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Expropriating the Dead: How the Armenian Quarter of İzmir became Kültürpark

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Expropriating the Dead: How the Armenian Quarter of İzmir became *Kültürpark*

Abstract

The İzmir fire of 1922, as well as the subsequent re-building of the fire area according to a new master plan, have been studied quite extensively, but so far, nobody has looked into the politics of expropriation and compensation surrounding them. This article studies the expropriation of the İzmir fire area in the late 1920s and the subsequent urban renewal project of the 1930s by contextualizing it within the history of the dispossession of Armenians and Orthodox Greeks in the late Ottoman Empire and early republican Turkey. As I show, some property owners in the fire area were able to negotiate much better terms for their expropriation than others. Those who had been killed or expelled in 1922 and whose physical property had been destroyed in the fire were also expropriated, but never compensated. Their physical dispossession was thus repeated in the legal realm. Based on a variety of archival sources from Turkish and Western archives, this article shows that Armenian compensation claims were pocketed by the İzmir municipality and other state agencies. This, however, aroused the interest of the treasury, which in 1941 claimed those compensation sums that should have been paid for plots in the the former Armenian quarter now covered by *kültürpark*. I argue that the treasury did so because the abandoned property law of 1922 had officially made the treasury the universal custodian of “absent” property owners.

Introduction

Present-day İzmir, a port-city of almost three million, is located on the shores of the Aegean in western Anatolia. Being the third-biggest city of Turkey, İzmir is an important center of industry, trade, administration, culture and education that also serves as a hub for tourism in the area. Like New York, Moscow and Berlin, the city features a huge urban park in the very center of town known as *kültürpark*. The park, which was modelled after Gorki Park in Moscow and covers an area of 420,000 m², houses the premises of İzmir International Fair, an amusement park, an art center, various sport facilities, and an open-air theater. But most importantly, it is a vast green space in a densely populated city that – apart from the seaside boulevard – doesn’t offer much else in the way of freely accessible recreational facilities. [figure 1 somewhere here]

Most İzmirlis know, but prefer not to think too much about the fact that *kültürpark* covers much of what used to be the Armenian quarter of old İzmir, which, together with most of the rest of the city, was destroyed by the Great Fire of İzmir in 1922.¹ The overall death toll of the fire has been

estimated at between 80,000 and 180,000 – the higher estimate seems to be more accurate.² Having been built on the ruins of the Armenian Quarter, *kültürpark* has been dubbed a park “built on rubble and bones” that, by virtue of its very existence, has helped to (almost) erase the memory of the atrocities committed in this location.³ Opened in 1936, *kültürpark* forms an important part of the Danger plan, an urban renewal project for the burnt area of downtown İzmir. This masterplan covered the former Greek and ‘Frankish’ (i.e. European) quarters with a system of wide avenues, straight streets and roundabouts, while the ruins of the Armenian quarter were replaced with the park.

Many books and articles written in both Turkish and European languages deal with the history of the İzmir Fire and the urban renewal project that it helped to bring about.⁴ These works discuss, often in great detail, the locations of old and new buildings in the area, changes made to the original plan, changes in street names, and the progress of the construction process itself. One point, however, has so far been ignored almost completely: This is the expropriation of property owners in the fire area, which was performed in the late 1920s before the new plan was implemented.

This article aims at filling that lacuna. Based on primary sources obtained from the Republican Archive in Ankara, from the National Archives at London/Kew Gardens, the Ahmet Piriştina İzmir City Research Center’s newspaper archive, and the Evangelisches Zentralarchiv in Berlin, it shows that the expropriation of property owners in the fire area forms an important part of the history of ‘abandoned’ property in Turkey. This term – a euphemism that emerged around that time in Turkey – requires some explanation: ‘Abandoned property’ (*emval-i metruke*) refers for land and other assets stolen and seized from non-Muslim owners in late Ottoman and early Turkish republican times. Although the term never shows up in the documents studied here, this paper shows that the expropriation performed in the former fire area was intricately linked to, and indeed forms a part of, the dispossession of the late Ottoman Christian communities in present-day Turkey.

Conceptual Considerations

The laws and legal procedures of expropriation and “state administration” discussed in this article must be conceptualized as attempts at covering up and legitimizing the mass violence that had preceded them. Polatel and Güngör have argued that the rules for “abandoned” property commissions working during the Armenian Genocide “camouflaged the plunder and lent it a juridical quasi-legitimacy.”⁵ The expropriation of the İzmir fire area and its contestations must be conceptualized in very much the same way: as juridical measures with which lawmakers and bureaucrats tried to retroactively make sense of the violence while at the same time making sure that those who were dispossessed would never again be able to claim their rights. A second, and

interconnected, aspect concerns the erasure of memory: the reconstruction of downtown İzmir removed all spatial reference points for remembrance of pre-1922 people, buildings, or events in the city. This removal of social space had important legal implications as it made future attempts at challenging the expropriation all but impossible.

