when there was insufficient or no evidence to establish the defendant's guilt, including oral testimonies, and the defendants' final statements. As will be demonstrated below, flexibility should not be mistaken for inconsistency or generosity to the point of negligence, but as a practical public safety consideration in the period of semi-autonomy and, more significantly, as a negotiation between written state law and social values in both periods.

A sample from the book of proceedings of the Justice of the Peace of Agios Vasileios from 1899-1900 demonstrates flexibility in a lower tier court in the period of autonomy. In this court, there was a relatively small number of acquittals – in 20 out of 55 hearings the defendants were acquitted. In part, this is unsurprising since the Justices of the Peace handled fewer crimes

[59] *1902 Codes of the Cretan Polity*, Law of the Organization of the Courts, Part 1, Section 1, Ch. 7, Art. 32, p. 282.
[60] *1902 Codes of the Cretan Polity*, Law of the Organization of the Courts, Part 1, Section 2, Ch. 2, Art. 43, 45, p. 284.
[61] *1902 Codes of the Cretan Polity*, Law of the Organization of the Courts, Part 1, Section 2, Ch. 1, Art. 36-42, p. 283-284.

involving violence and thus adjudicated less serious misdemeanors than Courts of First Instance. For example, the crimes that the defendants in these 20 hearings from the Justice of the Peace of Agios Vasileios committed comprised theft (including animal theft), insult (with threat of injury), false allegation, civil disobedience (a refusal to comply with police orders), property damage, kidnapping, and fraud. In contrast, the crimes for which defendants were acquitted in the Court of First Instance of Rethymno in 1881, whose officials punished more serious crimes, included assault and battery, rape (specifically, the taking away of a girl's or woman's virginity), and aggravated assault.[62] These acquittals did not include cases for less physically severe crimes such as theft, burglary, arson, and perjury, though. Suspects who did not partake in violent acts that resulted in bodily injury were more likely to be acquitted even in the Court of First Instance. The courts' application of the rules of evidence and their methods of weighing evidence made acquittals of suspects who committed more serious and violent crimes rare, as shown in the lower rate of acquittals in the Court of First Instance of Rethymno.

In 1881 the Court of First Instance of Rethymno acquitted suspects only 16 times and dismissed only one case as baseless out of the 126 cases for which the verdicts in that particular book are known.[63] This small number of acquittals (and the dismissal) means that courts more often than not punished suspects convicted of both violent and non-violent crimes in some way, whether this was by fine or jail time. Furthermore, a court's acquittal did not necessarily mean

[62] *Τραυματισμός* (*traumatismos* – roughly translated to injury) is what "aggravated assault" refers to.
[63] Rethymno Court of First Instance Judicial Council Criminal Decisions (1881), Rethymno Courthouse, Crete, Greece. The verdicts of 6 cases are unknown because of missing pages from the case book. Worth noting here is the nature of the decisions discussed in these books. A *βούλευμα* (*voulevma*) is a decision made by a higher instance court than a Justice of the Peace. Because the decision-making staff of these higher instance courts was larger, the courts had a more complicated decision-making process that included a *voulevma*, which is a decision to dismiss the case, temporarily pause or postpone it, or conduct a further investigation. However, as we see above, it could also very well be a verdict for punishment. *Voulevmata* were subject to approval from the prosecutor of the Appellate Court. For more information, see *1881 Cretan Code*, Code of Criminal Procedure, Ch. 4, Section 3, Art. 90-97, p. 206-208.

that a suspect was completely free of any penalty. For example, in one of these 16 cases, the court ordered that the suspect was to pay for the injured party's legal fees.[64]

Suspects who were found guilty of misdemeanors also received the minimum fine or sentence given for a particular crime in the penal code. In the case of aggravated assault, the most serious crime that was brought to the Rethymno Court of First Instance, the punishment in the Imperial Ottoman Penal Code in effect during the period of autonomy was imprisonment for a period ranging from one week to one year or an unspecified payment to the victim.[65] In the Court of First Instance in 1881, most suspects of aggravated assault were given jail sentences under three months, which was either the minimum sentence for these crimes or close to the minimum.[66] In the late 1870s and throughout the 1880s, the minimum sentence for an assault resulting in relatively light injuries was one week while the maximum was one year.[67] The minimum for an assault for which a defendant could not be excused and that lead to more serious injuries was three months.[68] Regardless of the severity of the assault, which varied in a middle tier court such as the Court of First Instance, imprisonment under three months was considered lenient according to the law, as the judge and prosecutor had another nine months or more to

[64] Protocol 450, July 7, 1881, Rethymno Court of First Instance Judicial Council Criminal Decisions (1881), Rethymno Courthouse, Crete, Greece.
[65] *1858 Imperial Ottoman Penal Code (Greek translation)*, Book 2, Ch. 1, Art. 179, p. 59.
[66] Here I have combined *τραυματισμός* (injury) and *αικία* (*aikia* - assault and battery) to mean "aggravated assault" even though they were considered different criminal categories in the penal code because they both usually entailed non-lethal violence and some form of verbal assault before the resulting fight.
[67] The sentence, however, could increase to a minimum of one month if the court found that the defendant's attack was premeditated, even if it only led to light injuries. Instead of time in jail, the perpetrator could also pay one to five gold Mecidiye to the victim. See *1858 Imperial Ottoman Penal Code (Greek translation)*, Book 2, Ch. 1, Art. 179, p. 59. Light injuries here are defined in relation to the previous article, which states that anyone who injures somebody enough to make them unable to work for twenty days can go to jail from two months to two years. See *1858 Imperial Ottoman Penal Code (Greek translation)*, Book 2, Ch. 1, Art. 178, p. 59. Further conditions were laid out in Article 180, namely giving the courts a degree of discretion in figuring out a penalty for those who were proven to have intended to murder the victim. See *1858 Imperial Ottoman Penal Code (Greek translation)*, Book 2, Ch. 1, Art. 180, p. 59.
[68] *1858 Imperial Ottoman Penal Code (Greek translation)*, Book 2, Ch. 1, Art. 190, p. 62. The perpetrator could also be subject to five to ten years of police surveillance for this crime according to this article.

sentence at their disposal. Sentences for animal rustling were mostly under six months, which shows a tendency for shorter punishment as well given that the jail sentence range for theft, including this kind, was one month to one year.[69]

The courts' duty to actuate the punishments presented in the penal code was limited by practical concerns about the amount of time that people were held in jails. The relatively short prison sentences described above demonstrated the courts' attempts to be consistent with conditions in the prison system, especially in the period of Halepa when the Cretan government first tested the new criminal justice system as whole. The newspaper *Kriti* included a number of discussions amongst members of the Cretan Assembly who described some of these conditions. In 1881, two Assembly members agreed that wait times in jail, presumably for trial, were too long, proposing that a regular bail system be adopted.[70] In 1884, one of the Assembly members lamented the fact that the death penalty was slow to be applied, if at all, highlighting yet another reason for long jail sentence times. Many prisoners who were sentenced to death for their crimes waited for a long time in jail for that sentence to be carried out.[71] These long incarceration times sometimes illuminated and were attributed to problems stemming from the courts, as some Assembly members in 1885 noted that some prisoners were not questioned properly by examiners, implying that they could have been wrongly accused.[72] These discussions in the newspapers were framed around the long time spent in jail, but by extension, the quantity of

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[69] *1858 Imperial Ottoman Penal Code (Greek translation)*, Book 2, Ch. 7, Art. 224, p. 73. In the Rethymno Court of First Instance, convicted animal rustlers who received the maximum jail sentence of one year were also directed to the prison on the small island off of the eastern coast of Crete, Spinalonga, rather than the local jail. See Protocol 46, March 3, 1881; Protocol 159, March 5, 1881; Protocol 336, May 25, 1881 (Only 6 months in jail plus a fine paid to the municipality of Roustika); Protocol 365, June 4, 1881; Protocol 586, September 15, 1881; Protocol 683, October 29, 1881; Protocol 688, November 19, 1881, Rethymno Court of First Instance Judicial Council Criminal Decisions (1881), Rethymno Courthouse, Crete, Greece.

[70] «Συνελεύσεις» [Assemblies], *Kriti*, November 29, 1881.

[71] «Συνελεύσεις» [Assemblies], *Kriti*, June 8, 1884.

[72] «Πρακτικών ιδιαιτέρας συνεδριάσεως – Του συμβουλίου των εν Χανίοις εφετών ως κακουργιοδικών» [Proceedings of a special session – The council of the Appellate Court in Chania as criminal court], *Kriti*, January 21, 1885.

people in jails at any given time seemed to be a parallel concern. Though both court practices and problems in the prison system were the objects of criticism from the Assembly, ironically the branch of government that was responsible for reforming the penal code in the first place, the courts did their part by shortening jail times.

The Assembly also discussed the consequences of these long jail times, which provided the courts' reasoning for their tendency towards shorter jail sentences. The aforementioned Assembly member who discussed unapplied death sentences cited the consequence of incarcerated people, particularly those who had committed crimes, such as murder, deserving of the death penalty, having a reasonable chance to escape from the jail as his specific issue with delays in applying capital punishment.[73] His reasoning showed that the length of incarceration could further facilitate escape in jails whose conditions allowed for it in the first place. His worries were not baseless, as shown by the mere occurrence of escapes, but the fact that some were conducted in the most rudimentary fashion. For instance, three men escaped a jail in Heraklio by climbing to the roof and then using their belts to get down from it to the other side of the jail.[74] Additionally, because the police were known to help suspects escape the law in some form or other, gendarmes serving as prison guards were seen by the Assembly as potential orchestrators of prison escapes.[75] Given these occurrences, it was possible that the courts were adjusting their verdicts to reality. Meting out short sentences thus not only showed an understanding of social norms, but an understanding of the blind spots of the reform experiment with the rest of the criminal justice system.

[73] «Συνελεύσεις» [Assemblies], *Kriti*, June 8, 1884.
[74] «Αστυνομικό Δελτίο» [Police Bulletin], *Kriti*, June 13, 1887.
[75] See, for example, «Αγγελιαι αφορώσαι εις την δημοσίαν υπηρεσίαν» [Announcements regarding public service], *Kriti*, August 10, 1887.

This trend of minimal sentencing carried on into the early twentieth century, but instead of jail time, detention, marked by sentences shorter than two months, was more popular in the penal code. While detention time for assault without premeditation was one to six weeks, or a fine in an amount between 20 and 200 drachmas, according to Article 688 of the criminal code, western Cretan courts often sentenced defendants found guilty of assault to a shorter time in jail or detention. [76] The Justice of the Peace of Agios Vasileios tended to sentence perpetrators of assault to one to two weeks in detention, and sometimes even less. For example, the justice of the peace and public prosecutor sentenced a man they found guilty of assault in absentia to four days of detention.[77] The Justice of the Peace in Mylopotamos had a more varied record of how it dealt with crimes that involved violence in large part because of the smaller sample size of these types of crimes in this court. Only 14 cases dealt with violent acts, and in half of these the defendant or defendants were acquitted or the charges against them were dropped by the victims. Two of these cases were postponed and the verdict was not recorded in this particular book. Out of the 5 cases in which the defendants were found guilty, however, only one ended with the defendant sentenced to two months in jail. The other defendants all received less than three weeks or, in the case of one, a small fine (10 drachmas).

The book of proceedings of the Justice of the Peace of Mylopotamos, in which hearings from October 1899 to the first of April 1900 were recorded, shows that a relatively higher rate of acquittals did not necessarily mean that the court was overly lenient. Out of a total of 98 cases (115 hearings, taking into account continuations of hearings for postponements), 30 defendants or sets of defendants were proclaimed innocent by court officials. Out of these 30 hearings after

[76] *1899 Cretan Cretan Criminal Law Code*, Book 3, Part 2, Section 26, Art. 688, p. 221-222.
[77] Protocol 144/Proceeding 76, September 23, 1900, Justice of the Peace of Agios Vasileios Criminal Proceedings (1899-1900), Archive of the Justice of the Peace of Agios Vasileios, GAK Rethymno, Crete, Greece.

which the defendant or defendants were found innocent, only 5 were for crimes involving violent acts. The other 25 suspects were in court for crimes such as insult or illegally carrying a gun or knife, showing that, as in Agios Vasileios, in Mylopotamos non-violent rather than violent crimes were typically acquitted. Furthermore, some of these acquittals should be grouped into a single one. Seven hearings that took place on November 20, 1899 were for illegal knife carrying and gendarmes confiscated all of these knives in the same village and at the same event – the wedding of Savvas Dramountakis in Anogeia.[78] The court realized it did not make sense to punish people for breaking a law in celebration of an event which required people to carry and use knives in cutting meat for the post-wedding festivities.

Detention of a month or more, at least in Agios Vasileios, was reserved for cases of the most severe type of violence that could still fit into the category of "misdemeanor." An example of this was a hearing from March 18, 1900 in which a victim claimed that the defendant attacked him with a rod while he was making repairs on a road in the village of Melampes. The eyewitness testimonies of two twelve-year-old girls who were picking dandelion greens on the side of the road supported the victim's statement. They also repeated the fact that the defendant beat the victim with a rod on his head and the rest of his body unprovoked. Because of these injuries, the victim claimed that he had not been able to work for three days after the attack. With the defendant's own admission that he may have injured the victim, though he made it seem as though it was an accident and that because the girls were under-aged that their testimonies were not valid, the court decided to give a punishment within the limits of the one prescribed in the

[78] Protocol 137/Proceeding 18; Protocol 135/Proceeding 19; Protocol 136/Proceeding 20; Protocol 134/Proceeding 21; Protocol 44/Proceeding 22; Protocol 142/Proceeding 23; Protocol 145/Proceeding 29; Protocol 138/Proceeding 25, October 21, 1899, November 20, 1899, Justice of the Peace of Mylopotamos Criminal Proceedings (1899-1900), Archive of the Justice of the Peace of Mylopotamos, GAK Rethymno, Crete, Greece.

criminal code – one month of detention, a twenty-drachma fine, and payment for any incurred court fees.[79]

In both periods acquittals often were informed by the defendant's reasoning for committing the crime which the court deemed reasonable, as in the case of the knives being used for serving meals at the wedding of Savvas Dramountakis. In some cases, the court's reasoning for an acquittal was tied up with the defendant's life circumstances or identity. In a hearing on March 4, 1900, a woman was acquitted for insult, assault, and battery when she had, according to several witnesses, slapped a man strolling through the street with a group performing a *patinada*, a traditional local song, yelling that he was an "unbaptized Turk" who had killed her child.[80] Another witness appealed to the widow's situation: "She said these things because she is in pain, because they killed her child and she suspects that the victim is the killer."[81] The defendant herself stated that her only child had recently been killed and just looking at the victim, who she was convinced killed him, made "her blood boil."[82]

The court acquitted the defendant of these charges despite the fact that all parties agreed that they saw the woman insult and threaten the victim. Some witnesses saw her chase after him, a few with a knife, but the fact that she ultimately only slapped him likely informed the court's final decision. The defendant's gender also seems to have factored into the verdict, especially when one contrasts the outcome of this case with another below in which a son who had a

[79] Protocol 37/Proceeding 15, March 18, 1900, Justice of the Peace of Agios Vasileios Criminal Proceedings (1899-1900), Archive of the Justice of the Peace of Agios Vasileios, GAK Rethymno, Crete, Greece. The category was *επίθεσις* [attack], and according to Article 207 of the Criminal Law Code of the Cretan State, it was punishable with fourteen days to six months in jail if done with a weapon. In this case, the weapon was a rod. See *1899 Cretan Criminal Law Code*, Book 1, Ch. 8, Section 7, Art. 207, p. 61.

[80] «Αβάπτιστος τούρκος.» The victim was actually an Orthodox Christian. This term was used to insult a person's morals or ethics.

[81] «Αυτή τάλεγεν αυτά γιατί είναι πονεμένη της εσκότωσαν το παιδί της και υποψιάζεται ως φονιάν τον παθόντα.» See Protocol 95/Proceeding 26, March 4, 1900, Justice of the Peace of Mylopotamos Criminal Proceedings (1899-1900), Archive of the Justice of the Peace of Mylopotamos, GAK Rethymno, Crete, Greece.

[82] «...βράζει το αίμα μου όταν τον ίδω.»

problem with his father's new bride interrupted the post-wedding festivities to wreak havoc and slap the bride. In this case, the court perhaps believed the fact that she was a woman prevented her from committing further violent acts. Furthermore, the acknowledgement of the defendant's mourning by a witness who was part of the victim's *patinada* group, who used language that showed his sympathy towards her, likely made the court more amenable to her pleas and to her case. In these ways, the defendant was deemed to have reasonable cause for her actions.

The mitigation of jail times was often linked to insufficient or inconsistent witness testimonies. In many, if not most, of these cases, there was not enough evidence to suggest the defendant's guilt as there were either no witnesses to support the defendant's claims or, more frequently, their testimonies failed to incriminate the defendant. This was a product of surplus witnesses that were only marginally aware of the events that brought them to court and witnesses withholding information in their testimonies. While witness testimonies are the focus of the last chapter, the part of the negotiation process between various court personnel, witnesses, and defendants that led to the punishments the court prescribed needs attention to understand witnesses' answers.

In the cases that witnesses stated that they lacked sufficient knowledge or did not have any knowledge of the action that started the hearing at all, the courts treated the testimonies as a lack of evidence if that was the only testimony provided. An example of this was a case of insult on March 4, 1900 for which all the witnesses present testified to the council of the Justice of the Peace of Agios Vasileios that they did not hear the defendant call the plaintiff a cuckold as the plaintiff claimed he did.[83] At the end of the first hearing for the case, the judge postponed the

[83] Protocol 8/Proceeding 13, March 4, 1900, Justice of the Peace of Agios Vasileios (1899-1900), Archive of the Justice of the Peace of Agios Vasileios, GAK Rethymno, Crete, Greece.

verdict because of a lack of adequate evidence. In the hearing that resumed the case, the defendant was declared innocent due to a lack of evidence.[84]

In cases with testimonies from more certain witnesses that corroborated the stories of witnesses who claimed to have little to no knowledge of the alleged criminal activity discussed, the courts attempted to balance the evidence between the plaintiff and defendant. In so doing, they showed that they valued both social conceptions of fair mediation and the application of the law in maintaining an orderly society. One example of this balance is demonstrated in a case of disturbance of the peace. On December 26, 1899 a man crashed a social gathering and slapped his stepmother. He told her that he did not want to see her ever again and left the wedding only to return later to curse his father for "bringing the Italians to choke him" as well as to insult and try to hit some of the guests at this gathering.[85] Disturbance of the household peace with violence was punishable by at least one year in jail according to Article 201 of the 1899 Criminal Law, which was invoked in the public prosecutor's statement, as well as the court's verdict.[86] The perpetrator of this crime, however, was given only one and a half months of jail and the payment of the opposing party's court fees even though he had hit a person and attempted to hit many others.[87] His sentence was half of the maximum sentence of three months given to those who disturbed the household peace but did not act violently against any people in the house or destroy any property, the latter of which was prescribed a maximum six-month sentence.

[84] Protocol 8/ Proceeding 16, March 18, 1900, Justice of the Peace of Agios Vasileios (1899-1900), Archive of the Justice of the Peace of Agios Vasileios, GAK Rethymno, Crete, Greece.
[85] «έφερεν Κύριε Σφακιανάκη τους Ιταλούς να με πνίξει [sic].»
[86] *1899 Cretan Criminal Law Code*, Book 1, Ch. 8, Section 3, Art. 201, p. 59. The public prosecutor of the court here seems like an anomaly, since the justice of the peace in this period acted as one. However, it is likely that one of the two deputies assigned to Justices of the Peace was a public prosecutor (the other being a court scribe).
[87] Protocol 310/ Proceeding 3, January 15, 1900, Justice of the Peace of Agios Vasileios Criminal Proceedings (1899-1900), Archive of the Justice of the Peace of Agios Vasileios, GAK Rethymno, Crete Greece.

In this case, the court's decision to give a reduced sentence seemed to be based on three factors, the first which considered the severity of violence. The defendant first entered the house, slapped the woman, who was his father's new bride, and told her not to show herself in front of him again. Later in the same evening, the defendant again showed up at the house and began to curse at his father's new wife again, his father himself, as well as anybody who happened to be around him, hitting them as well. While it was a prolonged disturbance, the violence was relatively contained. Additionally, the court may have considered the form of the violent act. The gender of the victim limited the type of violence to a single slap rather than something more serious that involved weapons or daily object-turned-weapons in the drawing of blood. It may be that the court did not consider the act as a violent one at all, as the council specifically invoked Article 201 of the criminal code when it gave its verdict. This article was under the appropriate criminal category of "disturbance of the peace" and described the punishments for the types of damages associated with this kind of crime, including violence. A disturbance of the peace that led to bodily injury was associated with at least one year in jail.

The second and third factors that played a role in the verdict illustrated the court's awareness of common Cretan social practices. The setting itself was significant. Justices of the peace and public prosecutors were aware of the fact that social gatherings sometimes invited raucous behavior. This particular gathering took place at the home of the defendant's father. The defendant's comment about his father bringing the Italian authorities against him revealed why he would want to disrupt this particular social gathering at his father's house. This case illustrated that the justice of the peace recognized not only a son's objection to the likely remarriage of his father, but a relationship between a father and son made tense by the fact that the father evidently had called the authorities on his son because he had insulted his wife. The

comment about the authorities is explained by the final witness in the case, who stated that the defendant

> did what he did [at the gathering] because his father was brought [to the authorities] that day, and he made a complaint against him about an insult he had made against his stepmother earlier that day, and he wanted to show him that he did not let it pass, and the day of his father's wedding he insulted him again and he was playing a drum and he threw the trousseau asunder and begged [for them] in an insulting way.[88]

The son felt that he had a score to settle with his father, and he expressed that in a public place to embarrass him. He also did not stop there, also behaving poorly and damaging the bride's trousseau at his father and stepmother's wedding. Furthermore, the setting could have posed a further issue. The defendant's lawyer, in attempting to stop the court from applying Article 201 claimed that the house was partially the defendant's, even if he did not presently live there. Given this comment coupled with the defendant's dislike for his stepmother, it seems as though the marriage had caused a significant enough rift between the father and the son for the unmarried son to move out of the house that was at one point his inheritance. However, the court was not persuaded by this argument, proceeding to state that it was "convinced by the depositions of the witnesses regarding the defendant's guilt."[89] By this, it acknowledged the defendant's guilt, which was punished, but it also took into account an important common factor in the witnesses' statements.

The third, and perhaps most important, factor was that despite the witnesses not being able to agree on whether they believed the disturbance was planned, all of them testified to the

[88] «έκαμε δε αυτά διότι ο πατήρ του ήτο φερμένος την ημέραν εκείνην και τον κατήγγειλε δια την προσβολήν όπου έκαμε την ημέραν της μητρυιάν του και ήθελε να του δείξη ότι δεν του επέρασε να του κάμη πράμα και κατά τον γάμον δε του πατρός του τον προσέβαλε πάλιν αυτόν και έπαιζεν εν τύμπανον και έρριψε χαμαί τα προικιά και τα επαιτει υβριστικώς.» Because the other testimonies do not mention a drum or the damaging of the trousseau, it is unlikely that the incident itself took place at the wedding mentioned. This seems to be a later incident, as approximately three weeks separated the crime and the hearing.

[89] «Το Δικαστήριον πειθόμενον εκ των καταθέσεων των εξετασθέντων μαρτύρων περί της ενοχής του κατηγορουμένου.»

defendant's inebriation on this particular night. Even if some tried to claim that it was to a small degree possibly in order to argue that he perhaps had the ability to act logically for the most part, the fact of the matter was that he was not sober. The court took into account that the defendant's actions were not entirely of his own conscious doing, giving him a lighter sentence because of that fact. While losing control of one's faculties while drinking was a sign of a lack of honor, in the law, it was cause for mitigation of the punishment. Article 86 of the penal code under a section titled "General Definitions" argued that anyone who was not in possession of logic could not be blamed for his actions. The four types of individuals identified as those who did not act logically were the mentally ill, those who out of stupidity cannot judge the correctness or the consequences of their actions, older people with illnesses that may inhibit their logical judgment, and those who committed a crime in a confused state.[90] Article 89 further clarified that a person in a state of confusion specifically because of alcohol consumption, if found to commit a crime that was not premeditated, could be punished with a reduced penalty.[91] The defendant fell under the final category of Article 87 as well as fit the conditions of Article 89 because of his drinking. If there was any doubt about his fitting into the category of a confused state, the justices of the peace and public prosecutors could enact their discretion in accordance with Article 87, which was specifically for instances in which authorities may have trouble discerning whether a defendant was using his logic, in lessening the punishment.[92] However, given that there was a punishment at all and that the sentence was longer than a week, which is what many defendants who committed much more violent crimes were given, the court recognized that this kind of

[90] See *1899 Cretan Criminal Law Code*, Book 1, Ch. 5, Art. 86, p. 23. Article 90 states that people who commit a crime without logic are exempt from Article 86 and cannot escape blame. However, the penal code also provides for exceptions that can be applied to people acting without logic in a later section.
[91] *1899 Cretan Criminal Law Code*, Book 1, Ch. 5, Art. 89, p. 24.
[92] Also see *1899 Cretan Criminal Law Code*, Book 3, Section 6, Art. 513, p. 165.

behavior needed to be curtailed regardless of the fact that the criminal code itself somewhat excused it. This was part of a broader effort to create a more moral populace, supported by edicts against gambling and the illegal status of divination.[93] The court here demonstrated that it balanced between the ideal and realistic behavior of Cretans at the time. At the same time, it was able to satisfy the victims of the defendant's disruption with its punishment.

Courts generally also gave benefit of the doubt to the defendant if a witness's testimony gave courts reasonable cause to question the defendant's guilt. This was certainly the case if all witnesses denied the defendants' actions. In a case of what appeared to be a mix of theft, insult, and injury in Mylopotamos in 1899, the court declared a group of men innocent who had allegedly stolen rocks from the plaintiff and threw them at him. Three witnesses appeared in court to testify, with all three stating that the men indeed took the rocks, although each witness stated something different about to whom the rocks belonged and how they were acquired, but that either the defendants did not throw rocks at the plaintiff or that the witness did not see anyone throwing rocks at him.[94] With one person's word against that of three others, one of whom was related to the plaintiff and two of whom were eyewitnesses and insinuated that the alleged events did not happen the way the plaintiff said they did, it was clear to the justice of the peace that the defendants should not be considered guilty for the crimes they were brought to court for.

In a case similar to the one in which the man was accused of calling another man a cuckold, a man accused of damaging a neighbor's vegetables was found not guilty because of

[93] Article 683 of the 1899 Cretan criminal law code lays out the specific punishments for games that involve gambling. Additionally, a man in Agios Vasileios was convicted of divination and sentenced to jail for a period of 10-18 days. See Protocol 97/Proceeding 40, June 17, 1900, Justice of the Peace of Agios Vasileios (1899-1900), Archive of the Justice of the Peace of Agios Vasileios, GAK Rethymno, Crete, Greece.

[94] Protocol 153/Proceeding 48, November 2, 1899, December 4, 1899, Justice of the Peace of Mylopotamos Criminal Proceedings (1899-1900), Archive of the Justice of the Peace of Mylopotamos, GAK Rethymno, Crete, Greece. The two different dates likely correspond to the first and second proceedings of the trial.

"doubt."[95] This was common in many verdicts that were made based on witness testimony that provided little to no information. This one in particular gave the justice of the peace too little information according to the court's final statement on the verdict. Out of a total of three witnesses, two were present. The court scribe wrote that the first present witness stated that he had nothing to add to the testimony he gave in his pre-hearing examination on June 30. The second witness gave a fairly substantial testimony in which she explained that while she saw the defendants gathering zucchini and knew that they also took melons, she said that the tomatoes in the yard were planted naturally from the disputed field with mud from that field by way of a stream that had carried what seemed to be their seeds. The witness's statement presented a challenge to the charges. The fruit as property itself seems to have been a point of tension between the two litigants besides the alleged "destruction" of it. Additionally, natural transfer through the movement of soil was something that could reasonably happen, making the vegetables an original product of the plaintiff's field but that had wound up because of natural movement in the defendant's field. Even though the defendant only mentioned that the tomatoes were found in the defendant's field because the stream had brought them there, the implication was that the zucchini and melons could also have been brought there by the same source, so the court had reason to doubt that the defendants had stolen the vegetables from the plaintiff's field. The fact that they were being gathered and "cleaned," likely meaning "peeled" rather than "washed," by the defendant may explain in this case why the criminal category was "damage to vegetables."

[95] «...κηρύται αθώας τας κατηγορούμενας λόγω αμφιβολίαν.» ("…pronounces the defendants innocent due to doubt.") See Protocol 108/Proceeding 54, July 22, 1900, Justice of the Peace of Agios Vasileios (1899-1900), Archive of the Justice of the Peace of Agios Vasileios, GAK Rethymno, Crete, Greece.

A factor that actively worked against the defendant in hearings was the lack of knowledge of a particular law. In the Justice of the Peace of Agios Vasileios, one of the most common crimes was the illegal carrying of guns and knives, which was enforced in the early 1900s more than it seemed to be in the 1880s. The punishment of this crime is a particularly interesting object of investigation because of the issues discussed in the previous chapter. The improper carrying of both guns and knives, which were often tools for many daily tasks of the masses who were involved in various types of husbandry, was considered criminal activity. This law brought many shepherds, farmers, and even rural constables to court. The state's need to disarm the population for the purpose of monopolizing the means of rebellion and violence interfered with people's day to day lives. In the Justice of the Peace of Mylopotamos in 1899-1900, the verdicts for these types of cases were fairly mixed.[96] Half of the defendants coming to court for carrying weapons (most of which were knives for this region), were found not guilty while the other half were given anywhere from 24 hours to 2 months in jail. A noticeable pattern in these cases was that those defendants who were found innocent did not use a lack of knowledge of the law as an excuse. Most of those who did were fined and sentenced to detention. The law expressed that justices of the peace, judges, and the prosecution should not excuse a perpetrator for not knowing that something they did was illegal.[97] The justices of the peace in Mylopotamos adhered to this law. However, they only sentenced perpetrators of illegal firearms bearing for a relatively short period of time compared to the law's prescribed punishment, which was 1-4 months for the illegal carrying of a knife.[98] The justices of the peace

[96] Because it was the same event, I counted eight cases as one. Eight people were served by the police at the same wedding for carrying knives.
[97] *1899 Cretan Criminal Law Code*, Book 1, Ch. 5, Art. 91, p. 24.
[98] *Regarding the Cretan Gendarmerie*, Law 64, Art. 1, p. 25.

seemed attuned to the fact that social change, especially in a state where guns had practical and historical significance, took a long time in keeping with legislative reform.

Conclusion

As I have shown, courts were willing to cater to the people who used them, despite all the criticism it received from the Cretan General Assembly for flouting protocol, skipping some court procedures, taking too long to complete necessary tasks in completing trials, and being generally inefficient in the period of semi-autonomy. During both periods, they also proved effective in adjusting to insufficient evidence as witnesses either purposefully or due to flawed human memory claimed that they did not know as much as the court would have liked. In cases where the court dealt with "gray areas" in defendant behavior that did not clearly show a use of logic or intent, court personnel used the law at their disposal to punish the defendant in a way that would not be overly punitive. Significant to note is that this flexibility was built into the law itself as time progressed, even if that law also demonstrated the expansion of the Cretan state's social and moral control.

