

Borders of Mobility? Crime and Punishment along the Syrian-Turkish Border, 1921–1939

Jordi Tejel and Ramazan Hakkı Öztan

Contemporary developments have renewed interest in the study of borderlands and cross-border mobility in the Middle East. The rise of ISIS and the latter's symbolic acts at defying the Sykes-Picot Accords of 1916 have squarely turned scholarly attention back to the borders. So did the millions of refugees who sought shelter, as violence engulfed the region, by crossing the almost century-old borders. As part and parcel of these developments, the construction of border walls has gained momentum across the region. The Turkish-Syrian border, for example, which was once a site of visa-free travel back in the early 2000s, now features a well-surveilled wall, which, as a trend, parallels similar developments elsewhere in the Middle East.¹ In approaching these contemporary issues, a certain strand of literature portrayed the introduction of international borders to the Middle East as the drawing of lines in the sand,² an artificial partitioning that brought diplomatic closure to an otherwise contested historical space.³ A more critical body of literature, on the other hand, examined the ways in which the post-Ottoman settlements ruptured the socio-demographic dynamics in what were in other circumstances multi-ethnic border regions: borders not only disrupted older circuits

1 We particularly have in mind the border walls between Egypt and Gaza, or Saudi Arabia and Yemen, but this process is certainly a global trend. Interestingly, 19 walls and barriers were built between 1945 and 1991, and in the following decade only seven walls were added to the 13 that survived the Cold War. Following the events of 9/11, however, 28 walls were completed or planned up to 2012. Vallet, Élisabeth and Charles-Philippe David, "Introduction: the (re)building of the wall in international relations", *Journal of Borderlands Studies*, 27/2 (2012), p. 113. Since then, the fortification of borders worldwide has continued unabated.

2 Barr, James, *A Line in the Sand: Britain, France and the Struggle that Shaped the Middle East* (London: Simon and Schuster, 2011).

3 Yapp, Malcolm E., *The Making of the Modern Middle East 1792–1923* (New York: Longmann Group, 1987); Simon, Reeva S., "The imposition of nationalism on a non-nation state: the case of Iraq during the interwar period, 1921–1941", in *Rethinking Nationalism in the Arab Middle East*, ed. James Jankowski and Israel Gershoni (New York: Columbia University Press, 1997), pp. 87–104; Fromkin, David, *A Peace to End All Peace: The Fall of the Ottoman Empire and the Creation of the Modern Middle East* (New York: Henry Holt and Company, 2009).

of mobility – whether economic, social, religious – but also separated social groups from one another, even breaking up simple family units in the process.⁴

Taken as a whole, both strands of literature approach the post-Ottoman borders from top-down perspectives that frame the making of borders as historical outcomes reflective of diplomatic and political settlements originating far away from the borderlands. A new generation of historians, however, has suggested the necessity of studying the “lived experience of territoriality” in order to show how borderlanders at once adapted to, if not shaped, the social and economic dynamics that developed in the newly established borders.⁵ For one, Ottoman patterns of mobility that had been consolidated for generations did not disappear overnight, as imperial networks remained resilient in many ways well into the early 1930s.⁶ Even if international boundaries introduced new political realities, “older geographies continued to make their presence known, even when reformulated in the presence of borders and states”.⁷ After all, the institution of borders did not solely seek to curtail movement in the region. Borders not only created their own local mobilities, but also helped regulate,⁸ channel, and at times facilitate movement that was cross-regional, if not global.⁹

Building upon this literature, this chapter frames the introduction of borders to the Middle East as a re-ordering of the region’s existing “regimes of mobility”.¹⁰ To be sure, the scholarship has long analysed border making from

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- 4 Yeğen, Mesut, “The Turkish state discourse and the exclusion of Kurdish identity”, *Middle Eastern Studies*, 32/2 (1996), 216–29; Bozarslan, Hamit, *La question kurde* (Paris: Presses de Sciences Po, 1997), pp. 304–9; Laurens, Henry, *L’Orient arabe. Arabisme et islamisme de 1798 à 1945* (Paris: Armand Colin, 2002), pp. 185–269.
- 5 Ellis, Matthew H., *Desert Borderland: the Making of Modern Egypt and Libya* (Stanford: Stanford University Press, 2018), p. 8. For a similar approach to the late Ottoman period, see Blumi, Isa, “Agents of post-Ottoman states: the precariousness of the Berlin Congress boundaries of Montenegro and how to define/confine people”, in *War and Diplomacy: Russo-Turkish War and Berlin Treaty*, ed. M. Hakan Yavuz and Peter Sluglett (Salt Lake City: University of Utah Press, 2011), pp. 226–52.
- 6 Schayegh, Cyrus, *The Middle East and the Making of the Modern World* (Cambridge, Mass.: Harvard University Press, 2017).
- 7 Abou-Hodeib, Toufoul, “Involuntary history: writing Levantines into the nation”, *Contemporary Levant*, 5/1 (2020), 44–53.
- 8 Fletcher, Robert S.G., “Running the corridor: nomadic societies and imperial rule in the inter-war Syrian desert”, *Past and Present*, 220/1 (2013), 185–215.
- 9 Huber, Valeska, *Channelling Mobilities: Migration and Globalisation in the Suez Canal Region and Beyond, 1869–1914* (Cambridge: Cambridge University Press, 2013).
- 10 For an elaboration on this concept see Schiller, Nina Glick and Noel B. Salazar, “Regimes of mobility across the globe”, *Journal of Ethnic and Migration Studies*, 39/2 (2013), 183–200. For a recent application of this concept to the Middle East, see Tejel, Jordi and Ramazan

an angle of cross-border mobilities, but in so doing, scholars often prioritised long-distance mobility by studying networks of trade, trafficking and pilgrimage routes between distant actors and sites.¹¹ In this chapter, we are instead interested in mobilities created on a local level as a result of new borders. By privileging the local over the long-distance, we hope to chart the ways in which the introduction of borders to the Middle East created their own patterns of mobility and show the ways in which these new, alongside the old, circuits were negotiated on the ground through the example of the Syrian-Turkish border. Introduced in October 1921, the border soon turned into a zone of competition between the Kemalist resistance in Ankara and French authorities in Syria, whereby two emerging centres of power tested one another out well into the late 1930s.

In what follows, the first section traces the irregular warfare that characterized the interstate competition in the early 1920s, and then examines how a boundary regime gradually emerged in the Turkish-Syrian borderland from 1926 to 1929. This was when French and Turkish authorities detailed the bilateral practices of border governance in a bid to regulate borderland mobilities. The second and third sections will then turn to myriad examples of borderland mobilities, with particular emphasis on smugglers, fugitive women, as well as criminals who were accused of theft, murder, and kidnapping. By placing an emphasis on illegal infringements of the Turkish-Syrian border, we seek to focus on the borderlanders who viewed the international frontier for what it was – that is, the realm of separate sovereignties and hence an opportunity to benefit from disconnected jurisdictions. In doing so, we hope to demonstrate that such borderland mobilities led both states to cooperate in increasing border surveillance, which was accompanied by its own bureaucratization.

Drawing on Turkish, US, British, and French diplomatic records as well as Turkish and Syrian press articles, the chapter will accordingly underscore the paradoxical impact of borderlanders' mobility on the consolidation of the border regimes. On the one hand, borders helped connect locals on the two

Hakkı Öztan (eds.), *Regimes of Mobility: Borders and State Formation in the Middle East, 1918–1946* (Edinburgh: Edinburgh University Press, 2022).

