THE OPIUM PROBLEM IN TURKEY, 1930 – 1945

by

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Submitted to
the Atatürk Institute for Modern Turkish History
in partial fulfillment of the requirements
for the degree of
Master of Arts

Boğaziçi University
2007

"The Opium Problem in Turkey, 1930 – 1945",
a thesis prepared by Özgür Burçak Gürsoy in partial fulfillment of the requirements for the Master of Arts degree at the Atatürk Institute for Modern Turkish History.

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September 2007

An abstract of the thesis of Özgür Burçak Gürsoy for the degree of Master of Arts from The Atatürk Institute for Modern Turkish History to be taken September 2007.

Title: The Opium Problem in Turkey, 1930 – 1945

This study examines the opium problem in the early Republican Turkey with its political, economic and social aspects. Opium, as an agricultural commodity, conceptually transformed under the hegemony of modern–scientific medical discourse with the turn of the twentieth century, and became one that had to be economically, politically and legally restricted and controlled at both international and national levels. Turkey took part in this global change more in the 1930s. The opium was taken under the state monopoly by the new laws issued in 1933 for Turkey's participation to the international conventions on opium, and by the enactment of these laws, its cultivation was limited, and its foreign trade was regulated and restricted. However, this process was quite tense for a country like Turkey, which was one of the most significant high–quality opium producers of the world, and this tension created an "opium problem" for all related actors until World War II. The war conditions both weakened the international control of the opium trafficking and increased the demand for opium. This dual effect was regarded as an opportunity by the Turkish political elites. The solution of the "opium problem," which continued for almost a decade resulting in many economic and political tensions was found in the weakening the hegemony of the control-supporting approaches and in the abandonment of the restrictions to a great extent.

This thesis examines the opium problem in the specified era from the positions of both the Republican governing elites and the opium peasantry. The different approaches to the opium problem led to tensions and rifts among the Republican governing elite. The difference brought out mainly between the ones demanding to procure the necessary revenue for the young Republic from opium and the ones supporting to control opium under the hegemony of medicine, as a part of the world-wide discourse. The latter group was politically influential especially in the post-law period, while the former approach gained more power with the start of the war. For the opium peasantry, the new system arising from the laws led many kinds of problems, and caused the worsening of the economic and social conditions of the peasantry. Many aspects of this negative picture were the targets of the peasantry's political reactions, resistances, and demands. These reactions were taken into account by the governing elite, and affected the course of governmental practices.

Atatürk İlkeleri ve İnkilap Tarihi Enstitüsü'nde Yüksek Lisans derecesi için Özgür Burçak Gürsoy tarafından Eylül 2007'de teslim edilen tezin kısa özeti.

Başlık: Türkiye'de Afyon Meselesi, 1930 – 1945

Bu çalışmada, erken Cumhuriyet döneminde Türkiye'de yaşanan afyon meselesi politik, ekonomik ve sosyal yönleri ile incelenmektedir. Afyon, zirai bir meta olarak yirminci yüzyılın başlangıcı itibariyle modern–bilimsel tıp söyleminin tahakkümü altında kavramsal bir dönüşüm yaşamış ve hem uluslararası hem de ulusal düzeyde ekonomik, politik ve yasal olarak kontrol edilmesi gereken bir hale gelmiştir. Türkiye, daha çok 1930'lardan itibaren bu küresel dönüşüme dahil olmuştur. Afyon, uluslararası sözleşmelere katılmak için 1933'te çıkarılan yeni yasalar ve bunların uygulanmasıyla devlet tekeline alınmış, üretimi kısıtlanmış, ihracat ve ithalatı düzenlenerek sınırlandırılmıştır. Ancak bu süreç Türkiye gibi dünyanın en önemli kaliteli afyon üreticilerinden olan bir ülke için fazlasıyla sancılı olmuş ve II. Dünya Savaşı yıllarına kadar konunun bütün taraflarını kapsayan bir "afyon meselesi" yaratmıştır. Savaş koşulları hem afyon trafiğininin uluslararası kontrolünü zayıflatmış hem de afyona duyulan talebi arttırmıştır. Bu ikili etki, Türkiye politik eliti tarafından bir fırsat olarak değerlendirilmiştir. Yaklaşık on yıl boyunca ekonomik ve politik pek çok gerilim yaratarak süregiden "afyon meselesi"nin çözümü, kontrolcü yaklaşımların egemenliğinin zayıflamasında ve kısıtlamaların büyük ölçüde terk edilmesinde bulunmuştur.

Tezde, belirtilen dönemdeki afyon meselesi hem erken Cumhuriyet eliti hem de afyon köylülüğü açısından ele alınmıştır. Afyon konusuna yaklaşım, Cumhuriyet yönetici elitinin kendi içinde gerilimler ve görüş ayrılıkları yaratmıştır. Ayrışma temelde, afyondan genç Cumhuriyetin ciddi biçimde gereksindiği ekonomik kazancın sağlamasını isteyenlerle afyonun dünya geneli söylemin bir uzantısı olarak tıbbın kesin belirleyiciliğinin kontrolünde olmasını tercih edenler arasında yaşanmıştır. Özellikle yasaların uygulanma döneminde ikinci tercihin temsilcilerinin belirleyici olduğu, savaş yıllarının başlangıcı ile ise birinci istemlerin geçerlilik kazandığı görülmektedir. Afyon köylülüğü açısından ise, yasalarla getirilen yeni sistem çok çeşitli sıkıntılar yaratmış ve köylülüğün ekonomik ve sosyal durumunun kötüleşmesine neden olmuştur. Bu olumsuz tablonun pek çok yönü, köylülerin politik tepkilerinin, direnişlerinin ve taleplerinin konusu olmuştur. Bu tepkiler, yönetici elit tarafından da dikkate alınmış ve iktidar pratiklerinin gidişatını etkilemiştir.

ACKNOWLEDGEMENTS

First of all, I would like to present my special thanks to the personnel of Boğaziçi University Library, Beyazıt State Library, Atatürk Library, National Library, and especially Prime Ministry Republican Archive. I also would like to thank the staff of Atatürk Institute, Necla Turunç, Leyla Kılıç and Kadriye Tamtekin who make our lives easier and happier in the Institute.

I am grateful to my thesis advisor, Assist. Prof. Cengiz Kırlı, for his illuminating theoretical insights and helpful practical suggestions about this thesis, and permanent encouragement throughout the year. I would like to thank Prof. Dr. Şevket Pamuk and Assoc. Prof. Nadir Özbek for their participation in my thesis jury and their encouraging supports. I also thank Prof. Huricihan İslamoğlu for her sincere interest and advices. I am thankful Kathryn Kranzler for her editing this thesis and Tracy Deliismail for her energy to improve the thesis' language. I also thank Murat Metinsoy and Ali Sipahi for their patient answering of my questions about the Archive.

I am grateful to my mother, Nermin Gürsoy for her great love and endless support, and my father, Ahmet Gürsoy for his acceptance of my decision not to continue my life as a management graduate, and his encouraging interest in my thesis topic. I thank to my sister, Başak, her husband, Muharrem, and my aunt, Birgül for their unconditional support and encouragement in my hardest times and their constant trust in me. I would like to also thank my little nieces, Özgün, Doğa and Elif Ela due to their freshening of my life energy and pleasure.

For my friends, first I am grateful to Hakkı for deeply and collectively sharing our last two ATA years that "steeped" our seven-year-old friendship. I want to thank Ulaş for his existence, our sincere friendship resisting to quickly–passing years, and his never diminishing interest for this thesis. I am thankful to Taylan and İmge for their easing and sharing my life, and Nejla, Melih, Ayşe and Haluk for their unabated interests and nice friendships. I also thank my friends from ATA, especially Osman, Alpkan, Deniz, and Bilge for our sharing all types of thesis writing difficulties throughout the year. I am grateful to Banu and Utku who put me up with their large hospitality during my studies in Ankara.

Lastly, I should voice my great gratitude to Kağan for his miraculous intuitions, genuine empathy, unending love and our stubbornness to share the life with all of its simplicities and profundities. I thank you to be with me.

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INTRODUCTION

"Is ever such a commodity abandoned
Prohibiting it is the biggest mistake
We want to announce this to every layer
Oh, opium is extremely important

HALIL says let's set the pressure at naught
Let's find the way to cultivate more of it
Will we be coward by giving up it
Opium is important for national dignity."[1]
Aşık Halil Karabulut

The above is part of a troubadour's poem written in order to protest Turkey's famous opium prohibition in 1971. As generally known, this prohibition was mainly a result of the USA's political pressure, and the lifting of this ban in 1974 led to a crisis with the USA and its resultant embargo on Turkey. Certainly, in a country like Turkey in which opium had being produced for centuries, the ban influenced economic and social life very adversely. The prohibition affected approximately 1.5 million people producing opium and led to a high level of unemployment among these peasants. Certainly, these victims reacted to the ban either by organizing unions, demonstrating, conveying their oppositions to deputies and journalists or by reflecting their oppositions to the folk culture as exemplified above. Although the 1971 ban was more known due to its broad sphere of influence and closer date, it was not unique as a restrictive law on opium in modern Turkey's history. The other historical regulation on opium came up in the early Republican era, in 1933, and this thesis is mainly about this opium legislation.

[1] İrfan Ünver Nasrattınoğlu, "Afyonkarahisar Folklorunda Haşhaş," *II. Milletlerarası Türk Folklor Kongresi Bildirileri, IV. Cilt: Gelenek, Görenek ve İnançlar* (Ankara: G.Ü. Basın – Yayın Yüksekokulu Basımevi, 1982): 385. "*Hiç terk edilir mi böyle meta/Onu yasaklamak en büyük hata/Duyurmak isteriz bu her kata/Aman ha gayette önemli haşhaş HALİL der baskıya asmayıp kulak/Daha çok ekmenin yolunu bulak/Ondan vazgeçerek korkak mı olak/Milli haysiyette önemli haşhaş."*

In 1933, Turkey enacted a series of laws about opium including the ratification of current international conventions, namely the 1912 Hague, 1925 and 1931 Geneva Conventions; the establishment of the Turkish Narcotic Drugs Monopoly; the control of narcotic drugs and the amendment of related clauses of its Criminal Code. These laws were modern Turkey's first serious legislations about and the beginning of still ongoing state control of opium. Redefining all related concepts with opium and its derivatives according to a new approach, the laws changed the course of opium business to a large extent. All stages of the opium business from poppy production to manufacture in factories from raw opium export to opium derivatives import changed as a result of the laws that incorporated the state into this complex circle. These changes showed their effects in the period after the laws' enacting. The laws, the enactment of which depended on certain international and domestic tensions and a continuing "opium problem" all over the world, themselves created new and more complicated conflicts among the various historical actors in Turkey. In this context, Turkey experienced an "opium problem" during the 1930s, which is the subject of my thesis.

I decided to study this subject when I came across these laws and their above summarized contents by chance in an early republican history book.[2] Initially, the "opium question" drew my interest because studying it can enable us not only to think about the formation of the modern – nationalist Turkish state and its interaction with society, but also to discuss various agents' historical experiences and subjectivities. With these broad debates in my mind, I started to research the subject. More deepening on the topic had on the one hand led to a revision of my initial assumptions and on the other hand concentrated my interest on new questions about

[2] Mahmut Gologlu, *Türkiye Cumhuriyeti Tarihi v.2 Tek Partili Cumhuriyet, 1931 -1938* (Ankara: Gologlu Yayınları, 1972): 77-85.

mainly two broad areas: the world-wide opium politics of the twentieth century and the dominant early Republican historiography and its unvoiced assumptions.

To start with the first, I saw that throughout the world there was a clear trend change of the states' opium politics in the twentieth century. While opium as a "usual" commodity had been economically and politically "free" in the previous century, the new century's overall trend was to economically restrict and regulate and politically control opium and all of its preparations. In this global context, on the one hand, Turkey's experience of an "opium problem" during the 1930s as argued in this thesis was not exceptional. However, on the other hand, the Turkish experience had its own specificities that stemmed from the role of opium in the Turkish economy, and the governing elites' contact pattern with this world wide change regarding opium.

Beside the new century's opium politics, to study Turkey's opium problem afforded the chance to acknowledge some shortcomings of the hegemonic early Republican history narratives. First of all, while the lack of an academic study focused directly on this subject may be understood, it was surprising that there was even any reference to the "opium question" in written economic, politic and/or diplomatic histories although the problem represents rich data for all of them. Apart from the academic world, the popular literature only "mentions" the subject due to the writers' desire to historize their "actual" matter of the 1971 opium ban by the simplest method of historization, attaching all possibly – related events to a straight-lined historical chronology.[3] Before passing to the effects of this overall disinterest on this thesis, I would like to discuss some possible reasons for these shortcomings.

[3] Ayhan Songar, *Haşhaş Meselesi ve Türkiye* (Istanbul: Hareket Yayınları, 1974), 32-9, 43-56.; Aytunç Altındal, *Haşhaş ve Emperyalizm* (İstanbul: Havass Yayınları, 1979), 28.

As always underlined, the early Republican era, mainly the 1930s was the period of the founding and construction of the new nation state. There were three broad lines of this construction: etatism in the economy, the single–party regime in politics, and nationalism in ideology. Hence, this triad mainly determines the thematic dispersion of the early Republican histories. The immutable and generally the sole historical agents of these histories are the economically and/or socially upper classes, especially the Kemalist state elites. Moreover, these epistemological engagements about thematic outline and historical agency usually incorporate the methodological and resource difficulties of writing early Republican history. As a result of these two reasons, epistemological and methodological, the early Republican economic, political and/or intellectual histories are in general written with a state and elite-centered approach.[4] However, this devotion to the dominant themes and historical agents led to blindness and disregard for not only the issues intersecting all broad themes of the economy, politics and ideology, like the "opium problem," but also other possible historical agents, their political subjectivities, and social experiences.[5] I thought that the actual reason for the non–study of any aspects of the "opium problem" before laid primarily in this argued disinterest originating from the epistemological promises of the early Republican history.

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[4] For some examples, Feroz Ahmad, *Modern Türkiye'nin Oluşumu* (İstanbul: Kaynak Yayınları, 2002), 68-125.; Eric Jan Zürcher, *Modernleşen Türkiye'nin Tarihi* (İstanbul: İletişim Yayınları, 2003), 257-98.; Çağlar Keyder, *Türkiye'de Devlet ve Sınıflar* (İstanbul, İletişim Yayınları, 2005), 135-61.; Goloğlu, *Türkiye Cumhuriyeti Tarihi v.2 Tek Partili Cumhuriyet, 1931 -1938.*; Çetin Yetkin, *Türkiye'de tek parti yönetimi* (Istanbul: Altın Kitaplar Yayınevi, 1983)., Şükrü Karatepe, *Tek parti dönemi* (Istanbul: İz Yayıncılık, 1997)., Esat Öz, *Türkiye'de tek – parti yönetimi ve siyasal katılım (1923–1945)* (Ankara: Gündoğan Yayınları, 1992).; Dilek Barlas, *Etatism and diplomacy in Turkey: Economic and Foreign Policy Strategies in an Uncertain world, 1929-1939* (New York: Brill, 1998).; Ahmet Makal, "Türkiye'de tek parti dönemi ve korporatizm tartışmaları," *Toplum ve Bilim*, no. 93 (2002): 173-99.; Hakkı Uyar, "Resmi ideoloji ya da alternatif resmi ideoloji oluşturmaya yönelik iki dergi: Ülkü ve Kadro mecmualarının karşılaştırmalı içerik analizi," *Toplum ve Bilim*, no. 74 (1997): 181-93.

[5] For a good example that is contrary to this disregard, see Nadir Özbek, "Kemalist rejim ve popülizmin sınırları: Büyük Buhran ve buğday alım politikaları, 1932-1937," *Toplum ve Bilim*, no. 96 (2003): 219-40.

The overall effect of even the non–mentioning of the "opium problem" in the written histories of the early Republican era on this thesis is its inevitably depending on primary sources. With the guidance of these sources, I attempted to represent a more or less full picture of Turkey's "opium problem" experienced mainly between 1930 and 1945. This picture is comprised of the economic, political, diplomatic and social aspects of the problem. Recognizing the risk rising from working "too much" on unstudied document, I paid special attention and attempted not to trivialize the diplomatic, or "high-political," aspects of the problem which are more easily attainable than the social and economic ones.

In order to moderate the above mentioned risk, I tried to establish what the whole "opium problem" era had meant to the various historical agents of that time about the issue. Due to the necessity of coping with the argued "variety," I preferred an analytical distinction about the historical agents and narrated the "opium problem" according to this. On one side of this analytical distinction, there were the "Turkish[6] governing elites" as a whole. I refer with this expression to those who had acquired a somewhat privileged position in the new Republic thanks to their bureaucratic and/or military duties or economic and/or cultural capital. This class includes a large community ranging from the government members to deputies, from Turkish diplomats to economists, from doctors to agricultural engineers of early Republican era. The reason for my gathering all of these different subjects under the name of "governing elite" was that although the "opium problem" was hard also for them and led to serious conflicts among them, they were always in the position of "governing" the problem with minimum "cost" over and against both the international opium circles and domestic subaltern classes.

[6] In this context, "Turkish" does not carry any ethnic and/or national connotation. I use the term in order to mean the ones having a "governing" position in the boundaries of the new Republic.

On the other side of this discrimination stood opium cultivating peasants. As generally argued, the early Republican government did not attempt to alter land property regimes in agriculture while it took the technological advancement of agriculture onto its social policy agenda.[7] The opium problem was nearly unique as an example of incompatibility with this generalization because the 1933 opium regulations foresaw a production restriction. The Turkish government had foreseen this and prohibited opium production in certain regions. Moreover, the economy of opium did not improve as a result of its whole business change by the laws, but rather it worsened. In this context, it was important to examine how the opium peasants as other key historical agent of the problem reacted to this process and whether they were able to attain their objectives or not. Hence, I also followed the conduct of the opium peasantry in the "opium problem."

I hope that my thesis will contribute to broadly three literatures. First of all, the internationalization of the opium problem and change of the opium politics by the twentieth century were mainly a process of the transformation of the definition of opium under the hegemony of medical discourse. The process of opium's medicalization was part of the world wide trend of international control and state intervention of the raw substance, opium. In this sense, my thesis may contribute to the literatures about, on the one hand, the changing course of opium politics in the first half of the twentieth century and, on the other hand, the social history of medical discourse and its effect on altering state–society relations, inspired by Foucaultain historiographies. Second, Turkey's "opium problem" experienced in the early Republican era was a multi-dimensional one with its economic, politic, social and ideological aspects. Also, to "govern" this complicated problem led to serious

[7] Prof. Dr. Korkut Boratav, *Türkiye İktisat Tarihi, 1908-1985* (İstanbul: Gerçek Yayınevi, 1998), 28-78.

disagreements among the Turkish governing elites and was not easy for them. Hence, by discussing not only the economic, political and social sides of the opium problem, but also the political subjectivity of the governing elites recognizing also its limits, this thesis may contribute to early Republican historiography in general. Lastly, I hope to assist in the theoretical discussions about the nature of peasant politics and the historical agency role of peasants. During my thesis, I avoid imagining peasants as the passive objects of the opium problem and its resultant governing techniques. Rather, I attempted to conceptualize them as active historical agents of the whole process, thanks to both their influential role in the problem's course and their being a significant parameter in the elites' decisions. Recognizing the limits of also the peasant politics, I tried to narrate the opium problem as a dynamic one with its various subjects, their struggles, and total outcome of this process.

Besides these contributive attempts and hopes, I should also mention the topics on which this thesis is silent, about but also those on which it falls short. To start with silences, this thesis does not touch on how the opium merchants reacted to the legislations in the second half of the 1930s, although there were some exemplifying responses of the commercial classes in the law' year of promulgation, 1933. Due to the reasons I discuss in detail in Chapter Four, the opium laws seemed to strengthen the merchants' position and serve their interests. However, the general worsening the opium's economy and growing difficulties of the opium's trade surely must have affected the merchants. This thesis has no argument about which of these two trends was dominant in the commercial classes' relations with the new laws. Moreover, the opium legislations of 1933 defined the "legitimate" and "illegitimate/illegal" uses of opium, namely the "addiction." Opium users, with the law druggers, were both medicalized as "patients" and criminalized as "socially

dangerous addicts." Hence, the laws directly changed the opium users' status and their ways to access opiates. However, and unfortunately, this thesis also does not address the question of what happened to the opiates users after the law and how they reacted to it. For the thesis shortcomings, it should first to be underlined that this thesis was written depending mainly on the sources available in Turkey. While the "opium question" was internationalized, the documents of different states and institutions related with Turkey's problem, such as the League of Nations, America or Germany, will inevitably provide new insights, and perhaps lead to a revision of this thesis narration. Moreover, I am far from fully explaining the smuggling issue to its actual extent, the legislations' effect on it, its geographical routes and the various people's involvement in it in this work.

In order to investigate the details of Turkey's opium problem in the early Republican era, I mostly benefit from state archival documents from the period under study. These state documents are mainly comprised of cabinet decrees, correspondences between several ministries, ministerial and/or inter–ministerial reports about opium question. Due to the reasons discussed above, these documents are first used in this thesis. Hence, on the one hand I tried to introduce these; on the other hand, I drew upon these sources in my attempt to understand the course of the opium problem for the governing elites. Moreover, these documents represent also the other historical actors' relations with the problem. For this aim, the Republican People's Party archives provide a rich account. I benefitted from Republican People's Party congress reports, and the deputies' constituency area and inspection districts reports of the main opium producing cities in order to capture the social ambience, and especially the peasants' political reactions.

I also use the minutes of assembly meetings during the 1930s as primary resources. These minutes show the tense atmosphere of the opium problem, which even gave rise to assembly conflicts. I learnt from these assembly meetings not only the opposing deputies' main criticisms and their demands from the government about opium but also government's justifications of its actions and policy promises. More primary sources were the articles written in that time and published in journals such as *Kadro, İktisadi Yürüyüş, Ziraat Dergisi,* and *Istanbul Ticaret ve Sanayi Odası Mecmuası,* which helped to comprehend the views of different actors such as intellectuals, doctors, lawyers, and agriculture engineers. In this context, I also benefited from booklets and reports that were published in the era on the opium question itself by related persons and/or institutions. My last but not least primary source used to follow the public opinion about the opium problem was the newspapers of particularly the legislations' year, 1933 and its previous and following years, 1932 and 1934. I paid attention Istanbul and/or Izmir newspapers such as *Akşam, Haber Postası,* and *Milliyet* rather than the ones publishing in Ankara like *Ulus* because the former cities were more directly related to the opium problem as a result of the law, which decreed that domestic opium could only be sold from their customs.

Furthermore, I drew upon the literature about the economic, social and political history of the early Republican era. In this literature, some specific works focusing directly on Turkey's agricultural history are worthwhile in order to see opium's relative position at different times. The other literature used was broad histories of medicine and medical discourse, and their interaction with opium politics. These works provide me with insights to better understand the worldwide

transformation of opium into a drug/poison. The last groups of works this thesis is depending on are both theoretical and empirical studies about peasants' politics.

This thesis is comprised of five chapters. In the first chapter, I basically discuss the change of opium's international status both economically and politically at the turn of the twentieth century. Opium as one of the principal commodities of nineteenth century's imperial regimes was economically, politically and discursively governed by a somewhat laissez–faire mentality. However, with the new century this was replaced by an urgent necessity to internationally and domestically regulate, legislate and control all possible issues of opium. As I argue in the chapter, although this shift was dominated by the empowering medical discourse on opium orchestrated by the growing medical profession, there were also crucial economic, political and social reasons which lay the groundwork for this domination. After explaining these complicated rationale and its resultant changes in detail, I represent the international meetings and conventions about opium since the early 1900s.

In the second chapter, I situate Turkey in this global picture of the changing opium question. Before explicating the developments of the era on which this thesis focuses, I briefly summarize Turkey's relation with the issue and the general situation of opium's economy until 1930. By the turn of decade, as I argue, on the one hand international pressures on Turkey to join the newly constructed international opium system had increased, and, on the other hand, the opium economy was deteriorating as a result of both the global regulations of opium and the Great Depression. After the coming to naught of some moderate policy attempts, the Turkish political elites enacted the opium laws in 1933 as a radical and definite recipe for the previous three years' economically and politically tense atmosphere. In this chapter, I also explain the novelties originated for these legislations and the

initial reactions of different actors such as certain states, the League of Nations, and the merchants and peasants of opium producing cities to the laws.

In the third chapter, I take up the continuing opium problem for the Turkish governing elite in the period after the laws' enactment. Although the government hoped to resolve the "opium problem" by the regulations and their resultant institution, the Narcotic Drugs Monopoly, the execution period of the laws was pregnant with new and more complicated problems. These problems mainly reflected a power and discourse struggle on the opium question between broadly two segments of the governing elite. On the one hand, there were representatives of privileging economic concerns about opium due to its crucial place in the Turkish economy, actual losses borne as the result of current legislations, and the rising disquiet among various classes, especially peasants. On the other hand, elites devoted to the medical discourse on opium stood for Turkey's strict execution of international conventions to "serve high humanitarian aims." I argue in this chapter that although the former ones demanded opium policy revision from the government during the 1930s, the latter's privileges and decisions about the problem were more or less hegemonic. However, as evidenced in the following pages, this hegemony continued until the start of World War II and when it was replaced by the "wartime necessities." The war not only interrupted the current international opium regime but also deprived the medical claims on opium by imposing its own economic, politic and social logic. Hence, the Turkish elites "solved" their ten-year old opium problem thanks to the war.

In the fourth chapter, I narrate the course of the problem for the opium peasantry in the post-law era. With the historiographic promise about the peasants' agency role, I tried to find answers to how the peasants were affected by the law and

how they reacted to it. As I argue, the new system brought by the laws and administered by the Narcotic Drugs Monopoly (after 1938, by the Soil Products' Office) caused a lot of problems among the peasants. Some of them lost their "right" to produce opium; some were victimized by the pricing and payment system of the Monopoly; and others became a part of the smuggling business, almost all of them suffered from the general price sag. The opium peasantry reacted politically to these discomforts either by demanding policy revisions from the authorities, such as complaints to the related deputies and announcements in the Republican People's Party congresses, or by creating their own remedies such as quitting opium cultivation, the adulteration of opium, and producing for smugglers. I underline especially the point that all of these political reactions were carefully followed by the governing elite and they had a direct effect on the elites' political decisions about policy revisions. While the war relieved some of the hardships of the peasants with the legalization of the opium production in the prohibited districts, and opium's relative price increase, some of them continued as they had in initial payment system.

In the last chapter, I gather my theoretical and empirical concluding remarks.

CHAPTER I

CONCEPTUAL CHANGE OF OPIUM BY THE TWEENTIETH CENTURY

Opium is one of the most ancient and widespread agricultural products in the world. Its cultivation dates from time immemorial and geographically spreads throughout the world from the civilizations of Mesopotamia to Ancient Greece and Egypt. This long history mainly has depended on poppy flower's significant use as a food and anesthesia. It should also be added that opium had gained various ritualistic and cultural meanings and been used also for this aim in different societies. As can be expected from its long and interesting history, the knowledge, perceptions and feelings about opium have differed from one age to another, from one geography to another, and from one community to another. On the one hand, it has been the subject of literary accounts and a symphony,[8] and on the other, the reason for great wars. At some time opium was seen as a means of expanding individuality,[9] at another as the most profitable commodity, and at some other as the most dangerous evil for humanity. Constantly, it has been the ingredient of therapeutics according to its palliative quality in either folkloric or modern medicine. In short, as Brook and Wakabayashi underline, opium has a "polymorphous character," which has "changed in meaning according to its context."[10]

This chapter analyzes the contesting and conflicting domain upon this "polymorphous character" of opium that was created and intensified at the

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[8] Thomas De Quincey, *Confessions of an English Opium – Eater* (Harmondsworth, England; New York: Penguin Books, 1997)*;* Hector Berlioz's 1830 Symphony Fantastique.

[9] Charles Baudelaire, *Artificial Paradise:On Hashish and Wine as Means of Expanding Individuality* (New York: Herder and Herder, 1971).