Chapter 3: Wolves to Saviors? The Gendarmerie on Crete

On May 24, 1887 outside of the village of Vamos, Apokoronas in the prefecture of Sfakia, two brothers and their acquaintance attacked a group of men.[1] The three assailants were drunk and ended up wounding three of the men in the group. They stabbed one with a knife and injured another two. The perpetrators then fled the scene and ended up outside the village of Kalamitsi, about five kilometers southeast of Vamos, where they were confronted by gendarmes. One of the perpetrators attacked a gendarme intending to kill him, but another officer stopped him. However, the actions of the other gendarme proved to be futile in arresting the perpetrators; a large group of armed villagers were able to help the three men escape even after the intervention of the police.[2]

Though the gendarmes in this event were not acting outside of their job descriptions and were in fact doing what they were supposed to in the given situation, this incident exemplifies the Cretan population's discontent with and consequent hostility towards the men of the gendarmerie prevalent during the 1880s. During this time, the Cretan Assembly, the island's legislative body, met to propose changes to the gendarmerie. Its members expressed dissatisfaction with the perceived incompetence of the gendarmes. They saw the vast amounts of money spent on training and supplies for the force – more than half of Crete's total budget – as a waste.[3] Thus, they wanted to make the gendarmerie worth the economic investment by imposing stricter stipulations for entrance into the force to attract educated and qualified officers and

[1] Sfakia as a whole was placed in the prefecture of Chania in the autonomous Cretan state and remains there today. However, after the Ottoman reorganization from *eyalets* to *vilayets*, it was a Cretan *sancak* – İsfakya (Sfakia). For more information on the reputation of the inhabitants of this region, see Pınar Şenışık, *The Transformation of Ottoman Crete*, 68.
[2] «Αστυνομικό Δελτίο» [Police Bulletin], *Kriti*, June 13, 1887.
[3] «Συνελεύσεις» [Assemblies], *Kriti*, June 10, 1884.

ensuring the enforcement of regular protocol, thus generally eliminating corruption of power. The first part of this chapter explores gendarmes' relationship with the general public and the proposed laws, decrees, and regulations to make these interactions less violent from 1880-1888. I will then examine the second set of changes that the gendarmerie underwent in the autonomous period, from 1899 to 1913. At this point, the gendarmerie was deemed more efficient by Cretan media and bureaucrats due to better training from Italian and later Greek officers; more advanced criteria for recruitment, and consequently better incentives for upward mobility both in the gendarmerie and thus Cretan society; and better supplying of weapons and uniforms that made them stand out as a higher class than the working classes they policed. The effects of these changes will continue to be discussed in the next chapter.

Image 1: Postcard from Heraklio with an image of Cretan gendarmes. «Κρήτες Χωροφύλακες» [Cretan Gendarmes], digitized photo archives of E.Λ.Ι.Α. (Ελληνικό Λογοτεχνικό και Ιστορικό Αρχείο [E.L.I.A. – Greek Literary and Historical Archive]), CPAEG 2.072, Nikolaos Alikiotis, Heraklio, 1903.

Unlike most works on policing forces in the Ottoman Empire, this project as a whole places gendarmes in their social context. The present chapter examines the lived experience of reform for the gendarmes. The Ottoman and Cretan gendarmeries have generally been studied as institutions rather than as social groups.[4] In short, scholars have studied the gendarmerie, and even that institution in broad strokes, rather than details about the gendarmes, which detracts from studying daily human interaction.[5] Furthermore, the majority of works on the Ottoman police and gendarmes have focused on the Ottoman imperial metropole rather than the provinces and on the urban centers rather than on the rural areas of the empire. This chapter seeks to respond to the shortage of works on this topic as well as the demand for it by scholars interested in this aspect of Ottoman policing.[6]

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[4] Glen Swanson, for instance, gives a history of policing in the Ottoman Empire. Swanson discusses the military background of the Ottoman police, the different imperial bodies that conducted policing duties, and what these duties entailed with marginal discussions on how gendarmes interacted with locals. See Glen W. Swanson, "The Ottoman Police," *Journal of Contemporary History* 7, no. 1/2 (1972): 243-260. Nadir Özbek's work on gendarmes in Ottoman rural areas is an exception to these institutional histories. See Özbek, "Policing the Countryside: Gendarmes of the Late 19th Century Ottoman Empire," *International Journal of Middle East Studies* 40 (2008): 48. Additionally, Antonis Anastasopoulos and Yannis Spyropoulos's work on Cretan local and imperial janissaries and their economic and social networks in the late eighteenth and early nineteenth centuries can fall into this category because of the role janissaries played in policing the empire. See Anastasopoulos and Spyropoulos, "Soldiers on an Ottoman Island: The Janissaries of Crete, Eighteenth-Early Nineteenth Centuries," *Turkish Historical Review 8* (2017): 1-33. In her work on honor as the Young Turk Ottoman police's central value in defining themselves against political opponents and officers of the old regime, Noemi Levy Aksu builds on institutional histories of the gendarmerie, but ultimately conducts a discourse analysis of documents and texts about the police written by police officers and other state officials (Noemi Levy Aksu, "Building Professional and Political Communities"). For Western Europe, this is also the case. See, for example, Clive Emsley, *Gendarmes and the State in Nineteenth-Century Europe* (1999; reprint, New York: Oxford University Press, 2002).

[5] Özbek, 48.

[6] Özbek at the end of his article notes that his work on gendarmes in the Ottoman countryside is meant to encourage further research into the topic: "This review indicates that further study of the living conditions and everyday practices of the gendarmes, especially if supplemented by more information on gendarmes' interaction with peasants, may opent the way to qualitative rethinking of key issues of late Ottoman history" (Özbek, 63). Likewise, Anastasopoulos and Spyropoulos end their work on the janissary corps on Crete with an appeal to the furthering of their research by examining what replaced the janissaries and how: "Given the importance of the janissaries for Cretan society and economy in the previous period and in the absence of any massive campaign against them in the wake of the abolition of the corps, it is reasonable to assume that the janissaries did not disappear in 1826, but continued to be part of Cretan society in a new configuration. In this context, it would be interesting to know how and how fast the former janissary networks and Cretan society and economy at large readjusted to a new era without janissary institutions, structures or legal privileges" (Anastasopoulos and Spyropoulos, 33). Because the gendarmerie replaced the janissary corps as a military (or in the case of the gendarmes, paramilitary) force with significant policing duties, it can be seen as the "new configuration" of the janissary corps. Thus this chapter is a

An examination of policing in the provinces demonstrates the Ottoman central government's inability to effectively administer and govern its periphery from the center proper, which additionally forces a reconsideration of the Ottoman decline thesis.[7] The legacy of the Ottoman Empire's strong state was shifting to its provinces. The gendarmerie's success in Crete by the end of the autonomous period coincided with Crete's shift to full autonomy within the Ottoman Empire. I will detail some of the changes the gendarmerie underwent during this time period that led to improved internal security. The stability this yielded between Christians and Muslims on the island, another important reason for European intervention, was a way for Crete to claim preparedness for an exit from imperial structures and union with Greece.[8] This chapter and the next also recast gendarmes as actors displaying a set of fairly normalized practices, but ones that nonetheless were antithetical to the public's vision of the proper enforcement of justice.[9]

The reason for the general public's distrust and seeming resistance to the police in the period of semi-autonomy was the officers subscribing to the island's honor culture. The gendarmes' social positions as non-elite members of society meant that their use of honor as a form of currency made sense. Their inability to enforce the law in a productive and licit manner in turn enforced this honor culture, explaining the extreme reactions of the population, such as the one described above. This seemed to change in the period of autonomy as the gendarmes

contribution to the type of study the authors call for and emphasizes the multitude of social roles the gendarmes played.

[7] Özbek, 62. Additionally, this is supported by Elektra Kostopoulou's claim that Ottomans had to develop a new form of imperialism after a turn back to centralization in the nineteenth century. She highlights Crete's partial break away from Ottoman rule with the fact that the oversight of the training of the new Cretan gendarmerie was the responsibility of the Cretan High Commissioner (Kostopoulou, "The Island that Wasn't," 555)

[8] Rodogno, 217.

[9] Özbek, 48. In this work, Özbek calls for a study of the gendarmes as agents and thus turn away from a history that treats government institutions as "abstract reifications."

became better trained and professionalized, aligning their status more with that of bureaucrats rather than the general working public.

The making of the Ottoman gendarmerie and its formation on Crete

Like the rest of Europe, the Ottomans used gendarmeries as a form of police in the nineteenth century. In 1845, the Ottoman police was institutionalized with the *Polis Nizamnamesi*. Until 1878, it was essentially a gendarmerie, a paramilitary police force that effectively acted as a militia. Gendarmeries had been forming in the late eighteenth and early nineteenth centuries across Western Europe, beginning with the French. As they were intended for in the Ottoman case as well, gendarmes were supposed to set the stage for reform in Europe by quelling rebellion. The French corps were, in fact, established after the French revolution and the men in them were professional soldiers, attesting to the military character of the gendarmerie. The French gendarmerie was seen as the descendant institution of the *marechaux*, a group of military marshals that were also responsible for supervising the populace and administering justice. While the *marechaux* were an important force for the policing of the provinces, after the reorganization of the court system that took away judicial power from them it seemed like a bad idea to rely on the military for provincial order, especially since the *marechaux* seemed to be just as influenced by revolutionary ideology as the people. Additionally, the new *commissaire* corps that were established to police the countryside were ineffective against brigands.[10] Thus the gendarmerie was born with both civil and military duties. The Napoleonic Wars helped the

[10] Emsley, 37-40.

popularity of the gendarmerie and the establishment of gendarmeries spread throughout Europe as the French model was imposed on subject peoples of Napoleon's empire.[11]

Similarly, the Ottoman police according to the aforementioned 1845 regulation were supposed to survey and control the population while preventing and suppressing social unrest. The police were meant to monitor and get rid of undesirable or deviant behavior.[12] However, initially the main purpose of the Ottoman police was to control banditry and rural unrest. This latter task is reminiscent of the French's use of the gendarmerie in their imperial project at the turn of the century. Instead of expansion, the Ottomans were interested in imperial maintenance. Over the course of the century, however, the Ottoman police became more involved with civil policing and criminal investigation, which led to an official split in 1879. The police forces were placed under their own Ministry of Police while the gendarmerie was put under the jurisdiction of the Ministry of War. In 1909, the Ministry of Police was dissolved and replaced by the General Directorate of Security under the Ministry of the Interior.[13]

In Crete between 1879 and 1913, the gendarmerie continued to serve the dual function that the Ottoman police had served up until 1879. While gendarmes were expected to catch outlaws as well as suppress rebellions (of which Crete had many), they also patrolled neighborhoods for disorderly conduct, arrested criminals, and were involved in the investigation of crimes. Gendarmes reported to corporals, who were the lowest in the chain of command of officers under sergeants, sergeant majors, second lieutenants, first lieutenants, captains, majors, and the colonel of the gendarmerie. The colonel was stationed in Chania, Crete's capital, while each of the five majors were in charge of Crete's administrative districts. The captains were in

[11] Emsley, 54-56.
[12] Levy Aksu, "Building Professional and Political Communities," 4. Italian police were also expected to conduct surveillance during the Risorgimento.
[13] Levy Aksu, "Building Professional and Political Communities," 4-7.

charge of larger jurisdictions within the districts in which the first lieutenants, second lieutenants, sergeant majors, sergeants, and corporals operated, along with the enlisted gendarmes.[14]

In the 1880s, gendarmes were ineffective in conducting their daily tasks and general duties. The legislature of Crete set out in the early 1880s to correct this, attributing the problem to general corruption and lawlessness on the gendarmes' part. While in their meetings they discussed concrete ways in which to do this, what was written in the 1879 Cretan Code and the two volumes of tomes published in 1893 that were a collection of enacted laws, edicts of the general administration, and circulars distributed from the prosecutor of Crete's highest court, the Appellate Court, excluded important regulations from 1884 and 1888 concerning the function and constituent elements of the Cretan gendarmerie along with specific laws governing their behavior that addressed major problems within the institution. These regulations appeared in the newspaper *Kriti* along with early drafts that included commentary by members of the Cretan Assembly on the individual articles as they were discussed in a series of meetings.

While there were no explicit criteria for joining the Ottoman police until 1909, the 1884 regulations did include qualifications for Cretan gendarmes, though these regulations proved to be vague.[15] In part, this was due to the fact that the character of the men the forces hoped to attract was not immediately addressed with the creation of the gendarmerie. The 1879 Cretan Code contained a short eight-paged section entitled "Organization of the Gendarmerie of the Island of Crete" without specifying the selection process of gendarmes or their leaders,

[14] See *1879 Cretan Code*, Law of the Organization of the Gendarmerie, Art. 3, p. 104-105. The hierarchy of the gendarmerie stayed the same in the period of autonomy, but the major was moved to Chania while the captains were each in charge of the five districts of Crete. The companies in the districts were divided into platoons located in the major cities of every district and were administered by first or second lieutenants. These platoons were then split into squads in towns and villages that were administered by sergeants or corporals. See *1902 Codes of the Cretan Polity*, Vol. 2, Regarding the Organization and Salary of the Gendarmerie, Title 1, Ch. 1, Art. 4, p. 374.
[15] For Ottoman police, see Levy Aksu, "Building Professional and Political Communities," 6.

commissioned or otherwise.[16] Only five years later did three criteria for gendarmes appear in the newspaper as part of the Regulation of the Gendarmerie of the Island of Crete: being between 20 to 50 years of age, being previously convicted of a felony, misdemeanor, or theft that was punished with more than a year's incarceration, and mental or physical disability.[17]

The second criterion seemed to be most important to the legislature, as one of the most common complaints that was voiced by members of the Assembly was about the type of men that served in the gendarmerie. In the recordings of the Assembly's meeting on May 31, 1884 a member specifically noted that "it is not right for us to put the wolf to protect the sheep, and thus have a criminal gendarmerie."[18] With this statement, the Assembly legitimized the public's hatred and distrust of gendarmes as it made the force's corruption, and its need to be addressed, apparent. The stipulation that a gendarme have no previous convictions, however, had two problems. The first was that men who previously had been incarcerated for less than a year were still eligible for enlistment into the gendarmerie.[19] The second issue was that the criterion was premised on a strong gendarmerie that was effective in catching criminals, which at this point the local gendarmerie was not.[20]

The Assembly complained that gendarmes, whether intentionally or unintentionally, did not arrest criminals. Assembly members noted that in four months, fifteen crimes were committed by criminals whom gendarmes ultimately did not apprehend.[21] Attributing the

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[16] The vague qualifications of "ability" and "honorability" were stated in Article 11, while the first of the specific provisions that followed Article 12 outlined the expectations of the commissioned officers to select men according to these criteria. See *1879 Cretan Code*, Law of the Organization of the Gendarmerie, Art. 11-12, p. 109.
[17] «Κανονισμός της εν τη Νήσω Κρήτη Χωροφυλακής» [Regulation of the Island of Crete's Gendarmerie], *Kriti*, July 10, 1884.
[18] «Συνελεύσεις» [Assemblies], *Kriti*, June 8, 1884.
[19] An assembly member referred to this exact problem in «Συνελεύσεις» [Assemblies], *Kriti*, June 10, 1884.
[20] Besides the widespread criminality and corruption within the Cretan gendarmerie, gendarmes were also known to place their political and personal agendas, the latter of which I will discuss more in detail later, over their public policing duties. Manos Perakis discusses gendarmes' involvement in partisan politics. See Perakis, *The End of Ottoman Crete*, 112. See also Şenışık, *The Transformation of Ottoman Crete*, 92-93.
[21] «Συνελεύσεις» [Assemblies], *Kriti*, June 8, 1884.

ineffectiveness to neglect, the Assembly passed an edict in 1886 that reinforced the 1884 regulation and outlawed gendarme's neglect of their policing duties.[22] Gendarmes' weapons could have been an important factor in their failure to effectively police. Weapons were not included in the gendarmerie's budget, leading one Assembly member to argue that criminals' firearms trumped the ad hoc collection of guns that gendarmes used, which sometimes accompanied weapons that they were not allowed to carry.[23] Article 15 of the second part of the 1884 regulation imposed a fine on gendarmes who carried these unauthorized weapons.[24]

Intentional neglect due to distraction was yet another potential reason that the gendarmerie was not able to properly function. Leaders often allowed gendarmes to serve in their hometowns, allowing the possibility of distraction from duty and improper law enforcement due to favoritism. According to the fourth of the "Specific Provisions" in the last section of the Organization of the Gendarmerie of the Island of Crete, it was deemed inappropriate for officers to be stationed in the towns or villages in which they had previously lived.[25] On the one hand, the officers' local knowledge of the community was beneficial. They could easily navigate the physical landscape in pursuing criminals and predict the behavior of people they knew in defusing a potentially dangerous situation. However, they were embedded in society through kinship ties that made it difficult for them to be unbiased arbitrators. Many, for instance, would allow their family members to get away with illegal actions.[26]

The government attempted to solve this issue by transferring gendarmes as a punishment for failing to fulfill their duties. But this did not work according to the Assembly because these

[22] «Εισαγγελεύς των Πρωτοδικών Χανίων» [Prosecutor of Chania Court of First Instance], *Kriti*, April 7, 1886.
[23] «Γενική των Κρητών Συνελεύσις, Συνεδρίασις Π'» [Cretan General Assembly, Meeting 18], *Kriti*, June 19, 1884; «Ο Εισαγγελεύς των Εφετών» [The Prosecutor of the Court of Appeals], *Kriti*, March 9, 1887.
[24] «Κανονισμός της εν τη Νήσω Κρήτη Χωροφυλακής» [Regulation of the Island of Crete's Gendarmerie], *Kriti*, July 10, 1884.
[25] *1879 Cretan Code*, Law of the Organization of the Gendarmerie, p. 110-111.
[26] Perakis, *The End of Ottoman Crete*, 109; «Συνελεύσεις» [Assemblies], *Kriti*, June 10, 1884.

gendarmes would have their families perpetually instigate trouble. The purpose of this practice was to demonstrate that only the gendarmes from that particular area could negotiate with the locals since they knew them and could thus keep the peace. This demonstrated that gendarmes were fully entrenched in local kinship networks and prioritized personal gain in their profession rather than policing the communities they were assigned to. The idea was that being geographically close to these networks would help the gendarmes expand them while making themselves more prominent in them, as people in the network relied on the gendarmes' position of power to obtain favors. The gendarmes' power in turn would grow as they would use people in their network to create the conditions under which they could obtain further privileges.

This problem seems to have been especially important to the Assembly because it was simultaneously attempting to eliminate vendetta on the island and make civil servants accountable to their actions that could harm the community.[27] Patronage networks were conducive to vendetta as the powerful men who headed these networks could clash when they competed. The stakes were even higher when the patron was a civil servant.[28] As one of the last solutions to this issue, the Assembly proposed to mix gendarmes from different areas into one unit, presumably to increase accountability of peers, but this did not improve the situation.[29]

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[27] For calls to stop revenge violence, see «Ο Εισαγγελεύς των Εφετών» [Prosecutor of the Appellate Court], *Kriti*, March 9, 1887. These calls were enforced by action. Authorities were dispatched to stop another murder from happening when two families began fighting upon finding the body of a member of one of the families. See «Αστυνομικό Δελτίο» [Police Bulletin], *Kriti*, June 24, 1887. Besides the aforementioned discussions of ideas in the Assembly to reform police forces as a way to keep civil servants accountable, *Kriti* also had a section devoted to making public the crimes of civil servants and what was done to punish them.

[28] See, for instance, Anastasopoulos and Spyropoulos. In this work, the authors argue that janissary regiments as whole would act as patronage networks and seek to broaden that network by enrolling locals, even by informal means. On the individual level, however, many were involved in profitable activities such as tax farming. In fact, the majority of life-tax farmers at the turn of the nineteenth century were imperial janissaries (Anastasopoulos and Spyropoulos, 23). Many of them would use janissaries from the lower classes as henchmen of sorts for their financial dealings (Anastasopoulos and Spyropoulos, 25-26). For a general discussion of how patron-client relationships have been discussed in the literature on Greek politics, see Effi Lambropoulou, "Corruption," in *Crime and Punishment in Contemporary Greece: International Comparative Perspectives*, ed. Leonidas K. Cheliotis and Sappho Xenakis (New York: Peter Lang, 2011), 182-183.

[29] Perakis, *The End of Ottoman Crete*, 109; «Συνελεύσεις» [Assemblies], *Kriti*, June 10, 1884.

The criteria in the regulation notably did not address illiteracy within the police forces. Assembly members discussed the illiteracy of the gendarmes, even of commanders, as a problem compounding corruption and misbehavior.[30] The lack of the criterion of basic literacy for entrance into the gendarmerie in the legal code ushered in the usual problems illiteracy presents. In the gendarmerie this included a nonexistent or an unintelligible bureaucratic record and an absence of accountability because of a lack of reading skills necessary for a critical understanding of the law and proper methods of its enforcement.

Illiteracy also invited unnecessary and often unfavorable third-party intervention. Police officers and commanders recruited the help of literate laypeople, however few there were at this time, to read documents so that they could fully understand their orders or clarify the intended recipient of a warrant. Mediation in the second case was especially undesirable because of deceit, which the Assembly knew had happened in the past. If the person helping the officer read the orders and personally knew the perpetrator to whom the arrest orders referred, he could and would lie to the officer about what really was requested of him. Further, and possibly more detrimental, the third party could also immediately notify the suspect and warn him that the gendarmes were looking for him, giving him a chance to escape.[31]

The dangerous combination of a gendarmerie populated with illiterate and criminal gendarmes was most clear in the issue of the, at best, inconsistent distribution of warrants. Gendarmes often broke into homes without proper search or arrest warrants. In 1885, the Assembly noted that the police arrested people without valid warrants, with incomplete ones, or

[30] See also Şenışık, *The Transformation of Ottoman Crete*, 93.
[31] «Συνελεύσεις» [Assemblies], *Kriti*, June 10, 1884. On the whole, the Cretan population was largely illiterate at the time. Even by 1900, only 28% of the population was literate, 78% of these 84,627 people being male. See Chalkiadakis, 92.

ones that simply were improperly written.[32] Two years later the situation had not improved much. Gendarmes finally were beginning to issue warrants to people before they detained them as suspects, but not for every arrest they made.[33] Administering warrants before detention was an occasional practice instead of a regular one, as it was supposed to be. The same year, in 1887, the prosecutor confirmed in a circular in the newspaper that gendarmes were still not issuing warrants. Unsurprisingly, the behaviors that they allegedly had been exhibiting were not dissimilar to the common thief, as the only difference between entering a person's residence legally and illegally is with consent or a piece of paper – a warrant. The prosecutor complained that the gendarmes not only entered people's homes without the proper paperwork showing that they were authorized to arrest the resident or residents, but they often did it at night, which was both suspicious and illegal. The only time a gendarme could enter a house at night was if he witnessed a home invasion and were in pursuit of the suspect. This circular from the prosecutor also made it clear that not only police were breaking this law, but commanders as well who were giving these orders to the officers in their unit. Punishments for this offence, including detainment for up to six years, therefore did not only apply to the gendarmes, but to their leaders as well.[34]

With the reputation the gendarmerie had, it was understandable that the population's interactions with them were tense, as the opening vignette to this chapter demonstrates. Another incident of villagers helping an outlaw escape happened in 1884, when gendarmes came to the village of Vafe to arrest Nikolaos Marinakis.[35] Continued encounters such as this prompted *Kriti*

[32] «Πρακτικών ιδιαιτέρας συνεδριάσεως – Του συμβουλίου των εν Χανίοις εφετών ως κακουργιοδικών» [Special meeting proceedings – of the Chania assembly of the appellate court as court of assizes], *Kriti*, January 21, 1885.
[33] Noted in the section of the newspaper *Kriti* entitled "Public Safety" for only some arrests, such as that of two criminals, whose escape was facilitated by a police corporal. See «Δημόσια Ασφάλεια» [Public Safety], *Kriti*, August 10, 1887.
[34] «Ο Εισαγγελεύς των Εφετών» [The Prosecutor of the Appellate Court], *Kriti*, October 12, 1887.
[35] «Αστυνομικό Δελτίο» [Police Bulletin], *Kriti*, June 24, 1887.

to publish two circulars in the summer of 1887. The first one on July 26 authorized gendarmes not only to shoot at an outlaw if he did not cooperate, but also at the crowd of people trying to help him escape.[36] The second one on August 3 reaffirmed that if the police fired at people helping an outlaw they were not liable for the outcome.[37] However, gendarmes' use of brute force against civilians may have caused people to react in the first place. On June 24, 1887, the hospitalization of Stavros Fouskounakis due to police violence was reported in the newspaper. Gendarmes had come to arrest a group of men who were fighting over a body of one of their kinsmen. Police had come to quell the argument so that it would not lead to another death and thus begin or perpetuate a vendetta. Fouskounakis began cursing at the police, leading one of them to hit him hard on the head with a bat.[38] These violent encounters between gendarmes and the general public were part of a cycle of police brutality and public violence against the police from which it was difficult to pinpoint the cause, but the aforementioned problems within the gendarmerie suggest that the men who were supposed to stop crime themselves were either knowingly or unknowingly committing it themselves.

This experimental period ended with the breach of the Halepa Pact in 1889. The Porte did not give preference to locals anymore for service in the Cretan gendarmerie and preferred Turkish-speaking civil servants even though the Cretan lingua franca was Greek.[39] Towards the end of this interim period, however, Europeans became more directly involved in Cretan affairs as they feared that tensions between Cretans and the central Ottoman government would come to a head and disrupt the delicate balance of power in the Mediterranean. In 1896, they convinced

[36] «Μέτρα περί δημοσίας ασφάλειας και τάξεως» [Measures for public safety and order], *Kriti*, July 26, 1887.
[37] «Εγκύκλιος περί καταδιώξεως κακούργων» [Circular for the pursuit of criminals], *Kriti*, August 3, 1887. Pinar Şenışık also mentions this problem in her work (Şenışık, *The Transformation of Ottoman Crete*, 93).
[38] «Αστυνομικό Δελτίο» [Police Bulletin], *Kriti*, June 24, 1887.
[39] Kallivretakis, 29.

the Porte to make a Greek Orthodox subject the Cretan Governor General. Additionally, a committee under the direction of British Colonel James Henry Bor and made up of representatives from France, Great Britain, Russia, and Italy began the reorganization of Crete's gendarmerie, which provided for the integration of Orthodox Montenegrin troops into the gendarmerie, until it disbanded a year later.[40]

Autonomy and the new Cretan gendarmerie

The advent of the Autonomous Cretan State in 1898 gave Cretans hopes of resolving the problems of corruption and inefficacy that they experienced with the old gendarmerie as well as gaining stability through long-term institutions that would help Crete achieve its political goals. The Assembly made the professionalization of the Cretan gendarmerie, including formal education and higher standards of behavior, along with the elimination of common crimes such as animal rustling, a top priority. Early in 1899, the Cretan Assembly met to propose specifics of law enforcement and the maintenance of order on the island after the last revolt and the Greco-Ottoman War of 1897. A civil guard replaced Ottoman military units on the island, as the Assembly argued that two bodies were needed, one for external security against foreign occupation, as well as one for the internal maintenance of order.[41] This provision, as well as one

[40] Şenışık, *The Transformation of Ottoman Crete*, 138; Ioannis Skourtis, «Μαυροβούνιοι Χωροφύλακες στην Κρήτη (1896-1899)» [Montenegrin Gendarmes in Crete (1896-1899)], *Πεπραγμένα του Ζ' Διεθνούς Κρητολογικού Συνεδρίου – Τόμος Γ2, Τμήμα Νεώτερων Χρώνον* [Proceedings of the 7th International Cretan Studies Conference: Volume C2, Section on Modern Years], ed. Nikolaos Papadoyiannakis (Rethymno: Public Central Library of Rethymno, 1995).

[41] «Πρακτικόν: Δημοσίας Συνεδρεάσεως της Συνελεύσεως των Κρητών» [Proceedings: Public Convention of the Cretan Assembly], Θ.' [8th], *Episimos Efimeris tis Kritikis Politeias*, February 20, 1899. For a general overview of the island's condition, political and economic, that made Britain perceive Crete as unable to preserve its antiquities and, thus, as its modernizing project, see Philip Carabott, "A Country in a 'State of Destitution' Labouring Under an 'Unfortunate Regime': Crete at the Turn of the 20th Century (1898-1906)," *Creta Antica* 7 (2006): 39-53.

that forbade foreign armies to land on Cretan soil, was intended to show that the new Cretan administration was serious about practicing and maintaining autonomy, which was increasingly seen as a logical step that would take Crete closer to union with Greece, or *enosis*.[42]

However, before *enosis* could happen and for autonomy to be successful, liberal Assembly members, no longer a part of their traditional party but supporting the views of the influential Assemblyman Eleftherios Venizelos, believed that Crete needed to modernize to prove to its European Protectors that it could be self-sufficient in leading and controlling its own populace. In order to do that they argued and convinced their more conservative colleagues that it must first emulate Western Europe.[43] According to *Kiryx*, Venizelos' own newspaper, in response to a plea from Cretans to manipulate Crete's political situation and the Assembly's request for economic help, Venizelos stated that

> … he himself examined the issue of the requests, which must be delivered to the Powers, but he thought the solutions, instead of being asked from them, in particular those regarding the customs for barge transportation, telegraphic communication, and port customs, it would be preferable, since at the end of the three year commissionership it was already verified by the Powers' announcement that neither *enosis* nor any other solution proposed by the prince would be possible, to ask from the Powers for the complete application of the elected constitution, or the same application of the autonomy promised, as a new stage towards enosis.[44]

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[42] Venizelos expressly mentions autonomy as a "new step towards *enosis*" in «Γεννηθήτο Φως Γ'» [Let There Be Light 3rd], *Κήρυξ [Kiryx]*, January 4, 1902. Accessed from the Greek parliamentary digital microfilm collection at library.parliament.gr. The High Commissioner believed that Greek troops on the island, following the example of Austro-Hungarian troops stationed in Bosnia-Herzegovina which was theoretically under Ottoman suzerainty, would lead to enosis. However, the European Powers quickly rejected this idea. See Robert Holland and Diana Markides, *The British and the Hellenes: Struggles for Mastery in the Eastern Mediterranean 1850-1960* (New York: Oxford University Press, 2006), 111-112.

[43] Before autonomy, while Conservatives believed that only with reform within the Halepa status quo could Crete prosper, Liberals argued that Crete could only do so when it united with Greece. However, when Liberals won the majority later in the 1900s, Conservatives declared union with Greece, supporting the High Commissioner in these efforts, in order to seek reforms. Venizelos, the foremost member of the Liberal Party, however, also believed that Crete's path to union was dependent on reform and modernization. This is how the two parties eventually came to a consensus (Chalkiadakis, 70).