11 Green, Nile, "The road to Kabul: automobiles and Afghan internationalism, 1900–40", in *Beyond Swat: History, Society and Economy along the Afghanistan-Pakistan Frontier*, ed. Benjamin Hopkins and Magnus Marsden (London: Hurst and Company, 2013), pp. 77–9; Tagliacozzo, Eric, *The Longest Journey: Southeast Asians and the Pilgrimage to Mecca* (Oxford and New York: Oxford University Press, 2013); Kane, Eileen, *Russian Hajj: Empire and the Pilgrimage to Mecca* (Ithaca and London: Cornell University Press, 2015); Kozma, Liat, *Global Women, Colonial Ports: Prostitution in the Interwar Middle East* (Albany: SUNY Press, 2017).

sides of the Turkish-Syrian border; smugglers, petty criminals, and fugitives relied on networks of trust which were reinvigorated, or at least kept alive despite – or rather because of – the delineation of new borders. On the other hand, the introduction of anti-smuggling measures and extradition systems gradually turned borders into social institutions, with the concrete effects of a frontier, as power relations began to unfold between state agents and borderlanders.¹² Drawing a parallel with Nadir Özbek's research on the Ottoman gendarmerie in the rural areas, we can argue that cross-border criminality and infringements enable us to explore "human interaction within the context of quotidian politics".¹³ As in the late Ottoman era, official awareness of contraband flows and daily cross-border mobility served in many ways as a catalyst for institution formation and the expansion of state power.¹⁴ Despite on-going diplomatic tensions between Turkey and France, cooperation and exchange of information constituted alternate ways for these states to interact among themselves or with locals along the newly established borders, too.¹⁵

Crucially, the chapter will show that the cooperation between French Syria and Turkey in order to track fugitive outlaws and borderlanders along the common border led to a push for standardization with regard to international practices of extradition. As a result of the lack of human and material resources, however, such practices were accompanied by informal procedures which sought to solve the common problems on the spot. Through tracing these episodes, we will argue that a view from the borderlands of the newly established states in the Middle East allows us to challenge the idea that the end of the most important empires after World War I brought about a radical change, whereby "formally [imperial] plural legal orders were transformed into state-dominated legal orders" that were singular and national.¹⁶ Indeed, informal and extra-legal arrangements between French and Turkish authorities

12 Abou-Hodeib, Toufoul, "Sanctity across the border: pilgrimage routes and state control in Mandate Lebanon and Palestine", in *The Routledge Handbook of the History of the Middle East Mandates*, ed. Cyrus Schayegh and Andrew Arsan (London: Routledge, 2015), p. 383.

13 Özbek, Nadir, "Policing the countryside: gendarmes of the late 19th-century Ottoman empire (1876–1908)", *International Journal of Middle East Studies*, 40/1 (2008), p. 48.

14 Blumi, Isa, "Thwarting the Ottoman empire: smuggling through the empire's new frontiers in Yemen and Albania, 1878–1910", *International Journal of Turkish Studies*, 9/1–2 (2003), 251–70; Öztan, Ramazan Hakkı, "Tools of revolution: global military surplus, arms dealers and smugglers in the late Ottoman Balkans, 1878–1908", *Past & Present*, 237/1 (2017), 167–95.

15 Fletcher, Robert, *British Imperialism and the Tribal Question* (Oxford: Oxford University Press, 2015); Schayegh, *The Middle East*, pp. 9–10.

16 Benton, Lauren, *Law and Colonial Cultures: Legal Regimes in World History, 1400–1900* (Cambridge: Cambridge University Press, 2002), p. 209.

to fight cross-border criminality showcase many afterlives of the imperial legal orders throughout the interwar Middle East.

From a Restless Frontier to a Tenuous Boundary Regime, 1921–1929

The collapse of the Ottoman empire paved the way for diverse projects of modern statecraft in the Levant and Mesopotamia under French and British colonial oversight. However, the drawing of territorial and political boundaries that underpinned these new state configurations quickly led to a period of fluidity and uncertainty, particularly in the border areas where colonial penetration was fiercely challenged by a variety of state and non-state actors. Even though World War I ended formally in 1918, the dissolution of imperial polities – from Eastern Europe to the Caucasus and the Middle East – had left behind several zones of post-war violence.¹⁷ This was particularly the case in border regions which often became the very arenas where interstate rivalries began to unfold, often in violent ways. Among these “shatter zones”,¹⁸ the provisional frontier between Turkey and Syria held an important place.

Here, much like in other parts of the former Ottoman empire, several activists and local chieftains responded to the institution of colonial rule by forming armed bands in order to resist foreign occupation. Even though they were ideologically heterogeneous, these local actors were “engaged in similar forms of rebellious activities that had a common anti-imperialist motivation”.¹⁹ Following a script of resistance inherited from the late Ottoman times, the participants in these anti-colonial insurgencies were the “veterans of wars to save the Ottoman state”.²⁰ In exploiting these organic linkages, rebel leaders, such as Ibrahim Hananu who led an anti-French revolt from 1919 to 1921 to the north of Aleppo, tapped into moral and material support from Ankara, the centre of

17 Gerwarth, Robert and John Horne (eds.), *War in Peace: Paramilitary Violence in Europe after the Great War* (Oxford: Oxford University Press, 2012).

18 Bartov, Omer and Eric D. Weitz (eds.), *Shatterzone of Empires: Coexistence and Violence in the German, Habsburg, Russian, and Ottoman Borderlands* (Bloomington: Indiana University Press, 2013).

19 Yenen, Alp, “Approaching transnational political history: the role of non-state actors in post-Ottoman state-formation”, in *Transnational Actors Crossing Borders: Transnational History Studies*, ed. Steffi Marung and Matthias Middell (Leipzig: Leipzig University Press, 2015), p. 269. See also Parsons, Laila, *The Commander: Fawzi al-Qawuqji and the Fight for Arab Independence, 1914–1948* (New York: Farrar, Straus and Giroux, 2016).

20 Provence, Michael, “Ottoman modernity, colonialism, and insurgency in the interwar Arab East”, *International Journal of Middle East Studies*, 43/2 (2011), p. 207.

Kemalist resistance against the scramble for Anatolia.²¹ Ankara coupled these efforts by using intense propaganda that promoted notions of “Muslim nationalism” in a bid to rally several Arab and Kurdish chiefs to a struggle against the French.²²

By early 1919, in parallel with the formation of similar associations in Anatolia, a network of activists established what came to be known as the ‘Committees for Turco-Kurdish Independence’, with branches across the south-eastern Anatolian towns, such as Urfa, Mardin, Diyarbakır, and Jazirat ibn Umar.²³ The objective of these activities was to keep the sources of rebellion alive and regain the former Ottoman provinces of Aleppo and Mosul, both of which were considered to be historically linked to Anatolia.²⁴ These organizations and their contentious activities certainly forced the French to overstretch their military presence in the region,²⁵ but the armed bands operating along Turkey’s southern frontiers soon lost their utility as Ankara neared a victory vis-à-vis the Greeks in western Anatolia. With the potential of a diplomatic settlement on the horizon, Mustafa Kemal opted to sever his links with the armed groups active in northern Aleppo that he had formerly supported.²⁶ By October 1921, Turkey and France signed the Ankara Agreement, whereby both sides agreed that the boundary between Turkey and Syria would follow in large part the tracks of the Baghdad railway.

While Turkey and France agreed on the boundary in broad terms, the exact delimitation of the international borderline on the ground continued to be a contentious affair. This was particularly the case in the eastern part of the border in Syrian Jazira, where both sides interpreted the vague clauses of the

21 Watenpaugh, Keith David, *Being Modern in the Middle East: Revolution, Nationalism, Colonialism and the Arab Middle Class* (Princeton: Princeton University Press, 2006), p. 125.

22 Zürcher, Erik J., “The vocabulary of Muslim Nationalism”, *International Journal of the Sociology of Language*, 137 (1999), 81–92.

23 For a detailed account on the role of eastern cities during the National Independence Movement, see Bozan, Oktay, *Millî Mücadele Döneminde Diyarbakır, 1918–23* [Diyarbakır during the War of National Independence, 1918–23] (Konya: Çizgi Kitabevi, 2016), pp. 255–312.

24 For example, this position formed the gist of the Turkish claim over Mosul. See Dündar, Fuat, “Statistiquo: British use of statistics in the Iraqi question, 1919–32”, *Crown Paper* (Brandeis University), No. 7 (2012), pp. 1–63.