[10] Timothy Brook and Bob Tadashi Wakabayashi ed., *Opium Regimes: China, Britain, and Japan, 1839-1952* (Berkeley: University of California Press, 2000), 25.

international level in the early twentieth century. It will be argued that a hard struggle on the different definitions of opium had emerged by the turn of the century and this struggle resulted in a consensus of sorts about the new definition of opium at mid-century. This new consensus mainly stemmed from a thought climate that had been gaining a slow hegemony since the nineteenth century about both the medicalization and regulation of opium as a substance. Although it could not be argued that opium's definitional transformation was comprised all of the historical agents regardless of their nation, gender and/or class, this change was triggered and empowered by a large segment of the economic, political and medical elites of various states and nations. This conceptual shift was "unprecedented," as Alan Block observes, even for the elites compared to the harsh opium politics of the nineteenth century.[11]

Firstly some theoretical insights about the formation of medical discourse, its enhancing scope and increasing power, and its relation with governmental practices of modern states will be discussed. With the help of this discussion, a return will be made to the opium question and, an analysis made of many of the reasons that laid down the above-mentioned conceptual change. After establishing this groundwork, the significant differences between the old and new perceptions of opium will be defined. The last issue that will be covered in this chapter is the international net results of this renewed discourse on opium. These net results are three main international conferences and their conventions, the ratification of which in Turkey was called as the 1933 Opium Law, which is the actual subject of this thesis.

[11] David T. Courtwright, *Forces of Habit: Drugs and the Making of the Modern World* (Cambridge, Massachusetts: Harvard University Press, 2002), 166.

Medical Discourse and the Opium Question

When medicine and history appear in the same context, it is nearly impossible to discuss the subject matter without taking into account Foucault and the written histories which are rising from the huge research agenda introduced by his philosophical and historical insights. As a result, first a brief summary of Foucault's work on the medical discourse and its gaining power will be made, and then a look will be taken at how these theoretical points apply to the literature on opium and whether their explanatory power is sufficient to understand conceptual transformation of opium by the twentieth century.

According to Foucault, the relations between the state and society were radically transformed in the eighteenth century. The perception of "population" changed in the art of government, and society was discovered both as a "source of wealth" and as an object of control, monitor and surveillance. As a result, the population became one of the essential fields of practicing power.[12] Society's productive capacity had to be improved due to its being the source of wealth. The objective of the physical well–being of the population in general and the question of how to raise the level of health of the social body as a whole entered into agenda of the political power.[13]

In this context, medicine with its scientific discourse that speaks out as the "definition of the fact and the value"[14] gained an increasing administrative power and

[12] Colin Gordon, "Governmental Rationality: an Introduction," in *The Foucault Effect: Studies in Governmentality,* ed. Graham Burchell, Colin Gordon, and Peter Miller (Chicago: The University of Chicago Press, 1991), 20.

[13] Paul Rabinow, *The Foucault Reader* (New York: Pantheon Books, 1984), 277.

[14] Daniel Joseph Malleck, *Refining Poison, Defining Power: Medical Authority and the Creation of Canadian Drug Prohibition Laws, 1800-1908* (PhD diss., Queen's University, 1998), 23.

was more incorporated into the new–age art of government, or in Foucault's own words, *governmentality*. With the help of this increasing power, doctors became more important in the sense that they were both the producers of the medicinal discourse and in practical terms the observer and controller of the social body. Consequently, as Rabinow specifies, the "doctor becomes the great advisor and the expert."[15] The empowering medical discourse and the doctors as its owners made it more apparent that the "body" was now at the target of the political power. However, the body was no longer the "body of the individual," but rather the "social body."[16] With the concept of *biopolitics*, the body also became a field on which power relations operate and through, and so became part of history's subject arena. All in all, Foucault did not conceptualize medicine as a scientific developmental narrative, but rather he opened the way to put medicine and medical discourse into the power relations in the broader social and cultural context.

This situation of medicine opened a fertile research agenda for its relation with other domination forms in different political and social contexts. On the one hand, the social history of medicine started to take the race, gender and class relations more into account.[17] On the other, the power relations under the contexts of colonialism, patriarchal, imperialism and nationalism were reassessed with the role of medicine, medicinal discourse and physicians in the formation, development

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[15] Rabinow, *The Foucault Reader*, 284.

[16] Michel Foucault, "Governmentality," in *The Foucault Effect: Studies in Governmentality,* ed. Graham Burchell, Colin Gordon, and Peter Miller (Chicago: The University of Chicago Press, 1991), 32.

[17] Susan M. Reverby and David Rosner, ""Beyond the Great Doctors" Revisited : A Generation of the "New" Social History of Medicine," in *Locating Medical History: The Stories and Their Meanings,* ed. Frank Huisman and John Harley Warner (Baltimore and London: The John Hopkins University Press, 2004).

and/or extension of these different forms of domination.[18] These works generally emphasized that the Western medicine, its discourse and practices had stratified, maintained and empowered the current power relations in the mentioned social and political contexts.

The theoretical insights summarize above are come up in the recent works about opium, generally due to the involvement of drug users. These works are mainly focusing on what happened to the opiate[19] users when opium was medicalized, became an essential regulation issue of states and international institutions, and use became a criminal activity. These works tend to explain the process of how the medical use became the only legitimate use of opium with the medical discourse' and physicians' power struggles. Moreover, the formation and control of the category "criminal drug user" provides the opportunity for the subject to be conceptualized with Foucaultain terms of the construction of bodies and subjectivities by various agents and disciplinary practices upon them. These works also link these phenomenons to the broader political, social and cultural contexts like colonial exploitation, patriarchal relations and construction of nationalism by questioning the discursive formation of anti–drug campaigns and their role in these contexts.[20] To

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[18] For some examples of this literature, James H. Mills, *Madness, Cannabis and Colonialism: The 'Native-Only' Lunatic Asylums of British India, 1857-1900* (London: Macmillan Press LTD, 2000); R MacLeod and M. Lewis eds., *Disease, Medicine and Empire: Perspectives on Western Medicine and the Experience of European Expansion* (London: Routledge, 1988); Jill Julius Matthews, *Good and Mad Women: The Historical Construction of Femininity in theTwentieth Century Australia* (St. Leonards: Allen and Unwin, 1984), 25-28; David Arnold, *Colonizing the Body: State Medicine and Epidemic Disease in Nineteenth–Century India* (New Delhi: Oxford University Press, 1993).

[19] Opiates are generally used as a general term for the opium and its prepared forms like heroine, cocaine, morphine. Cannabis is also included by the term "opiate" while it is not produced from opium poppy but rather produced from hemp. By the twenteenth century, the term "opiate" had generally regarded as highly addictive drugs.

[20] Daniel Joseph Malleck, *Refining Poison, Defining Power: Medical Authority and the Creation of Canadian Drug Prohibition Laws, 1800-1908* (PhD diss., Queen's University, 1998); Catherine Carstairs, *'Hop Heads' and 'Hypes': Drug Use, Regulation and Resistance in Canada, 1920-1961* (PhD diss., University of Toronto, 2000); James H. Mills, *Madness, Cannabis and Colonialism: The 'Native-Only' Lunatic Asylums of British India, 1857-1900* (London: Macmillan Press LTD, 2000),

give some examples, while Carstairs concluded that the anti–drug campaign between the specified dates in Canada was highly–racialized and gendered,[21] Mills summarizes the Indian example like that:

> In summary then, cannabis use by 1871/3 was associated by colonial officers with infancide, immorality, suicide, the murder of Christians, and even the revolt against British authority of 1857.[22]

While these works throw fresh light on the effects of the opium's conceptual change on specifically the historical agents who have been "constructed as addicts and/or criminals" in different geographies at various time intervals, they still have some shortcomings to wholly define the change's direction and its complex and conflicting dynamics. The economic, political and social story of opium in the last two centuries was neither a one-sided nor a smooth and peaceful one. When these complicated two centuries are taken into account as a whole, it does not seem satisfactory to conceptualize this process solely in the context of the formation of the modern state, altering state–society relations and the emergence of the medical discourse as a disciplinary instrument upon the bodies and subjectivities. Moreover, this conceptualization was sophisticated by Foucault originally for the modern – colonial empires of Europe in the eighteenth century, mainly for France, despite its high explanatory power and representation of conceptual tools suitable for also different geographies and different ages. However, the medicalization of opium, the

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especially Chapter 2, "'The Lunatic Asylums of India are Filled with Ganja Smokers': Asylum Knowledge as Colonial Knowledge," 43-65; James H. Mills, *Cannabis Britannica: Empire, Trade, and Prohibition* (New York: Oxford University Press Inc., 2003); Zhou Yongming, *Anti-Drug Crusades in Twentieth-Century China: Nationalism, History, and State Building* (Lanham: Rowman and Littlefield, 1999); Virginia Berridge and Griffith Edwards, *Opium and the People: Opiate Use in Nineteenth Century England* (London: Allen Lane, 1981); Geoffrey Harding, *Opiate Addiction, Morality and Medicine: From Moral Illness to Pathological Disease* (London: Macmillan, 1988); David Courtwright, *Dark Paradise: Opiate Addiction in America Before 1940* (Cambridge, Mass.: Harvard Press, 1982).

[21] Carstairs, *'Hop Heads' and 'Hypes': Drug Use, Regulation and Resistance in Canada, 1920-1961,* 20.

[22] Mills, *Madness, Cannabis and Colonialism: The 'Native-Only' Lunatic Asylums of British India, 1857-1900*, 47.

criminalization of its different uses except for medical purposes, and international and national regulation of one specific commodity's whole business cycle occurred in the early twentieth century. Hence, opium waited more or less two centuries to be included and dominated by the Western scientific medical discourse. As Courtwright observes, this "collective shift in priorities" came to domestic and international politics by the early 1900s,[23] not before.

In order to better understand this "shift," it is necessary to look at the written histories about the economic, social, political and cultural aspects of the opium question in both the nineteenth and twentieth centuries. This will not only give a clearer picture of the affairs in the new century, but also will facilitate the explaination of the "time lag" of opium's inclusion by the hegemonic medical discourse. Hence, I will attempt to represent this enriched and extended rationale of the opium's definitional transformation by giving special attention to various historical agents and their struggles in this process.

The Rationale behind the Newly Defined "Poison"

Opium was one of the most important commodities of the nineteenth century and played a great role in the formation of the century's economic and political picture. Opium and the opium trade were crucial in the colonization of the Far East by the European empires. As a commodity, it provided huge profits to and created the chance for the "transfer (of) wealth and power" for the Western imperial regimes.[24] As already known, this great economic and political power coming from

[23] Courtwright, *Forces of Habit: Drugs and the Making of the Modern World,* 167.

[24] Brook and Wakabayashi ed., *Opium Regimes: China, Britain, and Japan, 1839-195*2, 25.

the domination of one single commodity led to two big wars in the nineteenth century, the Opium Wars of 1840 and 1857 between Great Britain and China.[25] Besides its essentiality for the imperial states' economic and political domination of their colonies, Trocki, as an economic historian, assigns a global role to opium and argues that it contributed to the formation of capitalism itself by its nature and by the scale of the trade it engendered.[26]

Furthermore, opium was widely used in the Far East especially for recreational purposes and as a palliative medicine. While the opium that was imported from British India to China as a compulsory result of the Opium Wars was largely smoked,[27] in India the practice of cannabis eating/smoking was widespread.[28] These practices were generally seen as a cultural question by the Western colonial governments. During the nineteenth century, they did not attempt to change or suppress these types of opium usage due to either unwillingness to lose an essential profit – maker for the empire or benefiting from these practices' effects, especially the palliative ones to keep the natives on the "labor treadmill."[29] Moreover, the imperial powers did not take the risk of a possible colony upheaval over opium smoking suppression.[30] One last point of the European powers' passivity in this opium smoking/eating issue was their racial assumptions that taste for opium was

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[25] For a classical account, Jack Beeching, *The Chinese Opium Wars* (New York: Harcourt Brace Jovanovich, 1977).

[26] Carl A. Trocki, *Opium, Empire and the Global Political Economy: A Study of the Asian Opium Trade, 1750-1950* (New York and London: Routledge, 1999).

[27] John Palmer Gavit, *Opium* (London: George Routledge & Sons Ltd., 1925), 120-24.

[28] Mills, *Madness, Cannabis and Colonialism: The 'Native-Only' Lunatic Asylums of British India, 1857-1900*, 6.

[29] Courtwright, *Forces of Habit: Drugs and the Making of the Modern World,* 135; Gavit, *Opium*, 55-8.

[30] Gavit, *Opium*, 58. Gavit quotes from a Dutch writer who tells of such a strike when the Dutch prohibited the smoking of opium in Banka.

congenital in the Oriental people unlike the Europeans.[31] As a result of one or another reason, opium was fundamentally seen as a commercial and high profit – bearing commodity regardless of its medical, moral, and cultural connotations.

By the turn of the twentieth century, this situation started to change slowly. This change happened as a result of the stratified, complex and interconnected phenomenon and struggles of various historical subjects. Many economic, politic, discursive and technological concerns affected the net result, attaining their actual expressions in the international Geneva Conventions of 1925 and 1931.

In this context, China should first be mentioned as the greatest loser of the nineteenth century's opium policies. At the beginning of the new century, it seems that all aspects of society and economy of China were dominantly governed by opium. This situation naturally created its opposition, and these opponents of the opium regime began to gain power both politically and ideologically. While the Ten Year Agreement of 1907 between Britain and China stood for their initial political success,[32] their efforts to create an anti – drug public opinion also intensified on both the international and domestic levels.[33]

The public opinion issue was not only significant for China. Social reform groups emerged in Western countries that focused on public health, children's and women's welfare, and especially temperance saw opium regulation as a natural item

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[31] Gavit, *Opium*, 58.

[32] William B. McAllister, *Drug Diplomacy in the Twentieth Century: An International History* (London and New York: Routledge, 2000), 24-7.

[33] The most important figures of this movement wrote books in no time as a part of their public opinion creating efforts. Alfred Sao-Ke Sze, *Geneva Opium Conferences: Statements of the Chinese Delegation* (Baltimore: The John Hopkins Press, 1926); W. W. Willoughby, *Opium as an International Problem – The Geneva Conferences* (Baltimore: The John Hopkins Press, 1925). Moreover, there were also effective anti - opium associations, one was constituted by both English and Chinese and named International Anti – Opium Association of Peking (Sze, *Geneva Opium Conferences: Statements of the Chinese Delegation,* 42.) and the other was initiated by native Chinese and named National Anti – Opium Association (Gavit, *Opium,* 164).

on their agendas and acted as a driving force to create an "informed public opinion."[34] While there were also separate associations interested in solely the opium question,[35] the general trend for social reforms including drug regulation had continued to represent itself under the League of Nations' umbrella after 1919.[36] It also should be mentioned that there was a strong religious tone in these public opinion manufacturing efforts. These social reform groups were generally committed to evangelical beliefs about a radical opposition against anything dulling the human intellect.[37] Moreover, religious disapproval was also related to its disfavor with the preference of chemical forms of intoxication to alter the consciousness rather than the ways prescribed by religion.[38]

Another crucial component contributed to the changing atmosphere regarding opium was technological developments. During the nineteenth century, the development of hypodermic syringes and safety matches, and the rapid development of the chemical industry producing synthetic and semi – synthetic drugs profoundly affected the course of the opium question in the new century. Factories started to decompose the alkaloids of opium, most significantly morphine and heroine, and steadily manufacture new substances. The developments in distribution and transportation also made easier the "democratization" of the opiates. As a result,

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[34] McAllister, *Drug Diplomacy in the Twentieth Century: An International History,* 18, 20-1.; Joseph P. Chamberlain, "Review: The Anti – Drug Campaign. By S. H. Bailey," *Political Science Quarterly* 52, no. 2 (1937): 285-286.

[35] J. B. Brown, "Politics of the Poppy: The Society for the Suppression of the Opium Trade, 1874-1916," *Journal of Contemporary History* 8, no. 3 (1973): 97-111.

[36] Dame Rachel Crowdy, "The League of Nations: Its Social and Humanitarian Work," *The American Journal of Nursing* 28, no. 4 (1928): 350-352.; Rachel E. Crowdy, "The Humanitarian Activities of the League of Nations," *Journal of the Royal Institute of International Affairs* 6, no. 3 (1927): 153-169.

[37] Brown, "Politics of the Poppy: The Society for the Suppression of the Opium Trade, 1874-1916," 98-102.

[38] Courtwright, *Forces of Habit: Drugs and the Making of the Modern World,* 169.

access to opium and its derivatives became easier, cheaper, and faster for the masses.[39] This availability and its increasing use triggered by the new technologies further empowered the anti–opium public opinion.

The "democratization" of opiates naturally altered the users' profile in Western countries. As Courtwright argues, in America the users' profile shifted from female, middle - and upper - class members of society in the nineteenth century to mostly lower – class, underworld males in the new century.[40] However, this shift did not happen solely as the result of the technologic developments. The migration of Far Eastern people, especially Chinese, as cheap labor to the Western countries also affected this change. This factor also was cited by anti – opium groups and reinforced the racial sentiments in their campaigns. They associated particular drugs with deviant and disliked groups, and hegemonic gender roles.[41] As a result of the effects of the technological improvements and immigrants' "threat" to the current social structure, Western societies and states slowly abandoned their perception of the opium question as only belonging to the Far East.

Needless to say, one of the other most crucial historical agents of this transformation process was the medical profession. The medico–technological innovations mentioned above had a twofold, and as Courtwright underlines, "paradoxical"[42] effect in general. On the one hand, the chemical industry decomposed the opium, and started to produce countless new alkaloids, opiates and

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[39] McAllister, *Drug Diplomacy in the Twentieth Century: An International History,* 14-5.; Courtwright, *Forces of Habit: Drugs and the Making of the Modern World,* 173-9.

[40] David T. Courtwright, *Dark Paradise: Opiate Addiction in America before 1940* (Cambridge: Harvard University Press, 1982).

[41] McAllister, *Drug Diplomacy in the Twentieth Century: An International History,* 17-9.; Courtwright, *Forces of Habit: Drugs and the Making of the Modern World,* 171.

[42] Ibid., 179.

derivatives from it. While this development indicates a market opportunities' basket, it also necessitated serious restrictions on this market due to the discovery of the "addictive" nature of these drugs. Whether the market was free or restricted, this "paradoxical" situation empowered the position of the medical men all over the world. Both of the two, either the innovation of new derivatives in the chemical industry or the decision of which drug would be restricted to what extent called for the "medical expertise and professional knowledge" of physicians. These calls were met by the intense campaign of the emerging and rapidly developing medical establishment claiming more authority and power about all sorts of everyday issues under the guise of "public health."[43] It should also be underlined that the medical professionals played a key role in the "awakening and alarming the public opinion" about the claimed emergency of the opium problem.[44] As a result, prescription right of these powerful substances had more or less belonged to the medical professionals excluding at least legally other ex – agencies of this like self – mediators and folkloric medicinal preparators. This prescription right also brought up the issue of "medical ethics" among the physicians, who had been key actors giving rise to the nineteenth century addiction modes, as Courtwright argues, due to their overzealous and ignorant prescription of opiates to patients.[45]

Besides these different historical agents' endeavors for the medicalization and criminalization of opium, there were also some economic and diplomatic reasons

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[43] Ibid., 179-182.; McAllister, *Drug Diplomacy in the Twentieth Century: An International History,* 16-7.

[44] Chamberlain, "Review: The Anti – Drug Campaign. By S. H. Bailey,": 285. Moreover, an approximately 1000 – paged work written by a group of American physicians and covering all of the possible aspects of medicine's "opium problem" may be seen as a symbolic example these constant efforts; Charles E. Terry, M. D. and Mildred Pellens, *The Opium Problem*, New York: The Committee on Drug Addictions in collaboration with The Bureau of Social Hygiene, Inc., 1928.

[45] Courtwright, *Dark Paradise: Opiate Addiction in America Before 1940,* 110-145.

which influenced the differing conduct of opium politic more. As discussed above, opium and its trade were one of the most crucial financial resources of the colonial regimes. While the beneficiaries of this system did not want to lose their advantageous positions, the late comers to imperial competition were trying to alter the current balance. If the balance could not be totally changed in favor of the latter countries, they wanted to, at least, prevent the "gravy" of the old – colonial empires. The leading figure of these countries was the USA, which emerged as the pioneer demanding the regulation of opium business as a whole by the new century. In 1901, the Philippine–American war ended, at least its end was proclaimed by the USA, and the United States entered the opium question as a pioneering actor and a Western Pacific power from then on. The USA suppressed opiates usage, except for medical needs, in the Philippines, grounding this decision on the moral and missionary reasons.[46] This suppression policy and its "moral" justification discourse became the central elements of the American position in the rest of the century. Moreover, the United States was not pleased with the Britain – China opium trade. It was thought that this enormous trade of only one commodity was impeding the Chinese demand for other goods, especially for America–originated ones.[47] One last point of the American desire for the revision was its "order" search in East Asia of which not only societal future but also territorial integrity was threatened by the current opium affairs, according to the American governing elites' perceptions.[48] As a result, the

[46] McAllister, *Drug Diplomacy in the Twentieth Century: An International History,* 27-28.

[47] This was Musto's main critic to the work of Arnold Taylor. Musto criticizes Taylor due to "his interpretation of American efforts too charitably" and his not – mentioning this "voluntary economic embargo" effect on the American policies. David F. Musto, "Review: American diplomacy and the narcotics traffic, 1900-1939: A study in international humanitarian reform by Arnold H. Taylor," *The Journal of American History* 63, no. 1 (1976), 160-1.

[48] William O. Walker III., *Opium and Foreign Policy: The Anglo – American Search for Order in Asia, 1912 – 1954* (Chapel Hill: University of North California Press, 1991).

opium problem of the twentieth century could not be explained without the USA's dominant role and its radical economic and discursive results.

In the hard attempt to understand the complicated economic, politic, social and ideological dynamics that led to radical changes in the definition of opium and related opium politics, I would like to specify one last point that is generally underlined by diplomatic historians. The multilateral drug control regime emerged in the early twentieth century as a result of a new type international cooperation.[49] To put this "internationality" mentality as a political factor is explanatory when the number of international meetings and conferences on opium called in the first three decades of the new century is considered.

These entire complex and multi - layered dynamics led to profound changes in the formation of the power relations affecting opium's future. These underlying factors were neither mutually exclusive nor always sustaining each other. Moreover, it is difficult to argue that one factor was the main determinant and more crucial in this process of conceptual shift. Perhaps, the medical discourse and the physicians could not gain this much power and authority over opium if imperial economic concerns had forced some states to alter their policies. Or, Chinese political opposition to the British – India opium trade may not have worked if it did not coincide with the "awakening public opinion" constructed mainly by social reform groups and missionary activists. In any case, opium was somewhat a different thing for these reasons. This difference was about how opium was perceived and represented, what kind of economic concerns would govern it, which actors would have authority over the subject, and how the opium question would be legislated and regulated.

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[49] McAllister, *Drug Diplomacy in the Twentieth Century: An International History,* 20, especially his twenty second footnote of Chapter One on the pages 262-63.

Before discussing this change in detail, I would like to make one comment. The argued novelty of opium's status in the new century did not totally reflect the mentality of all of the historical agents interested in the opium question. The representations of opium for the Chinese opium producers or the opiate users in European countries may, and possibly did not completely correspond with the transformation that will be explained below. I will show the crucial changes in the economic, political, social and legal status of opium, at least within the hegemonic discourse and for different segments of governing elites. Hence, the analysis is crucial in the sense that it reveals the set rules of the game from then on despite the above-mentioned shortfall of the historical agency issue.

The Direction of the Change

First of all, the answers to the question of what opium is were changed. Formerly, opium was one of the most important profit–bearing commodities. It was seen as a usual means of making money and transferring wealth like other crucial commodities of imperial regimes. It had no inherent qualities which distinguished it form silk, coffee, or sugar. By the turn of twentieth century, opium was no longer an ordinary business item. From then on, opium was defined as a "dangerous drug" of the circumstance is called "alarming." To underline this emergency, it was labeled a "poison" that posed an evil for the whole society. As Malleck underlines, this process of refining poisons, both chemically and metaphorically, was mainly the consequence of doctors and pharmacists.[50] Modern Western medicine argued that opium was a physical evil because it was poisoning specific parts and damages the

[50] Malleck, *Refining Poison, Defining Power: Medical Authority and the Creation of Canadian Drug Prohibition Laws, 1800-1908,* 22.

normal structure of the body. For example, one of the significant figures of American physicians' groups interested in opium issues, Webster, declared that opiates were poisons due to their "peculiar cerebral effects" and they led to serious physical damages if the "self– poisoner" was not "careful" like the Chinese population.[51]

Besides medical labeling, this "poison" theme was also coincided with religious and moral concerns. Webster started his above-mentioned article with a quote from the Mattha Bible.[52] One of the leading characters of the American anti–opium lobby and the creator of the Philippine's opium policy, Bishop Brent, thought any non–medical use immoral and that state – sponsorship in the opium business degenerates not only the populace but governments themselves.[53] One last example of this religion effect on the "poison" discourse is from Britain. As Brown discusses, the Anglo–Oriental Society for the Suppression of the Opium Trade, which had crucial effects on the opium policies as a pressure group, accused opium for retarding the progress of Christianity.[54]

These new meanings ascribed to opium affected perceptions about its use and users. It was started to be questioned that for what purposes opium was being and more importantly should be used, how the users could be assessed and as a result of this assessment what should be done to these users. As discussed in the beginning of this chapter, opium was used for mainly three types of purposes: as an ingredient of traditional medicinal prescriptions, as an agricultural input of cuisines; and as a

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[51] C. E. S. Webster, "The Habit Poisons. First Paper," *The American Journal of Nursing* 12, no. 8 (1912), 635-636.

[52] Ibid., 635.

[53] McAllister, *Drug Diplomacy in the Twentieth Century: An International History,* 28.

[54] Brown, "Politics of the Poppy: The Society for the Suppression of the Opium Trade, 1874-1916," *Journal of Contemporary History,* 102. Needless to say, Brown did not discuss this evangelical concern as the sole motive of the organization's anti – opium activities. He also underlines the economic and diplomatic motives of this movement.

pleasing and recreational drug. The first and the third ones had become problematic by the new century. The main argument was that opium should only be used for the "scientific and medical purposes."[55] This required two correlated phenomenon. While the traditional use of opium by the "unauthorized populace" in traditional medicine had to be replaced by modern, scientific medicine and the chemical industry, the practices of smoking and/or eating opium for pleasure had to be totally suppressed and eliminated. These two points were also at the heart of the discussions among different states at the international conferences. The USA and China insisted on these arguments of "scientific and medical needs" and the "total suppression of opium smoking," and attained their objectives in the end to some degree.[56]

The medical discourse was also hegemonic on the perceptions of opium users, as it was on the determination of legitimate usage purposes. In the nineteenth century, opium users were seen as a cultural practice peculiar to the "inferior races" and as an "exotic, Oriental vice."[57] The ritualistic uses of opium in Far Eastern religious ceremonies were also known by the imperial regimes. Toward the end of the century, opiate users started to be seen as deviants and the tendency was to criminalize them.[58] However, the medicalization of opium had affected the status of the users and transformed them into "addicts." Hence, as Carstairs points out, the

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[55] Gavit, *Opium*, 169-170.; McAllister, *Drug Diplomacy in the Twentieth Century: An International History,* 46-50.

[56] For the USA Gavit, *Opium*, 169-218.; McAllister, *Drug Diplomacy in the Twentieth Century: An International History,* 50-56.; Clarence A. Berdahl, "Relations of the United States with the Assembly of the League of Nations," *The American Political Science Review* 26, no. 1 (1932): 101-106. For China, W. W. Willoughby, *Opium as an International Problem – The Geneva Conferences* (Baltimore: The John Hopkins Press, 1925); Alfred Sao-Ke Sze, *Geneva Opium Conferences: Statements of the Chinese Delegation* (Baltimore: The John Hopkins Press, 1926).

[57] Gavit, *Opium*, 2.

[58] Mills, *Madness, Cannabis and Colonialism: The 'Native-Only' Lunatic Asylums of British India, 1857-1900*, 43-65.; Carstairs, *'Hop Heads' and 'Hypes': Drug Use, Regulation and Resistance in Canada, 1920-1961,* 67-156.

concepts of "addiction" and the "addict" who is unable to control his body or soul were historically contingent.[59] The "drug addicts" were no longer inferior races and/or criminals; they were "patients" who need to be treated. The physicians struggled to present the drug addiction as a "disease"[60] and the addict as a "sick person who needs more attention from the physician and less from the police."[61] They made intensive efforts to persuade the public of the necessity of special narcotic hospitals that "hold the convicted addict as a prisoner, but treat him as a patient."[62] Moreover, defining addiction as an illness invited medical authorities to a professional discussion on this special disease's pathology, symptomatology and especially treatment methodology.[63]

The change in the perception of what the opium was and who could use it was followed by a questioning of the quality of the "opium problem." The nineteenth century's opium problem was mainly about the Far East and commercial/imperial interests. Both of these had altered. As opium was negated as a result of high values and attached with dishonorable connotations, the opium problem took on a new moral dimension. The opium problem of the twentieth century was related to high humanitarian concerns due to its claimed threat to the "public health." As Kolb explains, drug addiction (using "drug" as a synonymous with opium) was a serious

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[59] Carstairs, *'Hop Heads' and 'Hypes': Drug Use, Regulation and Resistance in Canada, 1920-1961,* 18.