[44] «Γεννηθήτο Φως Γ'» [Let There Be Light 3rd], *Kiryx*, January 4, 1902.

Venizelos' pragmatism is apparent. The requests the Assembly had submitted, he argued, that pointed explicitly to the Greek annexation of Crete would not be accepted by the European Powers. However, a constitution that would make it possible to exercise true autonomy would be more likely accepted by the Powers while satisfying Cretans who wanted *enosis* because it would give Crete a chance to modernize and prepare itself for a union with Greece.

Given the importance the Assembly placed on security, it emphasized the need for a new gendarmerie modeled on European ones. While the Ottoman gendarmerie, used in provinces such as Crete, was already modeled on the French form, the Cretan Assembly looked to the Italian gendarmerie, or Carabinieri, in particular for inspiration. There seem to be two main reasons for the rejection of the Ottoman model and the decision to employ a European one. The first was the general replacement of the French with the Piedmontese regiments as a model for other emerging European states because its status was raised to that of an elite military force.[45]

The second reason was the success of Italian unification as a model for Cretan and Greek *enosis* and the dual role the Carabinieri played in it both as positive liberators but also as negative examples of regional weakness. The Piedmontese Carabinieri were critical for the success of annexation not only because of the image of order they projected, but precisely because of Garibaldi's loss of control in Piedmont proper that necessitated his dispatching of troops to Southern regions such as Sicily, for instance, which requested Piedmontese troops and annexation by Piedmont for a restoration of order.[46] The Carabinieri and police forces of the Papal States played a similar role in Italian unification, paving the way for Piedmont to annex the city. Public discontent with the centralizing reforms of the Papal police (Carabinieri Pontifici

[45] Emsley, 183.
[46] Daniel Ziblatt, *Structuring the State: The Formation of Italy and Germany and the Puzzle of Federalism* (Princeton: Princeton University Press, 2006), 98, 104.

along with French and Austrian forces during the period of the Restoration) chipped away at the legitimacy of the Papal regime and in this way led to unification as Bolognesi, like Sicilians, looked to Piedmont for "better politics and better policing."[47] The significance of balancing loyalty to the state with service to the population, and not just privileged sections of it, in the creation of an effective policing force was highlighted in the history of the Carabinieri. The lessons of the potential effect policing could have on politics seem to not have been lost on the Cretan Assembly.[48]

Both liberal and conservative Assembly members displayed enthusiasm for *enosis*, which was evident in their calls for the gendarmerie's reform in local newspapers. Crete's formal newspaper*, Episimos Efimeris tis Kritikis Politeias*, which published the Assembly's proceedings, printed the enthusiastic proposal of Assembly member S. Vardinogiannis. He argued the Assembly should express to Prince George, Crete's High Commissioner, its eager wish that the "Garibaldian volunteers," or redshirts, should already be on the island and appointed to positions within the Cretan gendarmerie. [49] While the Carabinieri Reali had already arrived in 1897, Garibaldi's name evoked Italy's successful unification thirty years prior. If Cretans, however, saw the utility of using Italian officers to train Cretan gendarmes and restructure the gendarmerie as an avenue towards *enosis*, Italian officials were reserved in how they viewed their role as one of a group of protectors. On December 7, 1901, *Kiryx* reported that the Italian newspaper *Populo Romano* saw the value in Italy coming to a lasting agreement with France over the Mediterranean despite Italy's triple alliance with Austria-Hungary and

[47] See Steven C. Hughes, *Crime, Disorder, and the Risorgimento: The Politics of Policing in Bologna* (Cambridge: Cambridge University Press, 1994), 204.
[48] As Hughes notes, one expects politics to influence policing, but the effect of policing on politics is just as, if not more, significant in understanding inter-state power dynamics (Hughes, 3).
[49] «Γαριβαλδινοί εθελονταί» [Garibaldian volunteers], «Πρακτικόν: Δημοσίας Συνεδρεάσεως της Συνελεύσεως των Κρητών» [Proceedings: Public Session of the Cretan Assembly], *Episimos Efimeris tis Kritikis Politeias*, February 20, 1899.

Germany.[50] A year later, the Italian Minister of the Exterior told the French ambassador that unification would disturb the Mediterranean balance of power, showing his interest in keeping Italy's power over its North African colonies by using Crete as a bargaining chip. From 1903 until 1909, Italy respected international law in its foreign policy and refrained from making advances beyond Eritrea and parts of Somalia, which had been carefully negotiated with the French and British during a very tense contest over potential North African colonies. It also followed the decisions of its fellow Great Powers in the Mediterranean basin who were not yet ready to help Crete gain *enosis*. Regardless of its wishes to maintain the status quo, Italy agreed to lead the organization of the new Cretan gendarmerie and did so until 1906.[51]

Italy's involvement in the building of a Cretan gendarmerie was the first major multi-national project in which Italy was involved and was able to showcase its Carabinieri's skills as a militarized police force.[52] In the nineteenth century, other European states, including Prussia, preferred the Italian, and in particular Piedmontese, model over the French one in large part due to the Piedmontese gendarmerie's success in unifying states long held by Napoleon into an Italian kingdom, spearheading the Risorgimento.[53] At the end of the century, in the midst of a rebuilt Cretan administrative apparatus and in the aftermath of violent rebellion on the island, Italy was not only teaching the upper ranks of the new Cretan gendarmerie how to impose order, but demonstrating to its fellow protecting powers that it was capable of effectively participating in the Eastern Question, the European effort to keep the Ottoman Empire from disintegrating, and thus exercising international power. During the first half of the autonomous period, the

[50] «Εξωτερικά» [Foreign Affairs], *Kiryx*, December 7, 1901.
[51] Chalkiadakis, 136.
[52] Maria Gabriella Pasqualini, "The Italian Carabinieri Corps Abroad: Combat and Crowd Control in a Special Professionalism," *Rocznik Bezpieczenstwa Miedzynarodowego* [Journal of International Security] 1 (2006): 79.
[53] Emsley, 183, 206.

Italian officers sent to Crete were successful in improving the island's gendarmerie as well as establishing better relations between this institution and the locals, leading to overall order.[54] These impact of these changes was long-lasting, as shown in a letter written on June 7, 1913 from the head officer of the Greek kingdom's gendarmerie headquarters on the island to the island's Governor General, Stephanos Dragoumis, Greece's former foreign minister. The commander was so impressed with the Cretan gendarmerie's performance that he requested a merger with the Cretan gendarmerie, arguing that "not only did it disprove the expectations of its institution, but fulfilled, indeed surpassed, them."[55]

Coincidentally, the ideas the Assembly had of the operation and condition of the new Cretan state and the moral fiber of its policing body also aligned with the Carabinieri's expectations of a good gendarme. For instance, both Italy and Crete perceived justice as a result of good citizenship blended with good moral character. The ideal man of justice served the state and also answered to a higher authority. In talking about the broader goal of ensuring security and peace in the autonomous province, in his first speech as High Commissioner, Prince George appealed to his audience's common search for justice as God's providence to enlighten Cretans seeking to build a just state.[56] His providence, presumably would later lead to *enosis*. As the High Commissioner saw its success hinged on the gendarmerie's fulfilling its job to bring "civilization" to Crete after a period of "tyranny": thus proving to Crete's protectors that it was capable of producing men of "first class material."[57]

[54] Pasqualini, 80.
[55] Document 57a, Subfolder ("Miscellaneous"), Folder 2 ("Gendarmerie"), Box 94, Stephanos N. Dragoumis Papers, Gennadius Library Archives, Athens, Greece.
[56] «Προκήρυξις» [Proclamation], *Episimos Efimeris tis Kritikis Politeias*, December 25, 1898; Emsley, 189; Hughes, 52.
[57] *Regarding the Cretan Gendarmerie*, p. 3.

Because of this link between justice, state authority, and higher authority, the Carabinieri were expected to be moral men if they were to restore the moral order in society necessary to attract God's providence, as Prince George implied in his speech. There was, then, an additional moral duty both Italian and Cretan gendarmes had to perform in addition to the maintenance of social order that French gendarmes did not need to. Instead, French gendarmes had to be exemplary citizens by abiding by French laws and ensuring that the French did as well.[58] Furthermore, that the Carabinieri reflected on the state perhaps more than anywhere else in Europe meant the officers themselves had to make people believe that the state was beneficent and just by their lawful actions.[59] The incorporation of a good moral character as a precondition for service in the Italian Carabinieri was one answer to bad relations between Carabinieri and citizens, a problem that Cretans also experienced.

The more detailed legal framework of the autonomous Cretan polity imposed written qualifications on people who wanted to serve on the island's policing force to start shaping the gendarmerie into a moral policing unit. The legal code of the late 1870s and 1880s only mentioned the gendarmerie in the context of procedures leading to the trial of a suspect, how their pensions would be calculated and distributed, and in a section about emergency measures in public safety. Edicts were later added to address specific problems in the gendarmerie. However, there was not a comprehensive set of rules in the law book proper dictating who could become a

[58] The French gendarmerie during the Restoration had a public welfare role, but this was an extension of their principal task to maintain public order, as Emsley argues (Emsley, 82). Their moral behavior was noted (see Emsley, 88) but their duty was simply to maintain order. The Gendarmerie Royale swore to "serve the king faithfully and well, to obey their superiors in everything concerning his majesty's service and in the performance of their duties, and never to use the force entrusted to them except for the maintenance of order and the execution of the laws" (Emsley, 90). Article 1 of the imperial decree of 1854 which reformed the gendarmerie again stated that its duty were "to watch over public safety so as to maintain public order and the execution of the laws" (Emsley, 125). By contrast, the oath of the Carabinieri in 1822 was to "solemnly swear to be faithful to God and to his majesty King Charles Felix our Lord, and to His legitimate successors; to sacrifice myself, even my life in defence of His Royal Person, and to sustain His Crown and his Sovereign Authority, even against fellow subjects who seek to subvert the orders of the government" (quoted in Emsley, 192).

[59] Emsley, 206.

gendarme and thus nothing to attack what assembly members believed to be one of the main causes of the problems in the gendarmerie. The new 1902 code on the other hand had a section titled "Regarding the Organization of the Gendarmerie." In part, this section outlined recruitment methods, thus detailing the types of men that the government wanted to fill the positions in the gendarmerie. The section began:

> The gendarmerie is recruited voluntarily.
> One is not accepted for the rank of gendarme
> 1st) if he is under 20 years of age or over 30 years of age, except if he's transferred from the civil guard
> 2nd) if he does not present legal certificates of good conduct
> 3rd) if he is not gifted with a strong organism or if he does not have a stature of at least 1 meter 66 centimeters
> 4th) if he has been convicted of a crime covered under articles 21 and 22 of the penal code
> 5th) if he is married…[60]

These conditions of service indicate the importance of good citizenship, physical fitness, and complete dedication to duties as a gendarme. The Assembly and the Great Power representatives that approved the laws it proposed to them were determined to eliminate the corruption that had plagued the institution up until then.[61] During semi-autonomy, the qualification that conveyed the same ideal was generous to men who had committed offenses that landed them less than a year in jail, which the Assembly complained about. This condition was supposed to highlight positive conduct rather than the absence of negative conduct, seemingly with a different kind of record entirely. Gendarmes in the autonomous Cretan state needed to exhibit good behavior and show proof of it rather than behavior that was not as bad as it could be or better than a serious criminal's. Furthermore, the fourth condition stated above

[60] *1902 Codes of the Cretan Polity*, Vol. 2, Regarding the Organization and Salary of the Gendarmerie, Title 1, Ch. 2, Art. 10, p. 375.
[61] This not only applies to the bad reputation that the gendarmes of the semi-autonomous Cretan province of the 1880s had, but also to the interim period of direct Ottoman rule between the end of semi-autonomy in 1889 and 1897. See Pasqualini, 79. For the Ottoman provinces generally, see Özbek, 58.

refers to the removal of a public employee from office and the potential to be a part of public service if found guilty of a criminal offense, as stated in Article 21 of the penal law. Article 22 states that the above punishment supplements whatever penalty was prescribed for the particular crime committed.[62] Therefore, the litmus test was not the length of punishment – and a relatively long one at that – but conviction. In conjunction with the second condition of the presentation of evidence of good character, lawmakers hoped that the new gendarmerie would be composed of upstanding citizens who would eliminate crime instead of committing it.

Additionally, the preconditions of at least average height, good health, and unmarried status ensured that not only would gendarmes be morally sound, but also physically and mentally suitable for the job. If necessary, police had to chase and defend themselves against suspects and arrest them while potentially fighting off crowds attempting to free the suspect, which required strength and stamina. These were qualities associated with youth, as seen in the first precondition of the age limit. However, after these itemized preconditions the regulation made a provision for the service of men between 18 and 21 years of age, which was a note from their parents or legal guardians to become gendarmes. It seems that lawmakers also theorized a tall stature signified health, which they also valued because of its importance in carrying out the aforementioned activities that were expected of gendarmes.

Finally, the fact that men who wanted to serve could not be married meant that the Assembly wanted to eliminate the distractions of domestic life from the service. Gendarmes were to dedicate all their time to their policing responsibilities and thus the strength of the state. This prerequisite also potentially was intended to curtail the kinship networks that gendarmes, as in the past, could call on to cause disruptions in gendarmes' towns or villages of origin so the

[62] *1902 Codes of the Cretan Polity*, Vol. 1, Criminal Law Code, Book 1, Ch. 1, Art. 21-22, p. 379-380.

gendarmes could find an excuse to be stationed there.[63] With no in-laws, the men of the gendarmerie could not rely on extended kinship networks to root them in a particular area. Additionally, fewer networks reduced the chances of gendarmes becoming embroiled personally in crimes or unfairly policing because of fewer people to oblige. It is clear that the primary reason for the required unmarried status of the gendarmes was distraction from the service because gendarmes were also not allowed to hold other jobs while enlisted, as employment in other businesses was "radically contrary to the dignity of the force."[64]

Though not in the prerequisites section, lawmakers sought to eliminate the widespread illiteracy within the gendarmerie, which in the 1880s had been tied to overall inefficiency as well as corruption, as shown above. In the section "Regarding Education," Article 5 enumerated all the areas of a gendarme's prescribed education and training, the last of which was mentioned was grammar.[65] Thus, while there was no explicit criterion regarding literacy, once a man became a gendarme, they were expected to know basic Greek grammar. Instead of a set number of hours or classes per week for grammar lessons, the law stated that station masters were required to give grammar lessons to the gendarme in the hours when they were free of service.[66] Of course, the vague nature of this direction meant that station masters had a high degree of discretion when deciding how long to teach and thus that there was likely no uniformity in

[63] Article 477 of the Law of the Organization of the Gendarmerie reiterated that gendarmes could not serve in the same region which their families or spouses resided. See *1902 Codes of the Cretan Polity*, Vol. 2, Regarding the Organization and the Salary of the Gendarmerie, Book 5, Ch. 18, Art. 477, p. 497. Though regular enlisted gendarmes were not allowed to marry, this article probably refers to the higher officers of the gendarmerie, who could be married and serve in the force at the same time.
[64] «Τοιαύτη εμπορία αντίκειται ριζικώς εις την αξιοπρέπειαν του Σώματος.» See *1902 Codes of the Cretan Polity*, Vol. 2, Book 6, Ch. 21, Art. 546, p. 509-510.
[65] *1902 Codes of the Cretan Polity*, Vol. 2, Regarding the Organization and Salary of the Gendarmerie, Book 1, Ch. 2, Art. 5, p. 410-411.
[66] *1902 Codes of the Cretan Polity*, Vol. 2, Regarding the Organization and Salary of the Gendarmerie, Book 1, Ch. 2, Art. 12, p. 411.

grammar education amongst the island's force.[67] The gendarmes, however, had a reason to do well in this part of their education and training. First, the station master had a responsibility to examine and sign the gendarmes' notebooks every week.[68] Thus, it was in the gendarmes' interest to complete their grammar lessons. Second, the subsection entitled "Promotions and Responsibilities" made clear that a basic education was the only way to advance in the gendarmerie. Its first article stated, "one cannot become a ranking officer if he does not read and write," creating an incentive for noncommissioned gendarmes to want to develop their writing beyond knowing grammar and to become fully literate if they were not already.[69] Though most tasks gendarmes needed to complete did not require reading or writing, the ones that did, especially issuing warrants, could easily lead the gendarme into a situation where he unknowingly gave a suspect warning and time to escape. Even though the population during this time was largely illiterate, gendarmes were expected to be in the third of the population that was literate, bolstering their status as an elite force.

Beyond basic literacy, an edict published in *Episimos Efimeris* in 1900 declared that the non-commissioned officers of Chania, the island's capital and the Italian district of influence, must also learn Italian.[70] This was a proposal by the director of the department of transportation and public safety himself, who stated the classes were to be taught by a certified teacher of the Italian language who was to be paid 100 drachmas a month – the same as the gendarmes themselves. The officers were required to take no less than 6 hours of lessons per week,

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[67] *1902 Codes of the Cretan Polity*, Vol. 2, Regarding the Organization and Salary of the Gendarmerie, Book 1, Ch. 2, Art. 14, p. 412.
[68] *1902 Codes of the Cretan Polity*, Vol. 2, Regarding the Organization and Salary of the Gendarmerie, Book 1, Ch. 2, Art. 16, p. 412.
[69] «Ουδείς δύναται να γείνη βαθμοφόρος εάν μη γινώσκη ανάγνωσιν και γραφήν.» See *1902 Codes of the Cretan Polity*, Vol. 2, Regarding the Organization and Salary of the Gendarmerie, Title 1, Ch. 3, Art. p. 377.
[70] « Διάταγμα περί Ιταλικής γλώσσας εις την Σχολήν των Υπαξιωματικών της Χωροφυλακής» [Edict regarding the Italian language in the School for Non-Commissioned Officers of the Gendarmerie], *Episimos Efimeris tis Kritikis Politeias*, April 15, 1900.

indicating a full load of classes for basic proficiency. These classes made smooth communication between Italian and Cretan officers possible. Additionally, they made gendarmes accountable to orders from any Italian officers in higher ranks and responsible for how they executed their jobs. The ordering of an Italian-Greek and a Greek-Italian dictionary ensured mutual understanding to this end.[71] Finally, Italian language education secured the elite status of even non-commissioned officers in the gendarmerie. Their ability to communicate in a language besides Greek put them in an even smaller minority than the 28% of the literate Cretan population.[72]

The materials gendarmes were given tested their literacy in Greek as well and made sure they understood its implications. As part of their training, gendarmes were expected to know the law regarding policing. A surviving handbook entitled "Regarding the Gendarmerie of Crete that is Laws, Passages of Law, Encyclicals, and Police Orders" given to the commander of the gendarmerie in Chania by an Italian officer expressly stated on the front cover that the book was "for the use of the men of the gendarmerie and of public institutions." Thus, the above message about the island's passage from tyranny to civilization was read by the men of the gendarmerie in addition to the content of the law, including laws regarding their own organization, duty, and discipline as well as large parts of the criminal code. The new policing administration then ensured that there was no shortage of materials for the men to complete their tasks correctly. For instance, a submission of a request for warrant books from headquarters to the High Commissioner's Council of Public Safety noted that they were "essential for execution of an exact and diligent performance."[73]

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[71] «Περί προμηθείας δύω [sic] λεξικών» [Regarding the supplying of two dictionaries], October 11/24, 1900, Protocol 2471, Folder 6, Box αζ' ("Regarding the supplies of the gendarmerie"), Superior Directorate of the Interior Gendarmerie (1900) E35, IAK Chania, Crete, Greece.
[72] Chalkiadakis, 92.
[73] «Περί προμηθείας βιβλίων ενταλμάτων» [Regarding the supplying of warrant books], November 7/20, 1900, Protocol 2649, Folder 6, Box αζ' ("Regarding the supplies of the gendarmerie"), Superior Directorate of the Interior Gendarmerie (1900) E35, IAK Chania, Crete, Greece.

Besides the crime reports written by commissioned officers, the men of the gendarmerie were also expected to follow the protocol system. This system, which had already been in place in the 1880s, involved the assigning of a protocol number to the recording, sending, or reception of a written document that would correspond to an entry in a protocol book. A letter from the gendarmerie headquarters in the Cretan capital to the Council of Public Safety confirmed the request of such "necessary" protocol books.[74] Officers were required to register all bureaucratic acts they had completed in this book so that all requests, suggestions, reminders, and detailed updates on criminal activity were accounted for. These books also informed the Ministry of the Interior, to which the Directorate of Transportation and Public Safety reported, of the gendarmes' performance of their responsibilities. For example, the official request for more of these books themselves from the headquarters of the gendarmerie to the Directorate of Public Safety and Transportation was written on printed paper with the headquarters' letterhead, underneath which was a line labeled "number of protocol" and a blank for the protocol number. These requests were then stamped with the official stamp of the Directorate, which included its name and the labels "protocol," "sent," "box," and "folder." The blank space next to these categories was filled out by hand. This system left an effective paper trail for the Ministry of the Interior. Because of the protocol books' importance, the officers in headquarters argued that the high prices (5 drachmas per book) from the local store were not worth their quality, which was insufficient for the books' intended use.[75] While the officers were also trying to negotiate a lower price, namely, 2 drachmas and 40 cents per book that was the price quoted from another supplier,

[74] «Υποβολή καταστάσεως αγοράς βιβλίων πρωτοκόλλου» [Submission of the lists of purchased protocol books], October 19/November 1, 1900, Protocol 2526, Folder 6, Box αζ' ("Regarding the supplies of the gendarmerie"), Superior Directorate of the Interior Gendarmerie (1900 E35, IAK Chania, Crete, Greece.
[75] «Περί εγκρίσεως προμηθείας χάρτον πρωτοκόλλων» [Regarding approval of the supplying of protocol paper], October 8/21, 1900, Protocol 2457, Folder 6, Box αζ' ("Regarding the supplies of the gendarmerie"), Superior Directorate of the Interior Gendarmerie (1900) E35, IAK Chania, Crete, Greece.

they were clear about the need for the paper's durability for record-keeping purposes.[76] The requirement to record everything was intended to help eliminate the negligence gendarmes demonstrated in the 1880s. As such, the paper on which these records were kept needed to last for this permanent tracking system to be effective.

Aside from legal and procedural knowledge and their bureaucratic application, gendarmes were also expected to be proficient in their use of weapons. The law regarding military discipline specified that the curriculum every year must include "education of weapons, theoretical shooting education, and teaching how to determine distances" in addition to target shooting practice.[77] This coupled with the teaching of "military ethics" was meant to ensure that the force understood how to properly use their weapons and prevent accidents from either bad aim or panic. The goal also seemed to have been more tailored to previous problems with abuse of power and the weapon that gendarmes perceived as giving them that power, as the law also stated that even though the gendarmerie was an armed body, the successful completion of its duties was dependent on the respect that it garnered from the population.[78]

The gendarmes' previous lack of adequate defensive tools that had led them to turn to unauthorized weapons in the 1880s seems to have been addressed with a regulation of arms-bearing for gendarmes and the ordering of various defensive equipment. In the early 1900s, gendarme captains and commanders asked the Directorate of Transportation and Public Safety

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[76] Price of books mentioned in «Υποβολή καταστάσεως αγοράς βιβλίων πρωτοκόλλου» [Submission of the lists of purchased protocol books], October 19/November 1, 1900, Protocol 2526, and in «Λάβοντες υπ όψιν το υπ αριθμό 778...» [Taking into account number 778…], October 11, 1900, Protocol 2457, Folder 6, Box αζ' ("Regarding the supplies of the gendarmerie"), Superior Directorate of the Interior Gendarmerie (1900) E35, IAK Chania, Crete, Greece.

[77] «Τα κατά την διάρκειαν του έτους διδασκόμενα μαθήματα είσι τα ακολούθα: ... β) διδασκαλία των όπλων, θεωρητική διδασκαλία βολής, διδασκαλία καθορισμού των αποστάσεων.» What is meant by "theoretical shooting education" («θεωρητική διδασκαλία βολής»), as it is put in the text, probably refers to the mechanics and physics of shooting. See *1902 Codes of the Cretan Polity 1902*, Vol. 2, Regarding the Organization and Salary of the Gendarmerie, Book 1, Ch. 2, Art. 5, p. 410.

[78] *1902 Codes of the Cretan Polity*, Vol. 2, Regarding the Organization and Salary of the Gendarmerie, Title 2, Art. 45, p. 381.

for approval for various purchases. Many of these requests in the early days of the autonomous Cretan state were for security instruments such as locks, handcuffs, and metal fences or bars, showing that these officers were proactive about the physical defense of police stations and barracks from any form of intrusion, including riotous crowds such as the one that stormed the courthouse in Vorou, Heraklio mentioned in Chapter 2, or people trying to release suspects taken into police custody.[79] To this end, officers also requested armories and weapons in small numbers, such as the gun that was placed in the list of items for requested approval on October 4, 1900 for the station in Sfakia.[80] The request for armories indicates that the gendarmes used guns for their service, adhering to the law that required gendarmes to have guns.[81]

After Crete's unilateral declaration of unification with Greece in 1908, the Cretan government sought to supply its gendarmerie more uniformly with weapons from its proposed new metropole. An order from Eleftherios Venizelos, as president of the Executive Council in Chania, on May 30, 1910 revealed that Crete was in the process of negotiating a bulk purchase of weapons from Greece. Specifically, on this date Venizelos requested "10 thousand guns Gras, 5 million cartridges, 5 machine guns, and 6 cannons" that were promised to the Executive Council as war supplies in case of another conflict between the Ottoman Empire and Greece, which Crete had been a large catalyst of in 1897.[82] Additionally, two other representatives of the Executive

[79] «Περί την παραληφθέντων σιδήρων ασφαλείας» [Regarding the received security bars], Chania, Cretan Gendarmerie Headquarters, August 28/September 10, 1900, Protocol 2226, Folder 6, Box αζ' ("Regarding the supplies of the gendarmerie"), Superior Directorate of the Interior Gendarmerie (1900) E35, IAK Chania, Crete, Greece.
[80] One example for a request for an armory was in «Αίτηση αντικημένων στρατωνισμού» [Application for objects to furnish barracks], November 25/ December 8, 1900, Protocol 2751, Folder 6, Box αζ' ("Regarding the supplies of the gendarmerie"), Superior Directorate of the Interior Gendarmerie (1900) E35, IAK Chania, Crete. The gun was requested in «Περί διαφόρων ειδών στρατωνισμού» ["Regarding different items for barracks"], September 21/October 4, 1900, Protocol 2353, Folder 6, Box αζ' ("Regarding the supplies of the gendarmerie"), Superior Directorate of the Interior Gendarmerie (1900) E35, IAK Chania, Crete, Greece.
[81] *1902 Code of the Cretan State*, Vol. 2, Regarding the Organization of the Economic and Logistical Department of the Gendarmerie, Art. 12, p. 523.
[82] Document 14a, Subfolder "Weapons," Folder 1, Box 64, Stephanos N. Dragoumis Papers, Gennadius Library Archives, Athens, Greece.

Council, G. Mylonogiannis and V. Skoulas, asked for weapons similar to Greece's infantry at the time: "three thousand and five hundred infantry rifles of the new type Mannlicher-Schönhauer from the stores of the arms company Steyr with bayonets and two million five hundred thousand cartridges from the store Keller."[83] Though this was a risky move on the Cretan Executive Council's part because unification was unilaterally recognized by Crete, the Bank of Athens supported the purchase of these arms from Greece, as they stated in a letter to the president of the ministerial cabinet of Greece marked "confidential."[84] The arming of the Cretan gendarmerie by Greece had to be done secretly so as not to disrupt the tenuous relationship between Greece, the Ottoman Empire, and the four mediating European states.[85] Nevertheless, the firearms, as well as the mandatory training the gendarmes went through in this period, and from 1908 on by Greek officers instead of Italian ones changed the Cretan gendarmerie. These initiatives turned the force into one that was well prepared for disruptions to internal order or external challenges to autonomy. Even though the weapons that helped make this possible seemed to have been for the use of the gendarmerie as a military force rather than a policing force, the men nonetheless served both duties and had these, and other, weapons at their disposal while so doing.[86]

In the period of autonomy, what gendarmes were expected to do with their weapons was also written into the law. The gendarmes needed to clean their weapons and keep them in good

[83] Document 16a, Subfolder "Weapons," Folder 1, Box 64, Stephanos N. Dragoumis Papers, Gennadius Library Archives, Athens, Greece.
[84] Document 20a, Subfolder "Weapons," Folder 1, Box 64, Stephanos N. Dragoumis Papers, Gennadius Library Archives, Athens, Greece.
[85] There was precedent to the shipping of arms from Greece to Crete for the cause of unification. The British consul to Crete, Esme Howard, wrote to the British Foreign Office on March 16, 1905 that the Venizelists were expecting arms from Athens (Holland and Markides, 117). This was shortly before the 1905 rebellion of Theriso, enacted by Venizelos' party to reform Cretan governance to free it from Prince George's autocratic tendencies that kept the island from pursuing unification (Holland and Markides, 121-122).
[86] Another type of gun they were equipped with was the Martini-Henry rifle, evidenced by the incident discussed in Chapter 1 when men broke into the residence of a few gendarmes to steal their guns. See «Γράφουσιν ημέν εκ Κομητάδων Σφακίων υπό ημερομ. 31 Ιουλίου 1881» [Writing from Komitades Sfakia on the date 31 July 1881], *Alitheia*, August 8, 1881.

working order, as one of the station masters' many duties was to check the guns' condition.[87] The codex stated that there would be consequences for neglecting weapons, which was considered a form of misconduct and thus whose punishment of confiscation would be "strictly" enforced.[88] Presumably in order to keep track of all the guns and ammunition the gendarmes in each station used, guns were to be loaded and emptied in designated rooms in the barracks. Additionally, in good practice of gun safety, captains ordered armories for the guns and ammunition to be stored and the guns were supposed to be empty when they were kept in the armory.[89]

The changes that were implemented in the period of autonomy yielded results in the gendarmerie's performance. Gendarmes more systematically executed the letter of the law even for crimes considered mundane on Crete at the time. One example of such mundane crimes was the bearing of illegal arms, as discussed in Chapter 1. Despite the fact that this was a nonviolent crime, one punished by a relatively short time in jail and a fine and a common one in court proceedings, the establishment of a monopoly over legitimate violence by seizing firearms is crucial in the establishment of a strong state. In Crete this was especially important given the island's recent rebellions that had brought it under European protection in the first place. The population also had a tendency to keep its weapons from previous rebellions, but gendarmes

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[87] *1902 Codes of the Cretan Polity*, Vol. 2, Regarding Military Discipline, Book 3, Ch. 8, Art. 304, p. 468.
[88] *1902 Codes of the Cretan State*, Vol. 2, Regarding Military Discipline, Book 6, Ch. 21, Art. 537, p. 507-508. Additionally, rural police were held responsible for licensing their weapons. In one case in Mylopotamos, a rural policeman was found with an improper weapon – a knife instead of a licensed firearm, and was punished with a fine and a month in jail. See Protocol 180/Proceeding 32, November 24, 1899, Justice of the Peace of Mylopotamos Criminal Proceedings (1899-1900), Archive of the Justice of the Peace of Mylopotamos, GAK Rethymno, Crete, Greece. The same went for abusing the privilege of being able to own a licensed firearm, as was the case with a rural policemen who hunted illegally in Souda. See Protocol 155/Proceeding 202, March 7, 1902, Justice of the Peace of Chania Criminal Decisions (1902), IAK Chania, Crete, Greece.
[89] *1902 Codes of the Cretan Polity*, Vol. 2, Regarding Military Discipline, Book 3, Ch. 8, Art. 304, p. 468; «Αντικείμενα στρατωνισμού αναγκαιούντα εις τον Σταθμόν Αγίου Ιωάννου» [Necessary objects for the furnishing of the barracks at the Station of Agios Ioannis], May 31/June 13, 1900, Protocol 1539, Folder 6, Box αζ' ("Regarding the supplies of the gendarmerie"), Superior Directorate of the Interior Gendarmerie (1900) E35, IAK Chania, Crete, Greece.

actively confiscated these guns. One example is the gendarme who was responsible for Antonios Zaharioudakis' appearance in court to defend the storage of a Gras rifle in his house. Zaharioudakis told the court that his brother-in-law had hid the weapon, which was from the revolution, in his house when he heard that authorities would be confiscating weapons.[90] Another common crime, but one that was significant enough for authorities to write frequent reports on potential measures to stop it, was animal theft. The prefect of Rethymno wrote to the Minister of the Interior on August 16, 1900 insisting on further action as the number of animal theft incidents had not decreased to the numbers he had hoped for in May, June, and July despite the application of the article corresponding to the crime in the new criminal code.[91] A year after the prefect's letter, the newspaper *Nea Erevna* wrote that the gendarmes in the districts were "saviors" for their successful pursuit of outlaws more broadly and for curtailing animal rustling in particular.[92] While the gendarmes were still not rid of all old habits, their improvement as a force was evident in the press's discourse about them.[93]

The Cretan gendarmes' reputation surpassed the confines of the island as Greek officers engaged in the Macedonian struggle in the early twentieth century, such as Pavlos Melas,

[90] The term used in the proceedings is *γαμβρός* (*gamvros*), which can mean either "brother-in-law" or "son-in-law" in this context. See Protocol 177/Proceeding 28, November 1, 1899, Justice of the Peace of Agios Vasileios Criminal Proceedings (1899-1900), Archive of the Justice of the Peace of Agios Vasileios, GAK Rethymno, Crete, Greece.