25 Flateau, Cosima, “La sortie de guerre de l’Empire ottoman: Grande Guerre, guerre nationale, guerre coloniale à la frontière syro-turque, 1918–1923”, *Les Cahiers Sirice*, 17/3 (2016), 29–45.

26 Mizrahi, Jean-David, “La répression du banditisme sur les confins de la Syrie mandataire: nouveaux Etats et nouvelles frontières dans le Moyen-Orient des années 1920”, *Relations internationales*, 114 (2003), 173–87.

agreement by asking for the rectification of the borderline to their benefit.²⁷ Coupled with other issues between the two countries, such as the existing customs difficulties as well as the continuing Lausanne negotiations, Ankara resorted to the use of armed bands in its southern border once again in order to exert pressure upon France.²⁸ These tactics certainly cast a long shadow on the French commitment to bring peace and order to northern Syria, as Ankara's anti-French propaganda proved particularly effective in Syrian Jazira. The latter region gradually became the bone of contention, as Turkish manoeuvres hindered the advance of French troops into the region well into the mid-1920s.²⁹ Ankara's activities strengthened indirectly the positions of various unions, opposition parties, and anti-colonial committees in France that continually raised concerns about the financial viability of maintaining the mandatory rule in the Levant.³⁰

It is within this context, marked by both external and internal constraints, that the French High Commissioner saw the launching of a profitable economic programme in Syria as a tool which could serve to justify its "civilising" mission in the Levant.³¹ This vision was particularly significant for the Syrian Jazira, where the French hoped to settle nomadic tribes.³² The agricultural development of the region as such would not only serve the French imperial interests, but also help counter Ankara's manoeuvres to extend influence into this region. It soon became clear to the French, however, that the existing Kurdish and Arab nomadic communities were neither sufficiently large, nor very willing to transition to a settled life. The French High Commissioner

27 Mameli-Ghaderi, Soheila, "Le tracé de la frontière entre la Syrie et la Turquie (1921–1929)", *Guerres Mondiales et Conflits Contemporains*, 207 (2002–2003), 125–38.

28 Öztan, Ramazan Hakki, "The last Ottoman merchants: regional trade and politics of tariffs in Aleppo's hinterland, 1921–1929", in *Regimes of Mobility: Borders and State Formation in the Middle East, 1918–1946*, ed. Tejel and Öztan, pp. 80–108.

29 Altuğ, Seda and Benjamin T. White, "Frontière et pouvoir d'Etat: La frontière turco-syrienne dans les années 1920 et 1930", *Vingtième Siècle. Revue d'histoire*, 103 (2009), 91–104.

30 Huvelin, Paul, *Que vaut la Syrie?* (Marseille: Chambre de Commerce de Marseille, 1919); Poulleau, Alice, *À Damas sous les bombes: journal d'une française pendant la révolution syrienne, 1924–1926* (Yvetot: Imprimerie Bretteville, s.d.); Bonnardi, Pierre, *L'Imbroglia syrien* (Paris: Rieder, 1927).

31 Velud, Christian, "La politique mandataire française à l'égard des tribus et des zones de steppe en Syrie: L'exemple de la Djézireh", in *Steppes d'Arabie. Etats, pasteurs, agriculteurs et commerçants: le devenir des zones sèches*, ed. Riccardo Bocco, Ronald Jaubert and Françoise Métral (Paris: PUF, 1993), pp. 70–1.

32 This was a developmentalist vision that had existed for the Jazira since late Ottoman times. See Dolbee, Sam, "The Locust and the Starling: People, Insects, and Disease in the Late Ottoman Jazira and After, 1860–1940", Ph.D. Dissertation, New York University, 2017, pp. 104–65.

found the solution to be that of settling in the area the incoming waves of Christian migrants and refugees from Turkey from 1922 onwards, most notably the Armenians and Syrians.³³ By 1925, French authorities decided to expand this policy and include Kurdish refugees who had been fleeing repression by the Turkish government after the collapse of the Şeyh Said Rebellion.³⁴ Taken as a whole, the settlement of these refugees was intended to serve the two complementary goals of stabilising the frontier and increasing the agricultural production of the Upper Jazira.³⁵

These competing state visions along the Syrian-Turkish borderland unfolded against a backdrop of a restless frontier, where the local tribesmen saw opportunities in being situated in the midst of two jurisdictions, whose limits were yet to be fully defined. For the tribes living in the region, the borderland had indeed turned into a zone of opportunity. This was the case with a certain Mustafa from the Atmalı tribe who, after his escape from the Antep prison, ended up stealing 107 sheep right before he was caught trying to cross the Syrian frontier.³⁶ Over the years, cross-border raiding would slowly evolve into the most common type of cross-border 'criminal' activity across the border regions in the entirety of the Levant.³⁷ Even though French and Turkish authorities readily blamed one another for encouraging these cross-border raids and benefitting from the broader destabilization of the border regions, it was the developments elsewhere that provided the incentive to tackle these problems. In particular, the outbreak of the Şeyh Said Rebellion in early 1925 reminded Ankara of the significance of cooperating with the French vis-à-vis

33 Velud, Christian, "L'émergence et l'organisation sociales des petites villes de Jézireh, en Syrie, sous le mandat français", *URBAMA*, 16–17 (1986), 85–103; Tatchijan, Vahé, *La France en Cilicie et en Haute-Mésopotamie. Aux confins de la Turquie, de la Syrie et de l'Irak* (Paris: Karthala, 2004).

34 Olson, Robert, *The Emergence of Kurdish Nationalism and the Sheikh Said Rebellion, 1880–1925* (Austin: Texas University Press, 1989), pp. 107–27.

35 White, Benjamin Thomas, "Refugees and the definition of Syria, 1920–1939", *Past & Present*, 235/1 (2017), p. 143.

36 Centre des Archives Diplomatiques de Nantes [hereafter CADN], *Ankara Ambassade*, 36/PO/1, 149, "Délégation à Constantinople de la République Turque au représentant de la République Française", 12 Novemer 1923.

37 Here, we are certainly referring to what constituted a crime from states' point of view. For tribes, cross-border raids were often a way of maintaining among, or restoring an equilibrium to, borderlander tribes. See van der Steen, Eveline, *Near Eastern Tribal Societies during the Nineteenth Century. Economy, Society and Politics between the Tent and Town* (London: Routledge, 2014). For an analysis of raiding, see Toth, Anthony B., "The Transformation of a Pastoral Economy: Bedouin and States in Northern Arabia, 1850–1950", Ph.D. Dissertation, University of Oxford, 2000, pp. 153–205.

cross-border circuits that could easily get out of central control.³⁸ The start of the Great Syrian Revolt in the summer of 1925 in Hauran, on the other hand, made the French realize “the danger of allowing this Turco-French controversy to drag on while the internal crisis in the French-mandated territory continued unabated”.³⁹

It was against this backdrop that Turkey and France signed the Ankara Convention of Friendship and Good Neighbourly Relations on 30 May 1926. First and foremost, the convention provided for a clearer delimitation of the international frontier. At its western edge, on the Mediterranean coast, the new boundary ran just north of the district of Alexandretta. This territory was located at the crossroads of Anatolia and the Levant, and in particular the city of Alexandretta had “the potential to be developed as a major modern port that could serve as a Mediterranean outlet for northern Syria, Iraq, and potentially Iran too”.⁴⁰ Farther to the east, the middle part of the new border ran alongside completed sections of the Baghdad Railway, from northeast of Aleppo to Nusaybin/Qamishli. At its eastern edge, that is the Upper Jazira which is also known as the Duck’s Bill, the border had an important strategic value in that it allowed Syria access to the Tigris River before it crossed from Turkey to Iraq and control over the main road connecting Mosul to Syria and Anatolia. The fate of these two distant territories in northern Syria became tightly connected, for Ankara conditioned its recognition of the frontier in the Upper Jazira section on the establishment of a semi-autonomous entity in Alexandretta under Turkish patronage.⁴¹

Crucially, however, the convention of 1926 laid the foundations of a ‘boundary regime’ along the Turkish-Syrian border, signalling a push for bilateral cooperation not only to facilitate borderlanders’ mobility but also to contain circuits of cross-border criminality. In doing so, the convention ultimately sought to enable “cross-border exchange of intelligence, border and migration control, surveillance of exiles and asylum seekers as well as the establishment of specific extradition procedures and expulsion measures” – practices that

38 The National Archives, London [hereafter TNA], FO 424/538, “Turkey: Annual Report, 1925”, p. 11.

39 Güçlü, Yücel, “The controversy over the delimitation of the Turco-Syrian frontier in the period between the two World Wars”, *Middle Eastern Studies*, 42/4 (2006), p. 645.