[60] J. D. Reichard, Myrtice C. Gupton, and John C. Buchanan, "Drug Addiction: The Nursing Approach to Treatment," *The American Journal of Nursing* 41, no. 3 (1941), 266-269.

[61] Lawrence Kolb, "Drug Addiction as a Public Health Problem," *The Scientific Monthly* 48, no. 5 (1939), 400.

[62] Ibid., 397.

[63] Charles E. Terry, M. D. and Mildred Pellens, *The Opium Problem*, 166-468, 517-529.; Kolb, "Drug Addiction as a Public Health Problem," 391-400.; J. D. Reichard, Myrtice C. Gupton, and John C. Buchanan, "Drug Addiction: The Nursing Approach to Treatment," 266-269.; Webster, "The Habit Poisons. First Paper," 635-639.

public health problem because it not only deteriorated the addict's physical and mental health, but also triggered new social problems such as suicide, crime, and even murder.[64] Moreover, the opium problem was seen as a threat for the social welfare the establishment of which was claimed by the League of Nations as its secondary mission after disarmament.[65] It was thought that disarmament could not maintain the peace alone unless better economic, social and health conditions were introduced into the world.[66] Hence, "for the sake of the general progress and peace," a humanitarian dimension was attached to the opium problem, and the League of Nations' Section for Humanitarian and Social Questions was delegated the authority to govern it. [67] Consequently, the humanitarian approach to the opium problem had more or less discursively hegemonic in the early twentieth century although it remained its second competitor, "pure economic" concerns.

One another revision for the opium problem's quality was made concerning geography it embraced. Opium problem no longer belonged solely to the Far East, especially to China. Especially Chinese politicians insisted on this "internationality" point, arguing that not only China complicated the problem due to the extra-territoriality rights and its over–production.[68] This view was also supported by other anti–druggists, especially from America. It was seen that unless all of the countries behave with "enthusiastic, aggressive" cooperation regardless of their own selfish

[64] Kolb, "Drug Addiction as a Public Health Problem," 391-92.

[65] Dame Rachel Crowdy, "The League of Nations: Its Social and Humanitarian Work," *The American Journal of Nursing* 28, no. 4 (1928), 350.

[66] Rachel E. Crowdy, "The Humanitarian Activities of the League of Nations," *Journal of the Royal Institute of International Affairs* 6, no. 3 (1927), 153-156.

[67] Crowdy, "The League of Nations: Its Social and Humanitarian Work," 350.

[68] Sze, *Geneva Opium Conferences: Statements of the Chinese Delegation,* 47, 125, 134. The other book's name written by an expert of Chinese delegation in Geneva conferences is also illustrating the insistence of the Chinese on the opium problem's "internationalization." W. W. Willoughby, *Opium as an International Problem – The Geneva Conferences* (Baltimore: The John Hopkins Press, 1925).

interests the opium "problem" could not be solved.[69] This internationality was more or less provided under the umbrella of the League of Nations, with of course its own restrictions. It always contested the "sovereignty" rights of each independent state and their domestic economic, political and social concerns, as it will be shown with Turkey's experience in the remaining part of this thesis.

As can be expected, all of these discussions on "opium" were both a cause and an effect of the general course of the "opium business." In the early twentieth century, the production, trade and manufacture modes were seriously criticized by various actors depending on moral, economic and political concerns, and demands were made that they had to be radically altered. The economic laissez–faire approach was dominant in the nineteenth century's opium business, meaning there was no restriction determining either production/demand or trade/supply side. Also the manufacturing of opiates was also unregulated. Although there was no international or national legislation on opium cultivation and traffic, this "freeness" had its own restrictions, the boundaries of which were formed by imperial power relations. With the new century, as Courtwright writes, the overall trend was toward restriction and selective prohibition.[70] The general public opinion moved to accept the urgency and necessity of restricting and regulating the whole landscape of the opium economy although reaching a common denominator was not very easy due to the contesting and conflicting interests of different states. The main lines of this supported restriction were these: the authorization of special governmental bodies related to the opium problem and enhancing state control on the issue; the limitation of opium production to the level needed for medical and scientific aims; an import –

[69] Gavit, *Opium*, 223.

[70] Courtwright, *Forces of Habit: Drugs and the Making of the Modern World,* 186.

export certification system booked by both trading states; the prohibition of unauthorized people and institutions from the domestic and international trade of raw opium or its manufactured versions; an information sharing system in that all available and estimated information about opium's economy in each country would be transparent, demonstrable and sharable with international competent bodies.[71] All of these were discussed in the international conferences on opium, state representatives reacted to these depending on their countries' position either producing, manufacturing or consuming, and at the end in 1931 a more or less understood legislation base was developed. With this, the legitimate and legal opium economy was defined under the control of states and international bodies, and many gaps emanating from this framework were closed by the "illegitimate and illegal" but very huge underground world, namely mafia organizations.[72]

I would like to discuss one last point to demonstrate the argued change of opium politics, or as in Courtwright's words, "one of history's great about–faces."[73] This point was about the change of the influential historical agents. The governing of the nineteenth century's opium problem mainly belonged to the commercial bourgeoisie and imperial bureaucrats. However, in the new direction of the opium problem new historical agents emerged and slowly took over the previous generation's duties and powerful positions. They were medical professionals,

[71] McAllister, *Drug Diplomacy in the Twentieth Century: An International History,* 43-102.; Gavit, *Opium*, 169-219.; Willoughby, *Opium as an International Problem – The Geneva Conferences.*; Brian Inglis, *The Forbidden Game: A Social History of Drugs,* (New York: Charles Scribner's Sons, 1975), 154-177.; Quincy Wright, "The Opium Conferences," *The American Journal of International Law* 19, no. 3 (1925), 559-568.

[72] Catherine Lamour and Michel R. Lamberti, *The Second Opium War* (London: Lane, 1974), 1-12.

[73] Courtwright, *Forces of Habit: Drugs and the Making of the Modern World,* 167.

national bureaucrats, and the technocrats of international organizations.[74] This shift was not limited to powerful social groups. On the level of states, the centrality also shifted from Great Britain to the USA. America's rapid entrance to the opium problem in the early twentieth century radically altered its destiny because the USA affected the power relations determining the existing balance of the opium question.[75] In addition to the USA, one other agent is crucial to understand the formative subjects governing the conceptual change. This agent was the League of Nations. Its power in the opium problem came from its claims of supra – nationality, neutrality and being the sole address of humanitarian claims.[76]

To summarize, the nature of opium and the opium problem underwent fundamental changes in the early twentieth century. New answers were posited to five basic questions. They were first, what "opium" was; second for what purposes it should be used and who was able to use it; third with which motives "the opium problem" could be described; fourth how the opium business was to be conducted; and last who the leading actors were. In this part, this mentality change was examined in detail. Now, the international conventions reflecting these changes and creating a legal framework for the opium question will be discussed.

Constructing the Renewed Opium System

The above-discussed transformations brought about several international meetings in the first three decades of the twentieth century. The most important ones

[74] McAllister, *Drug Diplomacy in the Twentieth Century: An International History,* 101. In order to see some curriculum vitas of most influential figures of this transformation process that justifies this profile shift argument, Gavit, *Opium*, 22-24.; McAllister, *Drug Diplomacy in the Twentieth Century: An International History,* 28,29, 45, 48, 51, 54, 88.; Inglis, *The Forbidden Game: A Social History of Drugs,* 170-174.

[75] McAllister, *Drug Diplomacy in the Twentieth Century: An International History,* 51.

[76] Ibid., 46-50.

were the 1909 Shangai Opium Commission, the 1911 Hague Opium Conference, the 1924–1925 Geneva Conferences, and the 1931 Geneva Conference. These conferences and their resultant conventions with both of their inauguration of renewals and omissions to the world-wide opium politics will be discussed.

The 1909 Shangai Opium Commission

The 1909 conference was the first international meeting about the opium problem that reflected the concerns explained above. It convened mainly due to the efforts of the USA. Musto writes that America's immediate call for the conference was directly related to the "voluntary Chinese embargo on all American goods."[77] Despite short notice, all major countries interested in the problem sent representatives.[78] Moreover, although the conference was only for the exchange of views and representatives had no plenipotentiary powers, the Shangai meeting reflected the central conflicts and disagreements as core. The most contentious question was how legitimate opium use would be defined. While Americans, in conjunction with Chinese delegates, posited a restrictive definition that only included "medical and scientific purposes" as determined by Western medicine, the colonial powers, especially Britain, opposed this and asserted "quasi–medical" opium use as legitimate.[79] The conference ended on February 26, 1909 with a final resolution that

[77] Musto, "Review: American Diplomacy and the Narcotics Traffic, 1900-1939: A Study in International Humanitarian Reform by Arnold H. Taylor," 951.

[78] Great Britain, France, Japan, Germany, Russia, Portugal, the Netherlands, the USA, China, Siam, Persia, and Italy attended the conference. Turkey (at that time the Ottoman Empire) did not send a representative although it was invited.

[79] McAllister, *Drug Diplomacy in the Twentieth Century: An International History,* 28-30.

recommended much affirming its non–binding character for the conferees.[80] The final resolution reflected the opium problem's transition from being solely about China to the international level with four of its nine articles directly for China and colonial concessions and settlements in China. Moreover, the "gradual suppression of opium smoking" and the requirement of two trading countries' reciprocal demands for the opium trade were first brought up in the final resolution. With these features, the Shangai meeting had been the first – step of the international regulatory acts.

The 1912 Hague Opium Convention

After Shangai, although the states did not change their own policies, efforts to regulate and constitute a legislative ground continued. The states met again at Hague on 1 December 1911.[81] The final treaty of the negotiations was somewhat more inclusive about various aspects of the opium problem.[82] First of all, the convention defined "raw and prepared opium" and "medicinal drugs" derived form opium. The states were called upon to restrict the production and trade of raw and smoking opium, "gradually and effectively" suppress the practice of opium smoking, and bring special measures to reduce the opium traffic in China. There were also articles about manufactured drugs to be restricted to the amounts required for medical and scientific purposes, to be licensed and their distribution to be controlled; however

[80] International Opium Commission, *The American Journal of International Law* 3, no. 3, Supplement: Official Documents. (1909), 275-276. Full text of the final resolution may be found in Appendix A.

[81] Great Britain, France, Japan, Germany, Russia, Portugal, the Netherlands, the USA, China, Siam, Persia, and Italy had attended the conference.

[82] Full text of the convention will be in Appendix B.

these had several loophole clauses due to the opposition of manufacturing states.[83] The Netherlands took the responsibility for administering the Hague Convention. However, in 1915 there were only eight ratifications and twenty–four promises accepted.[84] Adding the Great War to this picture, the ability to execute the treaty was postponed to the post–war era.

The First and Second Geneva Opium Conferences in 1925

World War I directly affected opium production and use. Wartime smuggling, shortages and exaggerated stories of the drug threat benefited the regulation advocates and directly the Hague Convention. Peace treaties included a clause requiring the ratification of the Convention. Moreover, the League of Nations welcomed to the opium problem with the responsibility for supervising execution of the 1912 Hague Treaty. The League created several entities to deal with the opium question. Listed according to their weight, these were the Advisory Committee on the Traffic in Opium and Other Dangerous Drugs, the Opium and Social Questions Section within the secretariat, and the League Health Committee for advising on medical matters.[85] Up to the 1925 conferences, these bodies and other influential actors were in touch and made several negotiations on the opium problem among themselves.[86] In mid–1924, to convoke a League–governed international conference on the issue was more or less determined.

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[83] McAllister, *Drug Diplomacy in the Twentieth Century: An International History,* 30-34.; Inglis, *The Forbidden Game: A Social History of Drugs,* 155-157.; Gavit, *Opium,* 14-15.

[84] McAllister, *Drug Diplomacy in the Twentieth Century: An International History,* 35.

[85] Ibid., 44.

[86] For a detailed description of these negotiations, Terry, M. D. and Pellens, *The Opium Problem*, 629-745.; McAllister, *Drug Diplomacy in the Twentieth Century: An International History,* 44-57.

At the end of 1924 and beginning of 1925, two distinct conferences were convened in Geneva in order to discuss the opium problem. The first conference, held from 3 to 17 November 1924, was held to consider measures about the situation in the Far East, especially the question of suppressing opium use there. As a result of this division, only eight countries attended.[87] The powers did not commit to a precise date for the elimination of opium smoking despite the Chinese delegation's insistence. The British-proposed "registration and rationing system" depending on the listing of habitual users and controlling them was opposed by France and the Netherlands due to their colonies in Indo–China and the Dutch Indies. All of the powers argued that the smoking problem would not be solved until China was able to internally control it. In the end, China withdrew from the conference, and the final act was written in a moderate tone, failing to achieve a breakthrough expected by mainly America.[88]

The second conference met from November 17, 1924 to February 19, 1925 in Geneva and consisted of representatives of forty–one states.[89] The American proposals about limitation of raw opium production and coca leaves, "so that there will be no surplus available for purposes not strictly medical and scientific," made its clear mark on the discussions of the conference. Moreover, although opium consumption was not on the agenda of the second conference, American representatives raised this issue and proposed to limit "total suppression of opium

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[87] Great Britain, France, the Netherlands, Portugal, Japan, India, Siam, China.

[88] McAllister, *Drug Diplomacy in the Twentieth Century: An International History,* 67-9.; Gavit, *Opium,* 169-92.; Quincy Wright, "The Opium Conferences," 559-60.

[89] Albania, Germany, United States, Australia, Belgium, Bolivia, Brazil, British Empire, Bulgaria, Canada, Chile, China, Cuba, Denmark, Free City of Danzig, Dominican Republic, Egypt, Spain, Finland, France, Greece, Hungary, India, Irish Free State, Italy, Japan, Luxemburg, Netherlands, Nicaragua, Persia, Poland, Portugal, Romania, Kingdom of Serbs, Croats and Slovenes, Siam, Sweden, Switzerland, Czechoslovakia, Turkey, Uruguay, Venezuela.

use except medical purposes." The insistence of America and China on these two points incited conflicts and disagreements among the two states and in the end led their withdrawal from the conference. There were also less controversial issues discussed at the conference concerning the regulation of international trade of both raw opium and its manufactured derivatives.[90] Despite the intense discussions, the conference generated a final act, known as the International Opium Convention of 1925,[91] and it was generally thought that it accomplished more than 1912 Hague Convention. McAllister summarizes the important provisions:

> 1) the creation of the Permanent Central Opium Board, 2) a system of import certificates and export authorizations designed to eliminate diversion of drugs in transit from one country to another, 3) various provisions for the enhancement of domestic control measures, 4) restrictions on trade in coca leaves and marijuana, 5) controls on processed drugs such as crude cocaine and ecgonine, 6) procedures to add new drugs to the list of controlled substances.[92]

Although these claimed improvements, there were also lacunas rising mainly from the non – signatory states' situations, and no concern stated about synthetic drugs and the new mechanisms' weak administration status. Besides these, by 1925 it was no longer questioned whether the opium question was international, whether opium was a dangerous product that should be controlled by Western medicine, or whether its business should be regulated and restricted to some extent.

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[90] McAllister, *Drug Diplomacy in the Twentieth Century: An International History,* 69-78.; Gavit, *Opium,* 193-218.; Quincy Wright, "The Opium Conferences," 560-68.; Quincy Wright, "The American Withdrawal from the Opium Conference," *The American Journal of International Law* 19, no. 2 (1925): 348-55.; Inglis, *The Forbidden Game: A Social History of Drugs,* 160-4.

[91] Full text of the International Opium Convention of 1925 will be in Appendix B.

[92] McAllister, *Drug Diplomacy in the Twentieth Century: An International History,* 76.

The 1931 International Opium Conference

After 1925, the efforts tended to constitute the system promised in the convention. The new bodies related to the opium question started to work under the League of Nations, the India – China opium trade was somewhat reduced, and many states started to share their production and trade statistics with authorized bodies and revised their domestic legislations compatible with the convention. By the ends of the 1920s, a new international conference focused on the control over manufacture brought up by both the League of Nations' bodies and the states due to increasing smuggling that negatively affected the "legitimate" business of pharmaceutical firms and manufacturing states like Switzerland and Germany. The major pharmaceutical firms of Europe started to negotiate about establishing a cartel depending on legitimate opium trade sharing among themselves. These negotiations alarmed other states, especially America, and this emergency once again constituted the grounds for another international conference.

The Preliminary Conference on the Limitation of the Manufacture of Narcotic Drugs assembled in London on 27 October 1930, and broke up on 11 November without arriving at any conclusion.[93] However, states and the League continued their preparations. While manufacturing states like Germany, France, Japan, and Switzerland did not want new entries into the drug market that might cut off their market shares, producing countries such as Turkey and Yugoslavia wished to guarantee their raw opium exports by bargaining their potential manufacturing capacity based on their raw material supplier position. Consuming states, like

[93] Ibid., 91-2.

Canada, aimed to maintain their import opportunities at competitive prices. These different concerns would affect the conference's end product.

The Conference on the Limitation of the Manufacture of Narcotic Drugs met in Geneva from 27 May to 13 July 1931 with the participation of fifty – seven nations. The final convention of the conference[94] reflected a composite of the distinguished interests of the different actors. Its key provisions were about the estimates system in which the signatory states had to submit their production and importation estimates of manufactured drugs based on their own scientific and medical needs. The supervision of this system was given to the Drug Supervisory Body that was constituted by the treaty. The conference also decided to control the derivatives and obliged the import/export control requirements of the 1925 Convention for also morphine, heroine, and cocaine. Moreover, the US achieved the insertion into the language of the treaty an indirect limitation on agricultural production. Adding to this, no foreseen compensation for the producer countries' losses incurred when raw material exports declined created disinclination among producer states including also Turkey, as will be discussed in the next chapter.[95] Despite many other dissatisfactory points for various actors of the problem, the 1931 Convention was the last step of a regulatory and restrictive system formed as a result of the three-decade efforts to solve the "opium problem." As Inglis observes, from the legal point of view, the 1931 Convention was unique because:

> The first not merely to apply the principles of a controlled economy to a group of commodities by international agreement, but also to regulate all phases of the production of dangerous drugs from the

[94] Full text of the 1931 Geneva Convention on the Limitation of the Manufacture of Narcotic Drugs will be in Appendix B.

[95] McAllister, *Drug Diplomacy in the Twentieth Century: An International History,* 95-102.; Inglis, *The Forbidden Game: A Social History of Drugs,* 174-7.

> time the raw material entered the factory to the final acceptance of the finished product by hospital, laboratory, or chemist's shop.[96]

All in all, the opium question definitely entered a new phase with the 1931 treaty. Although there were important disagreements rising from the highly conflicting interests of various actors, the three conventions of 1912 Hague, 1925 and 1931 Geneva stood as clear proof of the changing definition of "opium" and the nature of the "opium problem." These would affect, even more complicate, the future developments about opium, its producers, manufacturers, users; and these developments would invite intensified governmental efforts by international and national bureaucrats, medical professionals, and polices in almost all the states including Turkey. The following chapters of this thesis will be totally dedicated to elucidate these general consequences with the specific example of Turkey during the 1930s. Before passing to this, I would like to summarize some concluding remarks of this chapter.

Concluding Remarks

After all of these economic, social, political, and diplomatic concerns, I want to combine these with the theoretical discussions elaborated above in this chapter. First of all, at the end of the transformation process opium, its various uses and its whole business cycle from poppy production to derivatives' manufacture could not be assessed without a reference to medical discourse, the proponents of which was desirous to dominate. Due to the Western medical discourse's claims of "danger/evil" of opium substances for society, their regulation, control and restriction became inevitable. At exactly this point, international and national bodies

[96] Inglis, *The Forbidden Game: A Social History of Drugs,* 174.

appeared to overcome this inevitability. These authorities had decided who could use opium for what purposes, and to what extent and under which conditions its "legitimate" business might be done and by whom. The borders of these questions' answers were drawn by the knowledge produced by Western imperial medicine: Opium could only be used by the medical professions for medical and scientific needs only, and its economy should be regulated according to this priority. All of other users, use purposes and/or economic concerns were excluded from this "legitimate/legal" arena and relegated to the world of crime.

As underlined above, this hegemony of the medical discourse over the opium problem started to develop in the early twentieth century. This timing was no coincidence. In the first decades of the new century, it became evident that the run of nineteenth century's opium question was no longer sustainable for many actors, even for the leader of the previous century, Britain. On the one hand, the clashing economic interests of different empires on their opium – rich colonies were alarmed at the change of profit - sharing modes; on the other hand, social reformers' political influence on the opium problem was enhanced. These economic and political revisionist concerns coalesced with social concerns, namely the alarming situation of "addiction" that was becoming widespread in Western societies thanks to both migrations and technological innovations. One last concern underlying the developing hegemony of medical discourse was the "internationalist" winds blowing throughout the world since the late nineteenth century.

The medicalization of opium and criminalization of its users, however, were far from smooth and uncontested processes. As stated above, there were many actors ranging from social reformer groups to missionaries, from physician to international bureaucrats, from imperial governors to various states' diplomats who

would directly affect and be affected by this transformation process. While some did not want to lose their economic, political or ideological powers, the others wanted to change the balance in favor of themselves. Moreover, opium was not only required by medicine, but it was one of the most crucial inputs of the chemical and wartime industries. The Conventions as the concrete forms of the transformation reflected this contested ground of the opium problem. While they were triggered by social and medical matters, the economical and political concerns of different subjects never disappeared entirely. In conclusion, although the Conventions represented the desirable maximums, they still could not totally marginalize opium by medicalization and criminalization.

CHAPTER II

TURKEY'S OPIUM LAW IN 1933

In the previous chapter, the general picture about opium in the world by the turn of the twentieth century was presented. In this picture, the conceptual change of opium from being a usual commercial commodity to becoming a dangerous substance of drugs that should be regulated and controlled at both international and national levels was emphasized. This change was due to economic, social, political, technological and discursive reasons, as discussed.

In this chapter, Turkey will be added to this general picture. The main aim is to answer the question of how Turkey situated itself in the changing international atmosphere about opium in order to better understand the passage of the 1933 Opium Law. With this question in mind, first the situation about opium before the 1930s in Turkey will be described. This will cover the issues of Turkey's legal and political position according to the international conferences and contracts, and the general course of opium business in Turkey ranging from its production and export to its manufacturing. After putting the conditions before 1930s, Turkey's strained international relations with certain actors regarding Turkey's opium policy, and Turkey's attempts to govern this rising tension will be examined. These attempts resulted in the emergence of certain regulations and institutions that were not permanent, and ended with the comprehensive changes enacted with the Opium Law of 1933. The discussion of the making of the law process will be followed by the changes it brought to opium. The last part of this chapter will cover that how the law itself and the changes brought by it were immediately perceived by several subjects related to the opium question.

Turkey's Relation to the Opium Problem before the 1930s

Turkey, one of the biggest opium producers in the world, was not indifferent to the above-mentioned international debates on opium that had continued since the turn of the century and intensified in the 1920s. As mentioned in the previous chapter, the Hague Convention of 1912 was brought into force, at least in a proposal article, by the Treaty of Versailles Article 295 for the defeated signatories of World War I.[97] While Turkey also accepted this proposal in the Lausanne Treaty's Article 100,[98] its proposing nature did not bring any serious change. As a result of the article in the Lausanne Treaty, Turkey charged the Agriculture Under-Secretary Süreyya Bey with the task of representing Turkey at the Second Geneva Conference that met between 17 November 1924 and 19 February 1925. Süreyya Bey was cautioned not to subscribe to any liability about the restriction of the opium's agriculture and trade without the Cabinet's instructions.[99] Although these instructions were given three weeks after the conference's start,[100] the general image of the Turkish representative, Süreyya Bey, was drawn by an administration member of the conference as follows: "The representatives of Turkey and Persia, without perhaps any special knowledge of the subject, but under perfectly assimilated instructions from home, brought to the second conference a particularly keen and active interest in the subject."[101]

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[97] Gavit, *Opium*, 18.

[98] Galip Bahtiyar, *Afyon:Türkiye'nin İstihsalatı:Haşhaş Ziraatı, ziraat Mıntıkaları, Afyon İstihsali, İstatistik, Ahdi ve Kanuni Mevzuat* (Istanbul: Matbaacılık ve Neşriyat Türk Anonim Şirketi, 1933), 22.

[99] PMRA Catalogues of Council of Ministers' Decrees (1920-1928), 30..18.1.1/12.59.11..

[100] PMRA Catalogues of Council of Ministers' Decrees (1920-1928), 30..18.1.1/12.63..20.

[101] Gavit, *Opium*, 197.

Compatible with the Cabinet's instructions, Süreyya Bey porposed the regulation of the Indian hemp with the Egypt representative,[102] abstained from voting for the American proposal about the control of production and distribution of raw opium and coca-leaves,[103] and did not sign the end product of the conference.

Before the 1930s, there were no legal restrictions about opium production or trade in Turkey. Opium was produced by the peasants according to the climatic elements and their lands' structure, and sold to either commission merchants or big opium trade companies or sold by themselves in the bazaars. Since 1924, opium had been sold in the exchange markets of Istanbul and Izmir. While determining the morphine level of the opium, which was an important parameter of the price setting process, was done depending on the European buyers' demand,[104] it had started to be done in the exchange markets' laboratories by 1924. This was seen as an advantage to the Turkish opium merchants by the merchants themselves.[105]

Furthermore, while the production and trade of opium was still free in the 1920s, the industry of producing alkaloids in Turkey was beyond restriction, and also thought profitable by foreign capital. There were three alkaloid producing factories in Istanbul. The first of them was Orient Produit, which was established by Japanese capital in Taksim in 1924 and showed activity until 1927 under the administration of a Japanese chemist named Kikuçi. TETKAŞ was founded by French capital in Kuzguncuk, and was changed to starch factory after the prohibition in 1932. The last

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[102] Ibid., 34.

[103] Ibid., 200.

[104] Prof. Dr. Ayşegül Demirhan Erdemir, *Afyon ve Tıbbi Etik(ve Diğer Bağımlılık Yapan Maddeler)* (Bursa: Güneş & Nobel Kitabevi, 1996), 28.

[105] Bahtiyar, *Afyon:Türkiye'nin İstihsalatı:Haşhaş Ziraatı, ziraat Mıntıkaları, Afyon İstihsali, İstatistik, Ahdi ve Kanuni Mevzuat*, 14.

which became the most problematic one in the early 1930s, was ETKIM. It was in Eyüp, and run by Nesim Taranto and partners.[106]

Although there were no legal liabilities or prohibitions tied opium producers, merchants and industrialists in the 1920s in Turkey, there were also some discussions about the conduct of the opium problem all over the world, its potential effects on Turkey's opium position and some feasible solutions. Turkey's commerce agent in the Netherlands and England, Kurtoğlu Faik Bey, proposed in 1928 that the Economy Ministry establish a national opium merchants' office with credit supplied by Amsterdam Bank that would be used to support the peasantry and to found an alkaloid factory in Izmir. Although a representative of Amsterdam Bank traveled to Turkey to investigate the feasibility of the project, Turkey did not show serious interest in it.[107] This type of indifference on the part of Turkish governors towards feasible policies involving the opium problem in the 1920s is interesting because it would highly contrast with the wobbly and policy-seeking attitudes of the following decade.

The last important point that should be mentioned for a complete picture of Turkey's nonexistent "opium problem" during the 1920s when compared with the 1930s was the Narcotic Drugs Law *(Uyuşturucu Maddeler Hakkında Kanun)*, enacted on 15 February 1928. In the assembly meeting for the discussions on the law, the Health Minister, Refik Bey, declared that the law was a result of the Lausanne Treaty's Article 100 about the Hague Convention, and about some restrictions to the preparation, sale, and transport of narcotic drugs, adding that 48 countries had enacted this type of laws. He expressly specified that the law did not

[106] Nurhayat Sütlüpınar, "Türkiye'de Afyon Alkoloitlerinin Elde Edilişinin Tarihçesi" in *II. Türk Tıp Tarihi Kongresi, Istanbul: 20-21 Eylül 1990* (Ankara: Türk Tarih Kurumu Basımevi, 1999), 133-4.

[107] Mümtaz Ziya, "Afyon Meselesi", *Kadro,* no. 4 (1932): 25.

bring any measures regarding raw opium as a crop or as an export, but it was only about prepared opium *(müstahzar afyon)*.[108] This protectionist emphasis on the raw opium business carries great importance in order to understand the changing atmosphere about opium during the 1930s in Turkey.

