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Expropriating the dead in Turkey: how the Armenian quarter of İzmir became *Kültürpark*

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ABSTRACT

The İzmir fire of 1922, as well as the subsequent re-building of the area of the fire according to a new master plan, have been studied quite extensively. But so far, nobody has looked into the politics of the 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 them within the history of the dispossession of Armenians and Orthodox Greeks in the late Ottoman Empire and early republican Turkey. As Morack shows, 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 archives in Germany, Turkey, the United Kingdom and the United States, this article shows that Armenian compensation claims were appropriated by the İzmir municipality and other state agencies. This, however, aroused the interest of the national treasury, which in 1941 claimed those compensation sums that should have been paid for plots in the former Armenian quarter now covered by a large park known as *Kültürpark*. Morack argues that the treasury did so because the Abandoned Property Law of 1922 had officially made it the universal custodian of 'disappeared' (*mütegayyip*) property owners.

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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 in Turkey, İzmir is an important centre 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 centre of town known as *Kültürpark*. The park, which was modelled after Gorki Park in Moscow and covers an area of 42 ha, houses the premises of İzmir International Fair, an amusement park, an art centre, various sport facilities and an open-air theatre. But, most importantly, it is a vast green space in a densely populated



Figure 1. View of Kültürpark from Kadifekale. Source: Wikipedia, CC BY-SA 3.0.

city that, apart from the seaside boulevard, does not offer much else in the way of freely accessible recreational facilities.

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, and that of a massacre in the Armenian quarter that it helped to cover up, has been estimated at between 80,000 and 180,000 – with the higher estimate seeming 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 also helped to (almost) erase the memory of the atrocities committed in this location.³ Opened in 1936, *Kültürpark* forms an important part of the modified 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: the expropriation of property in the fire area, which was performed in the late 1920s before the new plan was implemented.

This article aims at filling that lacuna. Primary sources obtained from the Republican Archive in Ankara, from the National Archives at London/Kew Gardens, the Ahmet Pıřtina İzmir City Research Centre’s newspaper archive and the Evangelisches Zentralarchiv in Berlin, show that the expropriation of property in the fire area forms



Figure 2. Map of Izmir's old city indicating the fire area. Courtesy of Mr. George Poulimenos.

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 to land and other assets stolen and seized from non-Muslim owners in late Ottoman and early Turkish republican times. Although the term is never mentioned in the documents studied here, this paper shows that the



Figure 3. Downtown İzmir today. Source: openstreetmap.org ©openstreetmap contributors.

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 administrative procedures and debates discussed here were about much more than just an urban renewal project. I argue that they served at least three purposes that often overlapped, but which should be kept apart conceptually. The first of these purposes was expropriation, i.e. the legal procedure by which the municipality took away property rights from owners in the fire area in order to use their land for the implementation of a new master plan. The procedure arguably served the public good, and since many owners

were compensated for their losses, this part of the story is a relatively harmless one of 'real' expropriation. Dispossession, on the other hand, is the illegal act that takes assets such as land away from people who used to own them (with or without holding property rights). Dispossession is basically theft and therefore illegal in constitutional states, including the late Ottoman Empire and the Republic of Turkey. Unfortunately, many authors studying the economic side of the Armenian Genocide, which involved massive dispossession, speak of 'expropriation' when they really mean 'dispossession'.⁵ Crucially, dispossession was often covered up with laws that pretended to be protecting property rights while actually serving the opposite purpose. These laws only affected Armenians and other non-Muslims. In the İzmir case, however, many owners really were expropriated, while those who were subject to the 'abandoned property' laws were *de facto* dispossessed. The bureaucrats involved in the process ignored this interplay of the two laws. In this way, they could delude themselves and others into believing that they were simply performing a rather pedestrian bureaucratic act.

A third conceptual issue concerns the social function of the discussions studied here. Kolluoğlu-Kırlı has argued that the fire was actively forgotten and that it, symbolically speaking, was an act of punishment against the city's Christian population.⁶ I agree, and argue that the expropriation made it possible to discuss the effects of the fire – and its supposedly positive effects, namely, the dispossession of the Christians – while hardly ever mentioning the fire itself. This means that the expropriation and the discussions around it were part of the process of forgetting the fire. Several years later, the implementation of an urban renewal plan in the fire zone removed all spatial reference points for remembrance of pre-1922 people, buildings or events in the destroyed neighbourhoods, making it easier for the new Muslim majority population to also forget their former non-Muslim neighbours and the violence that had been used against them. The erasure of the former street plan also made future attempts at challenging the dispossession all but impossible.