[91] «Περί ληπτέων μέτρων κατά της ζωοκλοπής» [Regarding measures to be taken against animal theft], August 16, 1900, Protocol 8994, Folder 8 (August), Box 1, Superior Directorate of the Interior First Department of Public Safety (1900) E43, IAK Chania, Crete, Greece.

[92] The term used is "σωτηρία." See «Τα Μεταβατικά Αποσπάσματα» [The Transitional Units], «Εις τας Επαρχίας» [In the Eparchies], «Σύμβαντα και Θρύλοι» [Events and Rumors], *Νέα Έρευνα [Nea Erevna]*, October 16, 1901. Accessed from the Greek parliamentary digital microfilm collection at library.parliament.gr.

[93] Gendarmes, for example, still harassed and injured prisoners. As an example, see two reports about the violent behavior of the same gendarme from July 3 and 6, 1900. «Τραυματισμός κρατουμένου υπό χωροφύλακος» [Injury of a prisoner by a gendarme], July 3/July 16, 1900, Protocol 7386; «Τραυματισμός του κρατουμένου Σκουτελεράκη Αντονίου υπό του χωροφύλακος Δροσεράκη Ηλία (1099)» [Injury of the prisoner Skouteleraki Antonios by the gendarme Droseraki Ilias (1099)], July 6/July 19, 1900, Protocol 7517, Folder 7 (July), Box 1, Superior Directorate of the Interior First Department of Public Safety (1900) E43, IAK Chania, Crete, Greece. The improvements, however, outweighed some of the continuities in bad behavior.

brought Cretan volunteers with them to Macedonia. The first Greek bands that came to Macedonia as a response to the violent actions of Bulgarian bands were largely made up of Cretan volunteers.[94] Once the territory of Greek Macedonia was incorporated into the kingdom beginning in 1912, the Greek government entrusted the maintenance of order in the region specifically to Cretan gendarmes.[95]

Image 2: Cretan gendarmes in the mountain village of Lakki in Chania, 1911. "Crete – Lakki, 1258," digitized photo archives of Ε.Λ.Ι.Α. (Ελληνικό Λογοτεχνικό και Ιστορικό Αρχείο [E.L.I.A. – Greek Literary and Historical Archive]), BOI1.39, Frederic and Henri-Paul Boissonas, 1911.

[94] İpek K. Yosmaoğlu, "Counting Bodies, Shaping Souls: The 1903 Census and National Identity in Ottoman Macedonia," *International Journal of Middle East Studies* 38, no. 1 (2006): 61.
[95] Anastasia N. Karakasidou, *Fields of Wheat, Hills of Blood: Passages to Nationhood in Greek Macedonia* (Chicago and London: University of Chicago Press, 1997), 162; Hellenic Army General Staff, *A Concise History of the Balkan Wars*, 1912-1913 (Athens: Army History Directorate, 1998), 122.

Image 3: Cretan gendarmes flanking a group of Greek soldiers at the Heptapyrgion (Yedi Kule) in Thessaloniki during the Balkan Wars. Digitized photo archives of Ε.Λ.Ι.Α. (Ελληνικό Λογοτεχνικό και Ιστορικό Αρχείο [E.L.I.A. – Greek Literary and Historical Archive]), 7Σ30.180, Γενικό Αρχείο 20ος [General Archive of the 20th Century], 1912-1913.

Conclusion

The gendarmerie in the period of semi-autonomy to the end of the period of autonomy had transformed from a body full of men who could hardly be distinguished from the civilians they interacted with and arrested to a disciplined and efficient professional force. Increased preconditions for service were an important factor in this shift. The shortening of the age limit, the shift from acceptable to good conduct with the necessity of a certificate, the addition of a precondition of good health and height rather than a simple lack of disability, and the requirement of being unmarried made for a gendarmerie comprised of healthy, lawful, and dedicated men. The push to incentivize literacy and the ensuring of the proper use of authorized weapons also made the transformation from "wolves" to "saviors" possible. With these changes,

the gendarmerie of the autonomous Cretan polity was a major reason for the Cretan state's strength in addition to being a product of the legalist state.

Despite the Cretan state's best efforts to change perceptions of the gendarmerie, changes to the corps did not necessarily change the relationship between the general public and the gendarmes. Police reports and books of court proceedings still were full of instances of clashes between gendarmes and civilians. However, the reasons for this tense relationship in the later period changed. While the gendarmes in the 1880s had a bad reputation among the civilian population for their corrupt methods, in the 1900s, it was precisely their effective representation of the strong state that inspired resentment in people with whom they came into contact.

Chapter 4: Their Day in Court: Defendants, Victims, and Violence

On a November day in 1900, a man named Yiannis Akrakis went to the village of Krousonas in Heraklio equipped with a dagger and rod, hoping to meet Filippos Tzanos there. Having found Tzanos at work with other local shepherds, Akrakis left the area. Tzanos walked home after work around 4 o'clock only to find Akrakis on the road there. Akrakis greeted him with "good evening, cuckold; I did not kill you in the morning because there were witnesses there, but I'll do it now where no one is watching me."[1] He then struck Tzanos on the head with his rod and on his left arm and threw him to the ground. However, seeing that Tzanos was beginning to stand back up and had gotten a hold of his own dagger, Akrakis took out his dagger as well and drove it into Tzanos' leg. Realizing what he had done and afraid that someone would see what he did, Akrakis fled the scene, not having accomplished his stated mission, which, as recorded in the police report, was to kill Tzanos in order to "avenge his father."[2]

The police report began with why this was the case. That same morning, Akrakis' father had gotten into an argument with Tzanos' wife, Kaliopi Minadopoula "due to previous hate,"[3] though it was vague about what that meant. The argument eventually turned physical when Minadopoula hit Akrakis' father on his head with a rock and left a light bruise on it. After the fight between Akrakis, the son, and Tzanos, the husband, Tzanos was able to reach his house with difficulty because of his injured leg and tell his family about what had happened. The police report was not clear about who had notified the police of the incident, but from the context, it is probable that either Tzanos or one of his family members went to the police. The police then

[1] «Καλησπέρα κερατά δεν σε εσκότωσα το πρωί διότι ήσανε εκεί μάρτυρες αλλά θα το κάμω τώρα όπου δεν με βλέπει κανείς.»
[2] «θέλων να εκδικηθή τον πατέρα του»
[3] «... ένεκα προηγουμένου μίσους.»

took note of the condition of Tzanos' injuries, which were determined to be able to heal within thirty days without complications. A group of gendarmes then found and arrested Akrakis in an old run down house in his village in which he had sought refuge and confiscated his rod, though his knife was not mentioned in that section of the report.[4]

Several characteristics of the execution of the crime are significant to note and support the idea of the existence of honor societies in strong states. First, the physical struggle that took place between the two men parallels the language of privacy that the perpetrator used. Akrakis mentions that he was prepared to "do it now [kill Tzanos] where no one can see [him]." This necessary privacy of the action showed the seriousness of Akrakis' professed intention. Men in Mediterranean honor societies responded to slights to their honor by injuring the offender without killing and thus did not hesitate from doing it in crowded public places. The suggestion that Akrakis did not want to be stopped in turn leads to other conclusions. As honor is about dispensing justice, perhaps Akrakis was aware that what he was doing may be a gray area and thus that it was not just to kill Tzanos. It could be that killing Tzanos was going too far, as the report determined that Tzanos' wife did not severely injure Akrakis' father. It specifically stated that Minadopoula only left Akrakis' father with a "light bruise" on his head.[5] A second explanation of why killing Tzanos would not be just would also make sense – that honor societies had a self-checking system. People, not police as representatives of the state, were

[4] This could be the case for several reasons. Perhaps Yiannis did not have time to pull the knife out from Filippos' leg, or did not think to do so in his panicked state. The report says he "trembled" («τρεπώμενος») as he ran away. It is also possible that Yiannis did take the knife out of Filippos' leg, but maybe hid it somewhere where the gendarmes could not find it. Determining from court records and other police reports, gendarmes were usually effective in finding weapons, so it is unlikely that Yiannis had the knife on his person or in his immediate vicinity (i.e. the house). For more details about the incident, see «Απόπειρα φόνου του Τζάνο Φιλίππου υπό του Ακράκι Ιωάννου, συλληφθέντος» [Attempted murder of Tzanos Filippos by Akrakis Yiannis, arrested], November 30/December 13, 1900, Protocol 12029, Folder 12 (December), Box 1, Superior Directorate of the Interior First Department of Public Safety (1900) E43, IAK Chania, Crete, Greece.

[5] «ελαφρόν μώλωπα»

supposed to put a check on the behavior of people in their community. However, it is important to note here that Tzanos or his family called the police to find Akrakis. So it seems that in this period, we get an interesting mix of a recognition of a strong state by the self-checking honor society, with men using the state when beneficial.

The second thing to note is that Akrakis' alleged motive of killing Tzanos to avenge his father demonstrated that the perpetrator and victim not only knew each other, but had a history of conflict. The fight was at least the second in a series of family conflicts, perhaps not quite a vendetta yet, but could have started one if Akrakis had succeeded in killing Tzanos. A vendetta could also have been part of the reason that Minadopoula injured Akrakis' father ("previous hate" could have referred to that) besides potentially being in the process of forming. The circumstances of this relationship were the main reason for the conflict in the first place. Usually, these relations were forged out of a previous wrongdoing to a perpetrator's family member that required a response from that perpetrator in order for him to be considered a man of honor, the only way to be what would be considered a true man in this society.

Finally, the perpetrator was caught, in large part to the swift involvement of the police. This is notable due to the association of honor societies, which Crete has been categorized as, with the distrust of state apparatuses because of perceived weakness or corruption by the public, as mentioned earlier. The Cretan state, however, at the time of this conflict between Tzanos and Akrakis, was far from weak and actively fighting corruption, as seen from even the existence in the criminal code of the section on crimes against the state, such as bribery and corruption.[6]

[6] Fighting corruption in state offices was not only sought after on paper, but in practice as well, though the results were not always desirable to those claiming corruption. I came across some cases in the books of proceedings and decisions as well as in newspapers that covered this. One, for instance, was a case brought against a collector for the municipality of Melidoni in Mylopotamos, Rethymno by the municipality itself. The collector was accused by witnesses of under-reporting the quantities of their productive yields. The collector was ultimately acquitted because the evidence (the income catalog) had been destroyed. According to him, someone who was angry in his presence during the incident in question tore it. See Protocol 27/Proceeding 6, October 16, 1899, Justice of the Peace of

Also, in the earlier period of Halepa, newspapers talked about the corruption of police, but the police in the period of autonomy seemed to be praised for their effectiveness in executing their duties.[7] Hostile relations between police and civilians continued in the early twentieth century after autonomy, but this was due to an effective police system that was enforcing laws that categorized more activities that the state deemed dangerous as illegal. This changed environment was incompatible with a society that still was holding on to traditional values of honor and self-help.

This chapter explores the relationship between law and law enforcement and its manifestation in interpersonal and retaliatory violent crime. While doing so, it delves into the transformation in law on Ottoman Crete during the late nineteenth century and shows how it became more interventionist. I interpret this change as a strengthening of the criminal justice system, as the law underpinned this very system. As such, I argue that honor violence was not conducted in a weak state, but in a strong state. At stake in these forms of violence was not only a symbolic show of the ability to defend oneself, but, more importantly, the understanding that one had the right to. According to custom, this kind of violence was part of the private realm,

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Mylopotamos Criminal Proceedings (1899-1900), Archive of the Justice of the Peace of Mylopotamos, GAK Rethymno, Crete, Greece. The new system of accountability that brought even some gendarmes to justice, as we will see in this chapter, made civil servants themselves cautious. In one proceeding, the mayor of Agios Vasileios in Rethymno charged a woman with insult because she had yelled at him for failing to make her son a rural policeman (*αγροφύλακα*) as she had expected him to through a prior personal connection. See Protocol 79/Proceeding 64, August 5, 1900, Justice of the Peace of Agios Vasileios Criminal Proceedings (1899-1900), Archive of the Justice of the Peace of Agios Vasileios, GAK Rethymno, Crete, Greece.

[7] One proceeding that exhibits this shift is of a case of two gendarmes from the station of Margarites in Mylopotamos charged with what seems to be an unlawful arrest. The witness in the proceedings seemingly testified in favor of both the gendarmes and the two men whom the gendarmes arrested without cause. He claimed that the gendarmes came to his house at night to ask for his help with an arrest. The witness assumed, likely due to what he had heard from a guest, that the gendarmes had already been at the location where they made the arrest, a private household that they went to previously as guests for a gathering. While there, the witness believed that the gendarmes had probably heard from someone that they had been insulted as "outsiders" by the two men who they ended up arresting. The witness, however, noted that the "honorable" («τιμιώτατοι») gendarmes probably sincerely believed that they were doing their jobs because to call someone an "outsider" («ξένος») is an insult in that area. At the same time, the witness noted that the two arrested men were invited guests and had good characters. For more details, see Protocol 64/Proceeding 14, February 5, 1900, Justice of the Peace of Mylopotamos Criminal Proceedings (1899-1900), Archive of the Justice of the Peace of Mylopotamos, GAK Rethymno, Crete, Greece.

and thus not technically criminal activity. Retaliation, however, while a show of the defense of the perceived privacy of the occurrence, could be and often was combined with other methods of adjudication from state structures, showing a tension between self- and state-justice in this moment in Cretan social history.

Honor societies

In her book *The Transformation of Ottoman Crete*, Pinar Şenışık writes, "In order to understand the causes of the disturbances in Ottoman Crete, it is necessary to pay special attention to the many murders that took place there."[8] Şenışık's interest in violence on Crete is well-placed. However, her statement could be applied to late nineteenth and early twentieth Cretan history broadly rather than only the major rebellions of this period, as Şenışık does. In the popular imagination, Crete is a place of gun-toting men engaged in blood feuds to avenge family members killed by rival families. They see their actions as saving their own families' reputations.[9] I contend that this notion of violence on Crete must be properly contextualized.

Crete's chaotic and bloody modern history has enforced the perception of it as a violent place. It has also highlighted the importance of the role of violence in the island's history. However, there is a distinct difference in terms of the types of violence examined in different periods, which paints a biased picture of Cretan history and in turn informs perceptions of Cretan society and politics. Specifically, historians' and social scientists' research contributes to

[8] Şenışık, *The Transformation of Ottoman Crete*, 92.
[9] Vendetta on the island is still a concern in Crete to the point where village mediators, or *mesites*, since the second World War have been called upon by members of the warring parties to settle matters before they become violent in a process called *sasmos.* In some cases, not only do the *mesites* help in averting violence, but they can also help the parties reach an agreement before the case even goes to court. See, for example, Yiannis Papadopoulos, "The mediators of Crete's warring families," *Η Καθημερινή [Ekathimerini]*, September 9, 2014. Accessed at ekathimerini.com.

analyses of political violence and revolutionary politics in the nineteenth century.[10] At the same time, Cretan masculinity and interpersonal violence is the focus of scholars' work in the twentieth century. Scholars working on twentieth-century Crete study violence on a smaller scale than war and as an outcome of a society propelled by the value systems of honor and shame.[11] The uneasy relationship with justice institutions in honor societies is apparent from the literature, perhaps due to their equivalence with former Ottoman rule, which national memory has construed as repressive.[12] In this chapter, I bring together these two key bodies of literature on Cretan violence, using ideas from work on the twentieth century to look at intercommunal relations between Christians and Muslims and violent interactions between members within each community. In removing the focus from revolutionary violence in the nineteenth century, I hope to contribute to a more complete evaluation of the consequences of the *Tanzimat* reforms on Ottoman society by examining the process of their implementation. This shift in focus also challenges the narrative of Cretan interreligious strife that has dominated Cretan historiography for too long.[13] At the same time, the examination of the legacy of the *Tanzimat* in the early twentieth century seen in the establishment of the autonomous Cretan state contextualizes the

[10] See Kallivretakis; Perakis, *The End of Ottoman Crete*; Şenışık, *The Transformation of Ottoman Crete*; and Chalkiadakis.

[11] See Michael Herzfeld, *A Place in History: Social and Monumental Time in a Cretan Town* (Princeton: Princeton University Press, 1991) and Aris Tsantiropoulos, "Collective Memory and Blood Feud: The Case of Mountainous Crete," *Crimes and Misdemeanors: Deviance and the Law in Historical Perspective* 2, no. 1 (2008): 60-80. Urania Astrinaki's work seems to break from the mold, although she is still concerned with the context of violence, as I will discuss later.

[12] Herzfeld, *The Poetics of Manhood*.

[13] The period defined by the set of reforms collectively known as the *Tanzimat* stretches from 1839 until 1878, when Sultan Abdülhamid suspended the Ottoman constitution. However, in Crete, the Halepa Pact of 1878 demanded the application of *Tanzimat* principles expounded in the 1868 Organic Law. Thus, *Tanzimat* principles were still contested there and the reforms continued after 1878. The *Tanzimat* inspired calls for the equality of non-Muslims before the law and equal presence in administration. Its goal of the restoration of order, broadly envisioned, and the implementation of the rule of law was promised for all subjects regardless of religion. Additionally, after the Hatt-ı Hümayun, non-Muslims were able to serve in Ottoman administration, including the council of state and the *Nizamiye* courts. For more on the application of the *Tanzimat*, see Caroline Finkel, *Osman's Dream: The Story of the Ottoman Empire 1300-1923* (New York: Basic Books, 2005), 463; Rubin, *Ottoman* Nizamiye *Courts*, 25.

violence happening in this period in the changes to the criminal justice system from the previous century.

In this chapter, I analyze the motivations of interpersonal conflicts, in particular those that ended with physical violence, using court trial transcripts, examination depositions, and police reports. I show that most violent encounters recorded by Western Cretan *Nizamiye* courts took place between people of the same religion in the periods of autonomy (1878-1889 [experimental autonomy]; 1898-1913) despite mass violent inter-confessional clashes during the revolution of 1897 and the resulting exodus of the majority of Cretan Muslims after autonomy.[14] While the reduction of the Muslim population in Crete helped make this pattern possible, Muslims still lingered on Crete. The combination of lingering tensions between the two communities for political reasons and the number of Muslims, though reduced, that showed up in the court records are enough to make violent occurrences between people of the same religion, mostly Christians, worth studying. This is not to say that intercommunal violence motivated by religious difference and related political interests in this period did not take place, but that most violent crimes recorded in samples retrieved from newspapers, case books, and legal dossiers were between people of the same religion and mainly motivated by a sense of affront to honor, whether one's own or a family member's.[15]

[14] To understand the context for this exodus and the European Powers' Role in it, see Uğur Peçe, "An island unmixed: European military intervention and the displacement of Crete's Muslims, 1896-1908," *Middle Eastern Studies* 54, no. 4 (2018): 575-591. For discussions of the aftermath of the Muslim exodus in Crete, see Poulios, "The Muslim Exodus From Crete: Property Destruction, Urbanization and Counter Violence," in *Social Transformation and Mass Mobilization in the Balkan and Eastern Mediterranean Cities, 1900–1923*, ed. Andreas Lyberatos (Heraklio: Crete University Press, 2013) and Perakis, "Muslim Exodus and Land Redistribution in Autonomous Crete (1898-1913)," in *Mediterranean Historical Review* 26, no. 2 (2011): 135-150.

[15] The main focus on this period is still the interreligious conflict that transpired as the debate over unification with Greece was intensified. See Anna Kouvaraki, "Historical and Cultural Dimensions of the Muslims Cretans in Turkey" (Master's Thesis, Istanbul Bilgi University, 2014), 48, https://openaccess.bilgi.edu.tr/handle/11411/718.

Honor is defined collectively by sociological and anthropological literature as reputation acquired by success in competition for social status, material resources, and in conforming to patriarchal masculinity. However, the meaning of honor varies from one place to the next.[16] For instance, most historians of Mexico, the United States, and central, western, and northern Europe argue that the people living in these regions in the early modern and modern periods thought of honor as something that only elites could have.[17] These elite men fought with other men who challenged their honor in the form of ritualized duels. In the Mediterranean, on the other hand, scholars of this region argue that men of any social stratum could have honor. They explain this lack of restriction by citing a weak state.[18] These scholars argue that the absence of strong state institutions, or corruption within them, led men to seek justice by pursuing the perpetrator of the injustice done to them or their family members on their own rather than relying on the police and courts to deal with the suspect. The motivation to do this and their success was a sign of honorable masculinity. This process of self-justice differs from vigilantism because of the pursuit of perpetrators that have committed a crime against only the victim or his family, not criminals generally. The concept that self-help justice is related to a weak, corrupt, or inefficient state as a legacy of crypto-colonialism is prevalent in the literature on Mediterranean honor societies.

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[16] Michael Herzfeld, "Honour and Shame: Problems in the Comparative Analysis of Moral Systems," *Man* 15 no. 2 (1980): 339-351; Efi Avdela, "Honour, Violence and Crime," in *Crime and Punishment in Contemporary Greece: International Comparative Perspectives*, ed. Leonidas K. Cheliotis and Sappho Xenakis (Bern: Peter Lang, 2011), 353-374.

[17] Pablo Piccato, *City of Suspects: Crime in Mexico City, 1900-1931* (Durham: Duke University Press, 2001), 80; Kevin McAleer, *Dueling: The Cult of Honor in Fin-de-Siecle Germany* (Princeton: Princeton University Press, 1994), 3-4; Courtney Erin Thomas, *If I Lose Mine Honour, I Lose Myself: Honour Among the Early Modern English Elite* (Buffalo: University of Toronto Press, 2017), 4.

[18] See Jane Schneider, "Of Vigilance and Virgins: Honor, Shame and Access to Resources in Mediterranean Societies," *Ethnology* 10 no. 1 (1971): 1-24; Roger V. Gould, *Collision of Wills: How Ambiguity about Social Rank Breeds Conflict* (Chicago: The University of Chicago Press, 2003); David D. Gilmore, "Anthropology of the Mediterranean Area," *Annual Review of Anthropology* 11 (1982): 175-205; Christian Giordano, "Mediterranean Honour Reconsidered. Anthropological Fiction or Actual Action Strategy?," *Anthropological Journal on European Cultures* 10, no. 1 (2001): 39-58; Jacob Black-Michaud, *Cohesive Force: Feud in the Mediterranean and the Middle East* (New York: St. Martin's Press, 1975).

Michael Herzfeld defines crypto-colonialism as anthropology's "theoretical capital… derived from ethnographic research done in the colonial domains," which include Greece and other countries of the Mediterranean.[19] The idea posits that the Mediterranean's difference from northern and western Europe objectifies and exceptionalizes it for scrutiny on European terms. This scrutiny came in the form of archaeology in the nineteenth century and anthropology and ethnography in the twentieth century. The exceptional qualities of the Mediterranean, seen as traditional rather than progressive, were highlighted. As such, ideas about Mediterranean honor societies and especially the types of state they tend to flourish in need revisiting.

In the last two decades, some scholars have begun to challenge this view, using the difference in manifestations of honor and statehood as a common point. Thomas W. Gallant, for instance, argues that a form of duel was present in the Ionian Islands in the mid-nineteenth century whose "script" was similar to the elite northern European duel.[20] Pieter Spierenburg examines displays of honor violence, including dueling, of lower class men in early modern Amsterdam.[21] Some scholars have challenged the context upon which notions of Mediterranean honor were built. In the aforementioned work, Gallant also argues that there was a rupture between violence and honor in the Ionian Islands in the mid-nineteenth century.[22] By arguing that conflicts of honor moved from the streets to the courtroom in his discussion of the relationship between violence and honor, Gallant disputes the notion of a disconnect between society and the state in Mediterranean honor societies. Demonstrating that Ionian islanders learned to coopt state institutions and use the courtroom as a venue to talk about honor, he shows

[19] Michael Herzfeld, "The Absent Presence," 899.
[20] Gallant, *Experiencing Dominion*, 120.
[21] Pieter Spierenburg, "Knife Fighting and Popular Codes of Honor in Early Modern Amsterdam," in *Men and Violence: Gender, Honor, and Rituals in Modern Europe and America*, ed. Pieter Spierenburg (The Ohio State University Press, 1998), 103-127.
[22] Gallant, *Experiencing Dominion*, 140-141.

that eventually they moved away from resorting to violence first instead of the "competent criminal code and corresponding institutions of state justice."[23] However, he shows that this was caused by disagreements between people and the state over what were the most legitimate ways to resolve conflicts and whether the state's law itself had legitimacy. Thus, the root of the problem is in perceptions of the British colonial criminal justice system as an imported outsider institution. Others have questioned the validity of the idea upon which studies of Mediterranean honor societies are predicated – that Southern European states are weak. Urania Astrinaki, for example, argues that even though Greek state policy and practice was marked by inconsistency and ambiguity, this was not a sign of weakness.[24]

While these scholars argue that there is indeed room for honor societies to operate within state institutions and that these institutions themselves were not weak because of their inconsistent policies proper, in this chapter I argue that honor societies could exist in states with strong and functioning institutions that locals unintentionally legitimized by their use. I suggest a critique of the assumption that honor societies in the Mediterranean are a product of weak, corrupt, or illegitimate states in the framing of Ottoman Mediterranean societies by contextualizing studies of them in terms of Ottoman critical legal studies. I propose that honor in the case of Crete was not related to a weak state but had more to do with ingrained concepts of "public" and "private" against a backdrop of the Ottoman state's legal reform.[25] Penal reform made crimes such as homicide and bodily injury that were prosecuted privately before the first

[23] Gallant, "When 'men of honor' met 'men of law'," 82.
[24] Astrinaki, "'Tradition of violence'," 367.
[25] In his recent work on sexuality in eighteenth-century Anatolia, Başak Tuğ claims that "in pre-modern Islam the public sphere is defined not only as the opposite of private, but as its negative, that is the sphere of life that is not protected from unwanted intrusions of power." However, in his study he specifically is concerned with this idea as it applies to sexual violence and how the intrusion of the state was "a public one [act of violence] that also violated the honor of the Ottoman state." See Başak Tuğ, *Politics of Honor in Ottoman Anatolia: Sexual Violence and Sociolegal Surveillance in the Eighteenth Century* (Boston: Brill, 2017), 149.

imperial penal code of 1840 a matter of public security and thus the object of state intervention.[26] Thus, Max Weber's theory of the strong state as one that exercises a monopoly over the legitimate use of violence includes the Ottoman Empire, and by extension Crete.[27] Instead of adjusting to this new conception of violent crime as a matter of public order and subject to law, Cretans retained old notions of honor as a way of maintaining or gaining social status and imposing dominance through conflict control.

Crime and punishment

Violent crime provides a window onto relations between victims and defendants and between defendants and the state. Increasingly it became an object of intervention in the Ottoman Empire from the sixteenth to the nineteenth century. In classical *Shari'a* doctrine, homicide and bodily injury were privately prosecuted by the victim or his or her relatives. The state merely regulated the claims of the two parties as they agreed on the type of retaliation or amount of compensation. The decisions about these were dependent on the victim's social status based on sex, religion, and slave status.[28] The state progressively intervened more in these crimes. From Suleyman the Magnificent's reign in the mid-sixteenth century until the late seventeenth century when a new iteration of the precursor to the criminal code was introduced, executive officials could decide on a more appropriate punishment for a crime for which they previously were only mediators.[29]

[26] Peters, 39; Ebru Aykut, "Toxic Murder, Female Poisoners, and the Question of Agency at the Late Ottoman Law Courts, 1840-1908," in *Journal of Women's History* 28, no. 3 (2016): 116.
[27] Max Weber, "Politics as a Vocation." For a discussion of how the autonomous Cretan state proper continued Ottoman imperialism, albeit in a new form, see Kostopoulou, "The Island that Wasn't."
[28] Peters, 39-40.
[29] Peters, 79.

In the period of the *Tanzimat* the Ottoman state became more involved as conceptions of crime and justice shifted. The Ottoman and Ottoman Cretan states conceptualized crime and punishment in this period as the criminal justice system's responsibility rather than that of the individuals involved. In effect, the Ottoman state redefined crime as a societal concern, not an individual one. The *Ceride-i Mehakim*, the imperial "Journal of the Courts," was a testament to the public nature of crime in this period.[30] The creation of the new office of the public prosecutor also illustrated this change; the prosecutor had a role of both representing the state and overseeing the correct implementation of procedure according to the new codes.[31] The fact that certain acts of violence such as homicide and bodily injury moved to the "public" realm illuminated the expanded role of the state in managing violent crime. Of course, they were still interpersonal in the sense that they took place between private individuals. However, the state was interested in maintaining public order and intervening in more aspects of citizens' lives rather than perpetuating the "circle of justice," the previous system of state and social responsibility which secured the rights of each element in the circle separately according to its social function and gave the ruler his absolute authority.[32] The redefinition of state-citizen relations in the modern period according to legitimacy derived from a monopoly on violence meant that interpersonal violence was no longer in the realm of the personal, but was newly envisioned as a crime against the state.