Before getting to the "opium problem" of the 1930s, the available data of opium production[109] and export[110] quantities should be discussed in order to clarify the general picture in the 1920s. As seen in both graphs, neither the production nor the export quantities of opium changed dramatically during 1920s (starting from 1924, after the War of Independence). The volumes of production and export show that each one had more or less met the other, resulting in no serious stock and/or market problems for opium. However, in 1929 while production reached its highest level, the lower export figures illustrate that the total produced yield could not be sold. This difference between the production and export levels could not be closed in the 1930s. Moreover, it would be an important factor that led to adverse economic conditions for opium producers, merchants, and the state also in the following the promulgation of the law period, as will be discussed in the next chapter.

[108] TBMM Zabıt Ceridesi, Cilt: 6, Devre: III, İçtima Senesi: II (Ankara: TBMM Basımevi, 1928), 53-55.

[109] Production figures are taken from *Afyon: Türkiye'de ve Dünyada,* provided by the Economy Ministry Narcotic Drugs Monopoly (Ankara: Devlet Matbaası, 193-?), 70.

[110] Export figures are taken from Ibid., 101.

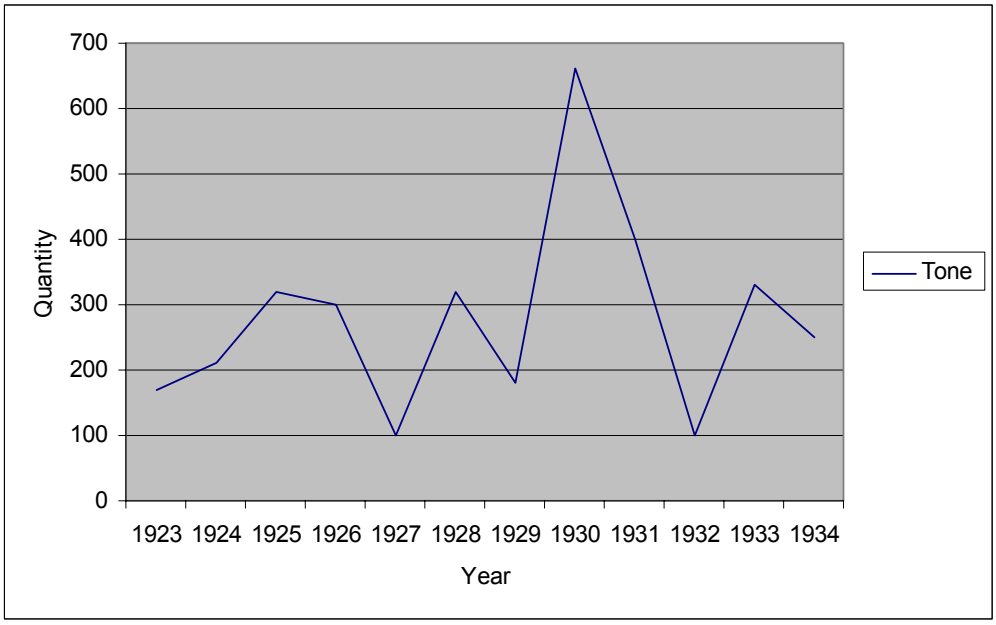


Figure 1: Average Opium Production of Turkey between 1924-1934

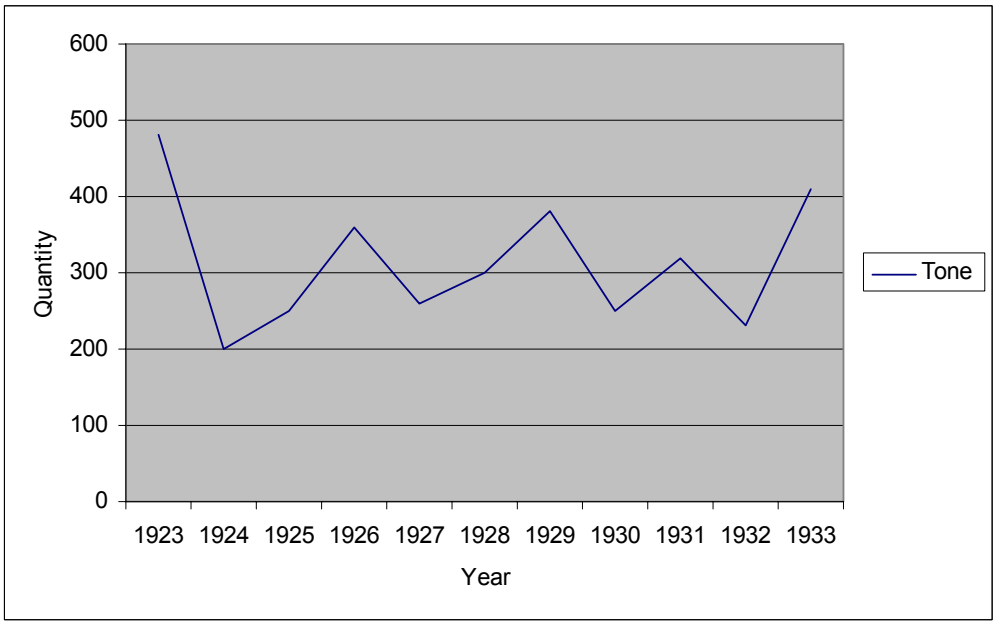


Figure 2: The Opium Export of Turkey between 1924-1933

The Rising Tension by the Turn of the Decade

The growth of the opium problem in the 1930s in Turkey and the resultant 1933 Opium Law generally were experienced under the shadow of the famous opium production prohibition and US – Turkey tension in the early 1970s. While only a limited number of authors are interested in the juncture of the 1930s, they narrate

opium's story in the period by and large as a synopsis of the "big event" that occurred forty years later. An example of this is represented by Songar, who claims that USA's first campaign against Turkey's lax attitude about opium came about in 1930.[111] While Erdemir, who has studied the relation between opium and deontology, includes the negative effects of the heroin factories in Istanbul in the picture, she also thinks that the major determinant of the process was the USA's demands about the prevention of smuggling:

> The heroin factories established by a Japanese company in Istanbul and caused publications against Turkey in the American and European press in 1930s. ..In fact, the USA demanded actions that would prevent opium and heroin smuggling soon immediately."[112]

When the atmosphere about opium politics in Turkey in the early 1930s is more deeply analyzed with new historical documents, it is possible to grant these commentators some right because of their emphasis on the international aura encompassing Turkey also. However, this aura and its subjects should be more deeply historicized in the context of economic, political and discursive conflicts and interests in order to reach a more realistic view. This type of a historization will show us the subjects of this aura were more complex in their economic and political intents, including a group of actors ranging from the USA political elites to the Egyptian press, from the British Chamber of Commerce in Istanbul to the Director of League of Nations Advisory Opium Committee, Mr. Ekstrant, and from the prepared opium factories in Istanbul to Kemalist elites and bureaucracy. The rising tension

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[111] Songar, *Haşhaş Meselesi ve Türkiye*, 43.

[112] Erdemir, *Afyon ve Tıbbi Etik(ve Diğer Bağımlılık Yapan Maddeler),* 55. *"1930 yıllarında ise bir Japon Firması tarafından Istanbul'da kurulan heroin fabrikları ve Amerika ve Avrupa basınında Türkiye aleyhine yayınların başlamasına neden oldu. ..Nitekim Amerika Birleşik Devletleri günümüzde olduğu gibi o zaman da afyon ve heroin kaçakçılığını önleyecek önlemlerin en kısa zamanda alınmasını istemiştir."*

about opium politics in Turkey at the beginning of the new decade will be analyzed and the Opium Law situated in this context.

First of all, Turkey continued to attend international meetings about opium, like the Opium Preparatory Commission on 31 December 1930, sending as its representative, Dr. Asım İsmail Bey,[113] and to the Opium Congress in London on 27 October 1930 with Süreyya Bey.[114] Turkey's attendance at the Preliminary Conference was considered important by the League of Nations' opium authorities due to their desire to control Turkey's increasing manufacturing capacity in recent years through the factories in Istanbul mentioned above. These bodies started to see the Istanbul factories as "smuggling centers" that needed to be internationally controlled. As may be remembered from the previous chapter, this conference came to naught as a result of disagreements between the state representatives. In this preliminary meeting, Turkey had demanded one-third of the entire "legitimate" manufacturing quota of the world. This demand was perceived not only as unrealistic but also as Turkish defiance by the traditional manufacturing states like Germany and Switzerland. According to McAllister, this "brazen attitude of the Turks" drove home the futility of further negotiations.[115]

Like the Preliminary Conference, the ongoing international negotiations represented the opportunity to observe Turkey's official position in these early years and the changes it went through later. On February 14, 1931, the Foreign Affairs Ministry gave orders to Şevket Fuat Bey, Geneva Consul of Turkey, to who were in the Opium Committee to protect the opium agriculture, but not to keep clear of the

[113] PMRA Catalogues of Council of Ministers' Decrees (1928 and afterwards), 30..18.1.2/16.84..8.

[114] PMRA Catalogues of Council of Ministers' Decrees (1928 and afterwards), 30..18.1.2/17.3..18. "Opium Congress" mentioned in the document refers to the Preliminary Conference on the Limitation of the Manufacture of Narcotic Drugs that I discussed in the previous chapter.

[115] McAllister, *Drug Diplomacy in the Twentieth Century: An International History,* 91-2.

international efforts to rescue humanity from the opium addiction disaster; and to protect the right to produce opium alkaloids, so as to maintain at least one of the factories. Turkey's behavior in accordance with "humanitarian aims" could be seen from its control of this business and not giving permission to new factory offers.[116] However, this "hearty advocacy" was not long – lasting, and later on Turkey would implement policies opposite to these orders in the solution of its "opium problem."

Besides these negotiations, Turkey participated in the 1931 Geneva Conference. The closing of the factories in Istanbul was brought up directly in this conference because of their claimed smuggling operations. The Turkish representative declared that Turkey could close them if the western pharmaceutical firms promised to buy their raw opium from Ankara.[117] This bargaining had no effect, the conference closed with the regulations mentioned in the previous chapter, and Turkey did not close the factories at that time. However, this issue of the factories continued to be on the agenda of both the League of Nations and Turkey for many years.

After the conference, the League of Nations, mainly under strong influence of the American officials, due to the USA's position as both a manufacturer and a consumer, decided to use both diplomatic and public pressure on the states to include them to the constructed opium system with the Geneva Conventions. Turkey was exposed to both the diplomatic and public pressures, creating the rising tension. The apparent subject of this rising tension was mainly the factories in Istanbul and the illicit trafficking originating from them. The unapparent aspect, however more influential than the apparent one, achieved to decrease Turkey's production to the level enough for "medical and scientific needs." As the ways of League's

[116] PMRA Catalogue of General Directorate of Transactions, 030.10/180.243.7.

[117] McAllister, *Drug Diplomacy in the Twentieth Century: An International History,* 95.

"publicizing" policy of the opium question, on the one hand, the address of the public pressure on Turkey was mainly the Egyptian press due to the special "Russell Pasha effect," as will be discussed below. On the other hand, the diplomatic tension was raised by the League authorities in the personality of Mr. Extrant and American diplomats.

"Russell Pasha," Thomas Wentworth Russell, was an important Egyptian bureaucrat who devoted his energy and time to keeping opium out of Egypt. After his appointment as Director of the Egyptian Central Narcotics Bureau, he intensified his efforts for two things: first to learn how opium and heroin were coming into the country, and second, to alert public opinion through the press.[118] His influential publicizing endeavors focused mainly on Turkey by the early 1930s because he thought that the principal supplier of illicit drug trafficking in Egypt was the Istanbul factories. Hence, by 1930 the Egyptian press constituted one of the important sites of "rising tension" against Turkey. The Cairo embassy of Turkey started to inform Turkish authorities about the articles and cartoons published in the Egyptian newspapers accusing the factories of poisoning humanity, and Turkey of earning money from the opium smuggling business, despite its Muslim structure. In this type of a cartoon published in *El-Keşkul* on 26 December 1930, Mustafa Kemal was shown as an opium seller in exchange for money, answering the question of "The Ghazi Nibs, will your religion stay Islamic with all of these narcotics?,": "Fools, our religion is money."[119] An article in *El-Ehram* on 29 December 1930 claimed that the narcotics in not only Egypt but also the USA came from Turkey.[120]

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[118] Inglis, *The Forbidden Game: A Social History of Drugs,* 170-4.

[119] PMRA Catalogue of General Directorate of Transactions, 030.10/180.243.8. *"Ey Gazi Hazretleri, bütün bu mükeyyifatla beraber dininiz İslam dini mi kalacaktır?" "Budalalar, bizim dinimiz paradır."*

[120] Ibid.

For the latter of diplomatic discord, the problems originating from the prepared opium factories issue continued when the USA prohibited the import of the prepared opium. Dr. Tevfik Rüştü Bey, the Foreign Affairs Minister, was given the authority to sign an agreement with the USA assuring the accordance with this ban.[121] Furthermore, Egypt carried this discussion to the Opium Commission and accused the Istanbul factories of smuggling. The Turkish delegate, Şevket Fuat Bey, objected to the propaganda against the country, and the Commission's warning about the inadequacy of Turkey's export procedures. The Economics Minister quickly responded to the situation, and prepared a decree about the control of these factories. With the decree, the warehouses of the factories were suddenly audited, and their stocks were recorded by the Health and Social Welfare Minister in order to control their later trades. As a result, Turkey made having an import certificate compulsory for the foreign trade of prepared opium with a decree on 22 February 1931.[122] This decree became law on March 22.[123]

Due to Egypt's above-mentioned role in alerting the general public about Turkey, the Turkish authorities wondered about the influence of this law, especially on Egypt. An article in *El-Mesaa* on 16 April 1931 that interpreted the law as a result of Turkey's condemnation by the League of Nations and the Egyptian press was seen as a favorable influence by the Turkish foreign office.[124] While the discussions were centrally about opium manufacture and factories, it is significant that the Turkish government was still insisting that it not bring any legal restriction to the opium

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[121] PMRA Catalogues of Council of Ministers' Decrees (1928 and afterwards), 30..18.1.2/17.1..3.

[122] PMRA Catalogues of Council of Ministers' Decrees (1928 and afterwards), 30..18.1.2/20.32..7.

[123] TBMM Zabıt Ceridesi, Cilt: 1, Devre 4, İçtima: F (Ankara: TBMM Matbaası, 1931): 92-4.

[124] PMRA Catalogue of General Directorate of Transactions, 030.10/180.243.16.

agriculture sector or the raw opium trade.[125] This point was also underlined in the report by the Health and Social Welfare Minister which was prepared on the occasion of a visit by Mr. Ekstrant to Turkey in 1931. The report stated:

> As known, Turkey has been producing opium for centuries. Turkish opium is more looked to for the production of prepared opium and bought as a result of its high morphine ratio; and so it is exported in big quantities and is a very important economic element of the country. While opium agriculture is very important, opium addiction in the country is almost inconsiderable. On the other hand, opium exportation is always done from legitimate channels so no complaint has happened.[126]

In this report, the Health Minister also mentioned recently the rejected factory recommendations, the new law about the import certification of prepared opium, the control of pharmacies and auditing even of codeine, the control of which was not mentioned in the international agreements in order to enforce the actually compatibility of the Geneva Conventions, which had not been accepted by Turkey so far.[127]

While Turkey waited and asked for positive reactions to its new law of import certification and compulsorily recording from its emissary in Cairo,[128] charge d'affaires in the Hague[129] and the Berlin Turkish Chamber of Commerce;[130] Russell

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[125] Ibid.

[126] PMRA Catalogue of General Directorate of Transactions, 030.10/178.230.1. *"Türkiye malum olduğu üzre asırlardan beri afyon ziraatı yapan bir memlekettir. Türkiyede istihsal olunan afyon bilhassa fazla morfini ihtiva etmesi sebebiyle afyon müştekkatı imalatı için pek ziyade aranan ve satın alınan bir maldır; ve bu itibarla her sene çok miktarda ihracat yapılmakta ve memleketin çok mühim iktisadi unsurlarından birini teşkil etmektedir. Türkiyede afyon ziraatı çok mühim bir mevki işgal eylediği halde memleket dahilinde afyon iptilası hemen hemen yok denecek kadar azdır. Diğer taraftan afyon ihracatı da daima meşru yollardan yapıldığı için bu yüzden şimdiye kadar hiç bir şikayet vaki olmamıştır."*

[127] Ibid.

[128] PMRA Catalogue of General Directorate of Transactions, 030.10/178.230.2. and PMRA Catalogue of General Directorate of Transactions, 030.10/180.244.1.

[129] PMRA Catalogue of General Directorate of Transactions, 030.10/180.243.18.

[130] PMRA Catalogue of General Directorate of Transactions, 030.10/178.230.3.

Pasha, now as the Director of League of Nations' Narcotic Drugs Far East Agency, wrote a report on international narcotic drug traffic that would have long–lasting effects especially for Turkey in its international opium politics. In this long report, Russell Pasha claimed that the Istanbul factories passed beyond the factories in France and Sweden, and had become the center of the smuggling business of heroin, morphine and hemp. Moreover, he accused Turkey of not "understanding the humanitarian aspects of the struggle against narcotic drugs," and of inviting, at least, this smuggling by its foreign trade regime of opium.[131] This report would have not only material results, leading to the closing of one of the factories and the infliction of a fine on its director, which again would be followed in the Egyptian press,[132] but also discursive results, as being in an "abstained position," exploited as a ruling strategy toward the related subjects of opium policies in the country such as the peasantry, traders, pharmacists, doctors, and agriculture technicians.

The declaration of Russell Pasha's report of smuggled opium originated from the Istanbul factories was followed by diplomatic pressures from the USA. Harry Jacob Anslinger and Stuart Fuller, who were the most prominent figures of USA's drug policy and international opium circles, led this diplomatic attack. On the one hand, Fuller recruited the American Ambassador, Charles Sherrill, to enter into negotiations with the Turkish government. On the other hand, Anslinger intensified his "behind–the-scenes maneuvers." As a part of these maneuvers, he arranged for Mr. LaGuardia, one of the New York deputies, to introduce a proposal to the US Congress. LaGuardia's bill proposed that all shipments from the countries that had

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[131] PMRA Catalogue of General Directorate of Transactions, 030.10/180.243.17.

[132] PMRA Catalogue of General Directorate of Transactions, 030.10/180.244.1.

not ratified the 1912 Hague Convention should be searched for illicit drugs.[133] The proposal also aimed to underline this smuggling from Istanbul, and the necessity for the actions to prevent these narcotics from entering the USA. The Foreign Affairs Ministry attracted the attention of the ministers of Internal Affairs, Health, and Economy because of the "decency and significance of the matter."[134]

The factories in Istanbul were also the main subject of a visit by Extrant, the Director of the Welfare Affairs and Opium Branch of League of Nations, in the spring of 1932. Extrant met with the Prime Minister, İsmet Pasha; the Health Minister, Dr. Refik Bey and his assistant, Dr. Asım İsmail Bey; and the Economy Minister, Mustafa Şeref Bey during his visit. In his meeting with İsmet Pasha, Extrant informed the prime minister about several examples of confiscation of smuggled opium originated from Istanbul that had occurred in 1931. These examples were diverse in their geographical dispersion, ranging from Alexandria to New York, from Marseille to Hamburg. All of them were noted by the League of Nations, and he had been given the authority partially to discuss this issue with the Turkish authorities. İsmet Pasha was affected very much, and said he wished he had been informed before about these types of events so as to take the necessary precautions. Also he declared the will of Turkey to collaborate with the League of Nations about smuggling, and made a point of undertaking a study on Extrant's suggestion into Turkey's acceptance of the Geneva Conventions. The Health Minister gave information to Extrant about the factories' current situation. While the Orient Produit Co. was closed, the other two, ETKİM and the one in Kuzguncuk, were only producing codeine out of their last stocks of morphine, and under supervision. Mustafa Şeref Bey brought up the issue of the limitation of raw opium production.

[133] McAllister, *Drug Diplomacy in the Twentieth Century: An International History,* 89-90, 107-8.

[134] PMRA Catalogue of General Directorate of Transactions, 030.10/267.801.21.

He said that he was a "partisan" of this limitation, if other producer countries would also apply this limitation, and share "budgetary self-sacrifice" of the same proportions.[135]

While this international tension over the opium problem was rising in the first two years of the 1930s, the general picture of opium in the market was far from satisfactory. Galip Bahtiyar, the statistic and publication director of the Istanbul Chamber of Commerce and Industry reported that the opium's price on the exchange market was 29-30 liras on average between 1920 and 1928. In 1929, the price was more than 30 liras; it reached thirty-three in the first months of the year. However, by 1930 the price was decreasing, and had reaching its lowest level in the last fifteen years in 1932.[136] The worsening so the opium economy signaled by the turn of the decade. Furthermore, the Berlin Commerce Agent of Turkey, Necdet, wrote a report to the Economy Ministry in 1930 in order to explain the current hard situation of Turkish opium in the German market, which was one of the leading importers from Turkey for its processed opium. He considered that the market was overwhelmed because of both the speculations about the abundant yield of Turkish opium made by the British Chambers of Commerce in Istanbul, and the international opium conventions.[137]

Moreover, a new economic corporation established in 1929 was another component of the changing market for opium. This was a monopoly, the Convention Internationale des Opiaces, made up of the opium manufacturing firms of Europe. These firms were Merck, Roche, Knoll, Boehringer, Sandoz, Thomae, T. and H.

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[135] PMRA Catalogue of General Directorate of Transactions, 030.10/178.230.5. I thank to Kağan Kahveci for his translation of this French written report.

[136] Bahtiyar, *Afyon:Türkiye'nin İstihsalatı:Haşhaş Ziraatı, ziraat Mıntıkaları, Afyon İstihsali, İstatistik, Ahdi ve Kanuni Mevzuat*, 14.

[137] Berlin Ticaret Mümessili Necdet, "Almanyaya Afyon ithalatı ve Borsa'da tetkikat", *Istanbul Ticaret ve Sanayi Odası Mecmuası*, no. 7 (1930): 430-3.

Smith, Lab. Clin. Comar, Comptoir Central des Alcoloides, Société de Recherches Chimiques et d'Applications Industrielles, and Netherlandse Cocainfabrik.[138] This monopoly was in favor of buyers over producers, and this directly led to a decrease in opium prices. The realizing results of this disadvantageous position in both economic and diplomatic arenas gave rise to two results; a bilateral agreement with Yugoslavia, and an attempt to establish a new institution in Turkey.

For the first result, Turkey and Yugoslavia made a contract about opium export on 13 March 1932. Economic historians stress that bilateral contracts' system in foreign exchange marked the 1930s economic policies of protectionism,[139] so this opium contract may also be seen as an example of this general trend. However, the reasons for the contract put in the decree were more about the international movement of the opium's control and the buyer's monopoly rather than the pure protectionism of an ordinary agricultural commodity. While the above-mentioned hard economic situation of opium was analyzed, the price decline was seen "disproportionate" concerning its production did not increase much.[140] Although the contracting parties did not explicitly tell, they thought that the visible and dramatic decline of opium prices was a consequence of the monopoly's conscious price cutting policy. The contract aimed to ensure movement together, like a "front" against the monopole buyers, of Turkey and Yugoslavia, which were producing the best opium for medical products.[141] As a result of this contract, the Turkey–Yugoslavia Joint Opium Sale Central Office (*Türkiye-Yugoslavya Müşterek Afyon*

[138] Ali N. Babaoğlu, *Uyuşturucu ve Tarihi: Bağımlılık Yapan Maddeler* (Istanbul: Kaynak Yayınları, 1997), 105.

[139] Şevket Pamuk, "Dünya İktisadi Bunalımı ve 1930'lara Yeniden Bakış," in *Bilanço 1923-1998: Türkiye Cumhuriyeti'nin 75 Yılına Toplu Bakış Uluslararası Kongresi, Ankara, 10-12 Aralık 1998* ed. Zeynep Rona (Istanbul: Tarih Vakfı Yayınları, 1999), 37.

[140] PMRA Catalogues of Council of Ministers' Decrees (1928 and afterwards), 30..18.1.2/26.16..9.

[141] Ibid.

Satışı Merkez Bürosu) was established in Istanbul in order to sell two countries' medicinal opium. This office was put into operation by 1 January 1934, after one year for necessary arrangements.[142] Two more points also should be underlined about this contract in order to understand the official policy changes as time passed. First, Turkey's official position in the view of the "international movement of opium's control" indicated that the country was still far from accepting its agricultural control, mentioning it with the phrase "even" in the decree to show its impossibility.[143] Second, Turkey's economic and political actions were more inclined to accept and take their shapes on the discursive ground of "opium for only medicinal necessities."

For the second result, the monopoly of opium buyers also constituted a precedent for a new establishment, the Turkey Opium Producers' Sale Union (*Türkiye Afyon Yetiştiriciler Satış Birliği*). While this law could not be put into force because the Union replaced by the Narcotic Drugs Monopoly (*Uyuşturucu Maddeler İnhisarı*), the discussions on the law in the assembly are illustrating to understand the different actors and their different responses to the opium problem. First of all, the union would be formed by the all of the opium peasants, whether owner, tenant or share cropper, and each member would have one vote regardless of their property's size. The union would buy the opium directly from producers, as it would be "their own union," pay them an initial amount, sell the opium to the buyers, and give the rest to the producer after the sale. Moreover, the producers who would not give their opium to the union would be punished with arresting or fine. In the assembly negotiations, Mollaoğlu Cemal Bey, the deputy of Afyonkarahisar, declared that this

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[142] *Afyon: Türkiye'de ve Dünyada,* provided by the Economy Ministry Narcotic Drugs Monopoly, 98.

[143] PMRA Catalogues of Council of Ministers' Decrees (1928 and afterwards), 30..18.1.2/26.16..9.

law was for the benefit of the producers because it would allow the producers direct contact with the market and so gain more profits that when crops had gone through intermediaries before.[144] The law's prospective mission of avoiding the intermediaries was also considered important by the Economy Minister, Mustafa Şeref Bey. However, this point could only be made by the sacrifice of the opium merchants, whose interests were also represented in the assembly. Emin Bey, the deputy of Eskişehir, was one of them, and argued:

> If we have a conversion phase, isn't that better to say that the member of the union will be selected from those who have more crops? Inasmuch as the aim is to ensure the producers' interests. If the opium owner merchants will get into the business in the first conversion phase, the producers will know their own interests better. …so, I say that the member of this union is the one who has opium in his hand. Today it is the merchant, but the liability is also his.[145]

While the aim to remove the merchants from opium sales was supported in the assembly negotiations, the Istanbul and Izmir merchants met for the union's regulations in order to increase the prices of opium on August 28, 1932. Alaiyeli Halim Bey, one of the Izmir merchants said that they agreed with the Istanbul merchants about the establishment of the union, and would rescue opium from its current situation with a half – million credit taken from the banks for the union.[146]

Moreover, the government insisted on the point that this union did not mean a monopoly. Mustafa Şeref Bey claimed that the producers should protect their own interests against the European buyer's monopoly, so they would become unionized.

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[144] TBMM Zabıt Ceridesi, Cilt: 9, Devre: IV, İçtima: 1 (Ankara: TBMM Matbaası, 1932), 478.

[145] Ibid., 478. *"Bendeniz diyorum ki acaba bir istihale devresi yaparsak, afyon kooperatifinin azası, elinde fazla mahsul bulunan kimselerden seçilir dersek, daha iyi olmaz mı? Madem ki maksat müstahsile menfaat temin etmektir. Ilk istihale devresinde afyon sahipleri tüccarlar da işin içine girerse menfaatlerini daha iyi bilirler….bendeniz diyorum ki; bu birliğin azası, kimin elinde afyon varsa odur. Bu gün tüccardır, fakat mesuliyeti ona aittir."*

[146] *Haber – Akşam Postası*, 29Ağustos 1932, 6.

He declared that they did not want to earn money for the government from this subject, and added:

> The government's current position of monopoly is a public service. We do not follow the route to be a commercial monopoly in the cases that do not represent public service. …A monopoly as a public service can not be established on a question concerned 300,000 – 500,000 people.[147]

This view opposing a government monopoly would quickly change with the Opium Law of 1933, which brought a government monopoly not only to the trade of opium but also to its production.