İzmir and Abandoned Property Policies

During the Armenian Genocide, the Young Turk regime came up with a set of rules according to which the property of “deported people” [i.e., Armenians] would be registered, liquidated and the proceedings of those sales kept in the original owner’s name.⁶ Following the original owners’ deportation and /or killing, commissions in charge of liquidating their property were formed all over Anatolia. We know that commission members, far from protecting the property, usually either channeled Armenian assets into their own hands, or sold them off to the Muslim population at prices that amounted to virtually nothing.⁷ A similar set of rules was spelled out for coastal Greek Orthodox populations who were deported inland in 1916/17. Unlike the Armenians, these people were deported to places where they had a chance of survival, and the rules foresaw not the liquidation, but protection of their property. The rules for Greek property also spelled out that refugees could be settled in “abandoned” homes.⁸

The Ottoman defeat in World War I and the armistice of Moudros (30 October 1918) resulted in a great return migration of surviving populations across Anatolia. The returnees often found their houses and fields in the possession of Muslims, many of whom were refugees from the Balkans who had nowhere else to go.⁹ When Allied officers made their way into Anatolian and Thracian towns in 1918/19, one of their main tasks was to oversee the restitution of Christian property – an endeavor which, however, was usually resented by the Muslim population.¹⁰ The French occupation of Cilicia in December 1918, which was partly accomplished with Armenian auxiliary troops, and the Greek occupation of İzmir in May 1919 were perceived as violations of the armistice terms and as contradicting point 12 of Wilson’s 14 points, in which he had called for national self-determination for the populations of the Ottoman Empire.¹¹ Across Turkey, local Muslims formed committees against the occupation, rallying for Muslim self-determination and quietly organizing paramilitary bands that harassed not only the occupation troops, but also the returned Christian population.¹² Indeed, it has been argued that the desire to get rid of returned Christian populations in order to keep the property stolen from them was a important motivating factor for Muslims for supporting this emerging movement of resistance against the Allied occupation.¹³

Until 1922, İzmir's urban Christian communities, unlike those in the surrounding countryside, were relatively unaffected by anti-Christian violence and dispossession.¹⁴ The İzmir province's war-time governor Rahmi Bey, along with the numerous foreign consulates in town, seems to have protected the city's Armenians from deportation.¹⁵ The war-time laws that effectively legalized the appropriation first of Armenian and then of Greek Orthodox "abandoned" property were therefore not usually applied in İzmir – at least not until 1922, at which point they became tremendously important.¹⁶

Following the full Allied military occupation of Istanbul in March 1920, the resistance movement against foreign occupations of the country established a new parliament and a government in Ankara from April 1920 onwards. The Ottoman government in Istanbul had revoked war-time legislation for "abandoned" property and stipulated that stolen assets be returned. The Ankara government pretended to respect legislation issued in Istanbul prior to the date of the city's full military occupation in March 1920. However, in this case, Istanbul's orders were ignored.¹⁷ Military success on the various Anatolian battlefields was usually followed by the forced migration of those Christians who had managed to return since 1918, and commissions resembling those established in 1915 seem to have seized and registered "abandoned" property. The Ankara parliament officially, after much stalling, sanctioned this practice only in April 1922 by passing a bill that made the Ministry of Finance the universal custodian of all "abandoned" property.¹⁸

The Turkish troops that re-captured İzmir in September 1922 were accompanied by similar commissions in charge of registering the plentiful booty. The first few days, however, passed with large-scale looting that later became the subject of a parliamentary debate.¹⁹ The great fire of İzmir, which was started in more than a dozen locations on September 12, 1922 and raged for several days, destroyed most of the inner city and a major part of the merchandise stored in the city's warehouses.

Many Turkish authors blame Armenian desperados, claiming that they burnt the city they knew they would have to leave for good.²⁰ Greek, Armenian and Levantine authors, on the other hand, point at the Turkish authorities – if not for committing arson, then for not trying to put the fire out.²¹ Several eye-witness accounts in the British archives describe Turkish soldiers and irregulars as having set ablaze the Armenian quarter.²² The British consul at İzmir reported in November 1922 that, when he visited the Armenian quarter on the day before the fire, he already witnessed people being dragged from their houses and corpses lying about.²³ By contrast, oral history research conducted in the early 2000s points to a "conspiracy of silence" concerning the fire in post-1922 İzmir.²⁴ A very old man who was interviewed in the late 1990s, apparently discussing the topic for the first time,

spoke of Turkish responsibility. Another one admitted to having burned a neighbor's house— and his own along with it.²⁵

What we know for sure is that the fire greatly facilitated the expulsion of the Christian population, as well as the construction of a new city plan along modernist lines. By consuming the Greek, Armenian and European quarters, the fire left the majority of the city's population either dead or homeless. The survivors (between 200,000 and 300,000, including refugees from the surrounding countryside) were evacuated to Greece in the days and weeks following the fire.²⁶ Their houses, businesses and merchandise, if still existing, as well as the ruins in the fire zone, became subject to the "abandoned" property law, which made the Ministry of Finance universal custodian of their property rights. Commissions in charge of "abandoned" property were formed all over the city and went about the business of registering, renting and selling Christian assets.²⁷ For obvious reasons, they seem to have dealt exclusively with those assets that were of immediate use – inhabitable houses were especially sought after in a city that had lost most of her housing to the fire. The authorities only gradually gained control of the city, and squatting continued to be a major problem for years.²⁸