Intentionality and attempts at executing a crime became increasingly significant factors in determining criminal categorization according to the degree of danger that the crime posed to the

[30] Noemi Levy-Aksu, "A Capital Challenge: Managing Violence and Disorders in Late Ottoman Istanbul," in *Urban Violence in the Middle East: Changing Cityscapes in the Transformation from Empire to Nation State*, ed. Ulrike Freitag, Nelida Fuccaro, Claudia Ghrawi, and Nora Lafi (New York: Berghahn, 2015), 60. The *Ceride-i Mehakim-i Adliye* was its successor after 1901 and served the same purpose.
[31] Peters, 129; Rubin, *Ottoman* Nizamiye *Courts*, 133.
[32] Starr, 22.

rest of society. Who could or could not display intent became less restricted with the changes in state legal institutions. Classical *Shari'a* doctrine stated that minors could not have *mens rea*, a guilty mind, because it was characterized by having the power of choice and knowledge that the act was even an offense.[33] Additionally, recent converts to Islam could not be considered guilty for the latter reason when it came to *hadd* crimes because of their lack of familiarity with the new law they were under.[34] The fourth subsection of the 1858 Imperial Ottoman Penal Code's introduction titled "Circumstances rendering the suspect excusable, responsible, or criminal" explains that a perpetrator who is not yet an adult can be fully excused of the crime if he or she does not have a moral compass with a guarantee from the parents or guardians of private disciplinary action. If, however, the minor is determined as able to tell right from wrong and committed a felony, then he or she must serve five to ten years in prison as a reformative, and presumably preventive, measure.[35] In practice, lack of knowledge of a law, for instance not knowing one was not allowed to carry weapons, generally did not excuse an adult from the prescribed punishment because adults not only had *mens rea*, but were supposed to know the law. A more developed mind could also lead to sophistication of motive, which was taken into account as well in the reformed penal codes of the Ottoman Empire as a whole and, later, Crete when determining the categorization of the crime and the severity of the punishment. This was also apparent in the Cretan autonomous state's code assigning different punishments for premeditated and non-premeditated attacks and killings.[36]

In generally speaking about motivations of crime, the Cretan code, written at the beginning of the period of autonomy, declared that the suspect, in the chance that he had the

[33] Peters, 20.
[34] Peters, 22.
[35] *1858 Imperial Ottoman Penal Code (Greek translation)*, Ch. 4, Art. 40, p. 13.
[36] *1899 Cretan Criminal Law Code*, Book 3, Part 2, Ch. 26, Art. 688, p. 221.

choice to ameliorate or worsen the conditions that led to the crime, would be assumed to have intended to generate the outcome of these conditions and committed as far as the evidence shows that the intention is not the product of far-fetched extrapolation.[37] Even in the more basic 1858 Imperial Ottoman Penal Code, which was the criminal law Crete used during the period of Halepa, an article stated that the punishment for an injury or killing with a reasonable excuse would be a minimum of three months in jail with a maximum of three years in jail, recognizing a range of motivations for committing a crime while also giving the court the responsibility of judging what was considered reasonable.[38]

Motive and attempted crime are connected because attempted crimes are not judged based on the outcome of the attempt, but by the attempt itself, which is the motive in action. While, as Paul Powers argues, "intent helps make these acts [for which people go to court] what they are and thus helps jurists determine their legal status and consequences," there was no theory of attempted crime in the classical doctrine.[39] This was one of the indicators that the classical doctrine was not as concerned with motive as the penal codes in the nineteenth century.

Overall, the criminal justice system not only became more rationalized and predictable in its procedure, as we see in the creation of both Ottoman and Cretan codes of criminal and civil procedure, but also more standardized in punishment while maintaining its flexibility. In the early modern period, both in practice and on paper, the variability of the system was evident in the different types of punishment it could mete out because of the extensive discretion that executive officials, such as police officers and military officials, and *kadis* were able to exercise. This in turn stemmed from the breadth of allowed interpretations of the legal definition of crime

[37] *1899 Cretan Criminal Law Code*, Book 1, Ch. 2, Art. 40, p. 10-11.
[38] *1858 Imperial Ottoman Penal Code (Greek translation)*, Book 2, Ch. 1, Art. 190, p. 62.
[39] Paul R. Powers, *Intent in Islamic Law: Motive and Meaning in Medieval Sunni* Fiqh (Leiden: Brill, 2005), 19; Peters, 20.

or of rules of evidence.[40] In the nineteenth century, the Ottoman Empire began to favor imprisonment in practice over most other punishments for misdemeanors and felonies. The same preference given to imprisonment was reflected in the court decisions of turn of the century Crete. Additionally, where and how long people were incarcerated was dependent on their crime. In autonomous Crete's penal code, other forms of punishment such as banishment and public shaming that accompanied imprisonment and fines, another commonly used punishment in both Crete and the Ottoman Empire, were replaced by labor. The death penalty could also be carried out in only one way for any felony according to the penal code, whereas in classical *Shari'a* doctrine the death penalty could be carried out in a number of ways including stoning, crucifixion, and beheading. Instead of variety in forms punishment, there was variety within a single kind of punishment, as was illustrated in Chapter 2, where I discussed how prison sentences and fines could vary greatly. Additionally, where people were incarcerated was dependent on their crime, much like in the present-day criminal justice system.

The structure of the penal codes and the way that punishments were presented for disobedience of police orders (similar in severity to modern day infractions), misdemeanors, and felonies and the specific crimes that fell into each category showed the difference in the types of flexibility employed in punishing crime. The organization of the penal codes is the first step in understanding the categorization of crime and the understanding of violence. The Ottoman imperial penal code was much shorter than that of the autonomous Cretan state. It was categorized according to the broad criminal categories, with misdemeanors and felonies being placed together in the first two sections and police crimes and penalties addressed in the third and final section. The introductory subsections consisted of general laws regarding lengths of

[40] Peters, 65-68.

imprisonment according to crime severity and the details of incarceration as well as the activities expected of the prisoner. In the first subsection, only the minimum penalties were stated for police crimes and misdemeanors and the various punishments for felonies were listed. However, the next two subsections outlined the punishments in more detail. The second full section pertained to crimes against the state and their punishments, with subsections on external and internal security and penalties for threats to that security, bribery, theft of public property, abuse of power and violation of duty, and other potential criminal activity by or against public servants or spaces. The second section is about crimes against private persons and property, with each subsection covering a particular crime, such as injury, assault, theft, and, interestingly, perjury. The last section is about what is called in its title "violations of police orders," or otherwise police crimes that are punishable by police penalties. Additionally, this section discussed matters of public health and the cleanliness of public spaces.

In the period of autonomy fuller parameters of the penalties for each type of crime were specified in the first few pages of the penal code, but the titles of the subsections of later parts of the code show that more individual crimes within those three broader categories were discussed in more detail. The Cretan state's code included more categories and each category had descriptions of punishments based on the conditions in which the crime was executed. Thus, more crimes were specified, including those that were deemed more appropriately settled by non-state actors, and crimes were more rigidly defined. Additionally, the increase in the description of each criminal category meant that the courts had more control over the parameters of the interpretation of the context of these formerly "private" crimes. In this way, even though the punishments given for these crimes demonstrated flexibility, the state was still trying to

increasingly inject itself into society by strictly defining how people could or could not act within it.

Because infractions of police orders, misdemeanors, and felonies all involved some form of bodily harm or included categories for which bodily harm was a possibility (i.e. arms bearing), the penalties for all three of these categories deserve more attention. Punishments in the period of autonomy interestingly show that only the punishments for misdemeanors and felonies included some rehabilitative qualities, while the "corrective" punishments for less serious police infractions were only nominal and only applied to threats to the state.[41] Felons and perpetrators of misdemeanors, on the other hand, were encouraged to perform services that could benefit the prison or jail community or local society. There is also a mix of punitive and rehabilitative punishment present in the 1858 Ottoman penal code whereas the penal code of the autonomous Cretan state includes more rehabilitative types of penalties.

Earlier, under the Imperial Ottoman Penal Code, police penalties and corrective penalties for police crimes and misdemeanors were grouped together. Police crimes were the least serious types in both periods and were characterized by punishment by police penalties – fines of less than 100 grosia (or drachmas in the time of the autonomous Cretan state) and by detention for a period only up to one week.[42] In the period of autonomy, the Cretan criminal law prescribed fines for up to 100 drachmas and detentions for up to one month for infractions.[43] Misdemeanors were more serious. They required punishment by corrective penalties which consisted of a base

[41] Police infractions typically consisted of disobedience of police orders, such as carrying an unlicensed gun or failing to light a lamp in a storefront between certain times.
[42] *1858 Imperial Ottoman Penal Code (Greek translation)*, Ch. 1, Art. 5, p. 4. Many of these fines were often even 50 grosia or drachmas and less. However, in order to understand what a burdensome amount this could be, one needs to note that 100 drachmas was a gendarme's monthly salary in the autonomous period, and these were considered decent salaries. Thus, even 10 drachmas could comprise a large chunk of monthly income to many or be unaffordable to some members of society.
[43] *1899 Cretan Criminal Law Code*, Book 1, Ch. 1, Art. 4, 14, p. 2, 3).

confinement in a jail between a day and three years, according to the Ottoman penal code, and up to five years in the period of autonomy and a monetary penalty of up to 500 grosia or drachmas. As with infractions, the time in jail could be longer under particular conditions.[44] During their imprisonment, people convicted of a misdemeanor could engage in prison work. In some circumstances, they even could resume the jobs they held before they were convicted, applying those skills in prison.[45] The imperial penal code also stated that a convict could be temporarily exiled for a period ranging from three months to three years.[46]

Finally, punishments for felonies, the most serious types of crimes, were labeled "criminal penalties," which included four types of punishment common in the periods of Halepa and autonomy. Only the confinement component was the same as a police or corrective penalty in a criminal penalty. There were three choices for confinement. The first was a life sentence. The criminal would die in prison, theoretically without the possibility of release. The second possibility was a "temporary confinement" from ten to twenty years, as specified in the penal code of the Cretan state.[47] In the Ottoman penal code, the range of years was shorter, the minimum being three and the maximum fifteen.[48] In both of these punishments, the prisoner's feet also had to be bound to a heavy ball and chain. Both types of prisoners were required to engage in some sort of work during the period of Halepa. During autonomy, those with a temporary sentence could work in the place where they were imprisoned while life prisoners

[44] *1858 Imperial Ottoman Penal Code (Greek translation)*, Ch. 1, Art. 4, p. 4; *1858 Imperial Ottoman Penal Code (Greek translation)*, Ch. 3, Art. 34, 39, p. 11-12; *1899 Cretan Criminal Law Code*, Book 1, Ch. 1, Art. 4, 12, p. 2, 3.
[45] *1858 Imperial Ottoman Penal Code (Greek translation)*, Ch. 3, Art. 34, p. 11; *1899 Cretan Criminal Law Code*, Book 1, Ch. 1, Art. 12, 27, p. 5, 8-9.
[46] *1858 Imperial Ottoman Penal Code (Greek translation)*, Ch. 3, Art. 35, p. 11.
[47] *1899 Cretan Criminal Law Code*, Book 1, Ch. 1, Art. 8, p. 2.
[48] *1858 Imperial Ottoman Penal Code (Greek translation)*, Ch. 2, Art. 21, p. 8.

were put to work in different public projects.[49] The third alternative was imprisonment for five to ten years during the period of autonomy, or for three to fifteen years or life in the Halepa period under the Ottoman penal code without being attached to a ball and chain. This punishment could occur with temporary exile and the prisoners could move outside the forts in which the prisons were located as stated in the police regulations.[50] These prisoners were also allowed to work, but only in the prison during the period of autonomy.[51] The final type of punishment common in both periods for a felony was the death sentence.[52] According to the penal code of 1858, however, additional types of punishment that could be inflicted on a felon were public castigation, which accompanied imprisonment with the tethering of the ball and chain; exile for life, with or without his family, depending on the prisoner's request; and the revocation of civil rights.[53]

The Cretan state, then, developed its legal framework along Ottoman lines, taking inspiration from the *Tanzimat* reforms as a whole and following the trajectory of legal codification and subsequent interventionism. While autonomy complicated that process because of gradual Cretan separation from Ottoman imperial power, the Halepa Pact was an effective call for the implementation of the same principles introduced by the *Tanzimat*, which included the system that would underpin the rule of law. This is not to say that the similarities between the Greek criminal code of 1836 and the criminal law of autonomous Crete that some scholars have

[49] *1899 Cretan Criminal Law Code*, Book 1, Ch. 1, Art. 9, 27, p. 2-3, 7. Also see Kent Schull's work for labor-related punishments in the late nineteenth century in the Ottoman Empire. Imprisonment was a common form of punishment in Anatolia, but prisoners were also sent to row in galleys.
[50] *1858 Imperial Ottoman Penal Code (Greek translation)*, Ch. 2, Art. 25, p. 8.
[51] *1899 Cretan Criminal Law Code*, Book 1, Ch. 1, Art. 11, p. 3.
[52] The Ottoman imperial penal code does not specify how the death sentence is to be applied whereas the Cretan state's penal code states that the sentence is carried out by shooting, though it is not clear whether this is meant to be a public firing squad or more private execution. See Zarinebaf, *Crime and Punishment in Istanbul*; Schull, *Prisons in the Late Ottoman Empire*; and Peters, *Crime and Punishment in Islamic Law* regarding the publicity of execution in both the early modern and modern Ottoman Empire. See *Kriti*, «Συνελεύσις» ["Assemblies"], 8 Jun. 1884 for the problems of carrying out the death sentence in the semi-autonomous period.
[53] *1858 Imperial Ottoman Penal Code (Greek translation)*, Ch. 1, Art. 3, p. 4.

pointed out are not present or that Cretan unification was not an ultimate goal.[54] The influences of Ottoman nineteenth century law, enveloped within the Ottoman Empire's wide use of granting autonomy as a tool of imperial confirmation, are evidence in the Cretan legal code of the late nineteenth century.[55] In particular, these influences included prosecution on behalf of the state rather than the encouragement of private settlement, the creation of a criminal hierarchy, and the reformation rather than mere punishment of individuals.

Honor crime in context

On December 2, 1900, Emmanuel Pantelidakis gave a final statement in the Justice of the Peace of Agios Vasileios that he was not actually trying to kill Haralambos Anitarradis. He admitted that he did injure him because of his drunken state. Emmanuel then added that, "but if I did have this intention [to kill Anitarradis] I [would have] found an appropriate time to kill him" as he mentioned that he had previous hatred against him.[56] To show that he was not even in the right state of mind to have intent, he noted that he was drunk. However, the conditional statement demonstrates that Pantelidakis was confident not only in his abilities to take revenge, but in the potential of his statement to diminish the severity of his violent actions, rationalizing his crime. This attempt at justification, however, was unnecessary due to the public's concept of how to properly defend honor, shown in the large number of crimes committed in retaliation for

[54] See Papamanousakis; Cengiz.
[55] Kostopoulou, "Armed Negotiations;" "The Island that Wasn't."
[56] «... αν είχε τοιούτον σκοπόν εύρισκεν εποχήν κατάλληλην να τον φονεύση.» See Protocol 260/Proceeding 115, December 2, 1900, Justice of the Peace of Agios Vasileios Criminal Proceedings (1899-1900), Archive of the Justice of the Peace of Agios Vasileios, GAK Rethymno, Crete, Greece.

other actions and, as I will explain more in the following chapter, witnesses' justifications of defendant's actions in their testimonies.

Though the law gradually accounted for more specific actions and explicitly named and prescribed punishments for these behaviors, and thus bringing more of them under its control, Cretans continued to draw clear lines between theirs and the state's domain. In the example that began this chapter, Yiannis Akrakis preferred to pursue revenge on Filippos Tzanos himself rather than report the incident between Kaliopi Minadopoula, Tzanos' wife, and his father and thus allow the police and the courts to resolve the matter. Akrakis was not daunted by the fact that the latter option, which he did not choose, allowed him to avoid entanglement with the law. His motivations in seeking revenge on his own may have been to not make public the fact that his father was injured by a woman and thus to keep his honor intact. However, even this would be part of a broader conceptualization of the distinction between private and public. The honor code of self-help justice dictated that Akrakis' father was to feel shame because of being overtaken by someone of the weaker sex and that he or a male family member, in this case Akrakis, take revenge by harming a male close to Minadopoula, the one in fact who was supposed to keep her in check.

In another case of revenge that seemed premeditated, Alexis Perisakis was shot and severely injured in a crime that was categorized as attempted murder. Authorities later were able to discover who the shooter was as well as his potential motivations by examining people who might know who could have shot Alexis. These people named Mihail Kapetanakis "more than any of the others" as one of three suspects.[57] Kapetanakis' and Perisakis' hate for each other

[57] «…πλέον πάντος άλλου.» See «Απόπειρα δολοφονίας του Περισάκη Αλέξη υπό του Καπετανάκη Μιχαήλ, φυγοδικούντος» [Attempted murder of Perisakis Alexis by Kapetanakis Mihail, escaped], December 28/January 10,

dated back to the revolt of 1897, when Kapetanakis came to the village of Drimiskos to steal animals. Perisakis caught him in the act one day and reprimanded him. Kapetanakis shot at Perisakis, prompting Perisakis to shoot back, but not before Kapetanakis injured Perisakis' left arm and rendered it unusable.

Once again, the witnesses' referring to this incident as a possible and in fact natural justification for Kapetanakis' probable status as a suspect (all but confirmed as he then became an outlaw after this crime) demonstrates the expectation of the pursuance of self-justice. Kapetanakis likely had two reasons for shooting Perisakis. First, animal theft or the killing of livestock was a common way of getting vengeance. Kapetanakis could have resented Alexis for getting in the way of his process of another act of revenge. In the record, however, there is no evidence that suggests with certainty that the theft was a retaliatory crime. The injury to Kapetanakis' arm, however, was a serious and obvious, even according to contemporary sources, reason to retaliate against Perisakis. Instead of going to the police, who were efficient in responding to the incident, Kapetanakis saw the responsibility for vengeance as resting on himself and thus as a private action.[58] Pre-*Tanzimat* law would have indeed encouraged a settlement between parties outside of court, albeit by different means instead of violence. The new law that made trauma a criminal offense and thus a crime against the state and a more efficient system of policing was not enough to restructure Cretan honor society.

The personal matters fought over in interpersonal violent exchanges thus often also exposed a political dimension, but one that was unrelated to a split along party lines.[59] In cases in

1900, Protocol 12613, Folder 12 (December), Box 1, Superior Directorate of the Interior First Department of Public Safety (1900) E43, IAK Chania, Crete, Greece.

[58] According to the report, police were notified of the incident only about two hours after the shooting.

[59] This was true for post-civil war Greece as well despite the politically charged environment. See Avdela, *Δια Λόγους Τιμής: Βία, Συναισθήματα και Αξίες στη Μετεμφυλιακή Ελλάδα* [For Reasons of Honor: Violence, Emotions and Values in Post-Civil War Greece] (Athens: Nefeli, 2002), 113.

which state officials' harassment of Cretan citizens seemed to demonstrate abuse of authority by unauthorized involvement in people's lives, there was another layer to the problem. The problem of state intervention was laced with contention over the line between private and public domain and action and control over what Cretans deemed private affairs. As in the early modern Ottoman Empire, this contested difference between what was private and public "made the violation of privacy a public matter,"[60] even if close spaces made the details of one's private matters available to neighbors. Litigants were conscious of this proximity without accepting that it could mean that public and private were one and the same.[61]

At stake in the politics of the personal was not only reputation, although reputation and its defense, both individual and familial, was one of the most important components of honor. Men who engaged in honor violence did so for respect and to showcase their virility that made them "true" men, both of which would earn them a higher communal status.[62] Not engaging in violence after being insulted signaled that one had no honor to defend.[63] Men whose strife with others attracted the interference of state officials many times perceived the intervention as an insult because the community expected them to take care of themselves. Only recently, after all, had the law dictated otherwise.

An instance of a collision between the personal and local state politics at play is apparent in the narrative about the interaction between two neighbors who disagreed on whether retaliation was a private or public matter. Georgios Fragioudakis, a resident of the village of Krousonas and Stylianos Fakidaris, a rural policeman from the same village, got into a verbal

[60] Başak Tuğ, *Politics of Honor in Ottoman Anatolia*, 148.
[61] See Avdela, *For Reasons of Honor*, 143; and Eliza Earle Ferguson, *Gender and Justice: Violence, Intimacy, and Community in Fin-de-Siecle Paris* (Baltimore: The Johns Hopkins University Press, 2010), 108-126.
[62] Gilmore, 191; Gallant, *Experiencing Dominion*, 123-124, 132.
[63] Tsantiropoulos, "Collective Memory and Blood Feud," 65.

and potentially physical fight when Fakidaris had approached Fragioudakis as he returned from his mill to get grain, asking him where he had been because the mayor, as well as the messenger for the town hall, was looking for him. Fakidaris entered Fragioudakis' yard, pushing and hitting him as well as insulting him. Fakidaris then left the yard with a handful of bean plants that he had taken from Fragioudakis, who had initially uprooted them from someone else's plot in the field.[64]

On the surface, this example confirms arguments that rebellion against the state was a significant marker of Mediterranean honor society. It would be quite easy to argue that Fragioudakis was consciously rebelling against the state with his refusal to listen to Fakidaris and go to the town hall to settle whatever matter it was that prompted the town hall messenger to tell Fakidaris to seek him out in the first place. Along this line of thought, Fakidaris' alleged attack on Fragioudakis represented to him state infringement because not only was Fakidaris sent by a local official, the town hall messenger, to deal with Fragioudakis, but because Fakidaris himself, as a rural policeman, ensured law and order for the state in areas that the gendarmerie did not have immediate access to and did not prioritize over villages and towns. Thus, without closer inspection the narrative of state weakness and corruption would prevail, as the existing scholarship cites these attributes of Mediterranean society as the first reason given for the value placed on self-justice. This framework would clearly explain Fakidaris' attack on Fragioudakis as unauthorized force, a manifestation of corruption.

However, the narrative above only gives the story as Fragioudakis told it in court. Two witnesses, including the town hall messenger himself, Ioannis Berberakis, only stated that they heard shouting and that they saw Fakidaris with some uprooted bean plants. One stated that he

[64] Protocol 176/Proceeding 61, December 1, 1899, Justice of the Peace of Mylopotamos Criminal Proceedings (1899-1900), Archive of the Justice of the Peace of Mylopotamos, GAK Rethymno, Crete, Greece.

heard Fragioudakis shout "In the name of God leave me!"[65] Thus, it is possible a physical altercation broke out, but it is not clear whether it certainly did. Information within and outside the narrative points to the assault, if it happened at all, being a product of disagreement over the line between public and private rather than state weakness or corruption proper.

State politics, thus, was only secondary to what was really at play, which was the disagreement over what constituted a private affair of vengeance versus the breaking of the law. For one, the destruction of property demonstrates that Fragioudakis may have been taking revenge on one of his neighbors. In many cases that had to do with the destruction of property, which included vegetation or animals in the casebooks of Rethymno, the person cutting down, uprooting, or burning the tree or plant or stealing or killing the animal usually had a prior bone to pick with the person whose property he destroyed.[66] Fragioudakis' uprooting of the bean plants means that the same principle of property destruction as a form of self-help justice likely applies in this example. His destruction of someone else's crops may have even been the reason for the court messenger's repeated requests that he come to the town hall. Fragioudakis' behavior in some way was being monitored by local representatives of the state, which Fragioudakis did not want to deal with either in confronting officials in the town hall or by having Fakidaris tell him that uprooting bean plants was an unacceptable way of getting even with people with whom he had previous conflict.

While both Ioannis Berberakis, the court messenger looking for Fragioudakis, and Fakidaris were local officials, private retribution was at the root of the matter at hand. Berberakis

[65] «εις τον θεόν σε ορίζω άφισε με...»
[66] See, for instance, the case of olive tree arson in Protocol 59, January 27, 1881, Rethymno Court of First Instance Judicial Council Criminal Decisions (1881), Rethymno Court House, Crete, Greece. In 1899 and 1900 cases labeled as the criminal category of "self-justice" were also mainly cases of property destruction, especially animal theft, although the destruction of plants could also be categorized as "self-justice." See, for example, Protocol 84/Proceeding 38, June 17, 1900, Justice of the Peace of Agios Vasileios Criminal Proceedings (1899-1900), Archive of the Justice of the Peace of Agios Vasileios, GAK Rethymno, Crete, Greece.

and Fakidaris were carrying out their duties in both instances, but these duties collided with what Fragioudakis saw as his right and duty in the politics of manhood and honor to take matters into his own hands. In this case, local government and rural law enforcement were functioning the way they were supposed to, but their ideas of maintenance of order were framed in public terms. Meanwhile, Fragioudakis' believed that he needed to show that he was capable of and willing to preserve his honor by attending to his private business, including getting revenge on people who had wronged him. Fakidaris' prompting Fragioudakis to appear in the town hall and the fact that Fakidaris himself was a rural gendarme mattered less to Fragioudakis than Fakidaris' intervention in Fragioudakis' enactment of his own sense of justice, or the old conception of justice that separated private and public matters by allowing the former to be settled outside of court. As Ruth Miller writes, in the 1851 criminal code, "personal crime – against victims or property – became of even less importance than it had been before [1840s, and particularly the 1840 code]."[67] In law, this trend continued into the subsequent versions of the criminal code, moving farther and farther away from the classical doctrine, which did not detail as wide a range of offences.

Because of this difference in thinking of the same action as punishable by a public law or as a private act of justice, physical conflict likely emerged based on the witnesses' descriptions of shouting and especially based on the witness's statement that the victim asked for Fakidaris to "leave" him. This could have been an emotional request for Fakidaris to stop harassing him or a plea for him to physically let him go from his grasp, the latter of which was more probable given Berberakis' testimony. However, even if Fakidaris did not attack Fragioudakis, the judge's belief that he did is significant in that it shows he understood why Fragioudakis said Fakidaris attacked

[67] Miller, 42.

him, giving legitimacy to the premise of Fragioudakis' claim while also taking into account the surrounding circumstantial evidence he felt was enough to pronounce Fakidaris guilty of these acts.

Roles sometimes could be reversed as gendarmes acted as defendants in court disputes involving violent crimes. Pavlos Giannoulis was one such gendarme who found himself in this unfortunate position. A case file in the Chania Historical Archive of Crete reveals that from June to November 1905, Giannoulis and his two brothers, Emmanuel and Antonios, tried to convince the president's council and prosecutor of the Rethymno Court of First Instance that they did not break in to the home of Markos Fragoulis and violently assault him. Fragoulis, however, insisted that the three men came to his house with a fourth unknown man and attacked him as he was closing his door. After the victim gave his statement, a witness, a rural policeman, testified that he and Giannoulis knew each other as they both happened to be law enforcement officials. The witness said Giannoulis had told him about a year before the present hearing that Fragoulis had intended to attack his father. According to the witness's testimony, Giannoulis added, "but he'll see if he hits him that others have hands and they hit."[68] This part of the witness's story was corroborated with a statement by Fragoulis' brother that his brother "had gotten into fights with almost all of the village."[69]

It became clear, then, that Giannoulis and his brothers had a reason to attack Fragoulis. If Fragoulis was confrontational, it was easy to believe that he had argued with Giannoulis' father. Unlike in other cases of family feuds, however, Giannoulis and his brothers denied their actions instead of claiming that they had a reason to pursue the victim. Perhaps part of the reason for the

[68] «...μα σαν θέλει και τον δείρη και θα δη πως έχουν και άλλοι χέρια και δέρνουνε.» See Protocol 613/Proceeding 319 (Rethymno Court of First Instance), November 3, 1905, File 408, Folder 4, Case Files of the Appellate Court of Crete (1905, 1907, 1908, 1909), IAK Chania, Crete, Greece.
[69] «Δεν ξεύρω αν μαλώνη και με άλλους ο παθών αδελφός μου, αλλά σχεδόν με όλον το χωριό έχει κάμη.»

lack of justification was the intentional nature of the crime. Instead of the fast reaction that often marks honor crimes, Giannoulis and his brothers went to Fragoulis' home, showing that a significant amount of time had passed after the interaction between the brothers' father and Fragoulis.[70] Another reason was probably Giannoulis' profession.

Despite his power as a law enforcement official who could arrest Fragoulis on regular duty, Giannoulis chose to seek private justice with his brothers instead of the public channels of law enforcement readily available to him. In this example the line is blurred between corruption and conceptions of private matters because Giannoulis was not acting as a police officer, but as a man who engaged in a family affair with his brothers to take revenge on someone who had intended to hurt his father. If Giannoulis was a corrupt policeman, he would have acted in his capacity as a policeman to potentially corner and use unauthorized force against Fragoulis instead of abiding by proper protocol. Here, Giannoulis did not ignore procedure because he was corrupt; he was acting entirely out of the context of police procedure because Fragoulis' behavior did not only affect public order, but also Pavlos personally. In the decision of the Rethymno Court of First Instance issued on the day the case came to the court, Giannoulis' position as a gendarme was only mentioned in relation to a statement about the Chromonastiri gendarme

[70] Roger Gould hypothesizes that part of what makes an honor crime is immediacy, which reflects the emotion involved in the action as well as the perpetrator's decisiveness, which marks his masculinity in such a society: "Honor systems encourage people (especially men) to react quickly, definitively, emotionally, and often physically to insults or other transgressions, whereas the modern bureaucratic world emphasizes dispassionate, rational deliberation and long-term planning, in both conflictual and cooperative situations" (Gould, 23). Yet here we see a delayed response, but a response born out of personal interest nonetheless as Pavlos defended his own honor by showing that he responded to threats to his family. The temporality of responses to honor vary, however, and Gould's claim is contested by Michael Herzfeld, who himself shows an example of an animal rustler slowly but deliberately stealing animals from an older shepherd incrementally and gaining the respect of locals for doing so because his methods showed self-restraint. See Herzfeld, "Pride and Perjury: Time and the Oath in the Mountain Villages of Crete," *Man* 25, no. 2 (1990): 306.

station's report regarding the incident. This report only made clear to the court that the brothers "nourished passion" against Fragoulis and thus were sentenced to one year in jail.[71]

Conclusion

Scholarship on Mediterranean honor that misidentifies the legal and administrative structures of these societies as weak has coexisted with histories of centralization and reform in the Ottoman Mediterranean. While some works have challenged the idea that Mediterranean honor societies are created out of state weakness and corruption, their authors' explanations re-frame the argument by pointing to other problems within the state, namely, the foreign nature of its institutions and unevenness of legal application. In this chapter, however, I have demonstrated that the scholarship has not used the extant literature on Ottoman legal history to the benefit of understanding the state of legal administration and enforcement in the Ottoman Mediterranean fully. The application of this body of work can be used to examine the condition of the Ottoman state more critically and fully. In this chapter, I have attempted to show that Ottoman Crete, especially when embarking on its autonomous experiment at the turn of the twentieth century, was not a weak state, yet still showed signs that it harbored a thriving honor society. The implication of this argument is in support of other scholars' contentions, whether explicit or implied, that the category of Mediterranean honor, as with the category of Mediterranean as a whole, at least as it has been studied, only serves to neatly divide the world into the Occidental and Oriental, the Modern and the Backward, and the Western and the Eastern.