As a result of these negotiations, the law was accepted by the assembly in a version the same as the government–proposed version. After one month, Nizamettin Ali Bey, the General Secretary of the Istanbul Commercial and Cereal Exchange, was appointed to the general secretary of the union.[148] He was charged with the duty of making the necessary arrangements with the goal of running its operations on 1 May 1933. However, the union was never able to start, not only because of new regulations on opium, but also the governing elites' acceptance of the "impossibility of coordinative running all 150,000 opium producers in this type of a union."[149]

In conclusion, Turkey's official position in the early 1930s about the changing nature of opium politics was not distinct. While the political elites were following the international developments, their potential effects on Turkey as one of the biggest opium producers of the world were not exactly foreseen. However, the increasing tension that was discussed above impelled the Turkish political elites to

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[147] TBMM Zabıt Ceridesi, Cilt: 9, Devre: IV, İçtima: 1 (Ankara: TBMM Matbaası, 1932), 480. *"Hükümetimizin bu günkü inhisar vaziyeti amme hizmetidir. Amme hizmetini temsil etmiyen hususlarda ticaret maksadile inhisar teşkil etmek noktai nazarının takip etmiyoruz. ..Bunun haricinde 300 – 500 bin kişiyi alakalandıran bir mevzu üzerinde amme hizmeti olarak inhisar tesis edilemez."*

[148] PMRA Catalogues of Council of Ministers' Decrees (1928 and afterwards), 30..18.1.2/30.60..4.

[149] *Afyon: Türkiye'de ve Dünyada,* provided by Economy Ministry Narcotic Drugs Monopoly, 30.

do something with the power to eliminate the "smuggling blot" on the young Republic. Moreover, opium's position in the market was alarming after 1930. Turkey did not face such a sharp price decline in any other commodity despite the effects of the Great Depression.[150] This decline was seen as a direct result of the European buyer monopoly's policies and the new international conventions by the political elites. The opium problem was also complicated by the futile policies of Turkey, like the Turkey Opium Producers' Sale Union, and its ambiguous position about the production restriction on opium, which was the most important point for Turkey. The 1933 Law would become a cure to this situation but ironically it more complicated the problem not only for the political elites, but also the vast population concerned with opium.

Before passing to a discussion of the law, I want to underline that this situation and some possible suggestions were also discussed in the period's press. The Berlin Commerce Agent of Turkey, Necdet, proposed that the government establish an office that would regularly and precisely issue the expected and realized yield's of crops in order to prevent the price – cutting efforts of speculators on opium.[151] Moreover, Mümtaz Ziya in *Kadro* claimed that the hard position of opium was because of not handling it as a "state affair," and the lack of a state monopoly.[152] According to him, this dispersed situation was in the interests of some groups who were worried about the government actions to unify the business. His insistence on the inclusion of opium production in the "national economy grand purpose" and on the government monopoly would show its value in the 1930s, the climax of the

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[150] Ziya, "Afyon Meselesi", 18.

[151] Berlin Ticaret Mümessili Necdet, "Almanyaya Afyon ithalatı ve Borsa'da tetkikat," 433.

[152] Ziya, "Afyon Meselesi", 18-25.

etatist atmosphere, and reflect the main lines of Turkey's official politics about opium.

Turkey's "Christmas Gift" to the World

On December 25, 1932 the Anatolia News Agency announced on the radio Turkey's Christmas gift to the world, a new program about the health, economic and agricultural points of the narcotic drugs problem. According to the American Ambassador in Turkey, Sherrill, this "gift" converted Mustafa Kemal from the "biggest Turkish patriot to an international hero."[153] The new program was also seen as the most important affair of 1933 by Mahmut Goloğlu in his three volume study of the early Republican era while the internal affairs of 1933 as a whole were not seen noteworthy.[154] Before the analysis of this given importance, I would like to define the new program that would become law in 1933.

At the above-mentioned cabinet's meeting at the end of 1932 at which the new program was framed, the Foreign Affair Ministry started to demand Turkey's acceptance of 1925 Geneva Convention about opium.[155] The Ministry said that Turkish representative had not ratified the convention because of the points Turkey opposed, which were the restriction of codeine and the non-destruction of confiscated opium. However, the Ministry claimed that the negative propaganda about smuggling and the proposal of the American deputy, LaGuardia, gave Turkey no chance but to officially accept the convention although Turkey's actions were

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[153] Charles Sherrill, *Gazi Mustafa Kemal Hz. Nezdinde Bir Yıl Elçilik* (Istanbul: Muallim Ahmet Halit Kitaphanesi, 1934): 92.

[154] Goloğlu, *Türkiye Cumhuriyeti Tarihi v.2 Tek Partili Cumhuriyet, 1931 -1938,* 77-8.

[155] PMRA Catalogues of Council of Ministers' Decrees (1928 and afterwards), 30..18.1.2/28.32..20

compatible with it. The cabinet was convinced to begin the acceptance procure on 27 April 1932.[156] This document was kept secret until 1994.

By the end of the year, the famous League of Nations' report that announced Turkey as the weakest circle of the narcotic drugs smuggling control triggered the process. Mustafa Kemal started to investigate the problem on December 22, after meeting with some "grand persons," gave his decision and called the cabinet to a meeting.[157] The program consisted of seven articles. The first one was Turkey's acceptance of the 1912 Hague, and the 1925 and 1931 Geneva Conventions. Second it was decided that three factories in Istanbul would not be reopened. While the need for one big factory in the world for the medical and scientific needs of the whole world was declared, until its establishment, Turkey would construct one factory for its own needs under a government monopoly. Moreover, a commercial union would be formed for the trade of raw opium, and the opium production would be audited and restricted. The production of Indian hemp was forbidden, and the smuggling of narcotic drugs would be punished by incarnation in specialized courts with special sentences. Lastly, the implementing of this program was declared to be the "duty for the Grand Turkish nation and the whole humanity family."[158]

This document was crucial in the sense that it was Turkey's first and the most thorough attempt at fixing its position and determining a policy about the opium question. However, it is important to underline that this attempt had many points contrary to the Turkish political elites' earlier priorities. First, the most observable difference was on the opium production side. Turkey had a vast peasant population

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[156] Ibid.

[157] Sherrill, *Gazi Mustafa Kemal Hz. Nezdinde Bir Yıl Elçilik,* 91.

[158] PMRA Catalogues of Council of Ministers' Decrees (1928 and afterwards), 30..18.1.2/32.80..7. Original text is in Appendix C.

producing opium, and a certain proportion of them would lose their rights to produce, and be at least unemployed because of the restriction. Second, apart from the one-world factory dream, Turkey resigned from the prepared opium industry by closing all of the factories although it wanted to maintain at least one of them in early 1930. Moreover, this program was important for its discursive change. The Turkish official elites, by the delegation of Mustafa Kemal, accepted and reproduced the negating and dawning discourse that equate the raw opium with "poison" narcotic drugs, defining the struggle against opium as for the "whole of humanity", and hence the "duties and altruisms" done were not for some material needs of real subjects but for an abstract idea. This discursive reproduction would have long-lasting consequences as constituting the conceptual ground for the struggles both between different segments of the political and economic elites and between the state and various population classes concerned with the opium problem during the post–law period.

This program was first discussed by the Republican People's Party, and accepted unanimously. However, the assembly would close down on vacation on January 10, until March 1, 1933, and the draft law was not on the normal program. This "difficulty" was solved by Tevfik Rüştü Bey, who had been charged with this duty by Mustafa Kemal himself, according to Sherrill's claim.[159] The proposal about the ratification of the Hague and Geneva Conventions by Turkey was, again unanimously, accepted by the assembly.[160] With this ratification, Turkey became one of the early – accepting countries, since only nine countries had ratified these conventions before Turkey. This had crucial effects on the power struggles among countries about opium politics. The crystallizing example occurred only three

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[159] Sherrill, *Gazi Mustafa Kemal Hz. Nezdinde Bir Yıl Elçilik,* 92.

[160] The law is on the Appendix B.

months, in April, when the voting at the League of Nations' meeting on whether the ratification of the 1931 Geneva Convention should be compulsory or not resulted in favor of compulsion with 28 votes against 27, determined by only by the one vote of Turkey.[161]

This program came into a complete being with law of Narcotics Drugs Monopoly *(Uyuşturucu Maddeler İnhisarı)* accepted on 31 May 1933[162] that was called "opium prohibition" by Mahmut Goloğlu.[163] The monopoly would last until 1938 when the opium business was transferred to the authority of Soil Products Office *(Toprak Mahsulleri Ofisi)*. Hence, the opium problem of the 1930s passed into another phase with this monopoly by bringing fundamental changes to the opium business, so creating new problems and struggles among the various subjects, as will be discussed in the next chapter. Here, I will first explicate these fundamental changes in the framework of the law, and then the first reactions of the different subjects to the opium problem given immediately after the enacting will be discussed.

What Did the Law Bring?

First of all, the law made a definition of "prepared opium and its ingredients," the production, export and import of which would be done by the Narcotic Drugs Monopoly, which inhered to the Economy Ministry. It is important to note that domestic trade in raw opium was completely free, meaning there was no limit in that

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[161] Goloğlu, *Türkiye Cumhuriyeti Tarihi v.2 Tek Partili Cumhuriyet, 1931 -1938,* 80.

[162] Full text of the law is on the Appendix B.

[163] Goloğlu, *Türkiye Cumhuriyeti Tarihi v.2 Tek Partili Cumhuriyet, 1931 -1938,* 77.

the opium traders could continue to buy from the producers and convey it to the related regions. The most significant duties of the Monopoly were these: It would buy the raw opium from the producers and/or the traders in return for an initial payment, analyze the purchased opium to determine its morphine percentages, and standardize it by manipulating. Moreover, it would announce the price of raw opium considering the international markets and the benefit of the producers. For these functions, it could enter into trading agreements and take the necessary monetary liabilities.

Furthermore, the law restricted the cultivation of opium. The districts allowed to cultivate would be determined by the Agriculture Ministry, taking into account the observations of the Economy Ministry, and accepted by the Cabinet. The approved districts would be announced in the newspapers, and the people especially in the prohibited regions would be informed by the board of aldermen. The control of this prohibition was done by "all civil servants," that in the law did not clarify the exact controlling body. The approved producers had to fill out a declaration form about the opium's amount per *dönüm* (about a quarter of an acre) and the location of their fields, and give it to the board of aldermen, who would forward these forms to the highest civil servant of the region. The forms would go to the Monopoly in the end. The Monopoly also had the right to oblige the opium producers to use new production techniques.[164]

About the issue of the fabrication of the prepared opium, the law had confirmed the close of the three factories in Istanbul. One factory's establishment in Ankara for the prepared opium under the Monopoly was promised. However, this promise would never eventuate and the factory would be one of the problems over

[164] TBMM Zabıt Ceridesi, Cilt: 15, Devre: 4, İçtima: 2 (Ankara: TBMM Matbaası, 1933): 468-471.

which the struggles of different subjects would continue in the second half of the 1930s.

The export and import of both raw and prepared opium was to be done from Istanbul and Izmir Customs. By the law on June 12, the traders could export and import prepared opium only when they had permission certificates obtained from the Health and Social Welfare Ministry.[165] Also, this trade was only to be done by pharmacists who had a drugstore and pharmaceuticals firms. When the trade was done, the certificates had to be reported to the related competent body of that country, so the business would involve double – entry bookkeeping, at least in principle. Last, the penal law was changed on June 8, 1933.[166] The smugglers, sellers and buyers, and the users who used as a group the defined narcotic drugs would be punished by fines and confinement. The individual user who was defined by the law as a "patient" would be treated for at least six months in the hospitals. The penalties were heavier if the accused one was a doctor, pharmacist, dentist or midwife.

The board of directors of the Narcotic Drugs Monopoly was to consist of five members, one director and two members appointed by the Economy Ministry, one by the Agriculture Ministry and the other by Health and Social Welfare Ministry. The center of the Monopoly would be in Istanbul, and there would be its branch in Izmir. The Monopoly's budget would be compatible with the commercial principals and current legislation.[167]

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[165] TBMM Zabıt Ceridesi, Cilt: 16, Devre: 4, İçtima: 2 (Ankara: TBMM Matbaası, 1933): 215-218. Full text of the law is on the Appendix B.

[166] Ibid., 84. Full text of the amendments will be found on the Appendix B.

[167] TBMM Zabıt Ceridesi, Cilt: 15, Devre: 4, İçtima: 2 (Ankara: TBMM Matbaası, 1933):470.

Finally, the law regulated what would be done in 1933, the first year of the new system, in a temporary article.[168] According to this article, the current raw opium stocks had to be reported to the highest civil servants with a declaration within fifteen days. The declared opium could be exported by the owners or the buyers of this opium until 31 December 1933. Those who did not declare in the permitted period could not export their opium, and had to sell their stocks to the Monopoly.

The law would take effect by 1 June 1933. On the 11 June, Ali Sami Bey, the former assistant director of the defunct Industry Credit Bank *(Sanayi Kredi Bankası)*, was appointed as the director of the Narcotic Drugs Monopoly.[169] The press reported all of the developments at this new institution in the following months. Considering the news, it can be said that the monopoly started to work immediately, and the law was not one of the ones enacted for "just to make conversation." The declaration necessity in fifteen days was published on the 12 June.[170] The civil servants' appointments to both Istanbul and Izmir offices of Monopoly were continued during June.[171] Moreover, the press also worked as an informing agent about the changes of the opium business.[172] Needless to say, these changes were met with different responses from various people related to the opium business. These first reactions will be discussed in the following section.

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[168] Ibid., 471.

[169] PMRA Catalogues of Council of Ministers' Decrees (1928 and afterwards), 30..18.1.2/37.44..7.

[170] *Akşam*, 12 June 1933, p. 5.

[171] *Akşam*, 17 June 1933, p. 5., 30 June 1933, p. 5-6.

[172] *Akşam*, 15 June 1933, p. 15., 16 June 1933, p. 12., 3 July 1933, p. 5.

Initial Reactions to the Law

The law was met by different types of responses of various subjects. They ranged from foreign actors like Egypt, the USA, and the League of Nations' Opium Committee to domestic ones like the producers, traders, and journalists.

To start with Egypt, the news of the law was reported by its press immediately after its acceptance. The article, published in *El – Ehram* on March 5, 1933, described the law to its readers as the "gift of Tevfik Rüştü Bey."[173] The reason for this "gift" was also questioned by mentioning the possible effects of the Russell Pasha's visit to Turkey and his report, and of Turkey's adhesion to the League of Nations on 18 July 1932. According to the article, Turkey had accepted also to absorb with a cost amounting to six to eight million liras with the law. This cost was ventured thanks to the subjectivity of Mustafa Kemal, who had impeded the opposition of the deputies of opium – producing cities ranging from Izmir and Konya to Eskişehir and Afyonkarahisar.[174]

This Russell Pasha effect on the law's enactment continued to be discussed during 1933. Turkey's governing elite felt indisposed against the Russell Pasha's attempts to own the law and related measures about narcotic drugs. An article published in the *Daily Herald* on 20 February 1933, announced from Cairo that Russell Pasha persuaded Mustafa Kemal to close the factories in Istanbul, and so as the opium export from Turkey dwindled year by year thanks to Russell Pasha. Turkey's governing elite wanted to stop this "propaganda for the secret aims of this

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[173] PMRA Catalogue of General Directorate of Transactions, 030.10/266.796..14.

[174] Ibid.

man," and inform the whole world about the "truth."[175] However, it seems that their will could not come exactly true. According to news published in *Milliyet* at the close of the year, Russell Pasha had made once more a statement accusing Istanbul of producing all kinds of narcotic drugs in the Paris weekly newspaper, *Grinoir*, on 27 October 1933.[176] In the news, Russell Pasha had been invited to revise either his reports that celebrated Turkey for its efforts to struggle against narcotic drugs or his statements complaining about Turkey. The news' mentioned a report that had been declared by the Opium Advisory Committee at a meeting held between 15 – 31 May 1933, and appreciated Turkey's decisions about both the production restriction and secret narcotic drugs' shops.[177] The news in *Milliyet* remembered these appreciated subjects of the law's opium production restriction, the close of the factories in Istanbul and the efforts to find the hidden shops.

To continue with the USA, which was one of the significant actors in the pre-law period, the law had been praised by American representatives, and gad been discussed in the American press. American delegate in Turkey, Sherrill, qualified the law as the "tenth revolution thanks to Gazi Mustafa Kemal."[178] Pennsylvania senator, James J. Davis, described Mustafa Kemal as one of the outstanding leaders of the struggle against narcotic drugs in a speech on 3 January 1933.[179] Moreover, Turkey considered this "favorable movement in the USA" important as much as specifying this in the first publication of the Narcotic Drugs Monopoly.[180] It is crucial to

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[175] PMRA Catalogue of General Directorate of Transactions, 030.10/178.230..16.

[176] *Milliyet,* 1 December 1933, p. 1 and 6.

[177] Sherrill, *Gazi Mustafa Kemal Hz. Nezdinde Bir Yıl Elçilik,* 93.

[178] Ibid., 92.

[179] Ibid., 92-93.

underline that the USA's glory to Turkey was not independent from the economic and politic struggles and the current balance of power on opium. Turkey's enacting of the law had strengthened both the international and national position of the American political elites supporting the full control and production restriction of opium. They called on England and China, standing opposite side of the discussion, to follow Turkey.[181] Concurrently, they showed Turkey as an example to the opponents of a common and unique law taking effect all over the USA,[182] so functional in internal politics. Lastly, the Turkish elites were satisfied with this "movement", and addressed their appreciating speeches of Turkey carefully by its embassy's help.[183]

To come to the different subjects' responses in Turkey, as mentioned before, the press published every new development involving the opium question. While it was informing the related parties about the new situation, it was also reflecting their demands and complaints. During July, the opium stocks had been collected, and the amounts according to place published in the news like, "The stock from Aegean district is 125 thousand tons."[184] However, the monopoly was unable to buy these stocks, resulting in a sharp decrease in opium prices. The decline was reported in the pages of newspapers with demands for the protection of opium.[185] While it was reported that the monopoly would buy the opium by and by that week,[186] prices

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[180] *Afyon: Türkiye'de ve Dünyada,* provided by the Economy Ministry Narcotic Drugs Monopoly, 31.

[181] Ibid., 31.

[182] PMRA Catalogue of General Directorate of Transactions, 030.10/268.803..12.

[183] PMRA Catalogue of General Directorate of Transactions, 030.10/178.230..7 and PMRA Catalogue of General Directorate of Transactions, 030.10/268.803..12.

[184] *Akşam,* 16 July 1933, p.6. *"Afyon stoku, Ege mıntıkasının stoku 125 bin tondur."*

[185] *Akşam,* 17 July 1933, p. 1. *"Afyon korunmalı, fiatlar 8 liradan 5 liraya düştü."*

[186] *Akşam,* 19 July 1933, p. 3. *"Afyon inhisarı, bu hafta mübayeata başlanacağı söyleniyor."*

continued to decrease.[187] According to the comments in the newspapers, this price decline was good for the traders, who collected opium from the producers at this low price, and would sell it to the monopoly at the actual, high market price.[188] This hard position led to the question of why the monopoly did not start to buy the stocks when it was obliged to collect them in a short period of time.[189] The monopoly's being on the rocks was exposed as the reason for inaction,[190] meaning the implication of the law was chosen by the political elites although this out of cash situation that emerged because of not giving the promised capital of 1,5 million liras would victimize especially the opium producers.

Efforts were made to solve the problem was tried to be solved by giving the monopoly the authority to borrow 250,000 liras from the banks on August, 10.[191] On the same day, a list of the cities allowed to produce opium that had been prepared by a joint commission of the authorities of the Economy and Agriculture Ministries.[192] The list also specified the cities' opium type, whether of was soft (*ince)* or drogist *(konaklı),* which changed according to the harvest technique. The former was used generally for smoking purposes, and the latter generally in medicine.[193] The first list was this:[194]

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[187] *Akşam,* 20 July 1933, p. 3. *"Afyon düşüyor, Kütahya'da afyon 3,5 liraya mı düştü?"*

[188] Ibid., 3.

[189] *Akşam,* 26 July 1933, p. 5. *"Sebep ne? Afyon inhisar idaresi neen henüz mal almadı?"*

[190] *Akşam,* 28 July 1933, p. 3. *"İdare mal almak için tahsisat bekliyor."*

[191] PMRA Catalogues of Council of Ministers' Decrees (1928 and afterwards), 30..18.1.2/38.58..4.

[192] PMRA Catalogues of Council of Ministers' Decrees (1928 and afterwards), 30..18.1.2/38.58..8.

[193] Fuat Çilingiroğlu, "Afyonun Fiziki Hususiyetleri" *TMO Dergisi*, no. 51 (1959): 9-11 and 64.

[194] *Afyon: Türkiye'de ve Dünyada,* provided by the Economy Ministry Narcotic Drugs Monopoly, 71 and *Akşam,* 27 August 1933, p. 2.

Ankara Vilayeti - Beypazar, Nallıhan kazaları	Drogist
Afyon Karahisar Vilayeti	Drogist
Burdur Vilayeti	Drogist
Bursa Vilayeti - Orhaneli, İnegöl, Yenişehir kazaları	Drogist ve muhacir
Bilecik Vilayeti	Drogist ve muhacir
Denizli Vilayeti	Drogist ve muhacir
Eskişehir Vilayeti	Drogist
Isparta Vilayeti	Drogist
Konya Vilayeti	Drogist
Kütahya Vilayeti	Drogist
Amasya Vilayeti	Soft
Çorum Vilayeti	Soft
Tokat Vilayeti	Soft
Malatya Vilayeti	Soft

Table 1: The List of the Cities Allowed to Produce Opium

It is important to note that this list would be one of the central issues struggled over between the producers and the political elites. Hence, it would change two times until the end of the year, as will be explained below, and would be the focus of the peasants' complaints and reactions in the second half of the 1930s, which will be analyzed in the next chapter.

The monopoly's failure to announce the price of the New Year's opium and the prohibited districts in which opium was produced in advance led to rising complaints. The opium producers in Thrace opposed the opium production prohibition in their districts, and demanded the annulment of the decree.[195] Although the news that the monopoly would buy the opium within a short period of time was

[195] *Akşam,* 5 September 1933, p.5. *"Afyon ziraatı, Trakyalılar afyon ekim yasağının kaldırılmasını istiyorlar."*

announced in July, it still had not done in mid-September. *Akşam* had the following to say:

> It can be said that the opium monopoly comes first among the institutes in Turkey, considering its furnishings and the beauty of its interior. As elegant and beautiful as its building one, the merchants complain about this institution. As we have written for some time, the cause of this complaint is that the monopoly does not buy the New Year's crops. It is not clear when the monopoly will buy from the markets.[196]

Ali Sami Bey met with the opium merchants, and told them to turn a deaf ear to the "negative rumors." The monopoly started to buy opium by 20 September.[197] Moreover, Ali Sami Bey declared that the Ministry was aware of the complaints about the production restriction, especially made from Aydın and Thrace.[198] The purchases continued afterwards, and this increased the prices a bit.[199] The Economy Minister, Celal Bey, controlled the monopoly in this hard situation at a meeting.[200] The Monopoly changed the production - allowed cities list first, and added Balıkesir and Manisa Vilayeti with a decree.[201] According to the news, this change was made as a result of the efforts of the Balıkesir Chamber of Commerce.

These efforts changed the negative atmosphere a bit, and the press started to publish more encouraging news about the Narcotic Drugs Monopoly. The continuing

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[196] *Akşam*, 18 September 1933, p. 1. *"Afyon satın alınmasına ne zaman başlanacak? Köylü ve tüccar bunu sabırsızlıkla bekliyorlar." "Denilebilir ki, afyon inhisar idaresi, eşyası ve içinin güzelliği itibariyle, Türkiyedeki müesseseler arasında birinciliği kazanabilir. Afyon inhisar idaresinin içi bu kadar şık ve güzel olduğu kadar, dışarıda afyon tacirleri bu müesseseden şikayet ediyorlar. Birkaç defa yazdığımız gibi, şikayete sebep afyon inhisar idaresinin yeni sene mahsulünden mal almamasıdır. İnhisar idaresinin piyasadan ne zaman mal alacağı belli değildir."*

[197] *Akşam,* 19 September 1933, p. 2. *"Afyon alınıyor."*

[198] *Akşam,* 20 September 1933, p. 2. *"Afyonlarımız."*

[199] *Akşam,* 26 September 1933, p. 3. *"Afyon fiatleri. İnhisar idaresi yeniden mal aldı."*

[200] *Akşam,* 27 September 1933, p. 2. *"Celal Bey. Dün afyon inhisarı işlerini tetkik etti."*

[201] *Afyon: Türkiye'de ve Dünyada,* provided by the Economy Ministry Narcotic Drugs Monopoly, 71 and *Akşam,* 8 November 1933, p. 5.

purchases of the monopoly since September increased the prices, which were shown as the direct positive result of the new regulations.[202] On the other hand, the new monopoly's bureaucrats were making efforts to manage the process by compromising the related agencies. In order to "protect of the merchants' interests,"[203] the monopoly met with the representatives of Istanbul and Izmir, and asked them to abandon their rights to export their opium abroad that was guaranteed by law. The monopoly promised it would give them a better price, also with no need for competition and market search. This attractive commercial offer was accepted by the merchants, with the newspapers' own words, purely "on the grounds of conscience."[204]

The policy changes according to the reactions continued with the last addition to the production–approved cities on 27 December 1933.[205] It was Aydın Vilayeti the complaints of the producers of which had been noted by Ali Sami Bey. When Celal Bey visited Aydın Public House in the first month of 1934 to meet with the producers of opium, figs, and grapes, he explained this change proces:

> The opium problem is one of the essential policies of the government, and to give a safe road to the opium business is wanted. After explaining the reasons for Turkey's participation in the international restriction with humanitarian aims, the government radically restricted the production areas to prevent excess stock accumulation in the producers' hands. The complaints about the prohibition of opium production in Aydın were taken into account, and the producers were given permission. By these measures, the prices have increased from one lira to 10.5 lira.[206]

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[202] *Akşam,* 23 November 1933, p. 5. *"İlk netice. Afyon fiatleri artıyor, yeni inhisar idaresinin takip ettiği sistem."* and *Milliyet,* 26 November 1933, p. 3. *"Afyon fiatları yükselmeye devam ediyor."*

[203] *Milliyet,* 17 November 1933, p. 3. *"Afyon tacirleri davet edilecek."*

[204] *Milliyet,* 3 December 1933, p. 1 and 6. *"Afyon tacirleri toplandı."*

[205] *Afyon: Türkiye'de ve Dünyada,* provided by the Economy Ministry Narcotic Drugs Monopoly, 71.

The change and this explanation were welcomed with pleasure by the producers, and one of them voiced his gratitude to the government.[207]

The "essentiality" of the government opium politics that was emphasized by Celal Bey can also be seen in intensified publication efforts explaining and appreciating the changes. As cited above, the unique trade high school of Turkey, Ankara Ticaret Lisesi directed by Şevket Süreyya, one of the most active ideologues of Kemalist regime, issued a homework assignment about opium as its first publication in 1933.[208] Moreover, it was no coincidence that the Istanbul Chamber of Commerce and Industry published an illustrating book about all aspects of the opium trade from production to its export markets in order to both inform the policy makers and to have an impact on the process from the merchants' side the same year.[209]

To conclude this first phase of the discussion of the opium problem, I would like to emphasize that the law would create new problems not only for the producers and merchants, but also among the ruling elites. A crystallizing example of this division among the ruling elites about the opium problem, which deepened in the second half of the 1930s, was eventuated after one year of the new law's enforcement. The experts of the Narcotics Drugs Monopoly started to investigate the foreign opium markets by January, 1934, and had visited Persia. They brought 2,190 kg of opium poppy seeds and 425 gr of opium from Persia to sample. However, to get these samples into the country was not easy. Customs and Monopolies Ministry

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[206] Özel Şahingiray, ed., *Celal Bayar'ın Söylev ve Demeçleri, 1921 – 1938, Ekonomik Konulara Dair* (Ankara: Doğuş Ltd. Ortaklığı Matbaası, 1955): 74-75. "Ekonomi Bakanı Celal Bayar'ın Aydın Halkevinde Müstahsillerle Afyon, İncir, Üzüm meseleleri üzerindeki Demeci. (24/Ocak/1934)."

[207] Ibid.

[208] Hidayet, S: IV, No: 56, *Türkiyede ve Cihanda Afyon – Ankara Ticaret Lisesi Talebe Kooperatifi neşriyatından Talebe etütleri:1* (Ankara: Hakimiyeti Milliye Matbaası, 1933).

[209] Bahtiyar, *Afyon:Türkiye'nin İstihsalatı:Haşhaş Ziraatı, ziraat Mıntıkaları, Afyon İstihsali, İstatistik, Ahdi ve Kanuni Mevzuat*.

asked the Agriculture Ministry for permission for the seeds' entrance, and got it. The request for entrance permission of opium from the Health and Social Welfare Ministry was merely denied because of the law's prohibition of raw opium import except for agreements contracted by the State that did not exclude samples on a small scale. This authority ambiguity was solved when the Economy Ministry brought up the issue in the Cabinet, arguing that the samples' importance for refining Turkey's opium culture. In the end, the samples, in little amounts, were allowed into the country by the Cabinet's decision.[210]

Concluding Remarks

In this chapter, a picture of the opium question in Turkey before the law of 1933 was drawn along with a discussion of the law's extent and the immediate responses of different subjects. As mentioned above, these responses led to some changes in the implementation process of the law. I would like to end this chapter with some concluding remarks.