İzmir and abandoned property policies

During the Armenian Genocide, the Young Turk regime passed a set of laws and regulations 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.⁷ Following the original owner's deportation or killing, commissions in charge of liquidating their property were formed all over the country. We know that commission members, far from protecting the property, usually either channelled Armenian assets into their own hands, or sold them off to the Muslim population at prices that amounted to virtually nothing.⁸ A similar set of rules was spelt 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 regulations foresaw not the liquidation, but the protection of their property. The regulations for Greek property also spelt out that refugees could be settled in 'abandoned' homes.⁹

The Ottoman defeat in the First World War 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.¹⁰ 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 endeavour which, however, was usually resented by the Muslim population.¹¹ 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.¹² 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.¹³ 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 an important motivating factor for Muslims for supporting this emerging movement of resistance against the Allied occupation.¹⁴

Until 1922, İzmir's urban Christian communities, unlike those in the surrounding countryside, were relatively unaffected by anti-Christian violence and dispossession.¹⁵ The province's wartime governor Rahmi Bey, along with the numerous foreign consulates in town, seems to have protected the city's Armenians from deportation.¹⁶ 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.¹⁷

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 wartime 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.¹⁸ 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.¹⁹

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.²⁰ The great fire of İzmir, which was started in more than a dozen locations on 12 September 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.²¹ 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.²² Several eyewitness accounts in the British National Archives describe Turkish soldiers and irregulars as having set the Armenian quarter ablaze.²³ 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.²⁴ Oral history research conducted in the early 2000s points to a ‘conspiracy of silence’ concerning the fire in post-1922 İzmir.²⁵ 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 burnt a neighbour’s house – and his own along with it.²⁶

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.²⁷ 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.²⁸ 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.²⁹

The Danger Plan and the buildings law

Having destroyed 75% of all downtown buildings in an area covering 300 ha, the fire left a giant hole in the fabric of the city.³⁰ 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.³¹

The dust had not quite settled when local newspapers started to discuss the possible rebuilding of the fire area. Already during the war, Mustafa Kemal (Atatürk) had corresponded with Maréchal Lyautey, the French military governor of Morocco, who seems to have recommended Henri Prost for the renewal project. Prost, in turn, recommended the Danger brothers.³² In 1923, the city commissioned René and Raymond Danger and Henri Prost with drawing up a completely new plan, which was approved in 1925.³³ The trio was also tasked with re-designing the burnt towns of Uşak and Manisa. In the 1930s, René Danger also worked in the – largely intact – old cities of Aleppo, Alexandrette, Beirut and Damascus in French Mandate Syria and Lebanon.³⁴

The Dangers, who developed their plan in consultation with Prost and with a municipal commission that included several doctors, designed it in accordance with the roughly triangular shape of the area, which is bordered by the sea-line to the west, the Kasaba railway to the east, and the remaining quarters to the south (the northernmost tip of the triangle, present-day Alsancak, had also remained intact). The plan covered not only the burnt area, but also other parts of the city, projecting a new harbour and a geometrical system of wide avenues, roundabouts and plazas.³⁵ We know that their idea

to demolish even more of the remaining city fell on deaf ears with the municipal commission.³⁶ On the other hand, Prost, unlike the municipality, was keen to preserve the few buildings that had survived (notably churches), most of which were eventually demolished.³⁷ Although it was not fully implemented and considerably changed in the 1930s, the Danger plan nevertheless characterizes downtown İzmir to this day. In this, it differs from an even more radical plan that Le Corbusier submitted in 1948, which was never implemented.³⁸

In the 1920s, in order to create the new system of streets, the municipality decided to expropriate all property 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.³⁹

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 across the country to treat urban land in areas where more than 150 buildings had burnt down as agricultural land.⁴⁰ Municipalities could thus expropriate the plots at very low cost. The law was relevant not only for İzmir, but also for towns such as Salihli, Kasaba and Manisa, large parts of which had burnt down at the end of the Greco-Turkish war in 1922.⁴¹ 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. It is immediately obvious that it was far easier (and more profitable) to re-develop the burnt area than to do the same with surviving parts of the city, whose expropriation would have been harder to enforce and much more expensive.