[71] Protocol 613/Decision 271 (Rethymno Court of First Instance), November 3, 1905, File 408, Folder 4, Case Files of the Appellate Court of Crete (1905, 1907, 1908, 1909), IAK Chania, Crete, Greece.

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Chapter 5: Witness Protection: Negotiating Knowledge

On April 22, 1900, the public prosecutor and justice of the peace of Agios Vasileios in the *sancak* of Rethymno listened to the statement of Konstantinos Paranamakis, a 75-year-old farmer who had allegedly been cheated. Paranamakis evidently had lost more than sixty sheep and goats to some thieves during the recent 1897 revolution. To add insult to injury, he had also lost the lawsuit he had brought against the thieves before coming to the Justice of the Peace about his current issue. After the completion of the suit, he was approached by the defendant in the current proceeding, Mihail Androulakis, and two other men. Androulakis told Paranamakis that he would, for the price of 20 drachmas, be a witness for him should Paranamakis ask for a retrial.[1] Paranamakis, clearly eager to obtain justice for his stolen livestock and hopefully be compensated for their value, gave Androulakis half of the agreed upon sum, with which Androulakis and his men ran off. When it came time to uphold their end of the bargain with Paranamakis, they did not appear in court as they had promised. Paranamakis' account was confirmed by his wife and the two other men that accompanied Androulakis when he made his proposal. These two other witnesses also stated that Androulakis had told Paranamakis that he was at the hearing for the initial case of rustling. They stated that Androulakis did not give the name of the man who took the animals because he was not asked to and because he was not obligated to since he had not taken an oath.

After the witnesses gave their testimonies, the public prosecutor decided to postpone the case because of Androulakis' absence. The case was resumed on May 6, but Androulakis still did

[1] Here, the word used is «φράγκα» ("fragka," which literally means francs), but it is unlikely that it is referring to francs because this word is also a generic term for money. Thus, "fragka" is probably a slang term referring to the Cretan drachma, the currency of the Cretan polity.

not appear. A verdict was reached without him. The judge ruled that Androulakis would need to pay Paranamakis the 10 drachmas that he owed him. Furthermore, Androulakis was fined 10 drachmas for his absence from the court hearings.[2]

This case illuminates the problems associated with witness testimonies. The testimony of Paranamakis, as the wronged party, itself is telling of the fine line between legal and illegal payment to witnesses and, relevantly, their unreliability. The object of the case was the payment of money to a potential witness. This in itself did not seem to be illegal in this case or according to the code of civil procedure, which only mentions that it is illegal for someone with personal interest in the outcome of the case, such as a nuclear family member, spouse, or suitor, to act as a witness.[3] In fact, the accusers or defendants were supposed to compensate the witnesses whom they recommended for their travel expenses.[4] However, the court was supposed to mediate this transaction and approve it, likely in order to prevent scenarios such as the aforementioned one or just to discourage the bribing of people to act as witnesses in general.[5] In desperate situations such as the one Paranamakis found himself in, prosecution or defense parties who could not find actual or willing witnesses at the scene of the crime paid people to say what they needed them to state to support their claims. This would not necessarily be illegal if the witnesses were paid regardless of the outcome of the case. However, asking for a testimony could certainly be illegal if the potential witnesses were paid after the court declared the verdict in favor of the bribing

[2] Protocol 58/Proceeding 18, April 22, 1900, Justice of the Peace of Agios Vasileios Criminal Proceedings (1899-1900, Archive of the Justice of the Peace of Agios Vasileios, GAK Rethymno, Crete, Greece.
[3] Interestingly, economic interests in particular are not mentioned in this article. See *1902 Codes of the Cretan Polity*, Vol. 1, Code of Civil Procedure, Book 4, Section 6, Art. 260, p. 228.
[4] See *1902 Codes of the Cretan Polity*, Vol. 1, Code of Civil Procedure, Book 4, Section 6, Art. 266, p. 229. For more information about specific amounts paid according to distance traveled, see the footnotes on p. 230.
[5] *1902 Codes of the Cretan Polity*, Vol. 1, Code of Civil Procedure, p. 230-231, footnote titled «Προς τας δικαστικάς αρχάς» [to the judicial authorities].

party or due to the fact that the payment did not go through the court and was strictly for travel expenses.

In this case, because the exchange's legality in the first place would be questioned, Paranamakis emphasized Androulakis' agency in approaching him. He himself did not ask Androulakis for money despite his chagrin at the outcome of the last case; Androulakis himself offered it. Thus, he conveyed that Androulakis was not only a fraud, but was operating outside legal confines despite Paranamakis accepting his proposition. Additionally, Paranamakis used his dissatisfaction with the court's judgment on the previous case as a bargaining chip. His willingness to tell his story and the implication of the risk he took giving Paranamakis even 10 drachmas, noted by the scribe's writing that they "finally" came to an agreement, hints that he believed the court's failure led him to make a reluctant agreement with Androulakis in the first place and conveys his desperation in the face of this injustice.

Of course, Paranamakis was technically the wronged party in this case as well as a witness because the case was a criminal case, but the witnesses that came to the stand after him provide evidence of relatively detailed accounts by secondary actors not named as defendants. These detailed accounts by the other witnesses also revealed a manipulation of laws governing witness participation. Instead of focusing on Androulakis' actions proper on the day of the agreement with Paranamakis, they referred to the original case and actually justified Androulakis' withholding the name of the rustler. The fact that they mentioned Androulakis' knowledge of the thief of Paranamakis' animals at all is indicative of their cooperation. Their explanation highlights the importance of the oath, even (and arguably, especially) the one taken outside the Cretan courtroom. Their knowledge of the significance of the oath and the explanation of the lack of it as why Androulakis did not give the name of the thief deflects the

attention away from Androulakis' fraudulence.[6] While the strategy ultimately did not work, the case gives us insight into how witnesses approached the delicate area between truth and lies in the courtroom during this time. This case, then, frames witnesses' reasoning for the declarations of not knowing in their testimonies.

This chapter will examine how witnesses reacted to legal and judicial reform by looking at the strategies they used to negotiate the terms of justice with the courts. Beginning in 1839 with the Rescript of Gülhane, a decree that declared the equality of non-Muslim Ottoman subjects to Muslims, the Ottoman Empire's law was to be based on the principal of legality, that is, punishment according to the law rather than punishment according to *siyasa*, which gave broad discretion in punishment to executive officials, and *ta'zir*, discretion given to *kadıs*.[7] However, there was still a fair amount of flexibility in dispensing justice. In 1858, a penal code selectively based on a French model was drawn up and in 1879 a code of criminal procedure was put into effect. Its creation of the office of public prosecutor placed the responsibility of punishment on the state rather than on the accuser.[8] This change cast witnesses then as a source of evidence for the state's justice rather than an individual's justice, thereby elevating their

[6] An oath itself was considered a type of evidence according to the code of procedure (*1902 Codes of the Cretan Polity*, Vol. 1, Code of Civil Procedure, Book 4, Section 1, Art. 236, p. 224) and witnesses who refused to take them were fined anywhere from four to twenty drachmas, the same as if they had not shown up to the court at all without a legal excuse. See *1902 Codes of the Cretan Polity*, Vol. 1, Code of Civil Procedure, Book 4, Section 6, Art. 265, p. 229). According to Michael Herzfeld, in the last half of the twentieth century Crete an oath of innocence is seen as unbreakable and is supposed to bring social relations close to the ideal, which is perceived as continuous and time-honored. Thus, oaths taken in court are not only superfluous, but they act to delegitimize oaths taken between people outside of it: "Indeed, as I shall argue below, the encroachment of centralised institutions on local self-management – which has certainly happened in Crete – may actually weaken such values. This weakening occurs in part because courts and their officers deliberately remove the ultimate responsibility from the immediate actors, and because the actors have little faith in the bureaucrats' ability to conjure up divine wrath in their support" (Herzfeld, "Pride and Perjury," 306). The point here is not to argue that Crete overall has remained a timeless, static place since the nineteenth century, but to point out similarities in perceptions of an oath in Crete. These similarities can also be seen in the British-controlled Ionian Islands in the mid-nineteenth century. See Gallant, *Experiencing Dominion*, 51-52.

[7] This is not to say that *siyasa* and *ta'zir* were no longer used, but the law codified punishment for a greater number of crimes in each iteration of the criminal code from 1840 to 1858. See Kent F. Schull, "Comparative Criminal Justice in the Era of Modernity: A Template for Inquiry and the Ottoman Empire as Case Study," *Turkish Studies* 15, no. 4 (2014): 628-629.

[8] Peters, 129.

importance. Witness testimony was now used to determine the guilt or innocence of a suspect in the eyes of the state and punishment was for the public good which fed into the state's control of crime rather than an accuser's desire to punish someone for something that the suspect personally did to them. Even though documentation was becoming increasingly significant, especially in civil cases, witnesses retained their importance in criminal cases.[9]

Cretans' participation in the criminal justice system manifested in more ways than active resistance and physical confrontation with law enforcement officials. The variety of actions is especially evident in witness statements, whether directly quoted from the witness himself or herself or indirectly paraphrased by the court scribe, in trial transcripts. When the initial summons to appear came from the examiner or the prosecutor of the court, potential witnesses had a number of options. First, simply in terms of choices for showing up, the most obvious law-abiding way they could respond to these summons was to go to the examiner's office or to the court. The other option was to ignore the summons, not appear in the examiner's office or the court, and pay a fine. Somewhere in between was the choice to show up in subsequent trials for the same case to buy time or think about the consequences of appearing in court. This relates to the next set of choice regarding the content of the testimonies. The witnesses who did decide to go to the examiner or to court also had several options in terms of what they would say. The most lawful option was to say the truth, of course, but sometimes giving authorities the truth could have consequences. Suspects or accusers could influence witness testimonies by simple persuasion, payoffs, or threats. Thus, the witness may have needed to think twice about giving a truthful testimony or one that stated all of the facts. Lying or withholding information from the judge was thus possible and perhaps even probable, but to what extent and in what cases in

[9] Ayşe Özil, *Orthodox Christians in the Late Ottoman Empire: A study of communal relations in Anatolia* (New York: Routledge, 2013), 97.

particular cannot be known for certain due to the nature of the sources, except potentially in cases in which a witness was charged with perjury.

However, even these allegations must be approached with caution because most of these cases are documented in books of proceedings instead of full and complete legal dossiers that include examiners' reports, which would verify incongruities between examination and trial testimonies. Furthermore, we cannot discount that perhaps judges and prosecutors valued quick and efficient completion over thorough examination of the circumstances that would establish the defendant's guilt or innocence, thus brushing off testimonies that did not support others.

The value of my primary sources, consisting of witness testimonies in trial records, is that they exist and are readily available. Ottoman social and legal historians have typically searched for trial transcripts from the post-1864 courts in the central Ottoman archive mostly in vain.[10] Ottomanists are mostly inclined to use records of *kadi* courts in various parts of the Ottoman Empire for their research of the mid- and late-nineteenth century, when the Sublime Porte applied the Edict of Gülhane of 1839 and the Hatt-ı Hümayun of 1856, the latter being a reaffirmation of Gülhane and its implementation in the Ottoman provinces.[11] However, the *Tanzimat* reforms, the collective name of these and other decrees given between 1839 and 1879, also succeeded in establishing a court system with a panel consisting of both Christian and Muslim members. Muslim *kadis*, officials who had a range of both administrative and judicial responsibilities, presided in the court system that was already in place. Because of the reorganization of the provinces in 1864 and 1871 and the separation of judicial and

[10] Besides Tsantiropoulos' use of Cretan *Nizamiye* court proceedings from the turn of the century in his work on Cretan mountain communities in the twentieth century, a notable exception is Ebru Aykut's recent work on nineteenth-century female poisoners, based on her 2011 dissertation. See Tsantiropoulos, *Vendetta in Contemporary Mountainous Central Crete*; Aykut.

[11] See, for example, Starr; Ron Shaham, *The Expert Witness in Islamic Courts: Medicine and Crafts in the Service of Law* (Chicago: University of Chicago Press, 2010).

administrative power that came with it, *Nizamiye* courts were established to create a clear hierarchy and division of labor according to the French principle of separation of administrative and judicial powers.[12] The organization of these courts differed in certain semi-autonomous and autonomous provinces, such as Crete, but the principle of separating civil and criminal cases and of jurisdiction over certain crimes because of their severity according to location remained the same. These courts, like the *Shari'a* courts, in non-autonomous provinces also had to uphold the *Mecelle* (the Ottoman civil code) and the criminal code. The reason historians focus on the *Shari'a* courts in this period is because of the lack of protocols of proceedings of *Nizamiye* courts. While some have used the *Ceride-i Mehakim*, or Journal of the Courts, in their works because of its publication of case reports and some proceedings, for the most part historians do not have a clear picture of how people engaged with *Tanzimat* judicial reforms in the courtroom.[13] This study aims to show how people interacted with the court system, which was a legacy of the *Tanzimat*. Despite the fact that Crete had its own code of procedure in the Halepa period and during the period of autonomy, these codes and the courtroom protocols they guided were part of the *Nizamiye* system as one that allowed for different arrangements in provinces with special status.

The way the witnesses' speech is documented in these testimonies gives important insight into the layers of meaning that are embedded in them and gives the historian a look through court secretaries', judges', and prosecutors' lens. As Leslie Peirce writes in her work on the sixteenth-century Aintab court in Anatolia, how the testimonies were recorded and what was included

[12] Rubin, *Ottoman* Nizamiye *Courts*, 28-29.
[13] See Rubin, *Ottoman* Nizamiye *Courts* and Noemi Levy Aksu, "Institutional Cooperation and Substitution: The Ottoman Police and Justice System at the Turn of the 19th and 20th centuries," in *Order and Compromise: Government Practices in Turkey from the Late Ottoman Empire to the Early 21st Century*, ed. Marc Aymes, Benjamin Gourisse, and Elise Massicard (Boston: Brill, 2015), 146-168.

demonstrated what was important for the court's record keeping and decision making. In the case of Aintab, the testimonies in most of the proceedings were represented as direct speech, showing that the court wanted to match the spoken language of the witnesses or litigants as closely as possible.[14] While summaries of testimony do not fully convey the witnesses' language and give historians the most accurate picture of what the witness said, they do still allow them to access the court scribe's interpretation of what the witness stated. What the scribe includes, highlights, and re-phrases in indirect language is just as important to the analysis of how witnesses used the court and negotiated with its personnel as direct quotations. In this way, we can see how the scribe packaged the information given by litigants and witnesses, as well as what pieces of oral evidence were most important for the judge and prosecutor to make their decision.

Witness testimonies were one of the main, if not the primary, ways to determine a case's outcome and thus studying them is important for understanding the court's rulings. They help illuminate Cretan courts' attempts to control conflict, build its own narrative about individual cases of it, and swiftly find an appropriate punishment for it, as shown in Chapter 2. The recorded witness testimonies with the corresponding rulings in the court records tell us much about the acceptability of certain crimes and the relationship of the judges and witnesses to the written law and custom, as discussed in part by these witnesses in their defense of either the accuser or accused. Throughout the period under consideration, witnesses used similar strategies to defend their respective party. Some of these strategies that the witnesses used may be interpreted as resistance to the judicial system's corruption. According to both contemporary newspapers and present day scholars, the witnesses' presence in the court alone shows their willingness to participate, even if passively, in state-sponsored institutions. This shows that

[14] Leslie Peirce, *Morality Tales: Law and Gender in the Court of Aintab* (Berkeley: University of California Press, 2003), 103.

people exercised other forms of political participation and tested the judicial system and laws, often succeeding.[15] In addition to their socio-legal function, these testimonies can also tell us something about Cretan social history and intercommunal relations. Historiography on Ottoman Crete and the autonomous state is dominated by the reasons for and the outcomes of the various Cretan rebellions of the last half of the nineteenth century and highlight the violent conflict between Cretan Christians and Muslims that historians argue was both a cause and outcome of these rebellions. Some cases provide evidence for these inter-confessional clashes while others suggest that even after the exodus of thousands of Muslims from Crete after autonomy, members of the two groups still interacted regularly and even supported each other in court.

Role of witnesses

Regardless of the structural changes that the courts underwent between the periods of Halepa and autonomy, the role of the witness was similar according to the codes of criminal procedure in the two periods. The Cretan Assembly acted on the choice given to them by the charter of Halepa to draft a Cretan code of criminal procedure that would fill in any incomplete

[15] Kalliataki-Mertikopoulou argues that courts often did not follow procedure in the period before the Halepa Pact, leading in part to the uprisings that Halepa created in the context of Muslim officials favoring Muslim litigants or witnesses over Christian ones. Şenışık also discusses the role of partisan politics in the courts during the period of Halepa (Şenışık, *The Transformation of Ottoman Crete*, 79-88). Şenışık also discusses inefficiencies, delays in trials and cases after the revolution of 1897 (Şenışık, *The Transformation of Ottoman Crete*, 137-138), which was a concern as cited in newspapers of this period. See, for example, «Εκ Νεαπόλεως» [From Neapoli], *Alitheia*, October 29, 1900, where it is stated that many judicial decisions are postponed which in turn leads to other forms of inefficiency and even legal malpractice. In this particular case, the author is making the argument that the courts in Neapoli need equal support and funding for reform efforts to the courts in the larger cities of Heraklio and Chania.

Passive participation is defined as "following decrees and instructions by the state" instead of individual or group initiative. See Antonis Anastasopoulos, "Political Participation, Public Order, and Monetary Pledges (Nezir) in Ottoman Crete," in *Popular Protest and Political Participation in the Ottoman Empire: Studies in Honor of Suraiya Faroqhi*, ed. Eleni Gara, M. Erdem Kabadayi, and Christoph K. Neumann (Istanbul: Bilgi University Press, 2011), 135. Gallant makes a similar argument about the incorporation of the courtroom and the use of the British legal system for demonstrating reputation in *Experiencing Dominion*.

parts of the Ottoman penal code of 1858. In the criminal court system, as most of the cases in this chapter are criminal cases, the role of witnesses remained constant in each period. The code of criminal procedure at all levels of the court remained unchanged. This applied to specific rules in the courts in which witnesses could testify. In the Court of Assizes in both the period of Halepa and in the Cretan state, the court carefully filtered witnesses and the information they provided or were to provide to the prosecutor. The prosecutor filed an indictment against the defendant within eight days of the case being filed.[16] The defendant responded to the charge within eight days by putting together relevant documents and sending a list of defense witnesses to the prosecutor, who then summoned them from this list after their pre-examination based on their depositions. Only witnesses whose depositions included facts of interest to the case were summoned to the court.[17] The witnesses were then assessed a second time at the hearing according to the relevance of their facts to the defendant's case or if there were more than four testifying about the same fact.[18] In addition to the process of selection, the importance of the witness was evident from the court's ability to call on witnesses that may not have been recommended or listed by the defendant, send gendarmes after missing witnesses, fine absent witnesses, adjourn the trial due to absent witnesses, or accuse a witness of perjury if there was a serious contradiction in his or her testimony according to a previous deposition.[19]

The code of criminal procedure from the period of Halepa stated that the questioning of witnesses testifying in the Court of First Instance as the Court of Misdemeanors must follow the

[16] *1881 Cretan Code*, Code of Criminal Procedure, Ch. 5, Section 1, Subsection 1, Art. 98, p. 209; *1902 Codes of the Cretan Polity*, Vol. 1, Code of Criminal Procedure, Ch. 5, Section 1, Subsection 1, Art. 98, p. 359.
[17] *1881 Cretan Code*, Code of Criminal Procedure, Ch. 5, Section 1, Subsection 1, Art. 99, p. 209; *1902 Codes of the Cretan Polity*, Vol. 1, Code of Criminal Procedure, Ch.5, Section 1, Subsection 1, Art. 99, p. 359.
[18] *1881 Cretan Code*, Code of Criminal Procedure, Ch. 5, Section 1, Subsection 1, Art. 103, p. 210; *1902 Codes of the Cretan Polity*, Vol. 1, Code of Criminal Procedure, Ch. 5, Section 1, Subsection 1, Art. 103, p. 360.
[19] *1881 Cretan Code*, Code of Criminal Procedure, Ch. 5, Section 1, Subsection 2, Art. 110-113, p. 212; *1902 Codes of the Cretan Polity*, Vol. 1, Code of Criminal Procedure, Ch. 5, Section 1, Subsection 2, Art. 110-113, p. 361.

same rules as for the Court of Assizes.[20] In the autonomous Cretan State, the procedure was slightly changed as the defense witnesses could be summoned either by the defendant or the prosecutor. In either case, relevance was again of utmost importance, as the prosecutor was to call witnesses if the facts of their testimony were directly relevant to the charges.[21] Procedure also remained constant in the Police Courts during semi-autonomy and the Justices of the Peace in the Cretan State, as the sections for these lower courts referred to the rules for the Courts of Misdemeanors and First Instance.[22]

Besides similarities between the roles of witnesses during the periods of semi-autonomy and autonomy, parts of the Halepa and autonomous Cretan codes of procedure are reminiscent of the sections of the *Shari'a* that have to do with witness testimony. In particular, all three legal frameworks seemed to identify witnesses as the most important evidence in a case. In Islamic law, witnesses were of the utmost importance in criminal investigations and eyewitness testimony was the only accepted type of evidence for *hadd* offenses, or crimes for which there were fixed punishments. This was because they were transgressions against God. There were fixed punishments for these violations, but at the same time, they were difficult to convict.[23] Both in the semi-autonomous and in the autonomous period, witnesses, at least on paper, were only one type of accepted evidence by Cretan courts. In the sections on evidence in the codes for civil procedure in each period, the Cretan Assembly clearly stated what was deemed acceptable evidence and what the role of witnesses was. The intended prioritization of documentation or investigation as evidence as opposed to witness testimony is clear. In civil cases, this was

[20] *1881 Cretan Code*, Code of Criminal Procedure, Ch. 5, Section 2, Subsection 3, Art. 138, p. 219.
[21] *1902 Codes of the Cretan Polity*, Vol. 1, Code of Criminal Procedure, Ch. 5, Section 2, Subsection 2, Art. 136, p. 365.
[22] *1881 Cretan Code*, Code of Criminal Procedure, Ch. 5, Section 3, Art. 159, p. 225; *1902 Codes of the Cretan Polity*, Vol. 1, Code of Criminal Procedure, Ch. 5, Section 3, Art. 159, p. 370.
[23] Peters, *Crime and Punishment in Islamic Law*, 13-15.

expected to be the case. The section on documentary evidence states that any evidence of this type is considered complete proof.[24] The beginning of the section for witnesses limits the cases in which witness testimony as evidence is acceptable, stating that witnesses could not be used as evidence in civil cases worth more than 300 grosia in the Halepa period or 60 Cretan drachmas in the period of autonomy (worth roughly 180 USD today).[25] In the code of criminal procedure, investigation was of utmost importance. Investigating officers were allowed access to homes or any private outdoor spaces that the court had cause to think were the scene of a crime and any materials that would help reconstruct the criminal act and reveal the identity of the perpetrator.[26] However, witnesses still featured prominently in both types of cases. For civil cases, even on paper, the Assembly outlined many exceptions to the above rule concerning the worth of the case or the sum requested by the plaintiff.[27] In criminal cases, witnesses could take the suspect's place in the investigation of a crime scene if a suspect could not or did not want to be present.[28] Their significance is elucidated in courtroom hearings, where their testimonies were used to corroborate physical evidence from an investigation and their presence was required for the consideration of a verdict.

The role of witnesses as the main determinants of the outcome of a case is also evident from the variety of laws that guided procedure in the courtroom itself. Aside from being a means of disciplining the population and maintaining social order, fines imposed on absent witnesses

[24] *1881 Cretan Code*, Code of Civil Procedure, Book 4, Section 7, Subsection 1, Art. 276, p. 138; Subsection 2, Art. 280, p. 139; *1902 Codes of the Cretan Polity*, Vol. 1, Code of Civil Procedure, Book 4, Section 7, Subsection 1, Art. 276, p. 232; Subsection 2, Art. 280, p. 233.
[25] *1881 Cretan Code*, Code of Civil Procedure, Book 4, Section 6, Art. 254, p. 133; *1902 Codes of the Cretan Polity*, Vol. 1, Code of Civil Procedure, Book 4, Section 6, Art. 254, p. 227.
[26] *1881 Cretan Code*, Code of Criminal Procedure, Ch. 2, Section 1, Art. 33-36, p. 190-191; *1902 Codes of the Cretan Polity*, Vol 1, Code of Criminal Procedure, Ch. 2, Art. 33-36, p. 344-345.
[27] *1881 Cretan Code*, Code of Civil Procedure, Book 4, Section 6, Art. 254-275, p. 133-138; *1902 Codes of the Cretan Polity*, Vol. 1, Code of Civil Procedure, Book 4, Section 6, Art. 254-275, p. 227-232.
[28] *1881 Cretan Code*, Code of Criminal Procedure, Ch. 2, Section 1, Art. 34, p. 191; *1902 Codes of the Cretan Polity*, Vol 1, Code of Criminal Procedure, Ch. 2, Art. 34, p. 345.

and the innumerable times cases were postponed because of missing witnesses are just a couple of pieces of evidence of the value of witness testimony in this society. Furthermore, the latitude that court officials had regarding whom they summoned and in the types of questions they could ask them is testament to the significance witnesses.[29] The laws that decreed fines and postponement and the numerous instances that allowed them to be applied were also testament to a population that did not always want to comply, even if by and large it eventually and passively did. Witnesses learned that sometimes there was an intersection between the interests of the common people and the courts, and thus the state whose laws they enforced.

Knowledge, negotiation, and uses of law

Participation in the judicial system despite many acts of resistance (especially by Cretan Orthodox Christians) against any representative institutions or people of Ottoman or otherwise foreign control is especially clear in the record. This is not to say that there was no resistance to the judicial system at all. In Chapter 2 I briefly discussed an incident in which a group of villagers destroyed court records and in Chapter 3 an instance in which another group was instrumental in the escape of two outlaws. However, people obstructed justice in less extreme ways. Defendants sometimes did not show up to their trials and caused the postponement of cases until judges were forced to make decisions about their punishments in their absence. While the word was not used in trial transcripts as much, 'outlaw' appeared in numerous police reports in the period of autonomy, denoting defendants who did not show up to trial and ran away to

[29] *1902 Codes of the Cretan Polity*, Vol. 1, Code of Civil Procedure, Ch. 5, Section 1, Subsection 2, Art. 110, p. 361.

avoid prosecution or fled from the scene of a crime outright.[30] In criminal cases referred to the Court of Assizes (and even lower tier courts) in which the suspect had gone missing, the court ordered that his summons be posted on the suspect's last known residence and in several public spaces such as the courthouse itself, churches, and mosques to let the public know that the person was an outlaw.[31] Absent witnesses, on the other hand, were not treated as outlaws because of the court's virtual inability to decide on a verdict without their presence. Many cases were postponed because of missing witnesses and it was a common enough occurrence that the court summoned them repeatedly and delayed rendering a verdict until they eventually appeared. In addition to fines, the significance of witnesses in the outcomes of criminal cases and the occurrence of their missing examinations and trials is apparent in the law that allowed the court to send the gendarmerie to bring missing witnesses to court to testify.[32] However, even though it was common for witnesses not to show up, the majority of cases show that witness absence rarely was problematic enough to completely stop the court from being able to get enough information to decide the case.

Cooperation with the court system despite what some may deem as defiance (particularly, not obeying summons) is demonstrated by the generally small proportion of postponed cases. From the period of semi-autonomy I use two books of proceedings to make my point. These books, while being from the first half of the Halepa era are still valid despite this period's relative administrative stability because of the social factionalism and because of the challenges

[30] Police reports from the period before autonomy are either in the Ottoman State Archives, in the Chania archive's uncategorized collection that is not yet available to researchers, have not yet been brought to the main historical archive from local village archives, or have been lost completely.
[31] *1881 Cretan Code*, Code of Criminal Procedure, Ch. 4, Section 2, Art. 82, p. 204; Ch. 5, Section 1, Subsection 1, Art. 104, p. 210-211; *1902 Codes of the Cretan Polity*, Vol. 1, Code of Criminal Procedure, Ch. 4, Section 2, Art. 82, p. 355; Ch. 5, Section 1, Subsection 2, Art. 104, p. 210.
[32] For the law concerning gendarme action against missing witnesses see *1881 Cretan Code*, Code of Criminal Procedure, Ch. 5, Section 1, Subsection 2, Art. 111, p. 212 and *1902 Codes of the Cretan Polity*, Vol. 1, Code of Criminal Procedure, Ch. 5, Section 1, Subsection 2, Art. 111, p. 361.

and defiance faced by the Governor General, Ioannis Fotiadis Pasha.[33] The first book is a record of decisions made by the judicial council of the Court of First Instance acting as the Court of Misdemeanors in the town of Rethymno from the end of 1879 until the end of 1880. In this book, unlike in the second, witness testimonies appeared only as summaries in deliberations of the verdict, which could be imposing punishment, a transfer to the Court of Assizes or the Appellate Court, or postponement due to further examination. Out of a total of a sample of 38 hearings from this book, the council moved to postpone only 4 times.[34] The reasoning was, according to the scribe who compiled these proceedings, that the council ordered further examination. This could mean either that the council wanted more witnesses, since the court had the power to call other witnesses beyond those recommended by the defendant, or that some witnesses were summoned but had not appeared in court.[35] The second reason was more likely due to the reasoning that was given in more clear language in the vast majority of postponed cases in the second book, which was that the witnesses did not appear.

The second book is a record of the cases heard in the Court of First Instance as the Court of Misdemeanors in Rethymno in 1881. A total of 174 proceedings are recorded in this book, but some trials were continuations of previous ones, as the cases were postponed one or more times. Taking this fact into consideration, there were 126 cases, meaning at least 48 trials were postponed. Out of the 29 full cases which were comprised of one or more postponed hearings but later resolved, 20 were due to missing witnesses. Another 6 of those 29 cases that were not resolved in that year were also postponed because of absent witnesses. Thus only 26 cases out of

[33] For more on factionalism, see Perakis, *The End of Ottoman Crete*, 94-95; Kallivretakis, 25-26; and Holland and Markides, 85; For the challenges facing Fotiadis Pasha in enforcing justice, see Perakis, *The End of Ottoman Crete*, 55-57

[34] Decisions 1-45, Prosecutor of Rethymno Book of Judicial Council Decisions (1879-1880), Vol. 3, Archive of the Rethymno Court of First Instance, GAK Rethymno, Crete, Greece.

[35] *1881 Cretan Code*, Code of Criminal Procedure, Ch. 5, Section 1, Subsection 2, Art. 110, p. 215.