First of all, the opium problem concerned a large proportion of the population because it was not only about of its production and trade, but also its wide use as a raw material for the chemical and medical industries. It was estimated that approximately 600,000 people were related to the opium issue including the producers, merchants and their families.[211] If it is thought that Turkey's total

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[210] PMRA Catalogues of Council of Ministers' Decrees (1928 and afterwards), 30..18.1.2/48.66..13.

[211] Bahtiyar, *Afyon:Türkiye'nin İstihsalatı:Haşhaş Ziraatı, ziraat Mıntıkaları, Afyon İstihsali, İstatistik, Ahdi ve Kanuni Mevzuat*, 6 and TBMM Zabıt Ceridesi, Cilt: 9, Devre: IV, İçtima: 1 (Ankara: TBMM Matbaası, 1932), 480.

population in 1935 was almost equal to 16 million,[212] the law's sphere of influence may be better understood.

Furthermore, the law did not seem to be one that was written in the law books or to have no reality. It is clear that the law was implemented. However, it would be more correct to specify this clarity for the western part of the country. While the law had prohibited opium production in the eastern areas, there is no information available on whether the law was implemented or not in these places. The eastern opium of Turkey was soft kind that was generally used for smoking. One possible reason have been supported for the production of more drogist opium and less soft opium, meaning producing more for medical purposes and less for pleasure. Also the prohibition decision might have had an ethnical dimension as the population in the east was mainly Kurdish. At this point, this ban covering all of the East and South east regions of the country demands more investigation for its reasons, whether it was enforced or not, and how it was met by the related subjects in the region.

To come to the reasons for the law, it does not seem to have been accepted as a result of different subjects' demands and struggles. It seems that the international atmosphere was more determining. This atmosphere was characterized by the quick conceptual equation of opium and narcotic drugs. Indeed, this conceptual framework carried economic and politic baggage involving and resulting in serious clashes between imperial interests, market sharing, and labor necessities concentrating on the "opium question." Turkey's political elites accepted this conceptual framework in the course of time without questioning and/or opposing it. This recognition was the ground for regulating the whole opium business under the name of "narcotic drugs." However, it should be added that the opium problem was and became more complex

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[212] *Türk Ekonomisinin 50 Yılı* (Istanbul: İktisadi ve Ticari İlimler Akademisi, 1973): 54.

than the apprehensions of Kemalist elites, whose goal was to clean the "blots on the new Republic" by radically regulating it according to the current international agreements, however controversial, as an indicator of the new regime's sovereignty.

The representation of the law by the Kemalist elites is also significant. The metaphor of "giving a Christmas gift to the world" symbolizes the ambiguous relation to and subjectivity of the Turkish nationalist elites about Occidentalism. As Ahıska underlines, every effort to define, construct and distinguish the Turkish national identity was shaped according to an imagined "being Western" and having a Western appearance."[213] The Kemalist elites fundamentally changed every aspect of the opium business, and they presumed that the Western eyes following the Turkish nationalists "self–sacrifice for humanitarian ideals" and acted in order to make these groups happy with this unexpected gift.

While in the period before the law the opium issue had been a matter of "foreign affairs," the period after the law was more distinct with the differentiation of subjects, their complaints and demands, and their struggles to reach their desired goals. The early subjects were naturally the producers and the merchants of opium, having their own differences. However, all of them tried to shape the net result of the opium question favorable to their own interests in the new environment. They generally strived to maintain their relative advantageous positions before law. The concrete case of this was that while the producers prohibited from producing opium were opposed to the law, the permitted ones did not see this as an advantage. The producers were also complained about the general complexity of the process. Needless to say, some part of the population benefited from the sharp change of the

[213] Meltem Ahıska, *Radyonun Sihirli Kapısı: Garbiyatçılık ve Politik Öznellik,* (Istanbul: Metis Yayınları, 2005): 46.

whole business, as seen in the example of profiting merchants of the price uncertainty in the first year of the law.

The opium problem would worsen in the second half of the 1930s. The effective subjects of this era would also be varied including not only producers and merchants but also doctors, agricultural technicians, and parliament deputies. Moreover, discriminations arose among the ruling elites according to their economic and ideological priorities with the law's implementation that gave its first signs in the first year of the law. The law's claim to address the opium problem under the discourse of "international duties and humanitarian aims" did not become real, and even made the situation more complex by victimizing large numbers of people. Almost any subject related to the problem was not satisfied with the new situation, at least until the start of World War II. Last, since the economic and foreign affairs discourse and the view of points originating from these discourses were more dominant in the era analyzed in this chapter, the scientific–medical discourse would construct its unrivalled hegemony in the second half of the 1930s. The next chapter discusses this complicated story of opium question for the governing elites in the post-law period.

CHAPTER III

THE POST–LEGISLATION PERIOD FOR THE TURKISH GOVERNING ELITE

In Chapter Two, the international, economical and political scene in Turkey in regard to opium that resulted in the 1933 Opium Law was discussed. While the law was enacted in order to reduce the tensions, the post-law period created other tensions between several actors. If it is proper to define an "opium problem" that continued during the 1930s in Turkey, this definition is grounded on the contentious and conflicting politics of different actors that arose mainly due to the actual effects of the law. This chapter analyzes this conflicting ground.

In order to begin this difficult task, the historical agents of the opium problem in the after law period had to be more or less specified. The law enhanced the agency scale of the opium question by changing the whole course of the business. Basically, the state entered the business by undertaking a regulatory and controller role in the whole cycle, ranging from opium production to its export and import. As opium had become a commodity that had to be followed and regulated internationally, there were also international actors including the League of Nations Opium Advisory Committee, the European buyers' cartel, and other opium producing countries. Moreover, while the state's entrance negatively affected the earlier positions of the merchants and the opium peasantry, it empowered the state's agricultural and medical officials. I would like to concede the representation of the subaltern politics, mainly the peasants whose conditions were worsened by the effects of the law in the next chapter. In this chapter, I will attempt to explain the conflicting priorities and preferences of the Turkish governing elites' different segments that deepened the

opium question even for the elites during the 1930s. I will also show that these conflicts were relatively disposed of with the help of World War II, which provided the necessary ground for the change of discourse and politics.

As specified in the previous chapter, the governing elites did not oppose the Opium Law itself, at least in the assembly meeting held for its acceptance. However, the implementation of the law divided them. The economic and political necessities clashed with the medical discourse and international conventional obligations. These clashes generally resulted in favor of the subjects of the latter side throughout the second half of the 1930s. The reflections of the medical discourse discussed in Chapter One were hegemonic by their claim of covering every aspect related with the substance "opium." Every conflict was attempted to be solved within this hegemonic discourse, and failure to reach this end led to rising tensions and oppositions more. The central agent that produced this medical discourse was the Health and Social Welfare Ministry and its doctors and experts. On the other side of the conflicts were generally agents who defended the economic priorities. They ranged from the Monopoly to the Economy Ministry, from deputies of the opium producing cities to the Turkey–Yugoslavia Joint Opium Sale Central Office (*Türkiye –Yugoslavya Müşterek Afyon Satışı Merkez Bürosu*). World War II and its increasing need for opium and its preparations was the major factor in the curtailing of the medical discourse's hegemony. This was also the moment that the Opium Law started to lose its impact because of its more flexible implementation.

The Worsening the Opium's Economy: The "Tiresome, Heavy Atmosphere of Opium"[214]

As explained in the previous chapter, the Narcotic Drugs Monopoly was founded immediately after the enactment of the Opium Law in the assembly, and started with new officials by the middle of June, 1933. However, the functioning of the Monopoly was far from free of problems, ranging from financial pressure to marketing difficulties that created a very hard economic position. First of all, the government did not give the promised capital, equal to 1.5 million liras, to the Monopoly to use in their opium purchases. As can be remembered from Chapter Two, the Monopoly was delegated the authority to borrow from banks for the procurement of some part of this capital, 250,000 liras, in 1933. It seems that these financial difficulties continued in later years, and the Monopoly borrowed its promised capital with the delegated authority especially in the beginning of purchasing seasons. The second borrowing authority equal to 600,000 liras was given in June, 1934.[215] The remaining part of the promised capital was also borrowed, as we learn from the Monopoly's 1935 balance sheet.[216] Interestingly, the Monopoly tried to reduce these borrowings with its own earnings from the opium business, meaning the government never gave the promised capital to the Monopoly.[217] If it is thought how essential having money was in order to purchase the produced opium on

[214] Expression is from Berç Türker's assembly speech on 14th of October, 1935. TBMM Zabıt Ceridesi, Cilt: 5, Devre: V, İçtima Senesi: F. (Ankara: TBMM Basımevi, 1935), 74. *"Görüyoruz ki, bizi sıkıcı, boğucu bir atmosfer içinde afyon işi yuvarlanıb gidiyor."*

[215] PMRA Catalogues of Council of Ministers' Decrees (1928 and afterwards), 30..18.1.2/46.44.20.

[216] PMRA Catalogues of Council of Ministers' Decrees (1928 and afterwards), 30..18.1.2/73.22..7. p. 3.

[217] Ibid.

time, the importance and negative effects of the financial pressure problem become more understandable.

Apart from the money squeeze, another problem that complicated the economic situation more was the excess opium stock that accumulated in the hands of the Monopoly. There were two possible reasons for this excess stock, one related to the production/supply side and the other to the marketing/demand side. The first one was that the opium production might increase although its production was restricted. This possibility will be discussed as a part of peasant politics in the next chapter. In this chapter, the second one of the inability to sell the produced opium will be explained. This problem reached its peak level in 1934 and 1935. As pointed out in the previous chapter, Turkey's opium generally was bought by European buyers, especially by the firms and factories of chemical and medical sector. This commercial relation started to decrease with the establishment of a European buyers' cartel at the beginnings of the 1930s. This worsening of commerce in this most important market showed its negative effects more in 1934. While the meetings with the cartel that were started at the beginning of 1934 stopped because of conflicts between two sides, Turkey did not want to lose its big buyers and tried to repair the relations.[218] However, these attempts were not enough to improve the worsening sales until 1936. The European buyers' cartel became the central institution that seemed to be the main reason for the adverse economic conditions in the opium market and this engendered reactions from a certain segment of the Turkish governing elite.

The elites who reacted to the cartel and its purchasing policy economically perceived "opium" as an agricultural commodity that should be exported at a

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[218] PMRA Catalogues of Council of Ministers' Decrees (1928 and afterwards), 30..18.1.2/46.50.17.

profitable price regardless of the meanings attributed to it as a "drug" by the medical discourse. The Monopoly was one of the carriers of this perception. Its administrators argued in a report to the auditing committee of the Monopoly's 1933 balance sheet that the cartel was aiming to weaken the Monopoly's structure inside country by bringing the merchants to complain due to their inability to sell their commodity. In order to reach this aim, the cartel was blocking the meetings and implementing a boycott policy.[219]

The reactions of the elites who perceived the opium problem more as an economic issue against the cartel also were raced to the assembly meetings. Berç Türker, a deputy from Afyonkarahisar, argued that while the cartel paralyzed Turkey's opium commerce, it was protecting other big opium centers. He emphasized that while the cartel circumvented Turkey with the discourse of "serving to humanity," its members were serving not humanity, but their own pockets.[220] Türker wanted the opium business to be made free as before in order to stop this inability of making money. His reactions were supported by Emin Sazak, deputy of Eskişehir; and Rasih Kaplan, deputy of Antalya,[221] who emphasized different aspects of the complicated opium problem, as will be discussed below. These objections were met by Celal Bayar, the Economy Minister, who argued that these issues were beyond the scope of the assembly meeting which was to renew the opium contract signed by Turkey and Yugoslavia.[222]

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[219] PMRA Catalogues of Council of Ministers' Decrees (1928 and afterwards), 30..18.1.2/56.53..11. p. 2.

[220] TBMM Zabıt Ceridesi, Cilt: 3, Devre: V, İçtima Senesi: F. (Ankara: TBMM Basımevi, 1935), 137-138.

[221] Ibid., 138-139.

[222] Ibid., 140.

The rising of these reactions was in 1935, and this was not a coincidence. As mentioned above, the economic situation of opium had worsened since the 1933 promulgation of the Opium Law due to cash problems and excess stock accumulation. The Monopoly attempted to solve the first problem by borrowing from banks, but the solution of the second one would not be very easy. Apart from the cartel's boycott policy, the Monopoly had some other difficulties in its search for new markets. These difficulties grew out of several factors ranging from the different economic expectations of the governing elites from the opium trade to the restrictions of the international conventions accepted by Turkey, from the market competition between different opium producing countries to the Opium Law's dispersion of authority about the government of the opium business among many actors with different priorities.

First, Turkey wanted to solve its market problem by gravitating to the Far East, especially to Japan. As pointed out in the previous chapter, this new departure in the Turkish opium markets was emphasized by the opium problem's actual observers of 1930s.[223] Compatible with this emphasis, the Monopoly attempted to decrease its excess opium stock by barter transactions with Far East markets in 1934.[224] However, the aim to only decrease stocks did not satisfy all of the expectations of the governing elite from opium trade. Opium was seen as one of Turkey's indispensable exchange earning commodities due to its importance as an export crop, and the barter transactions by which opium was sold to the country in exchange for that country's commodities did not meet this exchange earning necessity. As can be expected, this exchange earning issue was brought up by the

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[223] Ziya, "Afyon Meselesi", 24 -5. and Hidayet, S: IV, No: 56, *Türkiyede ve Cihanda Afyon – Ankara Ticaret Lisesi Talebe Kooperatifi neşriyatından Talebe etütleri:1,*: 32.

[224]PMRA Catalogues of Council of Ministers' Decrees (1928 and afterwards), 30..18.1.2/46.49..20.

Ministry of Finance against the demands of the Monopoly for large amount of opium sale, equal to 1,000 boxes of opium, to the Far East with barter transactions. The Ministry of Finance's appeals were more or less quieted by the Economy Ministry pointing out the importance of the Far East markets for Turkish opium on the issues of market competition with Iran, its possible positive effect on the negotiations with the European buyers' cartel, and the rescuing of the Monopoly from the difficult situation.[225] These economic reasons afforded the economy–oriented ministries to find a middle course, and a barter transaction for 400 boxes of opium was permitted by the government in the end.[226] The economic necessity of this middle course for the government can be better understood if it is taken into account that the Monopoly sold 29,190 kg of opium to Japan while its total sale amount was 41,805 kg according to its 1933–1934 financial year balance sheet.[227]

Moreover, the Monopoly faced difficulties in its market search for two correlated reasons, the accepted international conventions and dispersion of authority by the Opium Law, which was prepared to be compatible with these contracts. As explained in Chapter One, the international conventions about opium brought some restrictions to the commerce of both raw and prepared opium. Turkey accepted these restrictions in 1933; however, all opium producing countries did not adopt them. This non–reciprocity created a market situation that was disadvantageous for Turkish opium and advantageous for the not–approved producers, especially for Iran. Furthermore, the economic attempts to overcome this disadvantageous position depending on a more flexible reading of the restrictions were met by the oppositions

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[225] PMRA Catalogues of Council of Ministers' Decrees (1928 and afterwards), 30..18.1.2/49.76..17.

[226] Ibid.

[227] PMRA Catalogues of Council of Ministers' Decrees (1928 and afterwards), 30..18.1.2/56.53..11.

and rejections of not only the Health and Social Welfare Ministry but also the Opium Commission of the League of Nations. The crystallizing example of this was the intended opium commerce with *Manchuria*[228] in 1934.

According to the 1931 Geneva Convention that Turkey accepted in 1933, opium export to China was prohibited. *Manchuria,* which was de facto separated from China, established a factory and wanted to import opium for this factory. However, the European powers did not accept this, and sought to make this factory's competition difficult, according to the Turkish economic elites' perception pointed out in an important report of a inter ministerial commission established upon the difficult situation of the opium problem in 1935.[229] While the owners' of this perception were preaching Turkey that should oppose this European–opium lobbies' interests-originated view, this inspiration could not become hegemonic and did not change the end result. *Manchuria* wanted Turkey to export 1,000 boxes of opium in 1934 and 600 boxes in 1935,[230] but Turkey did not export this opium. Finally, *Manchuria* carried out this commerce with Iran, which had no need to comply with the international conventions. Turkey's forceful body in the refusal decision of this commerce was the Health and Social Welfare Ministry, which stood for the international conventions' necessities against the economic urgency to sell the excess stocks of opium and find new markets. This powerful position of the Health Ministry and its interventions into the economic priorities under the medical and conventional discourse came up in the assembly meetings about opium and was criticized by the deputies. Emin Sazak, one of these critical deputies, argued that the whole authority

[228] Following the Japanese invasion of Manchuria in 1931, Inner Manchuria was proclaimed as an independent state, *Manchuria*. *Manchuria.* Available [online]: http://en.wikipedia.org/wiki/Manchuria [28 April 2007]

[229] PMRA Catalogue of General Directorate of Transactions, 030.10/179.230..8. Appendix I, p. 1.

[230] Ibid.

on the opium business should be given to the Economy Ministry because the Health Ministry, with its "almost humanitarian and prophet-like spirit," led to losses of at least 2 or 3 millions.[231]

As explained above, the economy of opium worsened in the first two years of the new regulations and the new institution, the Narcotic Drugs Monopoly. The reasons for this hard situation were the Monopoly's money squeeze to buy the produced opium, the commercial and political problems with the previous buyers, the economic difficulties of and the conventional restrictions for the new markets, and the dispersion of the authority and power about the opium question among several domestic actors who had different and sometimes conflicting political and discursive priorities. This "heavy atmosphere of opium" and its reasons were brought up and criticized by certain actors who had also offered their own solutions. The criticisms and the recommendations were generally aimed at the League of Nations' Opium Committee and the European buyers' cartel that were seen as the conscious creators of Turkey's straits, and the Health and Social Welfare Ministry, which was the most heated implementing institution of the international conventions with its medical and scientific discourse growing increasingly hegemonic in the subsequent years. 1935 was the year this hegemony was clearly specified by the official governing elite against the conflicts experienced in the previous years and possibly would be experienced in the following years. However, this specification would far from moderate the very fertile ground of the opium question to create new and more complex conflicts and problems. Hence, I would like to discuss both the relative economic recovery of opium and the more clear–cut distinctions of different

[231] TBMM Zabıt Ceridesi, Cilt: 3, Devre: V, İçtima Senesi: F. (Ankara: TBMM Basımevi, 1935), 138.

governmental discourses represented by the different elite segments in the post–1935 period.

Opium under the Medical and Conventional Necessities: The Health Ministry as the Principal Institution

As pointed out above, that the opium problem could not be solved by the new regulations started to be realized in 1935. When this alarming situation was brought up by the dissenting deputies, the government did not give satisfactory answers in the assembly meetings. The government itself was far from feeling at ease about the opium question, contrary to its image in the assembly. In order to discuss the difficult situation of opium's domestic and foreign trade and important issues for the Monopoly's existence and continuity, an inter–ministerial commission was formed by the Economy Ministry's demand on 17 May, 1935,[232] that included representatives from the Economy, Finance, Agriculture, Foreign Affairs and Health and Social Welfare Ministries. This report was important in the sense that the opium problem's photograph was first taken at a kind of wide range, including its economic, political, conventional and medical dimensions. This photograph hints that the situation was not only far from improving but also was pregnant with new tensions and conflicts both between the foreign actors and Turkey's governors and the Turkish ruling elites, mainly triggered and governed by medical authorities.

In the report, first the foreign and domestic reasons for the opium business' difficulties were analyzed. The League of Nations Opium Committee's angled conduct, the cartels' "causeless" boycott policy, the excess opium stock accumulated

[232] PMRA Catalogue of General Directorate of Transactions, 030.10/179.230..8. Appendix I, *"Alakalı Vekaletlerle Komisyonda dilekler,"* p. 9.

in the hands of the Monopoly that was also under financial pressure and the inability to build the promised sole opium factory in Ankara as a threat against the cartel were mentioned as the reasons.[233] To be based on these reasons, the agenda was comprised of the demands of restricting the production more to balance the sale and consumption, finding new finance resources, the establishment of the factory without any more delay, and the defense of Turkey's position and rights in the opium business in front of the Opium Committee.[234] The last warning of the report about the necessity of all of the related actors' agreement on the issue was also significant. This point was explained further in the report's appendixes:

> The agricultural and economic and commercial necessities may conflict with the medical and conventional ones in the opium commerce. However, the Government's ascertained policy is to take the medical and conventional necessity as the base in these conflicts because the Health Ministry has the responsibility to exercise medical and conventional provisions...[235]

This clear expression would empower the Health Ministry's sphere of influence on the opium issue and the medical and conventional discourse's hegemony on the perception of opium until Turkey would conduct a new policy and discourse change at the end of the decade.

This powerful position would have effects on both ideological and political arenas in this almost four–year period between 1934 and 1938. By the ideological arena, I mean that the definition and perception of opium would be determined less by its agricultural and commercial connotations and more by medical science and its discourse. Needless to say, this ideological shift reinforced the change of the political

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[233] PMRA Catalogue of General Directorate of Transactions, 030.10/179.230..8. *"Afyon Vaziyeti Hakkında Rapor,"* p.1-2.

[234] Ibid., p.3.

[235] Ibid., Appendix. *"Afyon ticaretinde sıhhi ve ahdi icaplarla zırai ve iktisadi ve ticari icaplar tearuz edebilir. Fakat Hükümetin tesbit olunan siyaseti bu tearuz hallerinde sihhi ve ahdi icabı esas tutmaktır. Sıhhi ve ahdi hükümleri tatbik mes'uliyeti Sıhhat Vekaletine ait olduğundan..."*

power's balance in favor of the medical authorities. Turkey could not decide on any economic or political action about the opium question either domestically or internationally without the Turkish medical elites' acceptance. In the next part, I would like to successively explain these ideological and political effects with certain episodes in order to better understand the contentious ground of the opium question even for the governing elites.

First, the Turkish medical authorities became ideologically stronger in this period. The emergence and gaining power of the medical discourse on opium was not new and not specific to Turkey, as explained in Chapter One. However, the newness for Turkey was that the discourse was quickly accepted, more or less changed according to Turkey's conditions and history, started to be produced and reproduced and become hegemonic mainly in this period. The Turkish medical authorities attempted to propagate the medical discourse on opium both among doctors and other medical officials and to the general public. It should also be underlined that the Health Ministry and its officials took their discursive power from the principles of the international conventions that had been accepted by Turkey.

The Sixth National Turkish Medical Congress was held in 1935 in Ankara under the chairmanship of Dr. Nazım Şakır, who was one of the most important medical officials of the new Republic. The sole agenda of the congress was toxicomani with poisons apart from alcohol.[236] These poisons were opium, morphine, cocaine, heroine, hemp, and tobacco that were used and had become a social threat in Turkey.[237] The Congress discriminated between these poisons according to their origins. In this discrimination, while morphine and heroin spread to Turkey from

[236] Altıncı Milli Türk Tıb Kongresi, *Alkolden başka zehirlerle Toksikomani (Uyuşturucu Maddelerle) Klinik, Tedavi ve Mücadele* The report written by: Dr. Nazım Şakır, (Ankara: Istanbul "Kader" Matbaası, 1935).

[237] Ibid., 3.

abroad, opium addiction stood for Turkey's own disease.[238] This discrimination served the Kemalist elites' historiographic approach about its Ottoman past by arguing that the main reason for Turkey's being less developed than Europe was the "falling asleep of the high potent classes" due to their opium addiction.[239]

Moreover, the Congress discussed and defined addiction to these different types of poisons one by one with their own medical symptoms and progress,[240] and took on the treatment and struggle under one heading for all of them.[241] The new definitions of the diseases had not only discursive components attached to these substances but also re–organized the existing medical–scientific knowledge in Turkey. If this re–organization was in accordance with the new discourse's direction, the attempt and its doers were appreciated by the medical authority. As an example, the Medical Congress commended the Bakırköy Insane Asylum *(Bakırkör Emrazı Asabiye ve Akliye Hastanesi)* because of its apposition of hemp into the reasons of early dementia.[242] To come to the issue of the struggle against these "diseases," the Congress had declared the doctors the active agents of this process and charged them with the duty of strengthening the government's administrative measures with their medical struggles.[243] Doctors were to discharge their duty of manufacturing public opinion, especially among the youth and the children through conferences, publications, theaters, cinemas, and other public instruments.[244] Finally, the Congress

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[238] Ibid., 6.

[239] Ibid., 4.

[240] İbid., 9-53.

[241] Ibid., 54-75.

[242] Ibid., 47.

[243] İbid., 75.

[244] Ibid., 73-74.

prepared the doctors for this struggle by remembering the importance of the international conventions about opium accepted by the Turkish government and circulating one copy of these to all of the attendees.[245]

The direction for struggle for the doctors set in the Congress seemed to be pursued by the Turkish medical elites. They contributed both to the general propaganda about opium and its addicts conducted by other institutions[246] and also published articles in the newspapers in their own names.[247] The youth as the target audience was also at the center of these medical – scientific discursive struggles. On 4 March, 1937 a conference was held in the conference hall of Turkey's sole university, Istanbul University by Dr. Akil Muhtar Özden, who was one of the most influential medical officials of the 1930s, like Nazım Şakır. Özden explained the conference's aim as an invitation to all prospective doctors in order to struggle against the social and human disaster, toxicomani.[248] While Özden replicated the summary of the medical aspects about addiction "diseases" which were defined at the above mentioned medical congress, he emphasized the warning to these prospective doctors never to give morphine injection to themselves or to patients, even for scientific purposes.[249] This point is significant in the sense that, on the one hand, the conceptual change of these substances empowered the medical authorities and, on the other hand, it triggered new tensions among these men because of the

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[245] Ibid., 75, 76-135.

[246] "Heroinomani" part of Afyon: Türkiye'de ve Dünyada was written by Dr. Ahmet Şükrü Bey who was the neuropathology expert of Cerrahpaşa hospital. *Afyon: Türkiye'de ve Dünyada* provided by the Economy Ministry Narcotic Drugs Monopoly, 19-24.

[247] *Akşam,* 11 October 1933, p. 6. *"Tıbbi Müsahabe: Kokain ve heroin," Akşam,* 17 October 1933, p. 6. *"Tıbbi Müsahabe: Morfin, heroin, kokain," Akşam*, 25 October 1933, p. 6. *"Tıbbi Müsahabe: Kokain, heroin ve tesirleri."* All of them were written by Dr. S. Ragıp.

[248] Dr. Akil Muhtar Özden, *Afyon, morfin ve heroin manileri* (Y.y.: yayl. Y., 1937): 1.

[249] Ibid., 8.

misuse probability of this power. These tensions would lead to create new control mechanisms later on.

Both the ideological effects of the medical discourse and the increasing political power of this discourse's producer institution, the Health Ministry, in the period were discussed. I would like to elucidate the second issue now.

The Health Ministry published a report reviewing the previous three years' results on 11 May, 1936.[250] This report was one of the declared indicators of the powerful political position of the ministry and the clear disunity among the governing elites about the opium problem. The report covered all possible aspects of the opium question from the Health Ministry's point of view, ranging from the international situation to the domestic legislative regulations, from the opium production restriction to the planned narcotic drugs' factory to be established in Ankara, from the standardization of opium before its sale to the opium smuggling and drug addiction in Turkey. There was one clear institution that stood as the target of the Health Ministry's scathing criticisms about: the Narcotic Drugs Monopoly.

The main criticisms of the Health Ministry were three issues: the Monopoly's commercial decisions, its method of determining production restriction, and its criterion of opium standardization. For the first one, the Health Ministry accused the Monopoly of carrying on commerce against the provisions of the international conventions. Examples of this violating of the conventions were experienced both internationally, like the commerce with Paraguay and Ethiopia, and domestically.[251] The Ministry had also answered the objections made about these conventions and

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[250] PMRA Catalogue of General Directorate of Transactions, 030.10/178.230..10. p. 21-41.