The Danger plan and the Buildings Law

Having destroyed 75 percent of all downtown buildings, the fire left a giant hole in the fabric of the city. [figure 2 somewhere here please]. According to a US consular report written in 1922, it was estimated

that approximately thirteen thousand one hundred buildings, sixty-five per cent of the better class dwelling houses of the city, eighty per cent of the shops and office buildings and fifty per cent of the warehouses together with many churches, schools and other public buildings were destroyed in the Smyrna fire.²⁹

The dust hadn't quite settled yet when local newspapers started to discuss the possible re-building of the fire area. In 1923, the city commissioned the French urban planners René Danger and Henri Prost with drawing up a completely new plan, which was approved in 1925.³⁰ The plan, which became known as Danger plan, covered not only the burnt area, but also other parts of the city, projecting a new harbor and a system of wide avenues and squares. Although it was not fully implemented, it nevertheless characterizes downtown İzmir to this day.

In order to create the new system of streets, the municipality decided to expropriate all property owners in the area. This decision had great potential for political conflict: Reconstruction of the area would turn real estate that was currently virtually worthless into very attractive, hence expensive, plots. Given the anticipation of high prices for the new plots, the expropriation of the old ones

posed a particularly delicate matter: the lower the expropriation costs, the higher the profits that the municipality would eventually make.

Turkey had, at least on paper, a quite business-friendly legislative framework that made expropriations expensive. Article 74 of the 1924 constitution stated:

No one may be dispossessed of his property or deprived of the possession of the property except in the public interest. In such cases *the actual value of the expropriated property* must previously have been paid. No one shall be constrained to make any sort of sacrifice, other than such as may be imposed in extraordinary circumstances and in conformity with the law.³¹

Given the central location and the previous economic importance of the burnt area, it would have been very costly to expropriate the plots at their current market value, even in the ruined state that they were in. This problem, however, was avoided by using a legislative trick: an amendment to the buildings law (*ebniye kanunu*) that was conveniently made in 1925 empowered municipalities to treat urban land in areas where more than 150 buildings had burnt down as agricultural land.³² Municipalities could thus expropriate the plots at very low cost. The law was relevant not only for İzmir, but also for big towns such as Salihli, Kasaba and Manisa, large parts of which had burned down at the end of the Greco-Turkish war in 1922.³³ That said, the difference between actual values and expropriation payments was certainly the greatest in Smyrna/İzmir, whose commercial district had previously featured some of the most valuable real estate in Turkey.

According to the buildings law, the property owners were supposed to be given vouchers that were later to be accepted in lieu of cash in auctions of the new building grounds. According to §4 of the law, the appraisal of compensation claims would be performed by commissions composed of three members of the municipal council and three “fire-victims”, i.e., people who owned property in the respective fire-area.³⁴ The commissions were also charged with drawing up a cadastral map of the area in question.³⁵

The expropriation scheme was met with considerable resistance by those owners who were still living in İzmir. The French chamber of commerce filed an official letter of protest.³⁶ Muslim property owners in the area also challenged the municipality's expropriation scheme. *Yanık Yurt* (*Burned Homeland*), a newspaper closely associated with the İzmir chamber of commerce, published an editorial by Zeynel Besim (from 1934 onwards, his surname was Sun) titled “The Municipality is Not a Merchant” on 29 January 1926.³⁷ Besim cited the mayor (Hüseyin Aziz Akyürek) as having said that the city had made a profit of 5 million Lira with the building law. This may well have been a correct assessment of the prices that the municipality could expect to be paid in future auctions of the new plots, which would again be treated as urban, very valuable land. Zeynel Besim expressed his satisfaction with this situation as long as the municipality made that money with property owned

by absent Christians. However, he reminded the mayor that about 6 percent of the property in question was owned by Muslim Turks, who had already done enough for the fatherland and were unwilling to let the municipality treat them the same as it did the Christians.

It is worth dwelling on the issue of absent Christians here. The burnt area was comprised mainly of three quarters: the Greek Orthodox, the Armenian, and the “Frankish” quarter, where many Levantine families had lived and most internationally operating businesses had been located. Though Ottoman neighborhoods were never exclusively inhabited by the name-giving community, Zeynel Besim was probably correct when stating that most of the plots in these quarters had been owned by Christians. What he didn’t mention was that most of these people had either been killed or forced to leave for good in 1922, the only notable exception being Levantine families who were allowed to stay by virtue of their European citizenship. The expropriation scheme therefore mainly concerned people who were simply unable to claim their compensation voucher, and who were treated as “absent” or “fugitive” people in accordance with “abandoned” property legislation. As explained above, their property was – more or less successfully – administered by the state, which upheld the legal fiction of acting on their behalf while actually treating the property as state property. This legal fiction of custodianship potentially made the state treasury the singlemost important recipient of expropriation vouchers for plots located in the Armenian quarter.