According to the Buildings Law, property owners were supposed to be given vouchers that were later to be accepted in lieu of cash at 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.⁴² The commissions were also charged with drawing up a cadastral map of the area in question.⁴³

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.⁴⁴ The [Turkish] İzmir chamber of commerce's council discussed the matter on

31 January 1926. According to their minutes, the municipality's scheme would have provided them with compensation (about 10,000 lira) for the chamber's old plot that covered about half of the new plot's price (about 20,000).⁴⁵ In order to counter this, the council sent three representatives to negotiate for a plot-for-plot scheme.⁴⁶ Individual 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) entitled 'The Municipality is Not a Merchant' on 29 January 1926.⁴⁷ Besim cited the mayor (Hüseyin Aziz Akyürek) as having said that the city had made a profit of 5 million lira with the Buildings 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, provided that the municipality made that money with property owned by 'disappeared' (*mütegayyip*) people, i.e. Christians who had been forced to leave. However, he reminded the mayor that about 6% 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 'disappeared' owners here. The burnt area was made up mainly of three quarters: the Greek Orthodox; the Armenian; and the 'Frankish', where many Levantine families had lived and most internationally operating businesses had been located. Though Ottoman neighbourhoods 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 did not 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.⁴⁸ The expropriation scheme therefore mainly concerned people who were simply unable to claim their compensation voucher, and who were treated as 'disappeared' or 'fugitive' (*firari*) people in accordance with 'abandoned' property legislation. As explained earlier, 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 national treasury the most 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.⁴⁹ The insurance companies, however, refused to 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.⁵⁰ 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 and Royal

Exchange) for payment of insurance sums (5000, 10,000, 10,000 and 20,000 Turkish lira, respectively) in local courts in May and June 1923. The local representatives of those companies did not appear in court (the report does not mention whether they were still residing 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 judgements against the companies in three of those cases, but the consular records contain no information regarding actual payments.⁵¹ In 1924, the American Tobacco Company sued the Guardian Assurance Company in a London court for payment of US\$600,000 for the damage caused by the İzmir fire. Housepian reports: 'It was understood that the outcome of the trial would govern other claims totalling 100,000,000 USD.' The London High Court of Justice, however, decided in favour of the defendant in December 1924.⁵² I have been unable to find evidence of another attempt at suing the insurance companies in connection with the İzmir fire.

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 (probably meaning both 'real' foreigners and Levantines) in the fire area to keep their plots on condition that they paid 25% of their present value as a contribution to the reconstruction project:

After the fire, the municipality obtained the right from the government to expropriate all plots. The municipal commission in charge of this determined ridiculously low prices for [the plots]. The Turkish notables, who owned substantial property in the burned quarter, and particularly along the quays, however, vehemently opposed the injustice of having their plots taken away from them after they had already suffered so much from the fire. Therefore, on December 26, it was decreed that Turks and Europeans can keep their registered real estate if they pay a utility connection charge of 25 % of the current estimated price [of the plot] for the new streets to the municipality, either in cash or in kind.⁵³

The İzmir municipality later stated that a total of 10,186 expropriations had been completed. The total value of the expropriated land was given as 2,234,427 lira. Since the fire area covered 300 ha (3,000,000 m²), this suggests that the average price per m² was appraised at only 0.74 lira. According to the municipality, it had given out 1,306,532 lira in compensation vouchers. The expropriations seem also to have affected other state agencies: vouchers for 162,773 lira were given to the national treasury; 64,371 lira to pious endowments (which by 1926 were under state control); and 20,873 lira to the provincial administration.⁵⁴ The remaining 1,058,515 lira in vouchers were apparently given to businesses, banks and individual owners who are not specified.