40 Bein, Amit, *Kemalist Turkey and the Middle East: International Relations in the Interwar Period* (Cambridge: Cambridge University Press, 2017), p. 42.

41 TNA, FO 371/13075, E1467, 20 March 1928, p. 147. This was the case in the mid-1920s as well, Altuğ, Seda, “The Turkish-Syrian border and politics of difference in Turkey and Syria (1921–1939)”, in *Syria: Borders, Boundaries, and the State*, ed. Matthieu Cimino (Cham: Palgrave Macmillan, 2020), pp. 66–8.

had dated back to the late nineteenth century.⁴² Article 6, for instance, noted that both countries committed to the “suppression of acts of brigandage and smuggling in the frontier region”; that is, a zone 50 kilometres in breadth on either side of that frontier.⁴³ Article 9, on the other hand, paved the way for cross-border mobility for “persons domiciled within five kilometres of either side of the frontier”, while also introducing new practices of border control by providing those borderlanders involved in farming and commerce with an annual frontier card or *passavant*.⁴⁴

Protocol III on frontier surveillance was also key to this convention; on the one hand, the competent authorities were summoned to “warn each other as promptly as possible of any act of pillage or brigandage that may be committed in their territory” and employ “every means in their power to prevent the offenders from crossing the frontier” (Article 3).⁴⁵ On the other hand, “should one or more armed persons, after committing a crime or offence in the neighbouring frontier zone, succeed in taking refuge in the other frontier zone, the authorities of the latter zone shall be bound to arrest such persons and to place them, in accordance with the law, at the disposal of the judicial authorities, together with their booty and arms” (Article 4).⁴⁶ While Article 7 defined the competent authorities responsible for the application of this convention, Article 8 encouraged both sides to establish “caracols [sic]” or police stations as frontier gates.⁴⁷

The effects of this convention on the ground were not immediate, though. By and large, “borders did not create quick *fait accomplis*”, across the region for the number of “customs officials, gendarmes, policemen, and soldiers was kept to a minimum”.⁴⁸ Because smugglers, tribes and criminals of all kinds

42 Härter, Karl, “Security and cross-border political crime: the formation of transnational security regimes in 18th and 19th century Europe”, *Historical Social Research*, 38/1 (2013), p. 102; Smiley, Will, “The burdens of subjecthood: the Ottoman state, Russian fugitives, and interimperial law, 1774–1869”, *International Journal of Middle East Studies*, 46/1 (2014), 73–93.

43 League of Nations (1926–1927). Convention of Friendship and Good Neighbourly Relations, with Procès-Verbal of Signature. Signed in Angora, May 30, 1926. Treaty Series No. 1285, vol. 54, pp. 195–229 (here p. 201).

44 League of Nations (1926–1927). Convention of Friendship, p. 203. *Passavants* were issued to landowners and their families as well as to their labourers.

45 League of Nations (1926–1927). Convention of Friendship, p. 217.

46 League of Nations (1926–1927). Convention of Friendship, p. 217.

47 League of Nations (1926–1927). Convention of Friendship, p. 219.

48 Schayegh, Cyrus, “The many worlds of ‘Abud Yasin; or, what narcotics trafficking in the interwar Middle East can tell us about territorialization”, *American Historical Review*, 116/2 (2011), p. 278.

continued to infringe the border without being seriously molested, a new Franco-Turkish Protocol for the improvement of the surveillance along the Turkish-Syrian frontier was signed on 29 June 1929.⁴⁹ As a result of this new accord, a permanent border commission began to work on the definitive delimitation of the Syrian-Turkish boundary at its eastern section; that is, between Nusaybin and Jazirat Ibn Umar.⁵⁰ The work of this commission resulted in the dramatic increase in the number of border posts and guards. In 1930, 138 posts were settled along the border. While these posts were to be used by borderlanders holding *passavants*, 14 other border gates were established for travellers.⁵¹ Even if the border began to be demarcated as such, it was ultimately the increased encroachments of smugglers and criminals from 1929 onwards that would test the viability of the Turkish-Syrian boundary regime – one that took nearly a decade to establish.

Smugglers and the Consolidation of the Boundary Regime

Smuggling had long been an important part of the cross-border illicit circuits along the Turkish-Syrian border. Back in the early 1920s, however, when the discrepancy in tariff regimes between Turkey and Syria was too low to encourage wide-scale smuggling, the illegal exchange of goods was largely limited to those that were produced under a state monopoly. As such, the smugglers took advantage of the local price differences, smuggling tobacco, matches, sugar, salt, gas, and any other commodities that were light in bulk, but high in value. With the onset of the Great Depression of 1929, the worldwide economic trend shifted to protectionism and countries began to take measures designed to benefit their home economies, which often took the form of heightened tariffs, import quotas, and clearing agreements. This was also the case in the Turkish-Syrian border, where Turkey became increasingly protectionist after 1929, while French Syria continued to adhere to the practices of free trade and its tariffs remained low, in line with the mandatory open-door policies.⁵² The corresponding tariff discrepancies led to the expansion of the illicit economy in the border region, whereby the smuggling of goods that were subject to the

49 For the full text, see CADN, FB, 1SL/1/V/2136, "Protocole", 29 June 1929.

50 CADN, FB, 1SL/1/V/1482, "Protocole d'abornement de la frontière turco-syrienne signé à Angora le 22 juin 1929".

51 CADN, FB, 1SL/1/V/2152, "Le Délégué Adjoint pour le Haut Commissaire aux Services spéciaux des cazas d'Azaz et de Jerablus", Aleppo, 23 July 1930.

52 For a history of these tariff discrepancies, see Burns, Norman, *The Tariff of Syria, 1919–1932* (Beirut: American Press, 1933), pp. 52–66.

highest tariff rates inside Turkey became highly profitable for those in northern Syria. In particular, the situation led to the smuggling of textiles from Syria into Turkey, most notably the cheap Japanese silk and cotton cloth that catered for the peasantry deeply impoverished by the global recession.⁵³

By late 1931, Şükrü Kaya, the Turkish minister of interior affairs, highlighted the significance of the problem in a lengthy report, noting that Ankara had spent the past decade trying to integrate southern Anatolia into its national economy, most notably through promoting the port of Mersin and extending the national railway grid to Diyarbakır.⁵⁴ Yet, the booming of smuggling from the early 1930s onwards, he noted, stood to reverse all the progress that had been made thus far, as Aleppo began to restore its earlier position as the centre of trade across the region.⁵⁵ While the developments along the Turkish-Syrian border began to reverse long-term trends, they had immediate consequences for Ankara's coffers. In a public speech, İsmet İnönü "estimated the loss caused to the state by smuggling at £T. 20 to 25 million a year, apart from the prejudice caused to local industry by the illicit introduction of non-taxed foreign goods", the majority of which came into the country via the southern border.⁵⁶ In the province of Mardin alone, for example, around 260,000 bolts of fabric were consumed per year, while Ankara's annual quotas for the import of textiles from Syria stood at a mere 3,000 bolts. This meant that the regional need for textiles was largely met by the burgeoning black market operating along the Turkish-Syrian border.⁵⁷ In addition to the loss of customs revenues, the extent of these illicit circuits also came at the expense of domestic textile producers, whether located in Bursa or in Diyarbakır, as they failed to compete with the invasion of cheaply produced foreign cloth.⁵⁸

In 1932, the ministry of justice issued a new anti-contraband law by which the government established specialized courts (*İhtisas Mahkemesi*) to deal with smuggling in areas where the flow of illicit goods was considerable.⁵⁹ In that regard, the Gaziantep and Adana Specialized Courts proved to be extremely

53 Öztan, Ramazan Hakki, "The Great Depression and the making of Turkish-Syrian border, 1921–1939", *International Journal of Middle East Studies*, 52/2 (2020), 311–26.