126 were postponed specifically because of missing witnesses and 20 out of the 26 were resolved within the year because the witnesses eventually appeared and testified.[36] The data gathered from the end of the period of semi-autonomy is limited and comes from the Justice of the Peace of Amari, a village in the *sancak* of Rethymno. From the 17 hearings examined, 10 were postponed. In terms of cases, this proportion translates to 7 out of 11 cases that were postponed and 6 out of 7 of these cases missing witnesses were mentioned as the cause for delay. The court reached a decision for half of these cases that were postponed specifically because of missing witnesses because they eventually came to give their statements.[37] However, one can safely assume that the witnesses in the rest of the cases probably showed up because of the outcomes of the other cases. The chronology of the casebook is broad and the last proceeding from this period is abruptly followed by a large set of proceedings from 1892. These proceedings were recorded at a time when Crete was fully under Ottoman control following the insurrection of 1889, which ended the Halepa regime. A lower proportion of verdicts for these cases were delayed specifically because of witness absence. In fact, out of 27 cases, only 4 were postponed because the justice of the peace needed more witnesses to make a decision.[38] Of course, this is more than likely due to

[36] This is a relatively small number of postponements, especially considering the nature of a *voulevma*, discussed in footnote 63 in Chapter 2. See Rethymno Court of First Instance Judicial Council Criminal Decisions (1881), Rethymno Courthouse, Crete, Greece.

[37] Protocol 891/Decision 1, January 19, 1888; Protocol 891/Decision 3, February 2, 1888; Protocol 6/Decision 2, February 2, 1888; Protocol 579/Decision 4, September 20, 1888; Protocol 579/Decision 7, October 18, 1888; Protocol 579/Decision 15, November 27, 1888; Protocol 506/Decision 5, September 20, 1888; Protocol 506/Decision 9, October 18, 1888; Protocol 506/Decision 16, November 29, 1888; Protocol 573/Decision 6, September 20, 1888; Protocol 687/Decision 8, October 18, 1888; Protocol 685/Decision 10, October 18, 1888; Protocol 685/Decision 17, November 29, 1888; Protocol 11/Decision 11, November 15, 1888; Protocol 792/Decision 12, November 15, 1888; Protocol 803/Decision 13, November 15, 1888; Protocol 19/Decision 377 September 21, 1889, Justice of the Peace of Amari Criminal Decisions (1880-1891), Vol. 1, Archive of the Justice of the Peace of Amari, GAK Rethymno, Crete, Greece. The same protocol number denotes different hearings for the same case.

[38] Decisions 115-116, 141-159, and 178-200, Justice of the Peace of Amari Criminal Decisions (1880-1891), Vol. 1, Archive of the Justice of the Peace of Amari, GAK Rethymno, Crete, Greece. The shift in chronology is not only the abrupt change in this book; despite the fact that the volume is labeled "Criminal Decisions" («Ποινικαί Αποφάσεις»), the second half is labeled as "Civil Decisions" («Πολιτικαί Αποφάσεις»).

mere volume, but a broader inference of basic cooperation can be made in the period of pre-autonomy.

In the autonomous period, while witnesses often did not show up to court, the percentage of cases postponed due to absent witnesses was not high either. The casebook of the *kaza* of Mylopotamos for 1899-1900 shows that witnesses did not appear in court for at least one hearing of a case for 29 cases out of a total of 108 cases, or 31 out of 114 hearings. Because the last of the cases in this book ends in April, 1900, a conclusion cannot be made about whether the missing witnesses from cases that did not have more than one hearing showed up to testify, thus facilitating the court's decision-making. In most of these cases, the decision was published only in the corresponding book of verdicts for the Mylopotamos Justice of the Peace in this time frame, but it is likely that these were postponed so that the witnesses could give their testimonies. Only in two cases a decision was made without all the witnesses present and even then the testimonies and number of witnesses present were sufficient to make a verdict.[39]

The witnesses themselves could also choose how much information they gave to the court and this information is key to understanding the other half of the negotiation process explained in Chapter 2. The witnesses exchanged information and knowledge in accessible terms to the court for a reasonable penalty, or no penalty, to the party they testified for. These cases show manipulation of certain gaps in the law or broad legal definitions. Like the previous chapter, the cases in which witnesses gave substantive information combined practical terms of accountability and the symbolic language of honor. In others, witnesses did not know much or decided to keep what they did know to themselves. In either case, the point was to create a narrative that the court would easily understand when applying the rules of evidence and accept

[39] Justice of the Peace of Mylopotamos Criminal Proceedings (1899-1900), Archive of the Justice of the Peace of Mylopotamos, GAK Rethymno, Crete, Greece.

as true. If they were unsuccessful, their failure could affect them as well as the prosecution or defense. A severe deviation from other witnesses' narratives could potentially lead to a charge of perjury. If defense witnesses did not create a believable narrative, this could also land the defendant a jail sentence. Finally, a victim would not get justice if one of their witnesses did not give a consistent testimony.

In terms of confessional relations, the religious identities, apparent in names themselves or stated in the personal information about the witness before his or her testimony, of witness and prosecution or defense could be different. Cooperation between Muslims and Christians existed during political climates that pitted their respective communities against each other, such as the 1897 revolution. In court, Cretans supported their acquaintances from religious groups that their coreligionists may have deemed at one time or another representative of an oppressive state because of the religion of its political elites.

The opening example of this chapter that I provided illustrates the willingness of victims and witnesses to use courts to settle injustices even when their own actions straddled legality. Similarly, in a hearing for a case of assault and battery in the Rethymno Court of First Instance on February 12 1881, Housein Bouroudakis attested to the reason why the defendant, Ali Kouklakis, had brought him to court. The victim, Georgios Zaharakis, took Kouklakis to court because he stated that Kouklakis had hit him in the head with a shovel, which had incapacitated him for twenty days. While Zaharakis noted that he did not hit or insult Kouklakis at all, Kouklakis, in his closing argument, said that Zaharakis hit his head because he fell on a trough. Kouklakis admitted that they did argue, but Zaharakis had started the fight by stating that one Turk could move ten Christians along but now he would make Kouklakis pay by beating him and defiling his mother. Bouroudakis, a Muslim and the only witness in this hearing, stated that he

heard the victim calling the defendant to help him grind some wheat. Kouklakis, he said did not want to, so Zaharakis started insisting and they began arguing. According to Bouroudakis, Zaharakis then insulted Kouklakis' mother. Kouklakis was the first to grab the shovel and Zaharakis followed with a wooden board. They began fighting and Bouroudakis tried to break them up, at which point Zaharakis fell. However, Bouroudakis did not see any blood. Zaharakis then fled the scene and Bouroudakis followed him to his house and saw that he was injured on his head. Ultimately, Kouklakis was convicted.[40] For his part, Bouroudakis tried to balance his testimony in showing that his co-religionist Kouklakis was an aggravating factor in Zaharakis' insult. However, the scribe's emphasis on the word "first" in Bouroudakis' description of Kouklakis' reaction showed what was most important in this testimony.[41] Ultimately, even though Kouklakis' honor may have been insulted, he was responsible and thus guilty because of his failure to fulfill his duty as a helper to Zaharakis, aggravating Zaharakis, who responded with violent actions.

Some witnesses admitted to having insufficient knowledge of the events that brought the defendant to court, but they went on to give detailed descriptions of the events, giving the court a type of disclosure of what they may have deemed limited knowledge. In the process they also gave themselves some options by giving the court evidence that could be interpreted in various ways. Witnesses thus used phrases that conveyed little knowledge to separate the known from the unknown to show the court that they would only say things that they knew for certain. In January 1881 in a trial for a case of animal theft, Anastos Flourakis testified that he heard the

[40] Protocol 98, February 12, 1881, Rethymno Court of First Instance Judicial Council Criminal Decisions (1881), Rethymno Courthouse, Crete, Greece.

[41] «...έπιασε δε πρώτος ο κατηγορούμενος το σιδερένιον πτυάριον και κατόπιν ο μηνυτής ένα ξύλον και συνεπλάκησαν» ("… and first the defendant grabbed his iron shovel and then after the plaintiff a piece of wood and they fought"). As this was a criminal case, there was no plaintiff, though the witness could possibly have been referring to a civil suit.

defendants talking to each other about stealing goats. Flourakis said that Dimitrios Kouvos suggested to Konstantinos Xylouris that they go get some goats from Agridia, where the animal theft took place. However, Flourakis also stated that Xylouris told Kouvos that he neither saw any nor did the unspecified person they were talking about have any in his possession.[42] Flourakis ended his testimony by saying that he did not know anything else («άλλο τίποτε δεν γνωρίζη»), even though the information he had just provided the court with displayed potential intent and motive on the part of the defendants as well as circumstantial evidence. The witness seemed to be aware of his lack of eyewitness testimony of the theft itself by his declaration of knowing nothing else, but he delivered what he presumably considered valuable information about what he overheard the two defendants discussing. By the second trial, with the accuser's statement and another witness's testimony, the court found the defendants guilty of animal theft.[43]

In some cases, witnesses gave ambiguous evidence in seemingly insubstantial testimonies that revealed little or no information about the events discussed. Whether witnesses withheld information purposefully or because they actually had limited knowledge of the events for which they were in court, the type of information they provided, how it was recorded by the court scribe, and their presence in the court itself give us a glimpse of their relationship to the court, and by extension to the state. In a case for animal theft in the Rethymno Court of First Instance in May 1881, Ioannis Efentakis simply stated that he saw the defendants Georgios Kapsalis and Ioannis Athousakis around Spili, a village about five miles northwest of the mountain of Kendros

[42] «Μήτε είδα σε μήτε κάτεχε σε» ("Neither did I see nor did he have"). See Protocol 46, January 22, 1881, Rethymno Court of First Instance Judicial Council Criminal Decisions (1881), Rethymno Courthouse, Crete, Greece.
[43] Protocol 46, March 3, 1881, Rethymno Court of First Instance Judicial Council Criminal Decisions (1881), Rethymno Courthouse, Crete, Greece.

(although the winding roads lengthen the distance to more than 10 miles), where the previous two witnesses saw them with the stolen animals. Efentakis stated that he saw the defendants on a Tuesday but he could not remember what month it was and that he was headed to Messara, which is in the northern part of the province of Heraklio.[44] According to the scribe, Efentakis finally stated that he did not know anything else and that he remembered that the quiet had been restored ("απεκατεστημένη η ησυχία"), likely meaning that he had not heard about any animal thefts in a while.[45]

The parts of the testimony that the scribe summarized points to his attention to the lack of information and perhaps a suspicion about Efentakis' intentions. His testimony is different from the others in that the other witnesses specified when they saw the defendants with the cow, told the court from where the defendants told them they were going, and estimated the cow's worth. While the exact phrasing of Efentakis' testimony may not have been true to his actual wording, it presumably accurately captured the content. Importantly, he showed the court in some form that he remembered that he did not hear about any animal thefts, even though he forgot when he saw Kapsalis and Athousakis with the cow. This is an important addition and is not coincidental considering that the scribe's notes on the other two witnesses did not include commentary on their knowledge of animal thefts in the region, although they did record the witness's statements

[44] Protocol 99, May 26, 1881, Court of First Instance of Rethymno Judicial Council Decisions, Rethymno Courthouse, Crete, Greece.

[45] The scribe had also mentioned during the first witness's testimony that the witness had seen the defendant on October 5 or 6, 1879, "after the restoration of quiet," which could also refer to the end of the uprising to which the Halepa Pact was a response. However, animal theft was in the repertoire of violence in uprisings and thus associated with rebellion. The Conservative party's revolutionary committee committed animal theft against Muslim party members in the later rebellion of 1889. "Quiet" could therefore likely refer to both animal theft and rebellion in a related way. For discussions of the use of animal theft as a repertoire of political harassment in the nineteenth century, see Perakis and Şenısık. For later examples of animal theft, since it prevailed well into the twentieth century, and its uses in local politics and as a rite of passage into manhood, see Urania Astrinaki, "Powerful subjects in the margins of the state," in *Problems of Crime and Violence in Europe, 1780-2000*, ed. Efi Avdela, Shani D'Cruze, and Judith Rowbotham, 207-236 (New York: Edwin Mellen Press, 2010) and Herzfeld, *The Poetics of Manhood*, respectively.

of their ignorance of the defendant's behavior more generally. Theft was a *hadd* crime in classical Islamic doctrine and thus was strictly defined and very hard to prove and punish in terms of rules of evidence before the period of reform. The witness's testimony illustrates the transformation, specifically the loosening, of rules of evidence with nineteenth-century judicial reform. Instead of just accepting circumstantial evidence when the punishment for the *hadd* crime was discretionary (when there was not enough evidence for it according to the strict rules of evidence for *hadd* crimes), the new Cretan code of criminal procedure, accepted circumstantial evidence.[46] The statement, whether it was prompted or unprompted by a question from the judge or prosecutor, paired with the terse and uninformative nature of the testimony as a whole, showed that the witness was conscious of his use of circumstantial evidence.

In 1900, in a trial for a case of disobeying an officer heard in the Justice of the Peace of Agios Vasileios, witnesses withheld information, especially because the accuser in this case was a gendarme. Their cooperation, shown in their lengthy testimonies, was more active than the witness in the last case despite the undertones of disdain for the gendarme. The defendant, Ioannis Maridakis, was in court because of his alleged insult and assault of the gendarme, but all three witnesses stated that they did not hear the defendant say any offensive words to the gendarme directly nor did they see the defendant push him. The witnesses, however, all mentioned that they saw a financial transaction between the defendant and the gendarme, which they described as the defendant paying his debts. The second and third witnesses, Georgios Orfanoudakis and Michalis Maragkakis, added that they saw the defendant throw the money that

[46] *1881 Cretan Code*, Code of Criminal Procedure, Ch. 2, Section 1, Art. 31, p. 189. The types of evidence named here are different to the more strictly defined ones for *hadd* crimes in the classical Islamic doctrines as described by Rudolph Peters in *Crime and Punishment in Islamic Law* (Peters, 15).

he owed at the gendarme, the second one adding that he did this in an "offensive" way.[47] It is possible to read the witnesses' descriptions of Maridakis' behavior as an admission to the court of his guilt. They also claimed that they did not hear the defendant insult the gendarme or see physical contact, but the fact, according to them, remained that Maridakis was not all that compliant because of his offensive action. However, Maragkakis, a witness, later reported that the officer took Maridakis to the station "forcibly."[48] These adverbs about Maridakis' and the gendarme's actions show the incongruity of the gendarme's response. The "but" in Maragkakis' exact phrasing "but they took him forcibly" suggests that perhaps he agreed Maridakis was acting out of line, but that the gendarme himself was acting out of the bounds of acceptable police behavior by the manner that he took the defendant into custody. While the denial of knowledge of Maridakis' alleged actions could have been an act of resistance against the gendarme as the opposing party, Orfanoudakis' and Maragkakis' testimonies could also be read as negotiations – a balance of resistance to protect a fellow villager against authority and an attempt to appease another branch of that authority that in turn needed to negotiate between legislation and common practice.

In most cases, witness resistance was ambiguous, but one can still see a process of negotiation in less substantive testimonies. In the Justice of the Peace of Mylopotamos in Rethymno in 1899, two groups of defendants that each served as witnesses in the other one's

[47] Orfanoudakis stated, «ήκουσε μόνον ταυτον ήκουσεν επεταξεν περιφρονικά ενώ του εζήτη την πληρωμήν… εν μετζίτιε» ("he only heard him heard that he had thrown (it) provocatively while he was asking him for a payment… of one mecidiye"). Maragkakis said, «ειδράτει [sic] ο κατηγορούμενος εις την οικίαν του εν τάληρον το οποίο επέταξεν εις της χωροφυλακής πέρι φρονητικώ δεν ήκησε να της εξυβρίση όμως ουδ ήδε να της σπρώξη» ("the defendant (found) in his house a five, which he threw at the gendarmes contemptuously he did not hear him curse at them though nor did he see him pushing them"). See Protocol 126/Proceeding 66, August 6, 1900, Justice of the Peace of Agios Vasileios Criminal Proceedings (1899-1900), Archive of the Justice of the Peace of Ag. Vasileios, GAK Rethymno, Crete, Greece.

[48] «οι χωροφύλακες του ωδήγη εις τον … σταθμόν … αλλά τον επήραν βιά» ("the gendarmes drove him to the… station… but they took him forcefully").

trial were accused of insult due to a series of events that had happened in the coffee shop of Nikolaos Sinayitis. The first case in which Emmanuel Kouvakis and Harilaos Kalyviannakis brought charges of insult and battery against Mihail Sklavakis took place on October 19 and November 6. Kouvakis claimed that on August 14 he was drinking with his friend Kalyvianakis in the coffee shop when they got a little bit rowdy, breaking two glasses and throwing a pitcher outside of the shop. Kouvakis then stated that Sklavakis approached him, slapped him, and called him "a man without honor."[49]

The defense attorney then asked Kalyvianakis if he had sung any *mantinades*, traditional Cretan rhyming couplets, that could have offended Sklavaki, aiming to show that the insults actually first came from Kouvakis and Kalyvianakis and not his client. Kouvakis answered that he was singing *mantinades*, but he could not remember what kinds. Kalyvianakis then was asked to give his version of events and he confirmed everything that Kouvakis had said. The witnesses that were asked by the court to testify then gave slightly different accounts of Kouvakis' and Kalyvianakis' narratives, adding details to the basic storyline, until the last one, Andreas Ladianos or Lazarakis, stated that he did not see a broken pitcher in the road, he could not remember any *mantinades* being sung, and that he only could remember that he saw Sklavakis in the café. He repeated a version of this testimony in the second case in which one of the witnesses in the first trial brought charges against Kouvakis and Kalyvianakis for insult. In this second case, he stated that he did not see who broke the pitcher, though he had heard it break, but did not hear any insults or *mantinades*.[50]

[49] «…και μού'παιξεν ένα μπάτσο και με είπε και άτιμον» ["… and he played a cop to me [slang for hit him] and called me a man without honor").
[50] Protocol 119/Proceeding 14, October 19, 1899; Protocol 120/Proceeding 17, October 19, 1899, Justice of the Peace of Mylopotamos, Proceedings (1899-1900), Archive of the Justice of the Peace of Mylopotamos, GAK Rethymno, Crete, Greece.

To a layman, Lazarakis' testimony contained virtually no substantive content, but someone trained in law would certainly note the circumstantial evidence that he provided in part through the subtleties of his wording. In the first hearing, Lazarakis informed the court that he heard a crash, but did not see the pitcher broken in the street, but he wanted to make known his certainty of seeing Sklavakis, placing the defendant in the café, the location of the conflict. At the same time, however, Lazarakis conceded that he did not remember if insulting *mantinades* were sung. In doing so, he may have been signaling to the court that he was presenting only information that he knew and could remember, making himself seem trustworthy to the judges and prosecutor. Lazarakis' testimony in the second trial took on a more affirmative tone. Specifically, he stated that he did not hear any *mantinades* or insults and, again, he heard somebody throw the pitcher. Both his testimonies did not incriminate either the defendant or the two accusers, perhaps demonstrating his trustworthiness because he did not say anything about either party hurling insults. Lazarakis could have said something simply to avoid a fine, but it is more likely that he was attempting to remain neutral to avoid retaliation by one of the parties outside the courtroom instead by giving purposely diplomatic answers. However, his answers in the first case inadvertently slightly favored Kouvakis and Kalyvianakis. If Lazarakis did not see the products of the accusers' drunkenness but was aware of the defendant's presence, corroborated by the other witnesses' testimonies, which included more insults and threatening actions by Sklavakis, then the court could easily reach a verdict and give all participants in the trial what they wanted, charging Sklavakis in the first case as guilty of self-justice but not of insult while declaring Kouvakis, but not Kalyvianakis, guilty of insult since he admitted to throwing the pitcher.

In rare but nonetheless notable cases, some witnesses negatively attracted the court's attention with detailed testimonies that seemed to completely contradict the narrative pieced together by other witnesses. One example is a case sent to the Appellate Court in Chania for false accusation. The trial took place in the Rethymno Court of First Instance on December 11, 1904. More than ten witnesses came to testify for the accusers, Konstantinos Xyras, Emmanouel Nikolidakis i Skalothianos, Emmanouel Psaroudakis, and Dimitrios Tsichlakis i Kournianakis, or the defendant, Housein Bouldounakis. The accusers claimed that on February 11, 1904 Bouldounakis went to the police station in Roustika, Rethymno to file an accusation of theft against them, stating that they stole from him two copper pots worth 30 drachmas and 90 *okas* of olive oil worth 72 drachmas.[51] However, Xyras, Skalothianos, Psaroudakis, and Kournianakis claimed that Bouldounakis did not have these things in his home. The majority of the witnesses also said that they did not see pots or other storage containers in Bouldounakis' home or otherwise testified that Bouldounakis would not have had pots because he kept asking other people to borrow theirs. Still others said that he had them, but they did not know if they were at his village home in Epano Varsamonero from where they were allegedly taken or with his family in the city. One witness, Mehmet Kariotakis, otherwise seemed to support Bouldounakis by rejecting another witness's, Chrysostomos Psaroudakis, claims about Kariotakis telling him that Bouldounakis was a thief. However, even he said that he did not know where he kept the pots, which he insisted Bouldounakis had.

The ninth witness testimony raised suspicion for the prosecutor, as he called for this witness's arrest. The witness, Stylianos Priniotakis, stated that he not only saw the pots in Bouldounakis' house the day he left with him for Chania, but that the pots were definitely there

[51] An *oka* is a unit of measurement equivalent to 1,280 grams. Ninety *okas* is thus about 30.4 gallons.

when they left. Additionally, Priniotakis stated that when he saw Bouldounakis putting oil inside one of these containers, some oil was left on his hand, suggesting that the vase was full of oil. Priniotakis claimed that Bouldounakis also had many more containers, including a copper vase that could fit 20 *okas* of liquid, a small copper vase that could fit 5 *okas*, a copper pitcher, and a container with fruit. Interestingly enough, however, Priniotakis also said that Bouldounakis' house was so small that it did not even have a shelf in it, likely to point to the probability that he could easily see all of Bouldounakis' possessions, but in the process raised questions about where these containers could possibly fit. The president's council in fact asked Priniotakis several follow-up questions, including if he was sure about his claims about Bouldounakis' possessions and that if he meant to say that Bouldounakis had 2 or 3 instead of 20 or 30 *okas* of oil in the house, to which Priniotakis responded that there were no less than 20 *okas*. They then asked about when he and Bouldounakis had heard about the alleged theft, to which Priniotakis replied 15 days after leaving for Chania, which was within the nineteen-day time frame that Bouldounakis had given. Finally, the judge, at the prosecutor's recommendation, arrested Priniotakis for perjury.[52]

This final trial shows the consequences of failing to abide by a typical court script. Priniotakis' testimony leaves no room for doubt and clearly defends Bouldounakis's claims. Interestingly, Bouldounakis was a Muslim man who, according to the Christian witnesses, harbored hatred against Christians, such as Priniotakis himself, and reported them to authorities. Yet, he himself mentioned that Priniotakis saw what he had in his home before he made his trip to Chania in his examination by the justice of the peace of Roustikon Rethymnis.[53] Priniotakis

[52] Protocol 1543/Proceeding 534 (Rethymno Court of First Instance), December 11, 1904, File 396, Folder 3, Case Files of the Appellate Court of Crete (1905, 1907, 1908, 1909), IAK Chania, Crete, Greece.
[53] Examination of the defendant, No. 502, File 396, Folder 3, Case Files of the Appellate Court of Crete], IAK Chania, Crete, Greece.

provided an abundance of information, but that level of detail was ultimately detrimental to himself. His reliability was questionable because his testimony was much different than the many witnesses who testified before him. As Priniotakis added more details to his narrative, it became more unreliable and subsequently raised more questions than it answered. After all, how could it be that all of these containers fit in a relatively small space that did not have extra storage, such as shelves? Most importantly, Priniotakis' testimony contradicted the other witnesses that had already testified. While it was substantial, unlike many others in this chapter, the substance he decided to share with the court was branded as false. Besides the fact that the defense witnesses were outnumbered, the consistency in the lack of knowledge of the witnesses supporting the alleged thieves of Bouldounakis' olive oil made Bouldounakis' case weak and his witness suspicious.

Conclusion

In this chapter, I showed that despite fundamental political transformations in Crete from the period of 1878 to 1913, witnesses provide a point of continuity. They employed largely similar strategies in court throughout the periods of semi-autonomy and autonomy as a result of similarities in the codes of procedure in the two periods, which themselves were a departure from previous Ottoman law, including the *Tanzimat* period itself. Witnesses retained their importance even after the *Tanzimat* during a period in which the state's attempts to standardize the court experience in part by elevating the status of documentary evidence edged them out on paper in

order to reduce the "human factor."[54] It is also clear that witnesses still were quite influential in the court's decision-making process.

However, witnesses in turn were impacted by the law and the court. Their will to appear in court as the most basic form of compliance was a product of the law that threatened them with fines if they did not. They also exhibited cooperation in the ways that they should give testimony both according to the law and by conforming to the court's unwritten expectations. The court expected witnesses to give substantial or relevant information, but witnesses often took advantage of the broadness of the definition of acceptable evidence. The vague language with which the code of civil procedure outlined the rules of evidence coupled with the court's flexibility allowed witnesses to give circumstantial evidence or hearsay as part of their testimony. Even though giving circumstantial evidence was potentially a way of appeasing the court with some of their knowledge of the crime while withholding more substantive information, it was seldom punished. The truth and quality of their evidence, however, was also accounted for, especially when weighed against more substantive testimonies of other witnesses, as shown most clearly in the last example of this chapter. Witnesses' testimonies were considered holistically in the court's decision-making process. As such, the piece of information that a witness gave based on his or her alleged knowledge had to support others' testimonies at least to a degree while also being consistent within the witness's own narrative. The information could not blatantly contradict that which other witnesses had given or else it was immediately suspect.

I have also shown that inter-confessional relations in court during these two periods were largely similar despite the instability that was caused by and also fomented inter-confessional

[54] Rubin argues that this is what made the Ottoman legal system modern. See Rubin, *Ottoman* Nizamiye *Courts*, 84.

conflict. People acted as witnesses for others outside their own religion despite the context of often violent uprising between groups of people that represented the politically marginalized and groups of the state's religion, namely Christians and Muslims, respectively. They may have had broader political objectives that differed with the person they may have testified for because of their religion. However, on a case to case basis, their objectives blurred the personal and political, as shown in Chapter 4. This is not to say that Christians and Muslims did not take each other to court or testify against people of the other religious group; they did, although the vast majority of court cases and cases discussed in newspapers featured victims and defendants of the same religions. The same was the case for witnesses, as most gave testimony in court for people of the same religious group. In most cases in which victims and defendants came from different confessional groups, these people had conflicting views in the courtroom over issues that seemingly had nothing to do with state politics. However, in a similar fashion they framed their conflicts in terms of interreligious strife in order to make their claims seem more legitimate and to inflate the stakes of their dispute before judges and prosecutors.

In front of bureaucratic elites who had the power to punish the perpetrators of personal injustice, the molding of an appropriate and believable narrative framework with the help of witnesses was a crucial exercise of witnesses' limited power of negotiation. Witness testimony was also a part of this negotiation which demonstrated a spectrum of political participation. As mentioned, compliance was shown in their courtroom appearances. Their general cooperation was also mentioned. By choosing to share information in a way that would make them appear trustworthy, mostly by some implicit or explicit declaration that their knowledge was limited, people tried to balance their duty as witnesses with their allegiances to family or friends. In this way, witnesses showed that cooperation was not always outright compliance with the state. On

the other hand, witnesses could be seen as defiant to the state while still attempting to show cooperation depending on the content of the information they presented and its place in the general narrative the court built with the stories of other witnesses. Witnesses thus were significant in shaping the court's understanding of the rules of evidence and what was legitimate evidence.

Conclusion

> Unfortunately, the gravest defects of the ancient Greek character were nowhere so pronounced as in Crete; and we are told that its history throughout antiquity was one continuous change of civil strife, carried on with a savageness and bitterness of animosity exceeding all that was known in the rest of Greece. This political depravity was attended by such a degeneracy of morals as to render the name of "Cretan" a synonym for nearly every vice.[1]

Writing just before Cretan autonomy in 1897, Demetrius Kalapothakes, a Greek journalist writing from Athens for the American magazine *The Century* began his article on the contemporary political situation on Crete with the island's ancient history. The above epigraph frames Kalapothakes' thoughts on modern Cretans. The reader draws connections between his comment about ancient Cretans as a cretinous people and his portrayal of modern Cretans as a thorn in the side of the equally problematic tyrannical Ottoman state, as he notes, "the island… has since been retained in subjection only by an enormous expenditure of blood and treasure."[2] Kalapothakes implicitly justifies this struggle by arguing "that outrageous Turkish game of reform-promising which has caused untold misery in Crete" gave Cretans a good reason to rebel frequently, especially in the nineteenth century. Kalapothakes claims that it is Crete's ultimate fate to be a part of Greece and in the process, insinuates that it would be the most favorable outcome for Crete because Cretans did not have "the self-restraint essential to the working of parliamentary institutions."[3] Unfortunately, this narrative has been reproduced in the literature on Crete, with the reason for its inability to be governed shifted from the focus on the Cretan character to other factors such as environment and social relations.

[1] Demetrius Kalapothakes, "Crete, the Island of Discord," *The Century* 54, no. 1 (1897: 143.
[2] Kalapothakes, 144.
[3] Kalapothakes, 145.

This dissertation, on the contrary, has argued that Crete was a strong state and examined the criminal justice system to demonstrate how it slowly built a monopoly on violence and used other negotiating strategies to meet the criteria of a functioning modern state. It also demonstrated that the accommodations the courts made to the population were met with compromises from people in kind. The courts drew litigants and witnesses, though they were aware of the impact of their testimonies and sometimes used the law to their advantage, even if they were not fully aware of it. These strategies reveal the relationship between administration in the Ottoman provinces and the locals of those provinces in the wake of the contested legacy of the *Tanzimat*. Additionally, the sources used portray horizontal social relations, such as those between men, including conflicts that include women, and between people of different religions.

Additionally, I have demonstrated that the teleological views of historical actors should not be adapted into historical narratives. As much as it is difficult to read the past neutrally and without expectation because we know the outcomes of the transformations we study, it is important to remember that it was not the case that Crete was not Greek during this period and it was not necessarily inevitable that it would be united with Greece. Likewise, we cannot solely conceptualize the justice system that emerged in the period of autonomy as being influenced solely by Greek or European legal trends. Those currents of an interventionist state also happened in the Ottoman Empire, and the reforms in Crete must be contextualized in them as well.

This dissertation has also attempted to start a conversation about the conflation of centralization, modernization, and state strengthening. What I hope to have demonstrated is that a strong state is not necessarily a particularly centralized state. Various scholars have shown this for the Ottoman Empire in both the early modern and modern periods. Centralization is relevant

to determining rigidity and flexibility in the sense that it limits or extends power to local authorities and thus also connects to James C. Scott's concept of "metis." In the case of Crete, I have demonstrated that its "modernizing" by way of monopolizing the means of violence in the Weberian sense was also a way of strengthening and centralizing the state. In other ways, however, the Cretan criminal justice system's punishments, the outcomes of its monopolization, show that it was flexible. Its flexibility in turn was attuned to the limits of severe centralization without leeway for discretion. Crete's volatile political situation was in large part responsible for this balance between the centralization of power, otherwise the restrictive criminal code, and its delegation to authorities that would use discretion given to them in the code to the island's best interest.