The national treasury, (Muslim) pious endowments and the provincial administration certainly owned property in the area not covered by *Kültürpark* and were therefore compensated accordingly. That said, the vouchers given to the national treasury probably also included claims of Armenian and mainland Greek individuals, companies and institutions.⁵⁵ Those issued to Muslim pious foundations may have included the claims belonging to Greek Orthodox churches, and those given to the provincial administration vouchers that belonged to Ottoman Greeks.⁵⁶ For a sum of 927,894.38 lira, no vouchers were issued because no one had claimed them.⁵⁷ These numbers were given in 1961, in

the context of a court case I shall discuss later. It seems that the vouchers that were issued were for those parts of the burnt area where reconstruction took place, while those that were not 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).⁵⁸ 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 9,980,000 lira in 1938.⁵⁹

The German Protestant church

The German Protestant community, whose church and community centre had burnt to the ground, was among those foreign institutions directly affected by the expropriation scheme for the fire area. The reports preserved 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 by the church, this sum was eventually doubled to 2.5 lira per square metre or 1576.42 lira.⁶⁰ As a result of the war and the 1922 fire, the community barely existed at this point.⁶¹ From 1924 onwards, their affairs were handled by the German consul who, after prolonged communications with the central administration for churches abroad in Berlin (Auslandskirchenamt), sold the voucher for 90% of its nominal value in 1926. At this point, the local community was not aware of this step.

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:

With the new city plan, our church property has become a very valuable one, namely the corner of a main road. Nearby plots have, already a year ago, been sold for up to 20,000 Turkish Lira per square metre, this means for our plot ca. 1,400,000 Turkish Lira or 28,000 [Reichs]Mark.⁶²

The new city plan

The main obstacle to 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 1929.⁶³ 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 endeavour as 'Ltqs 150,000,000 [150 million Turkish Lira]. [S]urely a small sum in terms of American finance.'⁶⁴ The former İzmir mayor Tahsin Bey (who at that point was serving as deputy for İzmir 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.⁶⁵

Tahsin Bey's choice of words is characteristic for politicians of his generation in the late Ottoman Empire and many of its successor states, who considered traditional cultural forms as 'primitive' and were keen to replace them with 'modern' European ones.⁶⁶ In Turkey, urban planning was a key arena of this modernization project, which was supposed to show the world that Turkey (unlike the Ottoman Empire, which was now considered backward), had caught up with the West.⁶⁷

The American report, however, was not concerned with the cultural politics of modernization, but with financial interests. Its author 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.⁶⁸ 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 instalments.⁶⁹ One newspaper reported that buyers who had paid the first instalment in 1925 had to ask for municipal loans in order to pay the second in 1926.⁷⁰ 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 instalments from 8 to 20 in order to allow people to pay off their loans.⁷¹ The whole issue had, in other words, created a speculative bubble. Another adjustment to the economic crisis was a programme that enabled working-class families to obtain land in the area affected by the fire for free, in return for clearing it from rubble.⁷²

Lack of money was also the reason why *Kültürpark* became much bigger than foreseen in the Danger Plan.⁷³ The actual construction of the new city centre 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.⁷⁴ 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 20 new buildings were under construction.⁷⁵ Large-scale construction started only in the 1930s. The İzmir Fair, which is to this day located in *Kültürpark*, was opened in 1937.⁷⁶

The court case: national treasury vs. municipality

Greek, Armenian and other 'disappeared' 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 20 years. The following discussion is based on a report drawn up at the *devlet şurası*, the cassation court of the Republic of Turkey.⁷⁷ The report sums up the arguments exchanged and explains the terms of an amicable agreement reached in 1960.

In 1941, the national treasury sued the İzmir municipality, in order to prevent the lapse of time (apparently 20 years), for payment of vouchers worth more than a million lira, which it claimed equalled the compensation claims of people who had ‘fled’, ‘disappeared’ or had become part of the population exchange in the area now covered by *Kültürpark*.⁷⁸ This sum more or less matched the one that the municipality admitted to not having paid (or, rather, not issued in bonds) because the ‘claimants could not be found’: 927,894.38 lira, roughly a million. Divided through the area covered by *Kültürpark* (420,000 m²), this suggests a compensation rate of 2.2 per square metre, which is close to the 2.5 lira per square metre that the German church community was given.

The document never states this, but the treasury had, since 1922, acted as universal custodian of all ‘disappeared’ people, a category that since 1923 (the Greek-Turkish population exchange) mostly referred to Armenians (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 İzmir municipality, on the other hand, claimed to have assessed compensation claims according to a list based on the 1912 tax register, which had been ‘destroyed by fire’.⁷⁹ 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 with a completely new street plan and *Kültürpark*. 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 20 years later.