54 Devlet Arşivleri, Cumhuriyet Arşivi [hereafter BCA], 30.10.0.0., 180.244.6, 5 December 1931.

55 For an analysis of the struggle between Turkey and France over the hinterland of Aleppo, see Öztan, "The last Ottoman merchants".

56 TNA, FO 371/15381, E6375, "Prevention of smuggling on frontiers of Turkey", Ankara, 28 December 1931, p. 391.

57 Öztürk, Saygı, *İsmet Paşa'nın Kürt Raporu* [İsmet Paşa's Report on Kurds] (Istanbul: Doğan Kitap, 2007), p. 25.

58 Öztan, "The Great Depression", p. 6.

59 "Askeri ve İhtisas Mahkemeleri Hakkında Kararname" [Decree on the Military and Specialized Courts], *Resmî Gazete* [Official Gazette], 26 January 1932.

active. According to the local press, in 1934 alone, the specialized court in Gaziantep reportedly ruled on 4,250 cases.⁶⁰ By the same token, in 1935, 620 prosecutions had taken place before the Adana Specialized Court, and judgment had been pronounced in 505 of the cases. In addition to sentences of imprisonment, six month-long banishment had been passed on the natives of Malatya, Niğde, Van, Elaziz (Elazığ) and Kayseri, while pecuniary fines amounting to the sum of 71,780 Turkish liras had been imposed.⁶¹ These legal measures underpinned the broader “national” battle against contraband, whereby border authorities sought to seize foreign commodities, particularly textiles.⁶² As border guards increased their presence along the frontier, incidents against border authorities on both sides of the line increased as well, which was regularly reported by the local press.⁶³ Surveillance along the border, as Turkish authorities later noted, became particularly effective after 1932 when the military commanders began to lead the customs protection agency. Supported by a justice system that was armed with specialized courts, border authorities managed to curb smuggling by the mid-1930s, in particular that of silk textiles and salt.⁶⁴

Yet, the consolidation of the border regime was not a one-sided affair, as cross-border flows naturally required transnational efforts at policing the Turkish-Syrian borderland. In line with the bilateral conventions signed in the late 1920s, Turkish authorities accordingly exchanged hundreds of communications with their French counterparts, requesting rapid and diligent action in dismantling the illicit coalitions along the border. In their reports, Turkish authorities often highlighted the complicity of Armenian, Kurdish and Arab communities who turned the northern sectors of the border into a warehouse that dumped goods into Turkey.⁶⁵ Such detailed information obtained from the Syrian side of the border, albeit not always accurate, illustrates how the struggle against contraband helped expand Turkish intelligence gathering

60 Metinsoy, Murat, “Rural crimes as everyday peasant politics: tax delinquency, smuggling, theft and banditry in modern Turkey”, *Crime, Poverty and Survival in the Middle East and North Africa: the ‘Dangerous Classes’ since 1800*, ed. Stephanie Cronin (London: I.B. Tauris, 2019), p. 144.

61 TNA, FO 371/20067, E688, 27 January 1936, pp. 264–5.

62 CADN, 1SL/1/V/2145, Sûreté Générale, Aleppo, 6 June 1935.

63 “Hudut Eşkiyası: Suriye Hudut Komisyonu bu Meseleyi Konuşacak” [Border bandits: the commission for Syrian border will discuss the issue], *Cumhuriyet*, 17 November 1931, p. 3.

64 Varlık, Bülent, *Umumi Müfettişler Toplantı Tutanakları, 1936* [Minutes of the Meetings of General Inspectors] (Ankara: Dipnot Yayınları, 2010), pp. 233–4.

65 See for instance a list of shops and their estimated value prepared by the governor of Urfa in 1938. CADN, 1SL/1/V/2145, “Kazim Demirer (Vali d’Urfa) au Adjoint du Haut Commissaire pour le Mohafazat d’Alep”, Urfa, 3 September 1938.

throughout the 1930s along the border zones.⁶⁶ Just as the French had co-opted some Kurdish tribal leaders for intelligence purposes, Turkey also sought to gather information among anti-French Syrians from the frontier zone.⁶⁷ This network of informants was supported by an expanding infrastructure of border gates and border posts⁶⁸ complete with mechanised units,⁶⁹ telegraph lines, and mounted guards.⁷⁰ In order to bolster morale and encourage service, distinctions were awarded to agents who proved to be particularly zealous in their struggle against smuggling activities along the Turkish-Syrian frontier.⁷¹

In parallel, smugglers became a target of both governmental and public opinion campaigns, in which the former were depicted as traitors to the “homeland” (*vatan*), and the “nation” (*ulus*).⁷² Such discourse was supported by a slow but steady transformation of the Turkish penal code throughout the 1930s whereby punishments became tougher, in particular with regard to offences that threatened the “nation” and “state security” such as smuggling and the production of forged money.⁷³ Hardening conditions for smugglers were also reflected in how gendarmes treated the former. In July 1933,

66 In 1927, the Turkish Intelligence Service Milli Emniyet Hizmeti (MAH) was established with the support of the Germans in order to combat communism, Kurdish and Armenian nationalism, Turkish monarchists as well as developments in Hatay province – almost all issues were tightly connected to Turkey’s southern border. Şükrü Ali Ögel was its first director between 1927 and 1941. Göç, Eray, “Türk İstihbaratının Tarihsel Gelişimi” [Historical evolution of Turkish intelligence services], *Çankırı Karatekin Üniversitesi İktisadi ve İdari Bilimler Fakültesi Dergisi*, 3/2 (2013), p. 100. MAH was an organization that preceded the later Turkish National Intelligence Agency (MİT).

67 Öztürk, *İsmet Paşa'nın*, p. 27.

68 CADN, FB, 1SL/1/V/2145, “Création de postes douaniers à Akçe-Koyounli, Muslimie”, 3 April 1938.

69 In early 1938, the General Directorate of Turkish Customs (Gümrükler Genel Müdürlüğü) decided to purchase European motorbikes together with armoured cars and trucks to better monitor the Turkish-Syrian border. CADN, FB, 1SL/1/V/2145, “Répression de la contrebande en Turquie. Sûreté Générale des territoires Syrie Nord, Muslimie”, 11 May 1938.

70 CADN, FB, 1SL/1/V/2145, “Répression de la contrebande en Turquie. Sûreté Générale”, Jarablus, 1 April 1938.

71 See some examples in the hagiographic study prepared by Şahin, Eyüp, *Türk Polis Teşkilatının Şanlı Geçmişinde ve Cumhuriyete Giden Yolda. İz Burakan Polisler* (Ankara: Emniyet Genel Müdürlüğü Basımevi, 2004), pp. 37, 183, 313–14.

72 “Kaçak ve Kaçakçılık” [Contraband and smuggling], *Yenilik*, 5 June 1936, p. 1; “Kaçakçılara Öğüt: Kaçakçılar Vatana Düşmandır” [Advice to smugglers: smugglers are enemies of the nation], *Yenilik*, 30 June 1936, p. 3; “Kaçak İşi Önemli bir Yurt ve Ulus İşidir!” [Contraband is an important national problem], *Yenilik*, 3 July 1936, p. 1.