Finally, the research undertaken begs the question of where the strength of Crete leaves the assessment of the Ottoman Empire at the turn of the century. While Ottoman influence on Crete was still there, as I argued, the strength of Crete's local criminal justice institutions which were important for peacekeeping on the island left the Ottoman Empire in a weak position in terms of bargaining with the European states over the Eastern Question. However, we must be careful not to overstretch the implications of the transfer of power between the Ottoman center and provinces precisely because the empire's longevity and its existence into the early 1920s cannot be ignored. Historians studying the Ottoman provinces and Crete in particular still have much left to study in terms of this dynamic, despite the inroads made into research on this topic in the field.

Though this work has attempted to contribute to various literatures on the place of Crete in the Ottoman Empire and Ottoman socio-legal culture, more research is necessary to fully understand the criminal justice system and how Cretans interacted with it. Perhaps the most

obvious perspective missing from this dissertation is that of women. Most of the defendants at these courts were indeed men, as were the witnesses and victims. However, female voices are present, even if in glimpses, and analyses that go beyond perceptions of them by a male-dominated society and administration are waiting to be written. The assumption of the defendants' gender identity as male or female for particular crimes in the Cretan penal code would prove useful in understanding the treatment of women in the courts as defendants as well. In terms of socio-legal history, a quantitative and qualitative study comparing the use of the *Nizamiye* and *Shari'a* courts on the island would shed light on people's preferences in the legal marketplace and the potential reasons for those preferences. An examination of how each court system negotiated with litigants and settled or punished harmful actions would be useful to understanding each system further.

Bibliography

Archives

American School of Classical Studies in Athens, Gennadius Library Archives
- Boxes 64 and 94, Stephanos N. Dragoumis Papers.

GAK (Γενικά Αρχεία Κράτους [Genika Arheia Kratous] – General State Archives), Rethymno
- Criminal Proceedings (1899-1900), Archive of the Justice of the Peace of Agios Vasileios.
- Criminal Proceedings (1899-1900), Archive of the Justice of the Peace of Mylopotamos.
- Criminal Decisions (1880-1891), Archive of the Justice of the Peace of Amari.
- Judicial Council Decisions (1879-1880), Archive of the Court of First Instance of Rethymno.

IAK (Ιστορικό Αρχείο Κρήτης [Istoriko Arheio Kritis] – Historical Archive of Crete), Chania
- Dossiers of the Appellate Court and the Court of Assizes of Crete (1905, 1907, 1909).
- Justice of the Peace of Chania Criminal Decisions, 201-408 (1902).
- Superior Directorate of Justice (1903), D54.
- Superior Directorate of the Interior Gendarmerie (1900), E35.
- Superior Directorate of the Interior Lists and Essays of the Gendarmerie (1900), E36.
- Superior Directorate of the Interior First Department of Public Safety (1900), E43.

Rethymno Courthouse
- Judicial Council Criminal Decisions (1881) of the Court of First Instance of Rethymno

Legal Codes and Printed Materials Regarding Laws and Ordinances

Αφορώντα εις την Χωροφυλακή Κρήτης ήτοι Νόμοι, Αποσπάσματα Νόμων, Διατάγματα, Εγκήκλιοι και Αστυνομικαί Διαταγαί [Regarding the Gendarmerie of Crete including Laws, Excerpts of Laws, Decrees, Circulars and Police Orders]. Chania: E.D. Frantzeskakis Proodos Press, 1902.

Αυτοκρατορικός Ποινικός Κώδηξ, Μετάφρασης εκ του Τουρκικού [Imperial Penal Code, Translation from the Turkish]. Istanbul: S. Ignatiadou Press, 1859.

Κρητικός κώδιξ περιέχων τα από του έτους 1868 μέχρι σήμερον χορηγηθέντα εις την Κρήτην προνόμοια [sic] μετά των σχετικών Αυτοκρατορικών Φιρμανίων, άπασαν την εν ισχύι Κρητικήν νομοθεσίαν, Διατάγματά τινα της Γενικής Διοικήσεως και Εγκυκλίους αυτής τε και της Εισαγγελίας των Εφετών, Τ. Α' [Cretan code including those privileges issued from the year 1868 until today in Crete after the related Imperial Fermans, the whole Cretan legislation in force, all Orders of the General Administration, and its Circulars and those of the General Prosecutor's Office, vol. 1]. 2nd ed. Chania: Press of the Cretan General Administration, 1893.

Κρητικός κώδιξ περιέχων τα από του έτους 1868 μέχρι σήμερον χορηγηθέντα εις την Κρήτην

προνόμοια [sic] μετά των σχετικών Αυτοκρατορικών Φιρμανίων, άπασαν την εν ισχύι Κρητικήν νομοθεσίαν, Διατάγματά τινα της Γενικής Διοικήσεως και Εγκυκλίους αυτής τε και της Εισαγγελίας των Εφετών, Τ. Β' [Cretan code including those privileges issued from the year 1868 until today in Crete after the related Imperial Fermans, the whole Cretan legislation in force, all Orders of the General Administration, and its Circulars and those of the General Prosecutor's Office, vol. 2]. 2nd ed. Chania: Press of the Cretan General Administration, 1893.

Κρητικού Κώδικος τεύχος τρίτον περιέχον τους υπό της Γενικής των Κρητών Συνελεύσεως κατά την ΙΔ' ψηφισθέντας [sic] Νόμους και κανονισμούς οις προσετέθησαν δύο σχετικαί εγκύκλιοι της Γενικής Διοικήσεως [Cretan Code third issue including laws and regulations voted on by the 14th General Cretan Assembly and two additional related circulars of the General Administration]. Chania: Press of the Cretan General Administration, 1881.

Κρητικός κώδιξ περιέχων τους υπό της Γενικής των Κρητών Συνελεύσεως κατά την Ι'. Σύνοδον ψηφισθέντας και υπό της Υψ. Πύλης επικυρωθέντας Νόμους και κανονισμούς, οις προσετέθησαν Ο Οργανικός Νόμος της Κρήτης, η τροποποιούσα τούτον Σύμβασις της Χαλέπας μετά του επικυρούντος ταύτην Αυτοκρατορικού Φιρμανίου, Αυτοκρατορικά τινα Διατάγματα καί τινα Ψηφίσματα και Αποφάσεις της Γενικής Συνελεύσεως [Cretan code including laws and regulations voted by the 10th session of the Cretan Assembly and ratified by the Sublime Porte, and the Organic Law of Crete, the amended Halepa Pact after ratification by Imperial Ferman, all Imperial Orders and Resolutions and Decisions of the General Assembly]. Chania: Cretan Press, 1879.

Kousourelakis, N. *Κώδικες Κρητικής πολιτείας περιέχοντες τους εν Κρήτη ισχύοντες νόμους, πλην του αστικού και εμπορικού, διατάγματα, διαταγάς και ερμηνευτικάς εγκυκλίους των τε ανωτέρω Διευθύνσεων και της Εισαγγελίας Εφετών, Τ. Α'* [Codes of the Cretan polity including laws in force in Crete except the urban and commercial, order and interpretive circulars of the superior Directorates and the office of the General Prosecutor, vol. 1]. Chania: E.D. Frantzeskakis, 1902.

Kousourelakis, N. *Κώδικες Κρητικής πολιτείας περιέχοντες τους εν Κρήτη ισχύοντες νόμους, πλην του αστικού και εμπορικού, διατάγματα, διαταγάς και ερμηνευτικάς εγκυκλίους των τε ανωτέρω Διευθύνσεων και της Εισαγγελίας Εφετών, Τ. Β'* [Codes of the Cretan polity including laws in force in Crete except the urban and commercial, order and interpretive circulars of the superior Directorates and the office of the General Prosecutor, vol. 2]. Chania: E.D. Frantzeskakis, 1902.

Newspapers

Alitheia (Chania, Crete)
Episimos Efimeris tis Kritikis Politeias (Chania, Crete)
Ekathimerini (Athens, Greece)
Kriti (Chania, Crete)
Kiryx (Chania, Crete)

Nea Erevna (Chania, Crete)

Published Sources

Adıyeke, Ayşe. *Osmanlı İmparatorluğu ve Girit Bunalımı (1896-1908)* [The Ottoman Empire and the Cretan Crisis (1896-1908)]. Ankara: Tarih Kurumu Yayınları, 2000.

Anastasopoulos, Antonis. "Political Participation, Public Order, and Monetary Pledges (Nezir) in Ottoman Crete." In *Popular Protest and Political Participation in the Ottoman Empire: Studies in Honor of Suraiya Faroqhi*, edited by Eleni Gara, M. Erdem Kabadayi, and Christoph K. Neumann, 127-142. Istanbul: Bilgi University Press, 2011.

Anastasopoulos, Antonis and Yannis Spyropoulos. "Soldiers on an Ottoman Island: The Janissaries of Crete, Eighteenth-Early Nineteenth Centuries." *Turkish Historical Review* 8 (2017): 1-33.

Astrinaki, Urania. "'Παράδοση βίας' και ιδιόματα κρατικότητας στις ορεινές κοινότητες της δυτικής Κρήτης" ['Tradition of violence' and idioms of statehood in mountainous communities of Western Crete]. In *Ελληνικά Παράδοξα: Πατρωνία, Κοινωνία πολιτών και Βία* [Greek Paradoxes: Patronage, Civil Society and Violence], edited by Eleni Gara and Katerina Rozakou, 363-402. Athens: Alexandria Publications, 2013.

_____. "Powerful subjects in the margins of the state." In *Problems of Crime and Violence in Europe, 1780-2000*, edited by Efi Avdela, Shani D'Cruze, and Judith Rowbotham, 207-236. New York: Edwin Mellen Press, 2010.

Avdela, Efi. *Δια Λόγους Τιμής: Βία, Συναισθήματα και Αξίες στη Μετεμφυλιακή Ελλάδα* [For Reasons of Honor: Violence, Emotions and Values in Post-Civil War Greece]. Athens: Nefeli, 2002.

_____. 2011. "Honour, Violence and Crime." In *Crime and Punishment in Contemporary Greece: International Comparative Perspectives*, edited by Leonidas K. Cheliotis and Sappho Xenakis, 353-374. Bern: Peter Lang, 2011.

Aykut, Ebru. "Toxic Murder, Female Poisoners, and the Question of Agency at the Late Ottoman Law Courts, 1840-1908." *Journal of Women's History* 28, no. 3 (2016): 114-137.

Barkey, Karen. "Aspects of Legal Pluralism in the Ottoman Empire." In *Legal Pluralism and Empires, 1500-1850*, edited by Lauren Benton and Richard T. Ross, 83-107. New York: NYU Press, 2013.

_____. *Empire of Difference: The Ottomans in Comparative Perspective*. Cambridge, New York: Cambridge University Press, 2008.

Bayraktar, Elif. "The Implementation of Ottoman Religious Policies in Crete 1645-1735: Men of

Faith as Actors in the Kadi Court." MA thesis. Bilkent University, 2005. http://hdl.handle.net/11693/29747.

Black-Michaud, Jacob. *Cohesive Force: Feud in the Mediterranean and the Middle East*. New York: St. Martin's Press, 1975.

Bourdieu, Pierre. *Outline of a Theory of Practice*. Translated by Richard Nice. New York: Cambridge University Press, 2018.

Carabott, Philip. "A Country in a 'State of Destitution' Labouring Under an 'Unfortunate Regime': Crete at the Turn of the 20th Century (1898-1906)." *Creta Antica* 7 (2006): 39-53.

Cengiz, Hasan Ali. "Halepa Fermanı ve Sonrası Giritite Yapılan Düzenlemeler" [Halepa Ferman and Subsequent Arrangements in Crete]. *Trakya Üniversitesi Edebiyat Fakültesi Dergisi* [Journal of the University of Thrace Department of Education] 8, no. 16 (2018): 74-89.

Chalkiadakis, Emmanuel G. *Κρήτη 1898-1913: Απο την «Αυτονομία» στην Ένωση με την Ελλάδα. Πολιτική, Κοινωνία και Εκκλησία μέσα από τη φαινομενική Αυτονομία και το Ενωτικό Αίτημα* [Crete, 1898-1913: From 'Autonomy' to Union with Greece. Politics, Society and Church through the Apparent Autonomy and the Struggle for Union]. Heraklio: District of Crete, 2013.

Coşgel, Metin, Boğaç Ergene, Haggay Etkes, and Thomas J. Miceli. "Crime and Punishment in Ottoman Times: Corruption and Fines." *Journal of Interdisciplinary History* 43, no. 3 (2013): 353-376.

Detorakis, Theocharis. *Ιστορία της Κρήτης* [History of Crete]. 2nd ed. Heraklio: Mystis, 1990.

Dror, Ze'evi. "The Use of Ottoman Shari'a Court Records as a Source for Middle Eastern Social History: A Reappraisal." *Islamic Law and Society* 5, no. 1 (1998): 35-56.

Durkheim, Emile. *The Rules of Sociological Method and Selected Texts on Sociology and its Method.* Edited by Steven Lukes. Translated by W.D. Halls. New York: Free Press, 2014.

Elias, Norbert. *The Civilizing Process: The History of Manners and State Formation and Civilization*. Translated by Edmund Jephcott. Oxford; Cambridge: Blackwell, 1994.

Emsley, Clive. *Gendarmes and the State in Nineteenth-Century Europe*. 1999. Reprint, New York; Oxford: Oxford University Press, 2002.

Ferguson, Eliza Earle. *Gender and Justice: Violence, Intimacy, and Community in Fin-de-Siecle Paris*. Baltimore: The Johns Hopkins University Press, 2010.

Finkel, Caroline. *Osman's Dream: The Story of the Ottoman Empire 1300-1923*. New York: Basic Books, 2005.

Gallant, Thomas W. *Experiencing Dominion: Culture, Identity, and Power in the British Mediterranean*. Notre Dame: University of Notre Dame Press, 2002.

_____. "Revolutions and regimes of violence." *Historein* 15, no. 2 (2015): 30-40.

_____. *The Edinburgh History of the Greeks: The Long Nineteenth Century*. Edinburgh: University of Edinburgh Press, 2016.

_____. "When 'men of honor' met 'men of law': violence, the unwritten law and modern justice." In *Problems of Crime and Violence in Europe, 1780-2000: Essays in Criminal Justice*, edited by Efi Avdela, Shani D'Cruze, and Judith Rowbotham, 69-92. Lewiston: Edwin Mellen Press, 2010.

Gekas, Sakis. *Xenocracy: State, Class, and Colonialism in the Ionian Islands, 1815-1864*. New York: Bergahn Books, 2017.

Giannakopoulos, Georgios. "A British International Humanitarianism? Humanitarian Interventions in Eastern Europe." *Journal of Modern Greek Studies* 34, no. 2 (2016): 299-320.

Gilmore, David D. "Anthropology of the Mediterranean Area." *Annual Review of Anthropology* 11 (1982): 175-205.

Giordano, Christian. "Mediterranean Honour Reconsidered. Anthropological Fiction or Actual Action Strategy?" *Anthropological Journal on European Cultures* 10, no. 1 (2001): 39-58.

Gould, Roger V. *Collision of Wills: How Ambiguity about Social Rank Breeds Conflict*. Chicago: The University of Chicago Press, 2003.

Greene, Molly. *A Shared World: Christians and Muslims in the Early Modern Mediterranean*. Princeton: Princeton University Press, 2000.

Hellenic Army General Staff. *A Concise History of the Balkan Wars*, 1912-1913. Athens: Army History Directorate, 1998.

Herzfeld, Michael. *A Place in History: Social and Monumental Time in a Cretan Town*. Princeton, NJ: Princeton University Press, 1991.

_____. "Honour and Shame: Problems in the Comparative Analysis of Moral Systems." *Man* 15, no. 2 (1980): 339-351.

_____. "Pride and Perjury: Time and the Oath in the Mountain Villages of Crete," *Man* 25, no. 2 (1990): 305-322.

_____. "The Absent Presence: Discourses of Crypto-Colonialism." *The South Atlantic Quarterly* 101, no. 4 (2002): 899-926.

_____. *The Poetics of Manhood: Contest and Identity in a Cretan Mountain Village*. Princeton: Princeton University Press, 1985.

Holland, Robert and Diana Markides. *The British and the Hellenes: Struggles for Mastery in the Eastern Mediterranean 1850-1960*. New York, Oxford: Oxford University Press, 2006.

Hughes, Steven C. *Crime, Disorder, and the Risorgimento: The Politics of Policing in Bologna*. Cambridge: Cambridge University Press, 1994.

Jones, Mark. "Introduction." In *Founding Weimar: Violence and the German Revolution of 1918-1919*, 1-26. Cambridge, New York: Cambridge University Press, 2018.

Joseph, Sabrina. "Communicating Justice: Shari'a Courts and the Christian community in Seventeenth and Eighteenth Century Ottoman Greece." *Islam and Christian-Muslim Relations* 20 no. 3 (2009): 333-350.

Kalapothakes, Demetrius. "Crete, the Island of Discord." *The Century* 54, no. 1 (1897): 142-49.

Kalliataki-Mertikopoulou, Kallia. "Δικαιοσύνη και Πολιτική στην Κρήτη: 1868-1878 [Justice and Politics in Crete: 1868-1878]." *Κρητικά Χρονικά* [Cretan Annals] 3, no. 27 (1987): 298-329.

Kallivretakis, Leonidas. "A Century of Revolutions: The Cretan Question Between European and Near Eastern Politics." In *Eleftherios Venizelos: The Trials of Statesmanship*, edited by Paschalis M. Kitromilides, 11-36. Edinburgh: Edinburgh University Press, 2008.

Karakasidou, Anastasia N. *Fields of Wheat, Hills of Blood: Passages to Nationhood in Greek Macedonia*. Chicago and London: University of Chicago Press, 1997.

Kayalı, Hasan. *Arabs and Young Turks: Ottomanism, Arabism, and Islamism in the Ottoman Empire, 1908-1918*. Berkeley, Los Angeles: University of California Press, 1997.

Kermeli, Eugenia. "The Right to Choice: Ottoman Justice vis-à-vis Ecclesiastical and Communal Justice in the Balkans, Seventeenth-Nineteenth Centuries." In *Studies in Islamic Law: A Festricht to Colin Imber*, edited by Andreas Christmann and R. Gleave, 165-210. Oxford, UK: Oxford University Press, 2007.

Kitroeff, Alexander. *The Greeks and the Making of Modern Egypt*. Cairo, New York: The American University in Cairo Press, 2019.

Koliopoulos, John S. "Brigandage and Irredentism in Nineteenth-Century Greece." *European History Quarterly* 19 (1989): 193-228.

_____. *Brigands with a Cause: Brigandage and Irredentism in Modern Greece, 1821-1912*. New York: Oxford University Press, 1987.

Kostopoulou, Elektra. "Armed Negotiations: The Institutionalization of the Late Ottoman Locality." *Comparative Studies of South Asia, Africa, and the Middle East* 33, no. 3 (2013): 295-309.

_____. "The Island that Wasn't: Autonomous Crete (1898-1912) and Experiments of Federalization." *Journal of Balkan and Near Eastern Studies* 18, no. 6 (2016): 550-566.

Kouvaraki, Anna. "Historical and Cultural Dimensions of the Muslims Cretans in Turkey." Master's Thesis, Istanbul Bilgi University, 2014. https://openaccess.bilgi.edu.tr/handle/11411/718.

Lambropoulou, Effi. "Corruption." In *Crime and Punishment in Contemporary Greece: International Comparative Perspectives*, edited by Leonidas K. Cheliotis and Sappho Xenakis, 171-195. New York: Peter Lang, 2011.

Levy-Aksu, Noemi. "A Capital Challenge: Managing Violence and Disorders in Late Ottoman Istanbul." In *Urban Violence in the Middle East: Changing Cityscapes in the Transformation from Empire to Nation State*, edited by Ulrike Freitag, Nelida Fuccaro, Claudia Ghrawi, and Nora Lafi, 52-69. New York: Berghahn, 2015.

_____. "Building Professional and Political Communities: The Value of Honor in the Self-Representation of Ottoman Police during the Second Constitutional Period." *European Journal of Turkish Studies* 18 (2014): 1-21.

_____."Institutional Cooperation and Substitution: The Ottoman Police and Justice System at the Turn of the 19th and 20th centuries." In *Order and Compromise: Government Practices in Turkey from the Late Ottoman Empire to the Early 21st Century*, edited by Marc Aymes, Benjamin Gourisse, and Elise Massicard, 146-168. Boston, Leiden: Brill, 2015.

Ma'oz, Moshe. *Ottoman Reform in Syria and Palestine, 1840-1861: The Impact of the Tanzimat on Politics and Society*. London: Clarendon Press, 1968.

Macrakis, A. Lilly. "Venizelos' Early Life and Political Career in Crete, 1864-1910." In *Eleftherios Venizelos: The Trials of Statesmanship*. Edited by Paschalis M. Kitromilides, 37-83. Edinburgh: Edinburgh University Press, 2008.

McAleer, Kevin. *Dueling: The Cult of Honor in Fin-de-Siecle Germany*. Princeton: Princeton University Press, 1994.

Miller, Ruth A. *Legislating Authority: Sin and Crime in the Ottoman Empire and Turkey*. New York: Routledge, 2005.

Moorey, Chris. *A History of Crete*. London: Haus Publishing, 2019.

Özbek, Nadir. "Policing the Countryside: Gendarmes of the Late 19th Century Ottoman Empire." *International Journal of Middle East Studies* 40 (2008): 47-67.

Özil, Ayşe. *Orthodox Christians in the Late Ottoman Empire: A study of communal relations in Anatolia*. New York: Routledge, 2013.

Öztürk, Yakup. "The First Cretan Rebellion against the Ottoman Authority: Narratives and Sources." *The Journal of Ottoman Studies* 53 (2019): 195-229.

Papamanousakis, Stratis. *Αναδρομή στην Ιστορία του Δικηγορικού Συλλόγου Χανίων, 1884-1984 [Retrospection on the History of the Lawyers' Society of Chania, 1884-1984]*. Chania: Lawyers' Society of Chania, 1984.

Pasqualini, Maria Gabriella. "The Italian Carabinieri Corps Abroad: Combat and Crowd Control in a Special Professionalism." *Rocznik Bezpieczenstwa Miedzynarodowego* [Journal of International Security] 1 (2006): 77-101.

Paz, Omri. "'Documenting Justice': New Recording Practices and the Establishment of an Activist Criminal Court System in the Ottoman Provinces (1840-Late 1860s)." *Islamic Law and Society* 21 (2014): 81-113.

Peçe, Uğur. "An island unmixed: European military intervention and the displacement of Crete's Muslims, 1896-1908." *Middle Eastern Studies* 54, no. 4 (2018): 575-591.

Peirce, Leslie. *Morality Tales: Law and Gender in the Court of Aintab*. Berkeley, Los Angeles, London: University of California Press, 2003.

Perakis, Manos. *Το τέλος της Οθωμανικής Κρήτης: Οι όροι κατάρρευσης του καθεστώτος της Χαλέπας (1878-89) [The end of Ottoman Crete: The conditions of the collapse of the Halepa regime]*. Athens: Vivliorama, 2008.

_____. "Muslim Exodus and Land Redistribution in Autonomous Crete (1898-1913)." *Mediterranean Historical Review* 26, no. 2 (2011): 135-150.

Peters, Rudolph. *Crime and Punishment in Islamic Law: Theory and Practice from the Sixteenth to the Twenty-first Century*. Cambridge: Cambridge University Press, 2005.

Piccato, Pablo. *City of Suspects: Crime in Mexico City, 1900-1931*. Durham: Duke University Press, 2001.

Poulios, Stefanos. "Το κίνημα του 1889 στην Κρήτη και η εγκατάλειψη της υπαίθρου από τους μουσουλμάνους: καταστροφές περιουσιών, κρατική αντίδραση και ιδεολογικές προεκτάσεις" [The movement of 1889 in Crete and the abandonment of the countryside by the Muslims: destruction of property, state resistance and ideological extensions]. Master's Thesis, University of Crete Rethymno, 2007.

_____. “The Muslim Exodus From Crete: Property Destruction, Urbanization and Counter Violence.” In *Social Transformation and Mass Mobilization in the Balkan and Eastern Mediterranean Cities, 1900–1923*, edited by Andreas Lyberatos, 245-265. Heraklio: Crete University Press, 2013.

Powers, Paul R. *Intent in Islamic Law: Motive and Meaning in Medieval Sunni* Fiqh. Leiden: Brill, 2006.

Quataert, Donald. *The Ottoman Empire, 1700-1922*. 2nd Ed. Cambridge, New York: Cambridge University Press, 2005.

Rodogno, Davide. *Against Massacre: Humanitarian Interventions in the Ottoman Empire, 1815-1914*. Princeton: Princeton University Press, 2012.

Rosen, Lawrence. *The Anthropology of Justice: Law as culture in Islamic society*. Cambridge, New York, Melbourne: Cambridge University Press, 1989.

_____. *The Justice of Islam: Comparative Perspectives on Islamic Law and Society*. Oxford, New York, NY; Oxford, UK: Oxford University Press, 2000.

Rubin, Avi. *Ottoman* Nizamiye *Courts: Law and Modernity*. New York: Palgrave Macmillan, 2011.

_____. *Ottoman Rule of Law and the Modern Political Trial: The Yildiz Case*. Syracuse: Syracuse University Press, 2018.

Salzmann, Ariel. *Tocqueville in the Ottoman Empire: Rival Paths to the Modern State*. Leiden, Boston: Brill, 2004.

Schneider, Jane. “Of Vigilance and Virgins: Honor, Shame and Access to Resources in Mediterranean Societies.” *Ethnology* 10, no. 1 (1971): 1-24.

Schull, Kent F. “Comparative Criminal Justice in the Era of Modernity: A Template for Inquiry and the Ottoman Empire as Case Study.” *Turkish Studies* 15, no. 4 (2014): 621-637.

_____. "Criminal Codes, Crime, and the Transformation of Punishment in the Late Ottoman Empire." In *Law and Legality in the Ottoman Empire and the Republic of Turkey*, edited by Kent F. Schull, M. Safa Saraçoğlu, and Robert Zens, 156-178. Bloomington: Indiana University Press, 2016.

_____. *Prisons in the Late Ottoman Empire: Microcosms of Modernity*. 2014. Reprint, Edinburgh: Edinburgh University Press, 2018.

Scott, James C. *Seeing Like a State: How Certain Schemes to Improve the Human Condition*

Have Failed. Veritas Paperback ed. 1998. Reprint, New Haven: Yale University Press, 2020.

Şenışık, Pinar. "Challenging Authority and Transforming Politics: A New Perspective on the Muslim and Non-Muslim Experiences in Ottoman Crete, 1896-97." In *Islands of the Eastern Mediterranean: A History of Cross-Cultural Encounters*, edited by Özlem Çaykent and Luca Zavagno, 79-94. London, New York: I.B. Tauris, 2014.

_____. "Rethinking Muslim and Christian Communities in Late Nineteenth Century Ottoman Crete: Insights from the Cretan Revolt of 1897." *Journal of Modern Greek Studies* 28 no. 1 (2010): 27-47.

_____. *The Transformation of Ottoman Crete: Revolts, Politics and Identity in the Late Nineteenth Century*. New York, London: I.B Tauris, 2011.

Shaham, Ron. *The Expert Witness in Islamic Courts: Medicine and Crafts in the Service of Law*. Chicago: University of Chicago Press, 2010.

Skourtis, Ioannis. «Μαυροβούνιοι Χωροφύλακες στην Κρήτη (1896-1899)» [Montenegrin Gendarmes in Crete (1896-1899)]. In *Πεπραγμένα του Ζ' Διεθνούς Κρητολογικού Συνεδρίου – Τόμος Γ2, Τμήμα Νεώτερων Χρώνον* [Proceedings of the 7th International Cretan Studies Conference: Volume C2, Section on Modern Years], edited by Nikolaos Papadoyiannakis, 521-532. Rethymno: Public Central Library of Rethymno, 1995.

Spierenburg, Pieter. 1998. "Knife Fighting and Popular Codes of Honor in Early Modern Amsterdam." In *Men and Violence: Gender, Honor, and Rituals in Modern Europe and America*, edited by Pieter Spierenburg, 103-127. Columbus: The Ohio State University Press, 1998.

Spratt, T. A. B. (Thomas Abel Brimmage). *Travels and Researches in Crete*. Volume 1. London: John Van Voorst, 1865.

Spyropoulos, Yannis. *Οθωμανική διοίκηση και κοινωνία στην προεπαναστατική δυτική Κρήτη: Αρχειακές μαρτυρίες (1817-1819)* [Ottoman administration and community in pre-revolutionary Crete: Archival evidence (1817-1819)]. Rethymno: General State Archives, 2015.

Starr, June. *Law as Metaphor: From Islamic Courts to the Palace of Justice*. Albany: State University of New York Press, 1992.

Swanson, Glen W. "The Ottoman Police." *Journal of Contemporary History* 7, no. 1/2 (1972): 243-260.

Tatsios, Theodore George. *The Megali Idea and the Greek-Turkish War of 1897: The Impact of the Cretan Problem on Greek Irredentism, 1866-1897*. Boulder: East European Monographs, 1984.

Tezcan, Baki. *The Second Ottoman Empire: Political and Social Transformation in the Early Modern World*. Cambridge, New York: Cambridge University Press, 2010.

Thomas, Courtney Erin. *If I Lose Mine Honour, I Lose Myself: Honour Among the Early Modern English Elite*. Buffalo: University of Toronto Press, 2017.

Tsantiropoulos, Aris. "Collective Memory and Blood Feud: The Case of Mountainous Crete." *Crimes and Misdemeanours* 2, no. 1 (2008): 60-80.

_____. "Crime and Culpability in the community, the newspapers and the courts: The case of the feuding society of Crete (Greece)." In *Shame, Blame and Culpability: Crime and Violence in the Modern State*, edited by Judith Rowbotham, Marianne Muravyeva, and David Nash, 199-214. New York: Routledge, 2013.

_____. *Η Βεντέτα στη Σύγχρονη Ορεινή Κεντρική Κρήτη* [Vendetta in Contemporary Mountainous Central Crete]. Athens: Plethron, 2010.

Tuğ, Başak. *Politics of Honor in Ottoman Anatolia: Sexual Violence and Sociolegal Surveillance in the Eighteenth Century*. Boston: Brill, 2017.

Weber, Max. *Economy and Society: A New Translation*. Edited and translated by Keith Tribe. Cambridge, London: Harvard University Press, 2019.

_____. "Politics as a Vocation." In *The Vocation Lectures*, edited by David Owen and Tracy B. Strong, 32-94. Translated by Rodney Livingstone. Indianapolis: Hackett Publishing Company, 2004.

Yosmaoğlu, İpek K. "Counting Bodies, Shaping Souls: The 1903 Census and National Identity in Ottoman Macedonia." *International Journal of Middle East Studies* 38, no. 1 (2006): 55-77.

Zarinebaf, Fariba. *Crime and Punishment in Istanbul, 1700-1800*. Berkeley, Los Angeles, London: University of California Press, 2011.

Ziblatt, Daniel. *Structuring the State: The Formation of Italy and Germany and the Puzzle of Federalism*. Princeton: Princeton University Press, 2006.