The Question of Insurance Payments

Some of the buildings in the fire area, especially those owned by banks and internationally operating companies, were insured against fire – indeed, it is for this reason that we possess very detailed maps of the area in question.³⁸ The insurance companies, however, didn’t pay, claiming that the fire had been started under conditions of war, against which the buildings were not insured. Both the French and the American Chamber of Commerce in İzmir as well as the Turkish Ministry of the Economy, however, argued that the fire had started after fighting in the city had ended.³⁹ According to British consular records, the Bank of Salonica, acting on behalf of H. Spierer and Company, sued several insurance companies (Prudential, Northern, Economie Assurance, Royal Exchange) for payment of insurance sums (5000, 10000, 10,000 and 20000 Turkish Lira, respectively) in local courts in May and June 1923. The local representatives of those companies didn’t appear in court (the report doesn’t mention whether they were still resident in İzmir). The one representative who did appear in court claimed to be no longer representing the company. By June 1923, the courts had issued default judgments against the companies in three of those cases.⁴⁰ The consular records contain no information regarding actual payments. Several years later, a test case brought to a London court

by the American Tobacco company was decided in favor of the defendant, the Guardian Assurance Company.⁴¹

The Actual Implementation

The protests of Muslim businessmen against the expropriation scheme seem to have been successful. According to a member of the German protestant community, in late 1926, the municipality allowed them and European owners of property in the fire area to keep their plots on condition that they pay 25 percent of the present value of their plots as a contribution to the reconstruction project.

Nach dem Brande der Stadt hatte die Municipalitaet bei der Regierung das Recht erlangt, alle Grundstuecke zu enteignen und setzte durch seine Commission dafuer laecherlich billige Preise fest. Die tuerkischen Notabeln, welche einen grossen Hausbesitz in den abgebrannten Viertel und namentlich an Quais besessen hatten, wehrten sich aber heftig gegen diese Ungerechtigkeit, dass man ihnen , nachdem sie durch den Brand so schwer gelitten hatten, auch noch ihre Grundstuecke wegnehmen wollte, so dass am 26. Dezember 1926 verfuegt wurde, dass Tuerken und auch Europaer ihren verbrieften Grund und Boden behalten koennen, falls sie eine Abgabe von 25 % als Anliegerbeitrag fuer die neuen Strassen an die Stadtverwaltung in bar zum damaligen Schaetzungspreise oder aber in Natura zahlen wuerden.⁴²

The İzmir municipality later stated that a total of 10,186 expropriations had been performed. These seem to have also affected other state agencies: bonds for 162,773 Lira were given to the National Treasury, 64,371 to pious endowments (which by 1926 were under state control), and 20.873,30 to the provincial administration.⁴³ It is likely that the bonds issued to the National Treasury included those for non-Muslim property in the area not covered by *kültürpark*. The same is possible for Christian pious endowments, the Greek Orthodox ones of which should have been transferred to Muslim ones.⁴⁴ For a sum of 927894.38 Lira, no vouchers were issued because no one had claimed them. These numbers were given in 1961, in the context of a court case I shall discuss below. The documents never mention any issuing of compensation vouchers to individual property owners. It seems that the vouchers that were not issued were those concerning the area of *kültürpark*.

There were also some expropriations performed in those areas that were located outside of the burnt area, but nevertheless part of the master plan, for instance in Alsancak (which had formerly been known as Punta).⁴⁵ The 250,000 Lira mentioned as expropriation costs in the official budget for implementation of the plan (which included the construction of *kültürpark*, numerous new buildings, streets and squares) were probably used for such property. The official total sum necessary for the implementation of the master plan was given as 9980000 Lira in 1938.⁴⁶

The German Protestant Church

One case in point that allows for some insights into the otherwise opaque process of expropriation of the fire area is that of the German protestant church, which was located in the hospitals' district between Hadji Stam street and Rose Street.⁴⁷ The location corresponds to the present-day north-eastern section of the courtyard of Behçet Uz pediatric hospital on Şehit Nevres Bulvarı.⁴⁸ One of the documents of the community describes the location as follows:

Wir bemerken hierzu ergänzend, daß die Kirche und das anstoßende Pfarrhaus in der rue Hadji Stam lagen. Diese Grundstücke waren begrenzt in Norden von der rue de Roses im Süden von der rue Vidori und im Osten von dem Grundstück der griechischen „Evangelischen Schule“. (Friedhof)⁴⁹

As George Poulimenos has kindly pointed out to me, this description makes only partial sense (the Greek school was rather far away, and there was no cemetery in the vicinity of the church in question), but the description fits the church in Hadji Stam street better than the chapel belonging to the nearby German diaconess house. [figure 3 near here please]