73 While Turkey adopted in 1927 the liberal Italian penal code of 1889, between 1931 and 1938, Turkish lawmakers introduced important modifications to the original, borrowing an important number of articles from the 1930 criminal code approved by the Fascist Italian regime in 1930. As a result, the 1939 version of the Turkish code was quite different from

for instance, a group of 35 “brigands” were being transferred from the Kozan prison to Adana. Before reaching their destination, the prisoners tried to run away. The escort called on them to stop but as this was ignored, they fired on the escaping prisoners, killing 30 of them outright, whilst five were severely wounded and three of them died on their way back to Kozan. Soon afterwards, the public prosecutor, the government medical officer and the gendarmerie commander from Kozan held an investigation on the spot. Ultimately, however, the escort was exonerated of all charges.⁷⁴

In parallel, by November 1932, the local power of *valis* and *kaymakams* was also strengthened to “protect” Turkey’s southern frontier; they could issue arrest orders without any judicial warrant and the governor of Mardin took direct command over the mounted *jandarma* regiment to improve border surveillance.⁷⁵ More telling are perhaps the statistics of killed and wounded smugglers at the Turkish-Syrian border. According to Seyfi Düzgören, between 1932 and 1936, 87,000 smugglers had been arrested, 207 killed and 130 wounded.⁷⁶ In a later report, the figures, particularly with regard to the number of arrested smugglers, were more modest, yet still telling about the increase of border incidents: between 1931 and 1938, around 40,000 smugglers were caught alive, and close to 300 were killed in border clashes.⁷⁷ Protecting the “nation’s wealth” by all means had indeed become Ankara’s primary concern.⁷⁸

the 1927 original. See Miller, Ruth A., *Legislating Authority. Sin and Crime in the Ottoman Empire and Turkey* (New York and London: Routledge, 2005), pp. 107–114.

74 TNA, FO 371/16981, E4957, 2 August 1933, pp. 81–3.

75 Cigerli, Sabri and Didier Le Saout, *Les Kurdes. L'émergence du nationalisme kurde (1874–1945) dans les archives diplomatiques françaises* (Paris: L'Harmattan, 2019), pp. 317–18.

76 Varlık, *Umumî Müfettişler*, p. 202.

77 BCA, 490.10.0. 1455.38.1, “Gümrük Tarife ve Kanunları ile Gümrük Muhafaza Teşkilatı Hakkında Bilgiler” [Customs duties and decrees, and information on the Organization of Customs Control], Ankara, July 1938, p. 40.

78 Of course, border guards were also victims of this low-level, albeit permanent, violence along the Turkish-Syrian border. Serving as a policeman or soldier in the border posts was indeed a dangerous job. Diplomatic records reveal that in many instances gendarmes and soldiers were assaulted and shot. On attacks on Syrian border agents, see for instance, CADN, FB, 1SL/1/V/2131, “Crime dans la region de Derbessie. Sûreté Générale”, Qamishli, 18 October 1940. For a Turkish assessment of these attacks, see for instance BCA, 30.10.0.0., 127.914.9, “Suriyeli Eşkiyanın Sınırımızı Geçerek Bir Erimizi Şehit Ettiği Hakkında Rapor” [A Report on the martyrdom of a Turkish soldier by a Syrian bandit who crossed into our borders], Ankara, 14 May 1929; BCA, 30.10.0.0., 128.920.35, “Diyarbakır, Koçhisar, Mardin ve Elâzığ’da Meydana Gelen Silahlı Çatışma, Adam Öldürme ve Soygun Olaylarına Dair” [About armed conflicts, murders, and thefts that took place in Diyarbakır, Koçhisar, Mardin and Elazığ], Ankara, 8 April 1931.

From Fugitives to Criminals: Contours of Legal Pluralism

Smugglers' cross-border mobility was not, however, the only concern in the eyes of Turkish and French mandate authorities. Border legal pluralism provided structures that enabled some subjects to outmanoeuvre the law and others to call it into play. As in most border regions, once fugitives crossed from one country to another, their status and the laws that applied to them changed. Unsurprisingly, much of the paperwork produced by border authorities was concerned with cross-border criminality and subsequent extradition requests. The types of crimes reported by both administrations as well as their social and economic impact varied, of course, from the almost banal theft of one mule (or ox, camel or cow) to cross-border raids perpetrated by bands of 300 men stealing up to 600 head of sheep⁷⁹ as well as instances of rape,⁸⁰ kidnapping,⁸¹ murder,⁸² and looting of goods – in particular, gold liras and jewellery.⁸³

The 1926 convention required the submission of extradition requests through the ordinary diplomatic channels, together with all the legal documents establishing the nature of the crime or offence. Nevertheless, it was only after the establishment of the Permanent Commission in 1929 that these diplomatic channels materialized, as the governors of the Turkish border provinces, such as Antep, Urfa, and Mardin, as well as the French adjunct-delegates of Latakia, Aleppo, and Deir ez Zor, gathered every six months to discuss all unsolved border-related issues, including extradition of criminals, exchange of stolen goods, and the disarmament of tribes on the frontier zone.⁸⁴ In addition, meetings between low-level officials took place on a regular basis, whilst minor frontier questions were settled on the spot.

79 BCA, 30.10.0.0., 128.922.14, "Suriyeli Aşiretlerin Sınır Tecavüzleri Hakkında Asayiş Raporu" [Report on public order about the border infringements by Syrian tribes], Urfa Gendarmerie, 4 July 1932.

80 CADN, FB, 1SL/1/V/2051, "Bulletin hebdomadaire (Qamishli)", 18–14 April 1943.

81 CADN, FB, 1SL/1/V/2126, "Services spéciaux (Alep) au Qaymmaqam de Birecik", Arab Pounar, 23 April 1938.

82 CADN, FB, 1SL/1/V/2145, "Procès-verbal de la réunion entre les autorités frontalières de premier degré à Jerablus", 11 October 1938; CADN, FB, 1SL/1/V/2145, "Deux citoyens turcs tués", Extraits du Bulletin, Alexandretta, 21 December 1938.

83 For details, see CADN, FB, 1SL/1/V/2155, "Statistiques sur les activités transfrontalières (1.1.1938 au 30.6.1939)".

84 BCA, 30.10.0.0., 230.549.3, "Beyrut'ta Toplanan Türkiye-Suriye Daimi Hudut Komisyonunca Verilen Kararlara İlişkin Türk Heyeti Başkanı Ali Galip Bey'in Raporu" [The Report by Ali Galip Bey, the head of the Turkish Delegation, on the decisions taken by the Permanent Commission of the Turkish-Syrian Border convened in Beirut], Urfa, 22 December 1929.

In 1935, Turkey and French Syria agreed upon a modification of the 1929 Frontier Protocol with regard to the surveillance of the Turkish-Syrian border. More precisely, Article 3 expanded the power of border authorities to arrest offenders as well as to take all measures in order to compensate any damages in the border area.⁸⁵ As bilateral cooperation against contraband and tribal cross-border raids bore some results by the mid-1930s, new challenges became more prominent in the correspondence exchanged and new agreements. In 1936, for instance, the Turkish consulate in Beirut submitted to the French High Commissioner an official demand for further collaboration between all Turkish and French mandate security services on three issues: judicial affairs (inquiries concerning petty criminals and, if relevant, their arrest); drug and women trafficking, forgery, and international crime; and, the fight against “the communist and terrorist movements”.⁸⁶ Following the official Turkish annexation of Alexandretta in 1939, the two countries signed in Ankara a new Convention of Friendship and Good Neighbourly Relations, which came to settle all territorial issues. In addition, the new text introduced some modifications to earlier versions in order to better fight against cross-border criminality while targeting in particular political activities against the respective governments.⁸⁷

Despite the negotiation of a working framework of bilateral cooperation along the Turkish-Syrian border, a number of factors complicated the neat application of regulations. Binationality was one such element, as the correspondence between the two border authorities reveals that an important number of borderlanders were holders of both passports at the same time. Taking advantage of their status, they could cross the border without being molested, while exploiting their privileged position either to take refuge in one of the two countries or to undertake illicit activities such as contraband.⁸⁸ Ultimately, unlike the 1929 Protocol, which did not sort out problems related to binationals, the 1940 new Convention of Friendship and Good Neighbourly Relations foresaw that “any acquisition of nationality, in any circumstances, if it is prior to an offence for which extradition of an individual is requested, will

85 CADN, Ankara, 36PO/1/153, “Echange de lettres relatif à la remise des criminels dans la zone frontalière turco-syrienne”, Direction des Affaires politiques et commerciales, Istanbul, 11 April 1935.