The municipality furthermore argued that there was no legal basis for the national treasury’s claim because land in the fire area had been subject to *örfi belde*, a form of double ownership in which one person could own a plot and another the house built on it. Since all the houses had burnt down, there was nothing to claim.⁸⁰ Claims for plots, on the other hand, were only possible if the treasury had inherited them through the owners’ passing without heirs.⁸¹ With this last argument, the municipality apparently refused to acknowledge that the treasury *officially* acted as custodian of Armenian property while *de facto* functioning as their heir. The municipality refused to accept the fiction of custodianship in order to fend off the treasury’s claim. Unfortunately, the report does not mention if and how the national treasury countered this argument.

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 1924–47. I think that this did not 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 document does not mention whether anyone pointed this out though, or whether it was a standard procedure). The municipality also deducted a 10% fine for late payment of those fees. The sum it agreed to pay was 52,170 lira, or 5% of the sum the treasury had claimed.

Conclusion

Far from being a simple bureaucratic act, the expropriation of the İzmir fire area was a multi-faceted, over-determined 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 1941–61 were intertwined. Applied together, the first three 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 more closely, they reveal very concrete strategies at justifying and legitimizing the large-scale violent dispossession of İzmir's Christians, as well as the appropriation of their assets. In the court case between municipality and treasury, the municipality simply stated that it had been unable to 'find' the owners of expropriated plots in the Armenian quarter. In order to counter that assertion, the treasury would have had to admit that the people in question were dead. If it had done so, however, it would have exposed the feebleness of its own pretension to 'represent' those owners. The municipality, in turn, successfully argued that the treasury was not the rightful heir of the expropriated property owners. Ultimately, neither the municipality nor the national treasury seem to have been interested in acknowledging what had really happened and therefore appear as ultimately cooperating in order to cover up the unlawful dispossession of Armenian property owners.

Notes

1. The İzmir fire, one of the most catastrophic of the twentieth 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*. Kolluoğlu-Kırlı calculates the number of survivors who were evacuated to Greece against estimates regarding the number of refugees who were in the city when the fire started. She concludes that no less than 100,000 people were killed either by or during the fire. Kolluoğlu-Kırlı, "Forgetting," 31. For diplomatic reports describing the events in the Armenian quarter, see Morack, *Dowry*, 183–4.
3. Mansel, *Levant*, 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. Standard Turkish works that cover the reconstruction of İzmir are Baran, *Bir Kentin Yeniden Yapılanması*; Serçe et al., *Küllerinden Doğan Şehir*.
5. This is true for Üngör, *The Making of Modern*, Polatel and Üngör, *Confiscation and Destruction*; Kurt, "Legal and Official Plunder"; and Kurt, "Theatres of Violence."
6. Kolluoğlu-Kırlı, "Forgetting the Smyrna Fire."
7. For a descriptive account of that legislation in Turkish, see Onaran, *Emvâl-i Metrûke Olayı*; Onaran, *Cumhuriyet'te Ermeni ve Rum*.
8. See Polatel and Üngör, *Confiscation and Destruction*; Akçam and Kurt, *Spirit of the Laws*.
9. Efiloğlu and İvecan, "Rum Emvâl-i Metrûkesinin İdaresi."
10. Polatel and Üngör, *Confiscation*, 97.
11. On clashes between returning Greek Orthodox people and Muslims in western Anatolia, see Morack, "The Ottoman Greeks."
12. For a discussion of this period of imperial twilight, see Gingeras, *Fall of the Sultanate*.