The German Protestant community, whose church and community center had burnt to the ground, was among those foreign institutions directly affected by the expropriation scheme for the fire area. The reports archived at the central archive of the protestant church in Germany (Evangelisches Zentralarchiv) in Berlin provide detailed insight into the procedure: a municipal commission at first appraised the value of the property (630.57 m²) at 755.21 Lira. Following a formal protest of the church, this sum was eventually doubled to 2.5 Lira per square meter or 1576.42 Lira.⁵⁰ As a result of the war and the 1922 fire, the community barely existed at this point, their affairs being handled by the German consul Geheimrat Padel, who, after prolonged communications with the central administration for churches abroad in Berlin (Auslandskirchenamt), sold the voucher for 90 percent of its nominal value in 1926. At this point, the local community was not aware of this step. Ernst Glock, a German merchant and a member of the community who was still in town, went to the municipality in 1928 in order to ask for a swap of the voucher against one of the new plots. The document written in Ottoman Turkish that he obtained from the municipality was filed in the church archive along with a note stating in German that it was „a confirmation that exchange [of the voucher] against a plot is possible.“ This, however, is not correct. The document is actually a petition in which a representative of a certain Italian citizen named Mr. Diamantides asks to be given a new plot in exchange for the one “owned by Mr. Diamantides which was located in Saint George Street 46-48 and burned down during the fire,” in order to erect a new building there. The document, which is signed by Mr. Glock, neither mentions if this request was granted nor mentions that this was possible. While the possibility that the church was erected on a plot officially registered in the

name of an Italian citizen cannot be ruled out, the address given is different from that of the protestant church. It seems that the clerk at the municipality was either unable to understand Glock's request or unwilling to help him. The lack of any mention of the church, however, indicates that Glock had either mixed up documents (he probably wasn't literate in Ottoman Turkish) or had been deceived.⁵¹

Community members only learned of the voucher sale in 1929. They criticized the decision to sell the voucher as a massive blow to their interests, arguing that Padel had effectively given away their chances of obtaining a building ground for a new church. Addressing the EOK (Evangelisches Organisationskommittee) in Berlin in 1929, the community reported that Muslim and other foreign property owners had successfully challenged their expropriation, and estimated the profit they could have made:

Unser Kirchengrundstück ist nach dem neuen Plane von Smyrna ein sehr wertvolles geworden, nämlich die Ecke an einer Hauptverkehrsader, und anstossende Teile sind bereits vor Jahresfrist bis zu Ltq. 20.000 per qm verkauft worden; das bedeutet für unser Grundstück ca. Ltqs. 1.400.000 oder Mark 28.000.⁵²

The New City Plan

The main obstacle for a quick re-construction of downtown İzmir was a severe lack of funds. The economic situation in general was grim throughout the 1920s, being further aggravated by the advent of the World Economic Crisis in 1929.⁵³ According to an American consular report, there were some tentative talks in late 1922 concerning a possible American loan for reconstruction, not only in İzmir, but also in the numerous towns and villages of the hinterland that had been destroyed in the war. The report stated the sum needed for this endeavor as "Ltqs 150,000,000. surely a small sum in terms of American finance."⁵⁴ The former İzmir mayor Tahsin Bey (who at that point was serving as deputy for Izmir in the national assembly) was cited as having said that

We are particularly desirous of having this project undertaken by foreigners, preferably Americans [...] because we wish to see the destroyed cities rebuilt along modern lines, and not in the primitive manner which heretofore has unfortunately characterized all of our towns in the interior.⁵⁵

The report, however, advised against such a project, pointing out that the political situation was unstable, the banking system underdeveloped and the economic situation too unreliable to promise any substantial profits – the only possible exception being investment in the reconstruction of İzmir proper.⁵⁶ It seems that the idea of American investment into the reconstruction project was not pursued any further. Later consular reports never mention financial help from Western countries, and Turkish sources, too, suggest that the financial burden of reconstruction was shouldered by the municipality and local entrepreneurs alone.

According to the original plan drawn up in 1925, payments for the new plots were to be made in eight yearly installments.⁵⁷ One newspaper reported that buyers who had paid the first installment in 1925 had to ask for municipal loans in order to pay the second in 1926.⁵⁸ Failing loans continued to be an issue in the 1930s. In 1934, when construction was in full swing, both the administration of national property (*emlak-ı milliye müdürlüğü*) and the municipality raised the number of installments from eight to twenty in order to allow people to pay off their loans.⁵⁹ Another adjustment to the economic crisis was a program that enabled working-class families to obtain land in the area affected by the fire for free, in return for clearing it from rubble.⁶⁰ The whole issue had, in other words, created a speculation bubble.

Lack of money also caused the municipality to lay out a park much bigger than that foreseen in the Danger Plan.⁶¹ The actual construction of the new city center only gained momentum in the 1930s. *Hizmet* criticized in late 1926 that the burnt area was still a field of ruins, populated by gangsters and other criminals, while the construction of the big boulevards stalled.⁶² By 1927, the rubble had been cleared and the wide avenues of the master-plan had been constructed, but the streets were still running through emptiness. A visitor to the city noted that a mere twenty new buildings were under construction.⁶³ Large-scale construction started only in the 1930s. The İzmir Fair, which is to this day located in *kültürpark*, was opened in 1937.⁶⁴

The court case: treasury vs. municipality

Greek, Armenian and other “absent” people who had once owned property in the burnt area were never indemnified in any way. The legacy of their compensation claims became the subject of an interesting court case that went on for almost twenty years. The following discussion is based on a report drawn up at the *şurayi devlet*, the “state council” that functioned as a cassation court at that time in 1960. The report sums up the arguments exchanged and explains the terms of an amicable agreement reached at that point.