86 BCA, 30.18.1.2., 61.7.20, Beirut, 11 April 1936.

87 CADN, FB, 1SL/1/V/2136, “Convention syro-turque d’amitié et de bon voisinage, Gabriel Pauaux, Haut Commissaire de la RF en Syrie et au Liban à M. le Délégué du Haut Commissaire auprès de la République syrienne à Damas”, Beirut, 25 April 1940.

88 CADN, FB, 1SL/1/V/2145, “Répression de la contrebande en Syrie. Services spéciaux du Levant”, Afrin, 22 October 1940.

not be used as an obstacle to the delivery of offenders (...).⁸⁹ Nevertheless, by the early 1940s, borderlanders could still play off the existing legal pluralism in the border zone, particularly in the Upper Jazira which suffered from a belated delimitation of the Turkish-Syrian boundary and the poor quality of the civil registers. As such, thousands of inhabitants in the Syrian *caza* (district) of Tigris were not registered at all and in other cases they had obtained Syrian citizenship while keeping their Turkish passports.⁹⁰

Like smugglers, individuals taking refuge on the other side of the border also relied on networks of trust and older geographies. This was the case for women escaping from “honour killings” who tended to find shelter in the house of a male relative – often that of a brother, a cousin, or an uncle.⁹¹ Seemingly, women wishing to remarry or simply start a new life in the neighbouring country took refuge in their relatives’ households. At times, women arranged their own abduction by their “true lovers” in order to run away and get married on the other side of the border. However, elopement (*pê-revin* in Kurdish, *kaçışma* or *kaçma* in Turkish) could lead to subsequent acts of revenge from the “deserted” groom or husband’s clan.⁹² Although some “fugitive” women returned home either due to the mediation of relatives or the intervention of border authorities, correspondence between border authorities reveals that some cross-border movements were thoroughly planned. French authorities gave information, for instance, that a female Turkish national from Ziyaret (Urfa) had abandoned the village, with her daughter, leaving her husband behind. Crucially, she had also taken with her jewellery and the title deeds for house property. Once she crossed the border, she sought refuge in her parent’s house in Alishar (Syria) where she allegedly married another man.⁹³

In the same vein, far from being alien to the new legal and political developments, borderlanders were fully aware of the advantages legal pluralism offered to them. This was the case of Rabia, newly married to a Turkish citizen,

89 CADN, FB, 1SL/1/V/2145, “Répression de la contrebande en Syrie. Services spéciaux du Levant”, Afrin, 22 October 1940.

90 CADN, FB, 1SL/1/V/2195, “Sur les relations frontalières”, Lt. Lannurien (Services spéciaux à Ayn Diwar) au Délégué Adjoint du Haut Commissaire (Alep), Ayn Diwar, 9 April 1941.

91 CADN, 1SL/1/V/2161, Le Délégué Adjoint du Haut Commissaire à Alep au Lieutenant des Services spéciaux à Arab Pounar, Aleppo, 2 August 1937. On “honour killing” reports see, for instance, CADN, FB, 1SL/1/V/2134, “Rapport mensuel sur les relations frontalières”, Arab Pounar, 3 June 1938; CADN, 1SL/1/V/2144, Le Délégué Adjoint du Haut Commissaire à Alep à Selim Feyzi Gönen, Consul general de la Turquie à Alep, Aleppo, 12 December 1940.

92 See Yalçın-Heckmann, Lale, *Tribe and Kinship among the Kurds* (Frankfurt: Peter Lang, 1991), pp. 247–53.

93 CADN, 1SL/1/V/2134, Le Lieutenant Doumeyrou, Services spéciaux d’Ayn-el-Arab au Délégué Adjoint du Haut Commissaire à Alep, Ayn al-Arab, 1 August 1939.

who had abandoned her marital home by late 1939. As the marriage had not been consummated and since Rabia had been registered in 1922 as Syrian, the latter deserted her husband and moved into Syria. Despite Turkish claims for “extradition”, legally she could not be handed over to Turkish authorities.⁹⁴

In fact, “desertion” of the conjugal domicile was not included in the different conventions signed by both countries as a legitimate reason for extradition. Therefore, the official response to husbands’ claims depended by and large on border authorities’ willingness to cooperate or not in this matter. Against this backdrop, on-going diplomatic relations and personal views rather than transnational law could have an impact on officials’ decisions, ultimately based on their “discretionary power”.⁹⁵ In 1937, for instance, the adjunct-delegate to the French High Commissioner in the Aleppo province consented to hand over most of the “fugitive” women seeking shelter in Syrian territory, for they were perceived as “guilty” of marital desertion.⁹⁶ Three years later, however, the newly appointed adjunct-delegate in Aleppo argued that whilst the delivery of these women was indeed a common practice in the border area, there was no legal obligation resulting from the accords sealed with Turkey to follow such a policy. More importantly, the French official considered that deserting the conjugal domicile was not a crime or an act of brigandage. Consequently, restitution of women was not possible “unless we apply the same regime to women that we do for cattle”.⁹⁷

Borderlanders’ room for manoeuvre was not limitless, however. Despite mutual accusations, cooperation rather than conflict prevailed in Franco-Turkish relations from 1929 onwards. Moreover, correspondence exchanged on these very accusations show that we need to go beyond formal diplomatic channels to better understand how the Turkish-Syrian border – as a social institution – created its own dynamics and mobilities. According to French statistics, between 1929 and 1935, the French had released through informal channels 348 people out of 976 requests presented by Turkish authorities, that is 35.7 per cent. In contrast, Turkey had delivered 114 criminals out of 461 requests (24.7 per cent) to their French counterparts. The same problem remained with

94 CADN, FB, 1SL/1/V/2161, Services spéciaux, Ayn al-Arab, 16 February 1940.

95 On the notion of discretionary power see Lipsky, Michael, *Street-Level Bureaucracy. Dilemmas of the Individual in Public Services* (New York: Russel Sage Foundation, 1980).

96 CADN, FB, 1SL/1/V/2161, Le Délégué Adjoint du Haut Commissaire à Alep au Lieutenant (Services spéciaux) à Arab Pounar, Aleppo, 2 August 1937.

97 CADN, FB, 1SL/1/V/2144, Le Délégué Adjoint du Haut Commissaire à Alep au Lieutenant de la Gendarmerie Légion à Azaz, Aleppo, 7 February 1940. See also Tejel, Jordi, “Des femmes contre des moutons: franchissements féminins de la frontière turco-syrienne (1929–1944)”, 20&21. *Revue d'histoire*, 145 (2020), 35–48.

regard to official extradition procedures: while Turkey had delivered only one individual out of 25 demands (four per cent), French authorities had extradited seven people out of 52 regular requests (13.46 per cent).⁹⁸

Whether accurate or not, these statistics reveal that informal arrangements were more frequent than official extradition procedures. Everyday practices at the border were thus heavily informed by ground-level customary cooperation between low-level officials who could favour informal arrangements, regardless of political tensions and limitations of legal texts.⁹⁹ In Turkey, although the first general inspectorate and provincial governors played a central role in monitoring the security situation in the provinces adjacent to the Turkish-Syrian border,¹⁰⁰ the frontier officials on both sides were granted definite authority with a view to expediting necessary transactions about outlaws and criminals and dealing with them in such a way as to be a deterrent to others. Thus, for instance, persons arrested for committing highway robberies and crimes in the frontier zone and escaping to the corresponding zone, were returned with their loot and arms without an extradition procedure.¹⁰¹ Therefore, as in other border areas, “the proximity of multiple, often conflicting judicial authorities made the frontier a ‘zone’: a particular space differentiated from nearby areas in terms of the rules that applied or were suspended there”.¹⁰²

98 CADN, FB, 1SL/1/V/2144, “Extradition d’individus par les autorités turques et syriennes”, Le Haut Commissaire de la France à Basri Riza Bey, Consul général de la Turquie à Beyrouth, Beirut, 15 February 1935.