[251] Ibid., 25-27.

demands to fall outside of them.[252] The Ministry argued that although falling outside of these conventions might bring short-term and artificial benefits, in the long-term it would lead to considerable material and moral losses.[253] For the second issue, the Health Ministry emphasized that the production restriction was the essence of the opium problem and should be done "rationally." This rational restriction should depend on the experts' establishing of the fields hectare by hectare according to their highest morphine percentages. However, the Monopoly chose places to be restricted on the map without a serious and "rational" search.[254] Last, the flexible conduct of the Monopoly about opium standardization was regarded as against the laws and conventions of the Health Ministry. The Monopoly manipulated the opium considering each consumer's demands for content, shape and/or quality. However, the Health Ministry insisted on a standardization technique that was done according not to market demands, but to the morphine percentages as prescribed in the international conventions by the League of Nations.[255] It should be added that all of these criticisms targeted the Economy Ministry in the name of the Narcotic Drugs Monopoly.

As specified in the above-mentioned commission report of 1935, the economic necessities to improve the opium's economic plight continued to conflict with the medical and conventional priorities, and the latter had the political

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[252] One example of these types of objections belonged to Berc Türker proposal to the assembly on 12 June, 1935. TBMM Zabıt Ceridesi, Cilt: 3, Devre: V, İçtima Senesi: F. (Ankara: TBMM Basımevi, 1935), 139. *"Yüksek Reisliğe Afyon kartelile yapılan söz bağı, velevki kısmen olsun, afyon ticaretimizi sektedar ediyorsa ve kartelin el altından iş gördüğü tahakkuk ederse – ki bunun böyle olduğuna kaniim -, artık afyon işlerimize aid ve elimiz kolumuz bağlı tutmak mahiyetinde olan söz bağlarının feshini ve afyon ticaretimizin tamamen serbest bırakılmasını teklif ederim. Afyon Berç K. Türker."*

[253] PMRA Catalogue of General Directorate of Transactions, 030.10/178.230..10. p. 27.

[254] Ibid., p. 28-29.

[255] Ibid., p.30-32.

hegemony in this period. The escalation of these conflicts strengthened this hegemony. Even the views on whether the monopoly type was suitable for the opium problem started to be voiced by the powerful subjects of this hegemony although the monopolistic solution had been begun with enthusiasm only three years before.[256] Moreover, the Monopoly was not alone at this critical position. Another target of medical – conventional priorities' advocators was the Turkey–Yugoslavia Joint Opium Sale Central Office.

The Turkey–Yugoslavia Joint Opium Sale Central Office prepared a memorandum in order to provide Turkey and Yugoslavia's joint action about the opium problem on November 26, 1936.[257] The memorandum consisted of nine demands defending the producer countries' rights toward the opium-exporting countries. The most important ones were making the exporting countries signed the Geneva Convention to buy opium from the producer countries again signed the convention, inhibition of new producer countries to the production market, disposing of confiscated smuggled opium, and making the narcotic drugs manufacturing and the profit from this manufacture international.[258] The Health Ministry's reaction, given on January 25, 1937, to this memorandum was harsh.[259] First, the ministry pointed out that it could not understand what this memorandum would serve because to whom it had written was not clear. Second, the issue of opium production and its restriction was not a concern of the League of Nations, but was related to the sovereignty rights of each state. Moreover, the Health Ministry scathingly called attention to the ignorance of the Turkey–Yugoslavia Joint Opium Sale Central Office

[256] Ibid., 26.

[257] PMRA Catalogue of General Directorate of Transactions, 030.10/178.231..1. p. 17.

[258] Ibid.

[259] Ibid., 10-14.

about Turkey's laws.[260] The ministry claimed that this ignorance showed itself in the demands to dispose of confiscated smuggled opium, which was an existing practice, and to make the narcotic drugs manufacturing and the profit from this manufacture international were offered by Turkey in 1931 and not accepted by the League of Nations.[261] Last, the Health Ministry did not deem it correct to propagate "suspicious views" of the Office to foreign personalities without taking comments of the institutions interested in the opium question, meaning mainly itself.[262]

This serious reaction of the Health Ministry was met by the Economy Ministry on February 8, 1937 by arguing that the memorandum aimed to ensure a new benefit for the millions of opium producers who were really in a very difficult situation. With this aim, the memorandum had been prepared at the instance of Yugoslavia's Prime Minister Milan Stoyadinoviç stating the "Office's measures over against the opium producers' future that was drifting towards a tragedy year by year."[263] Moreover, the Economy Ministry wanted that this memorandum be defended in front of the League of Nations Opium Committee by two countries' representatives.[264] These arguments could not persuade the Health Ministry. It did not give permission to the representation of this memorandum to the Cabinet because the demands were not enforceable and did not take into account the laws. Also, these demands could not be discussed nationally since the opium problem was not national, but an international issue.[265]

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[260] Ibid., 13.

[261] Ibid., 14.

[262] Ibid.

[263] PMRA Catalogue of General Directorate of Transactions, 030.10/178.231..1.p. 7.

[264] Ibid., 8.

I would like to introduce in this section one last document that showed some hints of the changes of Turkey's opium policy in the later period. On April 4, 1937 the Health Ministry offered the establishment of an inter–ministerial commission to determine the "rational production restriction standards."[266] The necessary permission was given by the Prime Minister on the 6 April.[267] Servet Berk, the organization manager of the Economy Ministry and Hamza Osman, the director of Narcotic Drugs Monopoly, were charged in this commission.[268] However, the commission failed to arrive at a conclusion, or even prepare a report in five months.[269] After one year, on October 8, 1938, all related materials of this commission were sent back by the Prime Ministry to the Health Ministry.[270]

This inconclusiveness of the "rational restriction" discussion was not because of conflicts between the different ministries on the parameters of "rationality." Hence, it could not arrive at a conclusion since the theme of the production restriction as a whole started to slowly remove from Turkey's agenda the opium problem by almost 1938. The trigger of this slow change was the news about an international conference on the opium question that was planned to be convoked at about 1937 – 1938 by League of Nations. Although this conference was not convened on these dates and was put off until after World War II, the news about this international meeting and preparations for it led to Turkey's revision of its opium policy under the light of the previous five years' experiences. Turkey had to wait out

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[265] Ibid., 5.

[266] PMRA Catalogue of General Directorate of Transactions, 030.10/178.230..12. p. 5-6.

[267] Ibid.

[268] Ibid. p. 4.

[269] Ibid., p. 2.

[270] Ibid., p. 1.

the war for its ultimate policy changes about opium. Now, the policy revision period with its distinct differences from the above-mentioned period, mainly determined by medical and conventional priorities, and the Health Ministry will be examined.

Turkey's Slow Policy Revision by 1938: "The Republican Government Has Fulfilled All of Its Promises to the Public. The Only Promise Has Not Been Able to Keep was the Opium Problem!"[271]

By 1937, Turkey's foreign affairs representatives started to inform the related authorities about a planned conference on the production and restriction of opium and coca leaf by the League of Nations.[272] The coca leaf issue was deferred by the Portuguese delegates' proposal, and following this road first Turkey wanted to defer the opium issue, too. It is important to underline that Turkey still defended the production restriction necessity and thought this as advantageous for Turkey at this time. This first offer was made due to the Turkish state's inability to find a "rational restriction method" so far.[273] The reasons for this inability as explained by Turkish authorities were interesting in the sense that they first started to be used as bargaining arguments with the international agents of the opium question. They were first agricultural, about what would be cultivated instead of opium; second economical, about the peasants' monetary losses; and last medical and social, about what would

[271] The expression is from Emin Sazak's assembly speech on 24th of June, 1938. TBMM Zabıt Ceridesi, Cilt: 26, Devre: V, İçtima Senesi: 3. (Ankara: TBMM Matbaası, 1938), 312. *"Cumhuriyet Hükumeti halka karşı ne vadettiyse hepsine yerine getirmiştir. Yalnız yerine getiremediği bir şey varsa afyon meselesidir."*

[272] PMRA Catalogue of General Directorate of Transactions, 030.10/178.230..11. p. 2.

[273] Ibid.

be used instead of opium oil.[274] Apart from the first two and known reasons, the last point of the Turkish governing elites' discovery of opium oil would gain discursive importance in their anti–production restriction policies in the later periods.

Although Turkey's offer was not positively met by the League of Nations, Turkey decided to start making an active policy for deferment and laying the groundwork to gain concessions in this time interval.[275] It was also pointed out that these concessions might win the right to produce the maximum amount of settled opium, assurance of a good price, and the participation of Iran in this restriction.[276] It can be argued that Turkey's slow policy change about the opium question was triggered by this new, more real politic and less discursive view of "gaining concessions." With this view, the Turkish governing elites began to discuss the points that should be gained as concessions, and this discussion would result in changes in the balances between economic, political and discursive priorities and discourses affecting the policies.

Turkey started its activities of "laying the groundwork for the concessions" without any loss of time. Ziya Yörük, the legal advisor of the Economy Ministry, was posted for one and a half month in Sweden in order to carry out research on such economic and legal issues like the opium commission.[277] Furthermore, Extrand, the director of the League of Nations Opium Commerce and Social Issues Branch, visited Yugoslavia to survey at the ends of 1937 and wanted to continue his visit in Turkey. This demand was accepted by the Economy Ministry with enthusiasm because the ministry thought that this visit would create an opportunity for Turkey to

[274] Ibid., 3.

[275] Ibid., 4-5.

[276] Ibid., 5.

[277] PMRA Catalogues of Council of Ministers' Decrees (1928 and afterwards), 30..18.1.2/76.60..18.

propagate its position on opium problem.[278] This opportunity would be used to "rightfully state Turkey's demands as a result of its altruism and commitment to conventions and to introduce its opinions that would be supported with irrebuttable evidence."[279]

The preparatory work was accelerated near the time of May 1938 because there would be a meeting of the Opium Commission about the conference on opium production restriction on 23 May. On the 5 May, the related ministries about opium decided to propose to the Commission that the international conference should be convoked after a preliminary conference would be held among only the opium producer countries.[280] Moreover, for the success of this preliminary conference the government of Iran had to participate. This priority of producer countries' meetings resembled the opium manufacturing countries' meeting held in London just one or two months before from the 1931 Geneva international conference on manufactured narcotic drugs.[281] On the same day, the Cabinet also charged two of Turkey's most entitled authorities about opium question, Servet Berk and Hamza Osman, with the duty of defending these principals[*] at the Commission's meeting.[282]

At the heart of these preparations, a new domestic regulation was made on 24 June, 1938. This regulation put an end to the Narcotic Drugs Monopoly and a new institution, the Soil Products Office, took over its responsibilities of the production,

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[278] PMRA Catalogue of General Directorate of Transactions, 030.10/178.231..1. p. 2.

[279] Ibid., 2-3.

[280] PMRA Catalogues of Council of Ministers' Decrees (1928 and afterwards), 30..18.1.2/83.38..2.

[281] Ibid.

[*] The principles except the above mentioned ones were gathered in an appendix report. However, this report is not available to researchers. Furthermore, the secrecy of this attainable part was annuled on 20 June, 1994. Hence, we will know only these points about Turkey's official position in this meeting until the remaining part of the document will be opened to public.

[282] PMRA Catalogues of Council of Ministers' Decrees (1928 and afterwards), 30..18.1.2/83.40..4.

export and import of raw and manufactured opium.[283] This assembly meeting witnessed again scathing criticisms from mainly the opium producing cities' deputies. However, while the government either was content with defending Turkey's approval of international conventions or even did not give satisfactory explanations in the view of the former criticisms, the complaints in this assembly meeting were met in a moderate manner and with a persuasive endeavor. Rasih Kaplan, deputy of Antalya, argued that only Turkey had undertaken all the trouble to "rescue humanity," while all of other agents had been in the black.[284] The Economy Ministry, Şakir Kesebir, also accepted the point that neither the consumer nor the producer countries, except Turkey, had remained true to the conventions. Kesebir declared the above-mentioned policy defenses of the Turkish representatives in the Opium Commission of which positive results were hoped by the government.[285] The deputies were not as hopeful as the government. The demand for the annulment of the conventions implemented unilaterally only by Turkey was raised by Rasih Kaplan, and supported by Emin Sazak, deputy of Eskişehir; Berç Türker, deputy of Afyon Karahisar; and Dr. Osman Şevki Uludağ, deputy of Konya.[286] The seriousness of this opposition had to be met by the Prime Minister, Celal Bayar. In a long speech, Bayar argued that the essential solution was not the annulment of the conventions, but attempts to be more effective in the League of Nations and to change its measures in favor of Turkey. He underlined that Turkey had never again been accused of smuggling, and the conventions' approval had eliminated these blots. Hence, the government should continue its attempts in accordance with the above-

[283] TBMM Zabıt Ceridesi, Cilt: 26, Devre: V, İçtima Senesi: 3. (Ankara: TBMM Matbaası, 1938), 310-318.

[284] Ibid., 311.

[285] Ibid.

[286] Ibid., 312-313.

mentioned plan.[287] This more explanatory conduct of the government more or less moderated the opposition, and the articles of the Soil Products Office law's related with opium and the Narcotic Drugs Monopoly were accepted by the assembly. [288]

Although Bayar argued that Turkey's policy regarding the opium problem had not changed, the process of "affecting the League of Nations and gaining concessions" itself would lead changes in both the policies and the priorities behind these policies. First of all, this process slowly changed the balance in the favor of economic and agricultural priorities and to the disadvantage of medical and conventional one. This correlatively led to somewhat a breaking of the medical–scientific discourse on opium and the Turkish medical elites' political hegemony over every aspect of opium question. Even the Turkish governing elites would start to defend a position totally unlike its former policies in the end of this process. To say with Bayar's terms, the "only unchanged direction of Turkey about the opium question" during the 1930s was its compromise search with the imagined Western eye, in the name of the League of Nations despite its real and considerable economic, social and political burdens for a large part of the public. It should be added that this public segment had also played an active role in influencing the courses of events and the policy changes, as will be discussed in the next chapter.

All of the above-mentioned discussions on opium politics among the Turkish political, economic and medical elites that occurred in inter–ministerial commissions and assembly meetings resulted in a somewhat clear program within 1939. This program was constituted by taking into account the results of two crucial negotiations, as mentioned above. The first one was the meeting of Turkish

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[287] Ibid., 313-314.

[288] Ibid., 314.315.

representatives Servet Berk and Hamza Osman with the Opium Commission,[289] and the second was the interviews of Turkish authorities with Extrand during his Turkey visit.[290] Moreover, the program was firstly formed in order to use by Turkish delegation in the continuing meetings of "gaining concessions" with League of Nations Opium Commission.[291]

To come to the content of this program, the first and the most important article of this program was that Turkey had first questioned the "production restriction" and opposed this conventional obligation.[292] Instead of prohibiting opium production, Turkey was now offering the control of its export and leaving the issue of the restriction on planting to the states as a subject of their domestic affairs.[293] Interestingly, the reasoning mainly depended on the various products–giving nature of opium as a crop. As pointed out above, the governing elites' discovery of opium oil gained functionality in this type of argumentation, and it was claimed that not having and using opium oil might lead the subjection of the peasants to "physical misery."[294] Moreover, Turkey demanded two other points in this opium production issue. The first one was that the discussions on opium production, especially the planned international conference, should be done with the necessary condition of all opium producing countries' participation.[295] Second, it was offered that opium

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[289] PMRA Catalogue of General Directorate of Transactions, 030.10/178.231..3. p. 2.

[290] PMRA Catalogues of Council of Ministers' Decrees (1928 and afterwards), 30..18.1.2/87.42..10. p. 5.

[291] Ibid., 1.

[292] PMRA Catalogue of General Directorate of Transactions, 030.10/178.231..3. p. 2. and PMRA Catalogues of Council of Ministers' Decrees (1928 and afterwards), 30..18.1.2/87.42..10. p. 6.

[293] PMRA Catalogue of General Directorate of Transactions, 030.10/178.231..3. p. 2.

[294] PMRA Catalogues of Council of Ministers' Decrees (1928 and afterwards), 30..18.1.2/87.42..10. p. 6.

production should be banned for the countries that had started to produce after 1925, the date of the first international convention on opium purchase and sale regulation.[296]

Furthermore, the Turkish government also included the issue of opium sale in its "gaining concessions" program. There were three trading options that could be preferred in this issue, and they were subsequently a quote – part regime, free order and the mix of the first two.[297] Turkey supported the first one, and offered the determination of the parts according to the export statistics of opium producing countries. The reason of this choice was that a big part of the world legal opium exports ranging from 65 to 88 percent of the total belonged to Turkey.[298] In addition, the program persisted in the demand being raised in recent years that the opium purchasing countries that approved the international conventions should not import from opium producing countries that had not joined the conventions, but import only from the approved ones.[299] Last, it was declared that the destruction of the confiscated opium should be made a conventional obligation.[300] As explained above, the demanding of this led to a conflict between the Joint Sale Office and the Health Ministry and it had been impeded by the ministry only three years before.

As mentioned above, this program was prepared for the Turkish delegation including Necmettin Sadak, Turkish permanent representative on Opium

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[295] Ibid., 7.

[296] Ibid., 8. and PMRA Catalogue of General Directorate of Transactions, 030.10/178.231..3. p. 3.

[297] Ibid.

[298] PMRA Catalogues of Council of Ministers' Decrees (1928 and afterwards), 30..18.1.2/87.42..10. p. 6.

[299] Ibid., 7. and PMRA Catalogue of General Directorate of Transactions, 030.10/178.231..3. p. 3.

[300] PMRA Catalogue of General Directorate of Transactions, 030.10/178.231..3. p. 3. and PMRA Catalogues of Council of Ministers' Decrees (1928 and afterwards), 30..18.1.2/87.42..10. p. 7.

Commission, Servet Berk and Hamza Osman in their meeting with the Commission in the spring of 1939. This point is important because it shows that the Turkish governing elites were still trying to take an action faithful to the "international dimension of opium problem" although they began to seek a more ample scope inside the country. Moreover, the program's opium was far from being "drug and/or poison" which was its hegemonic perception produced and reproduced by the Health Ministry in the previous years. In addition, the program stood as a summary of the changing opium policy, most dramatically in the issue of opium production and its restriction. Although the makers of this program had claimed that they were defending these views from the beginning,[301] The policy shifts and changes in different periods were shown. For the last part of this chapter, World War II's closing of a "natural" deal to Turkey's opium question which had continued since the beginning of the decade.

"A Question Worth Analysis: Opium Restriction"[302]

The start of the World War II brought on another phase in Turkey's opium problem. If the last point will be said at the beginning, the war interrupted both the international and the national discussions on opium as a regulation–needing substance. This interruption was doubtlessly brought about the "natural" needs of the war for opium. The need depended on the sharp increase in the war's demand for morphine, which is one of the alkaloids of raw opium. The war did not only carry over the discussions on opium but also presented the Turkish governing elites the

[301] PMRA Catalogues of Council of Ministers' Decrees (1928 and afterwards), 30..18.1.2/87.42..10. p. 4.

[302] The expression is the title of Hamza Osman's article. Hamza Osman Erkan, "Afyon Tahdidatı," *İktisadi Yürüyüş,* no: 4 (1940):2.

opportunity to solve their long–lasting "opium problem." This solution came up first as a result of the removal of the above-explained international conference projects on opium production from the agenda, and second of losing the legal and conventional regulation basis of their validity and enforceability.

Hamza Osman Erkan wrote an article in February 1940 that might be seen as the symbolic opening of this new era. Erkan, as a deputy of Afyon Karahisar and also one of Turkey's most authorized persons on opium, gave a brief summary of the course of the opium problem during the decade, and put the unsatisfactory result of the main issue: restriction.[303] He described the reasons for this maleficent end as follows:

> The inability of the opium state to develop in parallel conditions with an absolute harmony was aroused from being under–protective of international legislations of some rights, the lack of international collaboration and effective and fair measures not having been taken in the distribution of altruism sentiments in the view of a good humanitarian aim.[304]

With this reasoning, Erkan underlined the necessity and importance of covering the considerable self–altruisms of Turkey in the recent era.

The first action for "covering Turkey's self – altruisms" was done in the most inconclusive issue of the 1930s, that was the opium factory. As can be remembered from the previous chapter, the three factories in Istanbul were closed in 1933 with the promise to establish one big factory in Ankara for the necessary domestic demand. However, this promise had never been kept although the "negligence in this subject" was sometimes criticized by the Health Ministry.[305] In May 1940 all industrial

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[303] Erkan, "Afyon Tahdidatı," 2,20.

[304] Ibid., 20. *"Afyon vaziyetinin tam bir ahenk ile müvazi şartlar altında inkişaf edememesi bir takım haklar karşısında beynelminel mevzuatın lüzumu kadar koruyucu olmamasından enternasyonal işbirliğinin eksik kalmasında ve beşeri büyük bir maksat karşısında fedakarlık hislerinin tevziinde müessir ve adilane ölçü ve tedbirler alınmamış olmasından ileri gelmiştir."*

materials such as glue, paint oils, glycerin and all the equipments used in the manufacturing of prepared opium that belonged to the ETKIM narcotic drugs factory in Eyüp, Istanbul, were given back to their owners for their use in manufacturing.[306] It is significant that the government did not necessitate any reasoning or excuse for this decision that most likely would have created very heated discussions and tensions among several actors if it had taken in the previous years.

The second step in this war era was taken by the Turkish government about the opium production and the issue of its restriction. Turkey continued to determine the places permitted to produce opium according to their cultivation aim, meaning places for opium poppy and seed and places for opium oil production. However, new places were added to this permission list in 1941. The added places for opium poppy and seed were Göynük, a district of Bolu; and Ürgüp, a district of Kayseri; and for oil production were five districts of Manisa.[307] These permitted places had a special importance in the context of peasant politics, this importance will be discussed in the next chapter. Besides this meaning of the list revision, with the addition of these places, Turkey permitted almost every place that had been producing before the 1933 Opium Law's restriction. The exception of this discontinuing of the restriction was, however, the production in the East and South east regions of Turkey.

The opium trade had also enjoyed this general easy - goingness. The trading partner of Turkey in this war era was distinctly Germany. Trade started to increase and concentrated by approximately 1942. Turkey was selling opium to Germany, which was exporting atebrin that is synthetic drug used for the treatment of malaria to Turkey. In order to the increase the opium quota in exchange for atebrin, the two

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[305] PMRA Catalogue of General Directorate of Transactions, 030.10/178.230..10. p. 29-30.

[306] PMRA Catalogues of Council of Ministers' Decrees (1928 and afterwards), 30..18.1.2/71.53..14.

[307] PMRA Catalogues of Council of Ministers' Decrees (1928 and afterwards), 30..18.1.2/112.78..9.

countries' foreign affairs ministries met[308] and this was made law.[309] In 1943, the governments decided to expand this exchange also for opium and prokinin that is a synthetic for malaria treatment, like atebrin,[310] and this was also passed as a law.[311] The opium trade of Turkey to Germany in exchange for atebrin and prokinin had continued on with always more demands for increasing the quotas during the war era. [312] If it had not been war time, all of this trade with its continuous increases of quotas probably would have set off a reaction from the League of Nations Opium Commission, and perhaps prevented. However, this was the time of German war machine, and the League of Nations as an international institution was losing its power more and more during the war.

In conclusion, the war with its political, economic and discursive effects, covered Turkey's "self – altruisms" that were sought for "humanitarian aims" during the 1930s. The war trivialized both the conflicts among the different segments of the governing elite and the claims of the medical and conventional discourse on opium by sharply re-making it a "free commodity."

Concluding Remarks

The historiography of the early Republican era, especially focusing on the single–party era, becoming definite with close of the *Serbest Cumhuriyet Fırkası,* (The Free Republican Party) generally assumes that the Kemalist governing elite had

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[308] PMRA Catalogues of Council of Ministers' Decrees (1928 and afterwards), 30..18.1.2/99.63..4.

[309] PMRA Catalogues of Council of Ministers' Decrees (1928 and afterwards), 30..18.1.2/99.73..11.

[310] PMRA Catalogues of Council of Ministers' Decrees (1928 and afterwards), 30..18.1.2/101.15..2.

[311] PMRA Catalogues of Council of Ministers' Decrees (1928 and afterwards), 30..18.1.2/101.24..11.

[312] PMRA Catalogues of Council of Ministers' Decrees (1928 and afterwards), 30..18.1.2/101.28..1.

the luxury of governing in an atmosphere without-opposition. However, this was far from the Kemalist elites' experience with the opium problem during the 1930s. The opium problem seems to have been more complicated, hard and even conflicting for the ruling elites. While the law of 1933 was thought as a remedy to meet the effects of the hegemonic and repressive international atmosphere in the early 1930s, this remedy created other and more contentious economic and social problems. In this chapter, this post–law process and its new questions on the part of the Turkish ruling elites noticing that they were not politically and ideologically homogenous on the course of opium problem were discussed.

This heterogeneity brought together especially the two parts of the governing elites. These two segments perceived opium differently, had different discursive and political priorities and resultantly had clashing visions about and solutions to the increasing problems in the post-law period. Broadly speaking, in this differentiation there was the Health Ministry on the one hand. On the other hand, however, actors were more changeable ranging from the Narcotic Drugs Monopoly to the Turkey–Yugoslavia Joint Opium Sale Central Office or the dissenting deputies. The members of the first group conceptualized opium as a "poison" and perceived it as a substance of dangerous narcotic drugs. With this perception, the medical priorities in the newly constructed scientific discourse were determining. Moreover, the international conventions and the "internationality of the opium question" were hotly defended by these medical authorities. However, the second group was more interested in the "national side" of the opium problem that was worsening year by year. For this group, opium was one of Turkey's most important export crops so it should continue to bring money by some way, regardless of the "high humanitarian aims." Hence, opium was perceived in economic terms by many representatives of this other party.

The discrimination of the governing elites was deepened by the deterioration of opium's economic conditions. In the face of these difficulties, the international conventions approved by Turkey and the Opium Law started to be questioned more and to be criticized because of their adverse economic and social effects. Although these critical people and/or institutions offered some solutions, these offers could not be implemented. The main reason for this failure to take certain measures was the political and discursive hegemony of the medical elites. As the most effective competent body, the Health Ministry not only scathingly criticized these offers and their owners but also obstructed their enforceability.

While the medical discourse on opium was hegemonic until the ends of the 1930s in Turkey, it should be added that this discourse was far from having an inner coherence about to be dead against all sorts of addictive substances. In accordance with the general international atmosphere, the Turkish propagators of the medical discourse opened hostilities against opium as a "poison," while they did not show the same attitude towards tobacco. Unlike opium, they did not want the international regulation and control of tobacco, and even perceived tobacco's addiction as legitimate:

> There is no possibility for the execution and rising of today's tired and despondent humanity without stimulants. …Considering that especially Turkey was the country producing the best tobacco, taking a medical decision that demands the prohibition of tobacco addiction firstly by us may seem overzealous.[313]

This "medical tolerance" for tobacco was never shown to opium by the Turkish medical authorities. This difference mainly stemmed from the fact that the

[313] Altıncı Milli Türk Tıb Kongresi, *Alkolden başka zehirlerle Toksikomani (Uyuşturucu Maddelerle) Klinik, Tedavi ve Mücadele* The report written by Dr. Nazım Şakır, 50. *"Bugünkü yorğun ve bedbin beşeriyetin münebbihsiz yürütülmesine ve yükseltilmesine imkan yoktur....Bahusus Türkiye dünyanın en makbul tütünlerini yetiştiren bir kıta olmak itibarile tütün istimalinin menini temenni eden tıbbi bir kararın ilk önce bizden çıkması fazla bir gayretkeşlik manzarası arz edebilir."*

boundaries of the discussion on which substances were "poison" and which were not had been drawn by the international imperial politics and discourse that had reached a somewhat consensus by the Geneva Conventions. Hence, the Turkish medical authorities always took pains to conduct themselves within these boundaries.

Turkey's opium policy started to change slowly by the ends of the 1930s. One reason for this change was the intent of covering the previous years' costs in the planned international conference on opium. The discussions among the governing elites for the preparation of the conference led to this intent and policy switches. Moreover, social discontent among different segments of the public, especially the peasants directly affected by the law, had become more pronounced at the end of the decade, as will be discussed in the next chapter. Besides these important reasons, the ultimate factor creating the opportune atmosphere for the policy shifts was World War II. The war not only trivialized the medical discourse on opium but also created a huge market demand for opium. This bidirectional effect of the war was used by Turkey in all aspects of the opium problem. The manufacturing of prepared opium was again started; the opium needs of the warring Germany were met by Turkey and the ban of certain areas' opium production was lifted.

In this chapter, the opium problem was examined from the view of the Turkish governing elites in the post–law period. However, this was only one part of this era. This complicated process directly affected another historical agent and its political reactions, concerning opium's adverse economic conditions, the major changes of the opium business flow, the inclusion of the state in this business as the most important actor, and the production restrictions. This historical agent was the opium peasantry. Hence, in the next chapter the opium peasantry and their political reactions will be discussed in view of the facts of the post–law period.