In 1941, the state treasury sued the İzmir municipality, in order to prevent the lapse of time (apparently 20 years), for payment of 1,042 billion Lira, which it claimed equaled the compensation claims of people who had “fled”, “disappeared” or had become part of the population exchange in the area now covered by the *Kültürpark*.⁶⁵ This sum was a thousand times higher than the one that the municipality admitted to not having paid (or rather, issued in bonds) because the “claimants could not be found:” 927894.38 Lira, roughly a million. This sum almost matches the area covered by *Kültürpark* (420,000 m²) x 2 Lira per square meter, the rate at which the German church community was compensated.

The document never states this, but the treasury had, since 1922, acted as universal custodian of all “absent” people, a category that since 1923 (the Greek-Turkish population exchange) mostly referred to Armenian people (who were not part of the exchange – the Greek Orthodox, by contrast, came to be called “subject to the exchange”). The claim must have been based on this wholly theoretical custodianship. The case was complicated by the documents at hand: the treasury based its claims on copies of the İzmir *tapu* register, which contained names, but not the addresses and house numbers of the real estate in question. The people listed there, however, were either dead or had been forced to leave the country for good. The İzmir municipality, on the other hand, claimed to have assessed compensation claims according to a list based on the 1912 tax register, which listed names and addresses (the list appears to have only listed addresses). The tax register, however, had been “destroyed by fire.”⁶⁶ A cadastral map had not been drawn up by the commissions that had assessed the compensation claims in 1926 (as the buildings law had stipulated). What transpires from this information is that the municipality had assessed compensation claims not by recording names (which would have matched the treasury’s register) but only plots – plots it had then duly replaced by a completely new street plan and a huge park. This means that both the people of the Armenian Quarter and their urban environment had been erased from local memory. The authorities had done this in such a comprehensive way that even they themselves could no longer retrace their steps.

The municipality came up with yet another argument to counter the treasury’s claim: it argued that the real estate in question had been subject to *örfi belde*, a special form of double ownership that had been especially common in Western Anatolia: Under the legal construct of *örfi belde*, it was possible for a property owner to sell the right to *build* a house to another person while keeping his ownership of the building land. The buyer therefore owned only the house, not the building land. He or she was allowed to sell the house to a third party, in which case he or she had to pay 5 percent of the purchase price to the plot-owner.⁶⁷ The İzmir municipality argued that, given that the buildings in the area had been completely destroyed, their owners had lost their property rights, so there were no rights that the treasury could claim in their place. The rights to the plots, on the other hand, could only be claimed by the treasury if the plot-owners had died without leaving heirs.⁶⁸ The municipality’s argument was based on the implicit assumption that house-owners were non-Muslims while plot-owners were exclusively Muslim. According to this logic, all the privately owned plots in the fire zone would have been owned by people who were still living in İzmir by 1926. This was obviously not the case, because these people – if they *had* been the real owners of the plots – would have challenged the expropriation scheme by making exactly this argument in 1926, and would have been part of the property swap (old plots against new ones according to the new city plan) in 1926. In that case, the municipality would have been unable to make any profit at all, and *kültür-*

park would not have been built. However, as shown above, Muslim merchants only claimed to have owned a mere 6 percent of the fire area. In the court case, it would have been interesting to ask who those Muslims who supposedly owned the whole area were and why their claims had not been considered – however, nobody seems to have bothered to ask that question. Indeed, it seems that a lot of rather important questions had not been asked in court: when had the register in İzmir been lost? If only the buildings in question were owned by absent non-Muslims, why had the municipality not indemnified the owners of actual plots in the fire area?

Eventually, the municipality agreed to recognize a claim of 115.000 Lira for the treasury. From this sum, it deducted the costs of street lighting and trash collection for the years 1924–1947. This again didn't make much sense: the area lay in ruins up to 1936, and then became a park, so up until 1936 there was certainly neither street lighting nor trash collection performed. The municipality also deducted a 10 percent fine for late payment of those fees. The sum it agreed to pay was 52179 Lira, or 0,5 percent of the treasury's claim.

Conclusion

Far from being a simple bureaucratic act, the expropriation of the İzmir fire area was a multifaceted, overdetermined affair whose implementation can only be understood in the context of other, seemingly unconnected political and legal factors. This article has shown how the abandoned property law of 1922, the buildings' law of 1926, the new master plan for İzmir, and the court case of 1941–1961 were intertwined. Applied together, they helped the new nationalist regime to legally sanction the great dispossession of İzmir's Christians that the fire of 1922 had already accomplished in the physical realm. Written in the ostensibly neutral language of jurisdiction and jurisprudence, these texts pretend to merely administer abstract categories of people. However, when studied closer, they reveal very concrete strategies at justifying and legitimizing the large-scale violent dispossession of İzmir's Christians, and the appropriation of their assets. As I have shown for the court case report, such legitimization was at times accomplished with the help of illogical legal arguments that would not have defied any closer scrutiny. Neither the municipality nor the treasury nor the state council, however, seem to have been interested in challenging those arguments, and thus appear as ultimately cooperating in order to cover up their respective acts of appropriation.

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Endnotes

1 The İzmir fire, one of the most catastrophic ones of the 20th century, forms a research topic in its own right. The standard work continues to be Housepian, *Smyrna 1922*; Tusan, *Smyrna's Ashes*.