13. See Gingeras, *Sorrowful Shores*.
14. See Dündar, *Modern Türkiyenin Şifresi*, 245.
15. The Greeks of coastal towns and villages were subject to a campaign of harassment and intimidation in 1913/14. See, for instance, Erol, *Ottoman Crisis*.
16. Fuhrmann, "Spies, Victims, Collaborators," 202; Mansel, *Levant*, 215.
17. For a study of the post-1922 application of 'abandoned' property laws, see Morack, *Dowry of the State*.
18. This transpires from an explanation given by the then minister of finance in the Ankara government during a debate about the abandoned property bill. See *Dowry of the State*, 155.
19. See Morack, *Dowry of the State*, 123–79.
20. For an account of that debate, see Koraltürk, *Erken Cumhuriyet Döneminde*, 84–9.
21. See, for instance, Yalman, *Yakın Tarihte Gördüklerimiz*, 7–8.
22. Housepian, *Smyrna 1922*; Mansel, *Levant*.
23. See particularly FO 371/9111/E 620.
24. 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.
25. Neyzi, "Remembering Smyrna/İzmir," 118.
26. 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.
27. See Mansel, *Levant*; Tusan, *Smyrna's Ashes*.
28. See Morack, *Dowry of the State*, 188–95.
29. See Arı, "Yunan İşgalinden sonra İzmir."
30. Hastaoglu-Martinidis, "Urban Aesthetics and National Identity," 170.
31. NARA, Smyrna Consular Records, Box 0012, "Smyrna Fire," Smyrna, Asia Minor, 4 November 1922.
32. Bilisel, "Ideology and Urbanism During the Republican Period," 17.
33. Kontente, *Smyrne et l'Occident*, 801; Mansel, *Levant*, 232. Historians tend to name only René Danger, while specialists in urban planning (such as Hastaoglu-Martinidis) also mention his brother Raymond.
34. Hastaoglu-Martinidis, "Urban Aesthetics and National Identity."
35. A good reproduction of the Danger plan can be found in *Ibid.*, 173.
36. Bilisel, "Ideology and Urbanism During the Republican Period," 17–18.
37. Amygdalou, "Building the Nation," 11.
38. *Ibid.*, 25–6; Hastaoglu-Martinidis, "Urban Aesthetics and National Identity," 174.
39. Earle, "New Constitution of Turkey," 97. Italics mine.
40. The buildings law was issued on 19 April 1925. §1: 'Bir dairei belediye muntakası 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.
41. 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.
42. 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.
43. "Üçü belediye meclisi ve üçü harikzedeler tarafından müntehap olmak üzere altı azadan müteşekkil bir heyet yangın mahallerinde arsaların hali hazır kıymetlerini ayrı ayrı takdir ve kadastro plânlarını mahallinde tatbik ve tasdik ederek." Ebniye Kanunu, (see note 40), § 4.

44. FO 371/10870/E 3682. The file contains an (almost illegible) French translation of the buildings Law.
45. One of the anonymous reviewers has suggested that the prices given in Turkish lira might actually refer to *kuruş* – they do not. By the early republican period, massive inflation during the war years had led to the *lira* replacing the *kuruş* as the unit in which rents and real estate prices were calculated. In 1927, new banknotes with the denominations of 1,5,10, 50, 100, 500 and 1000 Turkish lira were issued. Daily wages and prices for staple foods continued to be calculated and paid in *kuruş* coins (100 *kuruş* equalling 1 *lira*). Throughout early republican history, the biggest coin in circulation was worth 1 *lira*. For rents, wages and bread prices in 1920s İzmir, see Morack, “Turkifying Poverty.”
46. Session 31 January 1926. Yılmaz, *İzmir Ticaret Odası*, 1926–1930, 54–5. The minutes do not seem to discuss the matter again, suggesting that an arrangement satisfactory for the chamber was found.
47. Zeynel Besim, “Belediye Tüccar Değildir,” in *Yanık Yurt*, 29 January 1926. APİKAM İzmir Milli Kütüphane Gazeteler Fonu.
48. With ‘Levantine’, I mean people of European (often, but not exclusively, Italian and French) descent whose families had been living in İzmir for a long time and who continued to hold citizenship of those countries. These people were usually multilingual.
49. These are the 1905 Charles E. Goad map and the 1913 Ernest Bon map. For the first, see <https://earthworks.stanford.edu/catalog/harvard-h009375491-0001>. For the latter, see http://www.levantineheritage.com/i/bonmap_l.jpg.
50. 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.
51. Urquhart to British High Commissioner in Constantinople, Smyrna, 7 April 1923, FO 371/9108/E 63110.
52. For a discussion of the case, see Housepian, *Smyrna 1922*, 230.
53. ‘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.’ Ernst Glock to Pfarrer Graf von Lüttichau, Kaiserswerth, Smyrna, 24 February 1929, EZAB 122/119.
54. ‘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 İdareye olmak üzere Belediyece 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 on page 12.
55. This would have been in accordance with the Abandoned Property Law of 1922.
56. Both according to the 1923 Convention on the Population Exchange between Greece and Turkey. The provincial branches of the Ministry of the Interior were in charge of settling incoming Muslims from Greece in houses of Ottoman Greeks. Whether or not church property really went to Muslim pious foundations is unclear: see Morack, *Dowry of the State*, 264–7.
57. The municipality ‘paid’ for expropriations in vouchers only, and they could only be used in the auctions of plots. In the 1920s, not handing them out therefore merely increased the profit made in the auctions.
58. Baran, *Bir Kentin Yeniden Yapılanması*, 71.
59. Baran, *Bir Kentin Yeniden Yapılanması*, 81–2.
60. Deutsches Generalkonsulat Süd- und West- Anatolien, J, Nr. 1301/25, Smyrna, den 20. Februar 1926, EZAB, EZA [5]/[1965].