99 For a list of cases “solved” on the spot thanks to informal extraditions of criminals and fugitives, see for instance CADN, FB, 1SL/1/V/2134, “Rapport mensuel sur l’application des accords frontaliers”, Services spéciaux, Arab Pounar, 1 February 1938.

100 Koçak, Cemil, *Umumî Müfettişlikler (1927–1952)* [General Inspectorships (1927–1952)] (Istanbul: İletişim Yayınları, 2003), pp. 72–81.

101 The method to be adopted for returning criminals without an extradition procedure was as follows: a) the *Qaimmaqams* of the frontier *cazas* of both governments informed the frontier authorities of the corresponding side of such criminals and on receipt of this information the corresponding side immediately arrested the person wanted by either of the governments; b) after this action had been carried out, the criminals were returned on request either by the Frontier *vali* on the Turkish side or the Services spéciaux of the *mohafazat* on the Syrian side; c) the handing over into custody was to be carried out only on the request of these authorities and in this manner, and such requests had to contain a description of the criminal and of the nature, date, and place of the crime as well as other particulars. The same informal system was implemented at the Turkish-Iraqi border from 1930 onwards. See TNA, AIR 23/374, “Procès-Verbal of the 8th Permanent Frontier Commission held at Mardin”, Air Headquarters (Himaidi) to Special Service Officer (Arbil and Mosul), Himaidi, 27 November 1930.

102 Beverley, Eric Lewis, “Frontier as resource: law, crime, and sovereignty on the margins of empire”, *Comparative Studies in Society and History*, 55/2 (2013), pp. 243–4.

Ground-level cooperation also included other minor affairs such as the restitution of lost animals (e.g. mostly sheep, goats, and donkeys) and borderlanders, particularly children, in part because the lack of any significant physical barriers along the shared border meant that humans and animals accidentally penetrated into either Syrian or Turkish territory. More often than not, border authorities simply delivered them without producing paperwork: “47 goats and sheep accidentally penetrated into Syria. They were delivered to the Qaimmaqam of Suruç”.¹⁰³

Finally, the frontier officials took responsibility for mediating between local populations in order to avoid endless rounds of cross-border tribal raids gearing up to dispense “justice” according to customary law. Either individually or collectively perpetrated, a crime committed against another tribe reflected on the whole clan. As such, the tribal chieftains played a central part in either the resolution or irresolution of a given conflict.¹⁰⁴ Chieftains’ position was, nevertheless, reinforced by border authorities, which sought to consolidate social connectors between the state authorities and the tribesmen. Naturally thus, border authorities and tribal leaders were in constant contact in order to secure peace and stability along the Turkish-Syrian border.¹⁰⁵

In some instances, the actual resolution of the registered problem by the frontier officials was less important than re-establishing a certain equilibrium between borderland tribes. On 17 July 1933, for instance, the chief of the Syrian Milli tribe had allegedly stolen 58 oxen in the Siverek area (Turkey). During the meeting of the secondary authorities held in Akçakale in January 1934, the Turkish delegate stated that 27 oxen were still in the possession of Milli Mehmed Bey, while the remaining ones had since been sold. Thereafter, it was decided to examine this case, together with the subsequent theft of 400 sheep that resulted from the confrontation between two opposing tribes. After a series of meetings, both chieftains put aside their mutual claims, although the stolen oxen had not been restored.¹⁰⁶

Precisely, because keeping stability along the border zone and/or good relations with local chieftains was crucial for frontier officials, the latter accepted

103 For several instances of restitution of lost animals, see for instance CADN, FB, 1SL/1/V/2134, Rapport bi-hebdomadaire sur l'application de l'Accord d'Ankara, Ayn al-Arab, 22 January 1941.

104 van der Steen, *Near Eastern Tribal Societies during the Nineteenth Century*, p. 117.

105 See Velud, “La politique mandataire française”. For a similar argument with regard to British Iraq, see Dodge, Toby, *Inventing Iraq: the Failure of Nation Building and a Future Denied* (New York: Columbia University Press, 2003), pp. 83–100.

106 CADN, FA, 36PO/153, “Septième session de la Commission Permanente frontalière”, Damascus, 29 June 1935.

the tribal customs as the new 'normal'. Reports from the border zone and local newspapers are riddled with examples in which groups of tribesmen illegally crossed the boundary to abduct cattle and women, in order to claim justice and compensation.¹⁰⁷ Moreover, as the British did in Iraq, at the insistence of the French officials, provision for a separate tribal jurisdiction was included in the French mandate's legal regime. Thus, crimes committed between tribes were not brought before civil courts; only offenses perpetrated between sedentary populations or by tribes against settlers were submitted to regular tribunals.¹⁰⁸

According to these regulations, in the settlement of blood feuds, tribes required the guilty party, in addition to paying "blood money" (*diyet*), to hand over one or more women from his clan to the family of the victim for the purpose of marriage.¹⁰⁹ Importantly, the woman in question "continued to belong to her own kin group even though she lived in the tribe of her husband".¹¹⁰ Therefore, by borrowing pre-existing Ottoman legal frameworks under the pretext of tradition – albeit adapting it to new purposes – Turkish and French authorities came to encourage practices that paradoxically not only entailed further cross-border infringements but also helped (re)-connect older geographies despite the establishment of new boundaries.

Conclusion

Introduced in 1921 after contentious negotiations between the Kemalist resistance and French authorities, the Turkish-Syrian border quickly became the very site of interstate competition, testing the viability of the post-war settlement between the two countries, if not across the region. As such, the border quickly turned into a zone of low intensity guerrilla warfare, as the coming of colonial authority to the Levant continued to be challenged by a plethora of actors, with differing agendas. From 1925 onwards, however, the regional developments dictated the delimitation of the border, thereby starting a lengthy process that would ultimately result in the emergence of a boundary regime by 1929. As such, the authorities on both sides of the border committed themselves

107 "Suriye'ye Kadın Kaçırın Haydutlar" [Bandits who abducted women to Syria], *Akşam*, 20 August 1929; On the common practice of abducting women in exchange for cattle, see CADN, 1SL/1/V/2051, "Bulletin d'information hebdomadaire, du 27.12.1942 au 3.1.1943", *Ras al-Ayn*, 4 January 1943.

108 CADN, FB, 1SL/1/V/988, "Législation bédouine", Beirut, 11 July 1929.

109 Efrati, Nora, *Women in Iraq. Past Meets Present* (New York: Columbia University Press, 2012), p. 23.

110 van der Steen, *Near Eastern Tribal Societies during the Nineteenth Century*, p. 218.

to settling border issues through bilateral commissions which would feature the participation of local administrators. It had therefore taken nearly a decade for French and Turkish authorities to negotiate a *new* regime of mobility that was poised to regulate the cross-border circuits of labour, exchange, and travel, in a piece of land now divided by an international frontier.

The willingness of the French and the Turks to cooperate in surveilling the border, however, encountered serious challenges, particularly after the Global Depression in 1929 – an important watershed that reshuffled the existing commodity, labour, and capital flows. The developments across the Turkish-Syrian border soon began to reflect some of these globally-rooted changes, as the borderlanders – impoverished by the economic downturn – began to plug themselves into increasingly profitable illicit networks that crisscrossed the border zone. Eager to contain these illegal linkages, Ankara not only passed anti-smuggling legislations, but also started demarcating the border further by increasing the number of border posts, gates, and mechanized and cavalry units. The cross-border nature of smuggling also pushed Turkish authorities to cooperate more directly with their French counterparts from the early 1930s onwards. The border was as much a resource for smugglers, however, as it was for fugitive women and a variety of ‘criminals’ accused of theft, murder, and kidnapping. Borderlanders’ agency had an ambivalent impact, though. Each time those criminalized by one border authority found refuge across the border, their crossings further consolidated the institutionalisation of the border, contributing decisively to the continuous reshuffling of the emerging regime of mobility in the Turkish-Syrian borderland.

Acknowledgements

This chapter has received funding from the European Research Council (ERC) under the European Union’s Horizon 2020 research and innovation approval (Grant Agreement No. 725269).