2 Mansel, *Levant*.

3 Mansel, 233. On the politics of memory in the city, see Kolluoğlu-Kırlı, “The Play of Memory”, Mansel, *Levant*. On the general politics of memory in İzmir, see Neyzi, “Remembering Smyrna/İzmir”.

4 Turkish standard works that cover the reconstruction of İzmir are Alim Baran, *Bir Kentin Yeniden Yapılanması*; Serçe et al., *Küllerinden Doğan Şehir*.

5 Polatel and Üngör, *Confiscation and Destruction*, 58.

6 For a descriptive account of that legislation in Turkish, see Onaran, *Emvâl-i Metrûke Olayı Onaran, Cumhuriyet'te Ermeni ve Rum*.

7 See Polatel and Üngör, *Confiscation and Destruction*; Akçam and Kurt, *Spirit of the Laws*.

8 Efiloğlu and İvecan, “Rum Emvâl-i Metrûkesinin İdaresi”.

9 Polatel, Üngör, *Confiscation*, 97.

10 On clashes between returning Greek Orthodox people and Muslims in western Anatolia, see Morack, “The Ottoman Greeks”.

11 For a discussion of this period of imperial twilight, see Gingeras, *Fall of the Sultanate*.

12 See Gingeras, *Sorrowful Shores*.

13 See Dündar, *Modern Türkiye'nin Şifresi*, 245.

14 The Greeks of coastal towns and villages were subject to a campaign of harassment intimidation in 1913/14. See, for instance, Erol, *Ottoman Crisis*.

15 Fuhrmann, “Spies, Victims, Collaborators,” 202, Mansel, *Levant*, 215.

16 For a study of the post-1922 application of “abandoned” property laws, see Morack, *Dowry of the State*.

17 This transpires from an explanation given by the then minister of finance at the Ankara government during a debate about the abandoned property bill. See

18 See Morack., 123–179.

19 For an account of that debate, see Koraltürk, *Erken Cumhuriyet Döneminde* 84–89.

20 See, for instance, Yalman, *Yakın Tarihte Gördüklerim*.7-8.

21 Housepian, *Smyrna 1922*; Mansel, *Levant*.

22 See particularly FO 371/9111/E 620.

23 Confidential Memorandum on the Destruction of British Property consequent of the Recapture of that Town by Turkish troops, Urquhart to Rumbold, 29 November 1922, FO 371/9111/E 620.

24 Neyzi, “Remembering Smyrna/İzmir”, 118.

25 The oral history account contains the following two statements (translation mine): “on one of the tapes, one hears a tired, very old man, who at the end of a long conversation, whispers: “Dear, the state has put İzmir to fire.” “I said to myself: I will burn this infidel’s house. But I think, his house is very close to ours. I put the gas there. His house will burn, but ours goes too. So we had nowhere to go. So, I am one of the unknown heroes.” Böke, *İzmir (1919 - 1922) Tanıklıklar* 3, 59–60.

26 See Mansel, *Levant*; Tusan, *Smyrna's Ashes*.

27 See Morack, *Dowry of the State*, 188 – 195.

28 See Arı, “Yunan İşgalinden sonra İzmir”.

29 NARA, Smyrna Consular Records, Box 0012, “Smyrna Fire”, Smyrna, Asia Minor, November 4, 1922.

30 Kontente, *Smyrne et l'Occident*, 801. Mansel, *Levant*, 232.

31 Earle, “New Constitution of Turkey”, 97. Italics mine.

32 The buildings law was issued on 19 April 1925. §1: “Bir dairei belediye mıntakası dahilinde yüz elliden fazla binası muhterik olan mahaller ve bu mahallerin dahil ve ittisalinde bulunan bostan, bağ, bahçe ve arsa gibi yerler tarla addolunur.” https://www.tbmm.gov.tr/tutanaklar/KANUNLAR_KARARLAR/kanuntbmmc003/kanuntbmmc003/kanuntbmmc00300642.pdf.

33 It seems that in Salihli, too, a new city plan posed the question of expropriation. See Türk Sesi 17 Temmuz 1339 (1923), published in Arıkan, *İzmir Basımından Seçmeler (1923-1938)*, 76.

34 The term “harikzede” was used also for people who had lost their homes to the fire. The ones who organized under this banner, however, were close to or members of the Turkish chamber of commerce.

35 “Üçü belediye meclisi ve üçü harikzedeler tarafından müntehap olmak üzere altı azadan müteşekkil bir heyet yangın mahallerinde arsaların hali hazır kıymetlerini ayrı ayrı takdirtakdir ve kadastro plânlarını mahallinde tatbik ve tasdik ederek.” Ebniye Kanunu, (see note 31), § 4.

36 FO 371/10870/E 3682. The file contains an (almost illegible) French translation of the building law.

37 Zeynel Besim, “Belediye Tüccar Değildir,” in: *Yanık Yurt*, 29 January 1926. APİKAM İzmir Milli Kütüphane Gazeteler Fonu.

38 These are the 1905 Charles E. Goad map and the 1913 Ernest Bon 1913 map. For the first, see <https://earth-works.stanford.edu/catalog/harvard-h009375491-0001>. For the latter, see http://www.levantineheritage.com/i/bonmap_1.jpg.