61. One of the anonymous reviewers has asked whether the German Protestants were Ottoman citizens or Levantines, raising the question of what exactly I mean by 'Levantines'. In my understanding, Levantines are locals: they have a distinctly Eastern Mediterranean, cosmopolitan culture and a sense of belonging in the port cities they live (or lived) in. By contrast, the few German merchant families that remained in İzmir after 1922 were staunch German nationalists and do not seem to have spoken Greek or Turkish (with the lack of the latter sometimes creating problems for them). While it is likely that they had social intercourse with 'real' Levantines, I think that their *Lebensgefühl* was different.
62. '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' (emphasis as in the original). Smyrna Protestant community to EOK, April 24, April 1929, EZAB, EZA [5]/[1965]. The calculation is correct. One pound sterling was worth 1008 Turkish lira on 24 April 1929, and one pound sterling equalled 20 Reichsmark: *Levant Trade Review* 17, no. 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 28,000 RM in 1929 would today be about that of 95,200 euro. See https://www.bundesbank.de/Redaktion/DE/Downloads/Statistiken/Unternehmen_Und_Private_Haushalte/Preise/kaufkraftaequivalente_historischer_betrage_in_deutschen_waehrungen.pdf?__blob=publicationFile.
63. See Emrence, "Turkey in Economic Crisis"; Morack, "Turkifying Poverty."
64. NARA, Smyrna Confidential Reports 1922–24, vol. 070, 72–79.
65. Ibid.
66. This political agenda is sometimes described as Kemalism, even for countries other than Turkey. For a good overview, see Clayer, Giomi, and Szurek, *Kemalism: Transnational Politics*.
67. Many Turkish cities were re-modelled during the early republican period, but Ankara remains the best studied example. See Kezer, *Building Modern Turkey*.
68. NARA, Smyrna Confidential Reports 1922–24, vol. 070, 72–9.
69. Baran, *Bir Kentin Yeniden Yapılanması*, 72.
70. Baran, *Bir Kentin Yeniden Yapılanması*, 58.
71. Baran, *Bir Kentin Yeniden Yapılanması*, 72.
72. Baran, *Bir Kentin Yeniden Yapılanması*, 72.
73. Baran, *Bir Kentin Yeniden Yapılanması*, 97.
74. *Hizmet*, 16 December 1926, AİKAM İzmir Milli Kütüphane Gazeteler Fonu.
75. Pfarrer Berckenhagen, Bericht über meinen Besuch in Smyrna, 25 November 1927, EZAB, EZA [5]/[1965].
76. A detailed account of the reconstruction, including a list of public buildings erected until 1938, can be found in Baran, *Bir Kentin Yeniden Yapılanması*, 89–90.
77. According to the cassation court's website, the institution's name was changed to 'Danıştay' in 1927. However, the documents cited here clearly show that the old name *devlet şurası* was still used in 1960. <http://www.danistay.gov.tr/kurumsal-12-danistay-tarihcesi.html>.
78. Hazinece İzmir Belediye aleyhinde 1.042.565.00 liralık bono itası, T.C. Şurayı Devlet Üçüncü Daire Esas No: 960/37 Karar No. 960/39. CA 30.11.01.00.283.17.6, 3.
79. 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.
80. For an explanation of *örfi belde*, see http://www.emektd.com.tr/Images/Uploads/Files/2304140428_orfubeldevepafotos.pdf.

81. CA 30.11.01.00.283.17.6, 8.

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