39 Copy of official declaration by the Ministry of the National Economy to the Vilayet of Smyrna, published in the “Echo de France”, 30 April, 1923. FO 371/9108/E 63110.

40 Urquhart to British High Commissioner in Constantinople, Smyrna 7 April 1923. FO 371/9108/E 63110.

- 41 For a discussion of the case, see Housepian, *Smyrna 1922*.
- 42 Ernst Glock to Pfarrer Graf von Lüttichau, Kaiserswerth, Smyrna, February 24, 1929, EZAB 122/119.
- 43 “Mahallen görülerek düzenlenen 10186 adet karar ile cem'an 2.234.427.27 lira kıymet takdir olunmuştur. Bu meblağdan 162.773.32 lirası Hazineye, 64.371.30 lirası Vakıflara, 20873.30 lirası Özel İdarere olmak üzere Belediye cem'an 1.306.532.89 liralık bono verilmiş ve gerekli vesikaların ibraz edilememiş olmasından 927.894.37 liralık bono henüz verilememiştir.” CA 30.11.01.00.283.17.6, 8. The court case in which the municipality provided this data is discussed further below.
- 44 According to the 1923 convention on the population exchange between Greece and Turkey.
- 45 Baran, *Bir Kentin Yeniden Yapılanması*, 71.
- 46 Baran 81–82.
- 47 I would like to express my sincere gratitude to Mr. George Poulimenos of Athens for sharing his knowledge about the locations of pre-1922 churches in Smyrna and his corresponding maps with me. He also kindly allowed me to use two of his maps in this article.
- 48 I have determined this with the help of the following resource, which provides a 1950 street map of İzmir, superimposed on the Goad map of 1905. See <https://earthworks.stanford.edu/catalog/harvard-h009375491-0001>.
- 49 Oberkirchenrat, Bln. Charl, den 23. Mai 1923 EZA [5]/[1965].
- 50 Deutsches Generalkonsulat Süd- und West- Anatolien, J, Nr. 1301/25, Smyrna, den 20. Februar 1926, EZAB, EZA [5]/[1965].
- 51 EZA [5]/[1965].
- 52 Smyrna Protestant community to EOK, April 24, April 1929, EZAB, EZA [5] / [1965].
The calculation is correct. 1 Pound Sterling was worth 1008 Turkish Lira on April 24, 1929, and one Pound Sterling equalled 20 Reichsmark: *Levant Trade Review* 17:5 1929, 170, <http://www.dlir.org/archive/archive/files/e5c995c4d47c11d050a18be30a438309.pdf>
For the RM/Pound Sterling exchange rate: https://www.preussischer-kulturbesitz.de/fileadmin/user_upload/documents/mediathek/schwerpunkte/provenienz_eigentum/rp/151005_SV-Web_AnlageII_Waehrungstabellen.pdf The purchasing power of 28000 RM in 1929 would today be about that of 95200 Euro. See https://www.bundesbank.de/Redaktion/DE/Downloads/Statistiken/Unternehmen_Und_Private_Haushalte/Preise/kaufkraftaequivalente_historischer_betraege_in_deutschen_waehrungen.pdf?__blob=publicationFile
- 53 See Emrence, “Turkey in Economic Crisis”, Morack, “Turkifying Poverty”.
- 54 NARA, Smyrna Confidential Reports 1922–24, Vol. 070, 72–79.
- 55 Ibid.
- 56 Ibid.
- 57 Alim Baran, *Bir Kentin Yeniden Yapılanması*, 72.
- 58 Alim Baran 58.
- 59 Baran, *Bir Kentin Yeniden Yapılanması*, 72.
- 60 Baran 72.
- 61 Baran 97.
- 62 *Hizmet*, December 16, 1926. APIKAM İzmir Milli Kütüphane Gazeteler Fonu.
- 63 Pfarrer Berckenhagen, Bericht über meinen Besuch in Smyrna, November 25, 1927. EZAB, EZA [5] / [1965].
- 64 A detailed account of the reconstruction, including a list of public buildings erected until 1938, can be found in Baran, 89--90.
- 65 T.C. Şurayı Devlet Üçüncü Daire Esas No: 960/37 Karar No. 960/39. CA 30.11.01.00.283.17.6.
- 66 Kadastro yapılmamıştır. Bonoya bağlanacak kıymetler Belediye tarafından ve 1328 senesinde yapılan tahrirde tanzim olunan vergi kayıt cetvellerine dayanarak ve bu cetvellerde mevcut kapı numaraları teselsül ettirilerek tesbit ve tayin edilmiştir. 328 tarihli tahrir kayıtları yanmış, ayrıca Hazine tarafından ibraz olunan yangın sahasına ait tapu kayıtlarında gayrimenkullerin 328 tarihindeki kapı numaraları bulunmamıştır. (...) Ibid. 7.
- 67 For an explanation of *örfi belde*, see http://www.emektd.com.tr/Images/Uploads/Files/2304140428_orfubeldevepafos.pdf
- 68 CA 30.11.01.00.283.17.6, 8.