CHAPTER IV

THE POST–LEGISLATION PERIOD FOR THE OPIUM PEASANTRY

The opium problem entered a new phase after the enacting of the 1933 Opium Law. As analyzed in Chapter Two, the law changed the whole flow of the opium business with the new institution, the Narcotic Drugs Monopoly, by restricting its production areas, fixing the price of raw opium according to its morphine proportion, monopolizing raw and prepared opium's foreign export and import. The worsening of the opium situation both in the international arena and inside the country was hoped to be improved by the ruling elites with the enforcement of the law. However, the anticipated result was not realized, and the opium problem continued to deepen throughout the second half of the 1930s. The chronic nature of the problem led to the rifts among the ruling elites that seemed to be the clash of different discourses, reflecting also different economic and social priorities. This division of the elites, the relative hegemony of the medical discourse over the economic precedence, and the results of the continuation of this situation until almost the start of World War II were discussed in Chapter Three.

In this chapter, the topic will be narrowed and the opium peasantry that was the "indispensable" subjects of the post-law era will be examined. In order to do this, first a theoretical discussion of the agency role of the peasantry, and the forms of their economic and political reactions either compromising with or opposing the ruling elites will be presented. This will shed light on the discussion of the early republican historiography that generally gives a historical agent role only to the ruling elite, and reduces all other classes to either derivatives of the elites or their mere victims by overlooking their political actions. The political responses of the

opium peasantry will be, then, told depending on different types of historical documents, like the deputies' constituency area reports and inspection districts reports, the Republican People's Party Congress reports of the opium producing cities, assembly speeches about the opium problem, some articles and brochures written in the 1930s, and newspapers.

The "Silent" Actors of the Opium Problem: The Opium Peasantry

> "Here, this person (Anatolian peasant) had silently undertaken the entire burden without showing any singularity, without clamoring, and with giving the impression that the crisis is ineffective to us… The secret of Turkey's enduring the crisis actually lies at this point!"[314]

The history of Turkey's early Republican era is generally written with a state and Kemalist elites-centered approach. Etatism and nationalism have composed the two major themes of historical studies about early Republican era.[315] The economic, political and legal developments eventuated in this era mainly have been narrated as a homogenous, smooth and free of problems by focusing on the intentions, discourses and activities of high politics and taking them "as given". Indeed, this epistemological position unintentionally supposes politics as a field of elites that is isolated from even the possibility of the lower classes' impact on it. This also means assigning an unimaginable power to the single–party state that could smoothly work without any need of the "great masses'" compromise, consent, opposition, or any

[314] Dr. Şevket Raşit Hatıpoğlu, *Türkiyede Zirai Buhran* (Ankara: Yüksek Ziraat Enstitüsü, 1936): 120. *"İşte bu insan (Anadolu köylüsü) hiçbir fevkaladelik göstermeden, hiç yaygara koparmadan, bize kriz tesirsizmiş intibaını vererek bütün yükleri sessizce üzerine almışdır...Türkiyenin buhrana dayanmasının sırrı işte asıl buradadır!"*

[315] For some examples of this, Goloğlu, *Tek Partili Cumhuriyet, 1931-1938*, Yetkin, *Türkiye'de tek parti yönetimi*, Karatepe, *Tek parti dönemi*, Ahmet Hamdi Başar, *Devletçilik ve devlet müdahalesi* (Istanbul: [s.n.], 1948), Dilek Barlas, *Etatism and diplomacy in Turkey: economic and foreign policy strategies in an uncertain world, 1929-1939* (New York: Brill, 1998).

kind of interaction. As a result, the dominant paradigm shadows the complex, contentious and fighting nature of economics and politics, even under the single–party state.

In recent years, the elite and state-centered nature of early Republican historiography has been questioned by more researchers. This questioning has risen not only due to the fact that the assumptions taken "as given" of the early historiography were epistemologically examined, but also due to the discovery of new resources that enrich the available information needed to write different social histories of the early Republican era. In this context, many new historical resources have appeared, such as reports written by various segments of the political power like deputies, polices, and spies; public records; petitions written by people to different echelons of the government; and local newspapers. The use of these new documents both contributes to our knowledge of the era and lays the groundwork for the new problematics that are nourished by new historiographic approaches.[316] However, it should be added that these new approaches and new resources are still far from ridding the hegemonic effect of the former historiography.

The impact of the above-mentioned state–centered historiography can also be seen in the limited number of historical studies about opium's economic and medical course in Turkey, including the 1933 Opium Law as a topic. The common point of these studies is that they all adopted the Kemalist elites' intentions and discourses about the opium politics of the 1930s as they are bunched on materials from the Narcotic Drugs Monopoly. One of the examples of this historiography belongs to Ayşegül Demirhan Erdemir. While the scholar narrates the history of legal

[316] Yiğit Akın, "'Fazilet Değil, Vazife İstiyoruz!': Erken Cumhuriyet dönemi sosyal tarihçiliğinde dilekçeler," *Toplum ve Bilim,* no. 99 (2004): 98-128., Yiğit Akın, "Erken cumhuriyet dönemi emek tarihçiliğine katkı: Yeni Yaklaşımlar, yeni kaynaklar," *Tarih ve Toplum Yeni Yaklaşımlar,* no. 2 (2005): 73-111., Murat Metinsoy, "Erken Cumhuriyet döneminde "mebus"ların "intihap dairesi" ve "teftiş bölgesi" raporları," *Tarih ve Toplum Yeni Yaklaşımlar,* no. 3 (2006): 103-169.

conditions in Turkey, she mainly depends on the book of the Narcotic Drugs Monopoly, *Afyon: Türkiyede ve Dünyada*, (Opium: In Turkey and In the World) the basic aim of which was to propagate the apprehensions and claims of the Kemalist elites, regardless of whether or not they had realized and/or they had realized at the expense of what.[317] This outline put by the Monopoly in its own published book is also accepted by Ali N. Babaoğlu with his emphasis on the government's purported aim for the law, which he says was to "protect the opium producing peasantry against European buyers' cartel."[318]

Contrary to these authors' comments, the opium question that lasted throughout the 1930s was anything but smooth or free of problems. Neither the process before the enacting of the law nor the post–law period resulted in satisfying every related subject of the problem that is reflected in some documents as an expectation of the elites. As analyzed in Chapter Three, the opium question led to a division among different segments of the political elites and their economic, political and discursive struggles that continued until almost the war. Furthermore, the opium question here will be examined from the sides of the vast population group, the opium peasantry, who was directly affected by the law. In doing so, two important points will be underlined. First, the opium question, which is sought to be historicized in this thesis, was not a mere diplomatic topic that belonged to the high–politics arena. Second, the voices of the actual subjects directly affected by the "opium problem" will be brought into this history's arena. The peasantry's reactions to the law will be conceptualized with special attention to their active roles in the whole process, and in this context the above-mentioned critical approaches to the

[317] For the similarity, compare Erdemir, *Afyon ve Tıbbi Etik (ve Diğer Bağımlılık Yapan Maddeler,* 29. and *Afyon: Türkiyede ve Dünyada*, 43-4.

[318] Babaoğlu, *Uyuşturucu va Tarihi: Bağımlılık Yapan Maddeler,* 105-6.

dominant historiography of the early Republican era will be followed. In conclusion, the subversion of the apprehension that was that the "peasantry carried the entire burden without showing any singularity and clamoring" will be undertaken, so to break to this "silent" peace.

The analysis will be based mainly on the wide literature about peasant politics, especially on James Scott's works that are highly influential today although they were written in the late 1970s – mid 1980s. Two major concepts of Scott's works, subsistence ethic and everyday forms of peasant resistance or "weapons of the weak," will be beneficial in the attempt to give the meaning of the opium producing peasantry's reactions to the law. In *The Moral Economy of the Peasant*, Scott proposes the concept of "subsistence ethic" as the moral economy of the peasants. According to him, peasants do not behave with the motive of profit maximization, but rather behave in order to ensure the minimum subsistence levels. He impressively summarizes this behavior by specifying the question of the peasantry as "What is left?" rather than "How much is taken?"[319] In this context, he shares Hobsbawm's interpretation that peasants' objectives are seldom more than "working the system to their minimum disadvantage."[320] In this sense, the peasants are risk – averse a feature which also leads their non–rebelling.

Scott deepens his theoretical framework about the nature of peasant politics in *Weapons of the Weak: Everyday Forms of Peasant Resistance.* With the desire to enhance the realm of the definition of "political action", he conceptualizes various practices ranging from poaching to sabotage, from dissimulation to anonymous threats under the same theme of "resistance." Resistance stands for the "weapons of

[319] James C. Scott, *The Moral Economy of the Peasant: Rebellion and Subsistence in Southeast Asia* (New Haven: Yale University Press, 1976): 7.

[320] Eric Hobsbawm, "Peasants and Politics," *Journal of Peasant Studies*, no. 1 (1973): 7.

the weak" in order to thwart the claims of the institution and/or the opposite class that dominates the public exercise of the power.[321] Combining these with the concepts of *The Moral Economy*, Scott takes the discussion about the peasantry's political practices out of the duality of whether there exists a rebel or not. Everyday forms of resistance create a safer ground to often reach real material benefits for the "risk–averse peasantry." There is no need to have a coordination provided by a formal organization in order to resist, and this is also seen as reason for these hidden political acts.[322] However, Scott underlines the importance of the popular culture that "encodes notions of justice and anger" [323] for the formation of these resistance practices.

As the well known peasant studies scholar Shanin observes, Scott's theoretical framework and the new works inspired by it stand in the acceptance position of both the social distinctiveness of the peasants and theoretical distinctiveness of peasanthood that are seen as the categorizing axes of his peasant studies.[324] This thesis will also discuss the peasantry as a distinctive social analysis unit. It strikes me important that taking the peasantry as a distinct social and political actor would help to overcome the disabilities of the dominant subject–hated, except by the elites, historiography of the early Republican era. This point gains more importance in a country like Turkey, whose rural/peasant population was almost 85 percent of its total population in the 1930s.[325] However, it will also be argued that the

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[321] James C. Scott, "Everyday Forms of Resistance," in *Everyday Forms of Peasant Resistance* ed. Forrest D. Colburn (Armonk, N.Y.: M.E. Sharpe, 1989): 23.

[322] Scott, "Everyday Forms of Resistance," 24.

[323] Ibid.,6.

[324] Teodor Shanin, *Defining Peasants: Essays Concerning Rural Societies, Expolary Economies, and Learning from Them in the Contemporary World* (Cambridge: Basic Blackwell, 1990): 2.

masses called by the name "peasantry" have their own economic, social and cultural differences and hierarchy. This will reflect on the explanations of the varying political reactions of the opium peasantry against the law.

Shanin also underlines the importance of the showing of Scott's and Scottian works that "peasantries' evident *power* to bend the policies of the state and the dictates of the market, and to do so in their own way."[326] Inspired by this emphasis, this "evident power," which Turkey's opium producing peasantry also had against the Hatipoğlu's representation of the Turkish peasants' solemn and "silent" image, will also be discussed. However, there is also need to specify not only in what ways and how this power was shown but also its demands and limits in affecting to the course of the events.

The opium peasantry reacted to the Opium Law in various ways starting from the early days of the enactment of the law, as seen in Chapter Two. These political actions were presented, in Scott's terminology, in both open forms and hidden ways which may be examined with the concept of "everyday forms of resistance." First, the open forms of the opium peasantry's political reactions generally were complaining to deputies, the Republican People's Party managers of the related districts and government officials such as agriculture engineers about the wide range problems brought by the law. These problems ranged from raw opium's low price determined by the government to the demand that the opium production prohibition in certain areas be lifted. The main historical resource for these open forms are the Republican People's Party congress reports of particular cities, the deputies' constituency area and inspection districts reports, and the assembly records of the meetings about the opium problem. Second, the hidden realm of opium producing

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[325] *İstatistik Yıllığı 1936-1937* (İstanbul: Devlet Basımevi, 1937): 21, 44.

[326] Shanin, *Defining Peasants, 10-11.*

peasants' politics covered actions that were generally specified as "imminent perils" by the elites in their assessments of the opium problem. These acts ranged from the adulteration of the raw opium with other materials to misstate their opium yields to the Monopoly's officials in order to prevent a potential production possibility. Needless to say, these everyday forms of resistances can not be found in the documents as exactly open forms of political channels. Rather, they generally appear in the documents as a "struggle heading" for the political and economic elites. As a result, these were inferred from "clues" between the lines in the elite-written documents. These resources are some journal articles, newspapers' accounts, and the reports of the Narcotic Drugs Monopoly and the institutions it worked with like the Yeşilköy Seed Improvement Center *(Yeşilköy Tohum Islah Merkezi)*.

Before analyzing these thematically, the general geographical structure of opium production and the economic and social structure of opium producers in 1930s' Turkey will be discussed.

The Conditions of Opium Production and Producers in the 1930s

This part summarizes the geographical and economic features of raw opium and the social conditions of the Turkish opium producers in the 1930s. First of all, raw opium itself was, and is still, one of Turkey's commercial and industrial plants that include also tobacco, cotton and sesame. As a crop, opium does not need a special climate or soil conditions.[327] The climatic conditions suitable for opium are low rainfall, cold winters, short springs and hot summers. The soil should have moderate amounts of sand, clay and lime. Although opium may be grown throughout

[327] Suphi Rıza Doğukan, "Türkiyede haşhaş ziraatı ve afyon istihsali," *Ziraat Dergisi*, no. 97 (1949): 37-38.

Turkey except for the Black Sea region, its cultivation is more suitable in some regions because of their gray soil and climate conditions. These regions are the western parts of central Anatolia and the Aegean region, and specifically Afyonkarahisar, Alaşehir, Merzifon, Amasya, and Zile.[328] According to the 1927 agricultural census of Turkey, opium had a production share of six percent in all industrial plants, and was cultivated in almost 170,000 *dönüm* (about a quarter of an acre).[329] While there were no exact statistics, it is generally accepted by the observers of the 1930s that there were approximately 100,000 peasant family who were cultivating opium.[330]

To come to the products derived from opium, first the opium poppy should be mentioned because of its importance. Poppy was the milk of the raw opium, and the fundamental reason for opium production because of its alkaloid ingredients. However, opium was not only produced for its poppy. The other products derived from it were oil, seeds, and flower, sprout, oil – cake, and head. All of these products were used for various purposes, ranging from the preparation of meals to fuel for heating.[331]

Opium, as an industrial plant, was not produced for the peasantry's own usage. Rather, it was produced in order to sell immediately and earn the needed cash for the peasantry's other requirements from this sale.[332] This point of hot money procuring of the peasantry from opium production was very significant, and would

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[328] Naci Taner, "Afyon," *Farmakoloğ 20,* no. 10 (1950): 337.

[329] *Türk Ekonomisinin 50 Yılı,* 38.

[330] Bahtiyar, *Afyon:Türkiye'nin İstihsalatı:Haşhaş Ziraatı, ziraat Mıntıkaları, Afyon İstihsali, İstatistik, Ahdi ve Kanuni Mevzuat*, 6.

[331] Dr. Fethi İncekara, "Haşhaşın yurd ekonomisindeki yeri, dünyada ve Türkiyede afyon istihsal ve ihraç durumu," *Ziraat Dergisi,* no. 93 (1949): 27-31.

[332] Hatıpoğlu, *"Türkiyede Zirai Buhran"* , 33.

trigger new conflicts between the peasantry and the state's new policies which did not meet this demand. Moreover, the opium poppy was unfit to be the kind of crop that could be stocked by the peasantry and sold. Attempts to stock under the restricted conditions of the peasantry would result in the decline of the crop's quality, and concluding to a fall in the price. As a result, opium producers wanted to sell their crops immediately after harvest without any delay. This was another important reason for the failure of the Turkish political elites' intentions to "rescue the producers from the merchants' hands."

The land ownership of opium production was comprised of both large and small land owners and tenants. Small land owners generally worked as a family enterprise. Although the overall opium growing process was not very hard and did not require much labor, the stage of the opium poppy's collection was difficult because it had to be collected very carefully, or in technical term, it had to be "clean collection,"[333] by hand, meaning it was inappropriate for mechanization. This stage also had to be finished very quickly since the poppy juice flowed only during the course of one night and had to be collected in the morning, before the sun could sear it.[334] At this labor–intense and hurried stage, family enterprises generally used female and child labor.[335] The large land owners employed also agricultural workers.[336] However, this employment declined as the conditions of the opium business worsened, and family labor was exploited more intensely.

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[333] Dr. Celal Tarıman, "Afyon Ekimi," *Çiftçi,* no. 13 (1946): 3-4.

[334] Fuat Çilingiroğlu, "Haşhaş ve Afyon," *TMO Dergisi,* no. 40 (1958): 12-13.

[335] *Afyon İşleri İzahnamesi, Toprak Mahsulleri Ofisi Genel Müdürlük Sayı: 315* (Ankara: İdeal Basım ve Ciltevi, 1946): 6.

[336] Erkan, "Afyon Tahdidatı," 2.

After presenting this general appearance of Turkey's opium production and producers in the 1930s, the peasant politics that accelerated with the enactment of the Opium Law will now be discussed.

The Politics of the Opium Peasantry

The opium peasantry played a more active politic role after the enactment of the law. They either attempted to change the courses of politics on opium business or created their own survival strategies against their worsening economic and social position as a result of the legislative changes. These politic strategies will be discussed thematically.

Crop Diversification

As discussed above, the peasants try to secure their subsistence level when they face with some kind of crisis that damages the courses of their crops' business.[337] If the crop is being produced not for the peasant's own consumption but for the market, this securing of the peasant family's subsistence level becomes unceasingly crucial in order to secure their own survival. Opium is one of these crops. It is, and was in the 1930s, produced mainly for sale to the commercial and industrial markets although some of its other products are used in the peasants' daily lives.

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[337] For an analysis of the peasant reactions to the Great Depression in Turkey, Elif Akçetin, "Anatolian Peasants in the Great Depression, 1929-1933," *New Perspectives on Turkey,* no: 23 (2000): 79-102.

As a result of the developments continuing by the early 1930s, some of the opium producers started to diversify their crops as a survival strategy in order to secure their subsistence levels. This crop diversification behavior rose not only because of the new legislations about opium. They eventuated also due to the long–lasting price decline of opium, the relative price increase of other commodities that were essential for the peasant subsistence like wheat, cloth or fuel for heating,[338] and government incentives for other crops, especially for sugar.

One of the crops that peasants could grow in place of opium was wheat because of wheat's important place as the main ingredient of bread. Hatıpoğlu points out that the producers of industrial crops such as opium, tobacco, cotton who had been buying their needed cereals from the market with the money they earned from their own crops' sale started to divide their land and to cultivate cereals, especially wheat, for their own consumption.[339]

Another crop that started to be cultivated instead of opium was sugar beets. As generally known, the government incentives given to sugar beet production in order to develop the sugar industry was part of the economic policies of the 1930s, like the railways policy. The government started to direct opium peasants, especially the ones in the districts where opium production was prohibited, to sugar beets production. As Mustafa Kemal said:

> Hundreds of Turkish peasants were sustaining on opium production. The measure under discussion (the Opium Law of 1933) that coincided with the most difficult times of the Great Depression had miserable effects on the conditions of this class. Nevertheless, the Turkish government attempted to procure for the restriction of the opium producing peasants' sufferings, and it was seen that the sugar

[338] Hatıpoğlu, *Türkiyede Zirai Buhran*, 67-9.

[339] Ibid., 40.

> industry was the best measure in order to eliminate this difficulty, as announced by our dear friend General Sherrill.[340]

This direction to the sugar industry the origin of which depended on the proposals of the USA's ambassador, Sherrill, was echoed in the demands of the opium peasantry. Reports about Afyon peasants applying for permission to produce sugar unceasingly published in the newspapers in mid-1930s.[341] The peasants' wish to diversify into sugar beets was also related to the new sugar factories established in the mid-1930s in Eskişehir and Turhal that were close to the opium producing regions.

The other political strategy of the opium peasants was the diversification of the end product of opium. This means that while the peasants were continuing to cultivate opium, they did not incise their opium to obtain opium poppy. Rather, they started to give more importance to cultivate opium for its seed and oil. Hamza Osman Erkan, one of the most important Turkish officials related to the opium problem, explained this pattern with the results of a survey conducted by the Narcotic Drug Monopoly in 1936.[342] According to this survey, only 50 – 70 percent of the total cultivated opium had been incised by the peasants. The opium poppy became secondary in the end products of opium, compared to opium seed and oil. This change of the cultivation aim of opium becomes more understandable when two points are considered: opium seed had a crucial place in the opium producing regions' public culture, especially with its use in public health and there was an

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[340] "Uyuşturucu Maddeler Tahdit Mukavelesinin Birinci Yıl Dönümünde Verilen Ziyafette Okunan Mektup (20.VI.1934)," *Atatürk'ün Tamim, Telgraf ve Beyannameleri IV (1917-1938)* (Ankara: Ankara Üniversitesi Basımevi, 1964): 564-566. *"Yüz binlerce Türk köylüsü maişetlerini afyon zıraatiyle temin ediyorlardı. Dünya iktisadi buhranının en müşkil anlarına tesadüf eden mevzuubahis tadbir, bu sınıf halkın vaziyeti üzerinde fena neticeler tevlit etmekten hali kalmadı. Bununla beraber Türk hükümeti afyon yetiştiren köylülerin ıstıraplarını tahdit için tedbir ittihazına teşebbüs etti ve aziz dostumuz Ceneral Sherrill tarafından beyan olunduğu veçhile şeker sanayiinin bu müşkili bertaraf etmek hususunda en iyi tedbir olduğu görüldü."*

[341] *Akşam,* 23 November 1933, 6: *"Pancar Ekimi – Afyon köylüleri pancar ekmek istiyor."* and *Milliyet,* 24 November 1933, 6: *"Afyon köylüleri pancar ekmek istiyorlar."*

[342] Erkan, "Afyon Tahdidatı," 20.

"opium oil hall" in Afyonkarahisar until the 1950s for the meeting of the demanded oil that was the main ingredient of the people's meals.[343]

Quitting the "Given Right" to Produce Opium

The politic reaction of the peasants who had been given the "right" to produce opium was not only the diversification of their crop range. Another policy was totally quitting their "right," meaning some opium peasants left producing opium although their land was in the districts that were given permission to cultivate it by law. This behavior was a kind of survival strategy of the opium peasantry in order to secure their subsistence level against the worsening conditions of the opium market. However, it should be added that the totally abandoning of opium production might appear as a subsistence strategy for only the peasants whose land was suitable for other crops' cultivation and who had the material sufficiency to change its agricultural base.

This totally abandonment of opium production was generally chosen because opium's price in the market continued to be low and its yield did not cover the peasantry's expenses. The voluntarily crop change because of the opium market itself was noted by the deputies either in their articles or inspection and constituency districts' reports. Erkan writes that some peasants quickly quit producing opium when they realized that other crops would bring more benefits.[344] Moreover, the constituency reports written by the deputies in 1935 started to emphasize this

[343] For a more detailed analysis of the opium's place in the public culture, İrfan Ünver Nasrattınoğlu, "Afyonkarahisar Folklorunda Haşhaş," *II. Milletlerarası Türk Folklor Kongresi Bildirileri, IV. Cilt: Gelenek, Görenek ve İnançlar*, 371-391.

[344] Erkan, "Afyon Tahdidatı," 20.

reduction. Afyon deputies reported that the opium cultivation was decreasing due to the price sag.[345] The more clear expression of this peasant behavior of quitting opium was brought out by the deputies who inspected Isparta in 1938. They wrote that opium production had decreased in Isparta, where one of the primary crops was opium, and the peasants did not want to produce because of its low price.[346]

General Disquiet about the Sag in Opium's Price

While some peasants were diversifying their crops and some others were abandoning opium as survival strategies, opium still continued to be one of the primary crops for many peasants. However, these peasants were not satisfied with the course of opium production conditions. At a parliament meeting held on June 24, 1938 for the establishment of the Soil Products Office, Rasih Kaplan, one of the Antalya deputies, brought up this dissatisfaction:

> Friends, we have passed along to Turkish nation in this opium subject such a cost that the measures taken to compensate are not even enough, in my opinion…At every time we go to our constituency districts, the peasants look in our eyes with such a – I don't say innocent, but - sadness…[347]

The opium peasants did not let it go at that these looks, however. According to the deputies' reports, peasants also transmitted their dissatisfaction to the governing

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[345] PMRA Catalogue of Archives of the Republican People's Party, 490.01/725.484.1. p.1. *"Seçim bölgelerini gezen Cumhuriyet Halk Partisi milletvekillerinin inceleme raporlarının hulasası."*

[346] PMRA Catalogue of Archives of the Republican People's Party, 490.01/514.2062.1. p. 44. *"Teftiş ve mebus raporlarından çıkarılan dilekler."*

[347] TBMM Zabıt Ceridesi, Devre: 5 İçtima: 3, Cilt: 26, (Ankara: TBMM Matbaası, 1938): 311. *"Arkadaşlar, bu afyon işinde Türk ulusuna öyle bir zarar yüklettik ki hala bu zararı telafi için aldığımız tedbirler zannederim kafi değildir…Her vaki dairei intihabiyemize gittiğimizde, çiftçilerin, masumane demeyeyim, öyle melulane bir vaziyetle gözlerimize bir bakışları vardır ki…"*

elites by complaining about the worst points, and wanted them to resolve these problems.

The steady decline in opium price since the beginning of the 1930s received the most complaints. In the constituency districts reports of 1935, many deputies from various cities noted complaints about the low purchase value of opium. The most evident complaints came from the deputies of Afyonkarahisar, Kütahya and Konya.[348] The deputies noted that the peasantry "assessed that the opium was being purchased at a very low price."[349] It is important that their tone of announcing was far from demanding a policy change in 1935. Rather, they seemed to reflect the peasantry's worries in order to inform the related ministries.

The disquiet continued to be reflected in the following years, however, with the change that the complaints reported in these years were in more concrete forms, and demanding an actual policy change. One of the demands of the Afyonkarahisar Congress, held in 1938, was that either opium cultivation costs would decrease or its purchase price would increase.[350] It is important that the demands in this document were assigned to the related ministry according to its nature by noting it near the demand, and surely this demand for opium was delegated to the Economy Ministry. The demand for a price increase was also seen in the deputy reports' of 1939. The complaint and policy change offer was made from Isparta with the reason that the current price did not cover the peasants' labor.[351]

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[348] PMRA Catalogue of Archives of the Republican People's Party, 490.01/725.481.1. p.1, 13, 80, 91, 119, 163. *"Cumhuriyet Halk Partisi milletvekillerinin seçim bölgelerini inceleme raporlarından özetler."*

[349] PMRA Catalogue of Archives of the Republican People's Party, 490.01/725.481.1.p. 13. *"Cumhuriyet Halk Partisi milletvekillerinin seçim bölgelerini inceleme raporlarından özetler."*

[350] PMRA Catalogue of Archives of the Republican People's Party, 490.01/492.1980.2. p.5. *"Afyon Kongre dileklerinin CHF Genel Sekreterliğine sunulduğu."*

To come to the reasons of this price decline, before discussing to the opium peasants' own reasons, it should be asked whether the price decline of a crop in the 1930s, the years following the Great Depression, was a distinct phenomenon or not. Hatıpoğlu argues that the price decline by 1930 was common to all agricultural crops while those for industrial products had increased relatively in Turkey. Because of this relative increase, a gulf between the peasants' revenues and expenses came into being. He called this situation "Turkey's agricultural depression."[352] In this context, the decline in opium's price may also be seen as a part of this general depression. However, as also Hatıpoğlu specifies,[353] the opium was in a special position because of its conceptual and legislative change. This change had become an important factor in the fall of the opium price until World War II. Furthermore, while the opium peasantry was sought a price increase, their demands' addresses reflected this change. They generally blamed the Monopoly for the decline, and complained about its loss–making price determination for the peasantry.[354]

Last, opium prices somewhat increased by the turn of the 1940s. The general disquiet about price sag during the 1930s started to tail off because the demand, and resultantly the price, of opium had increased due to the necessities of the war. This slow recovery of the prices satisfied the peasantry, and this satisfaction was reflected in the deputies' reports of 1941.[355]

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[351] PMRA Catalogue of Archives of the Republican People's Party, 490.01/514.2062.1. p. 44. *"Teftiş ve mebus raporlarından çıkarılan dilekler."*

[352] Hatıpoğlu, *Türkiyede Zirai Buhran*, 1-6 and 67.

[353] Ibid., 102.

[354] PMRA Catalogue of Archives of the Republican People's Party, 490.01/514.2062.1. p. 44. *"Teftiş ve mebus raporlarından çıkarılan dilekler."*

[355] PMRA Catalogue of Archives of the Republican People's Party, 490.01/613.1.2. p. 5. *"Afyon mebuslarının teftiş raporlarının Genel Sekreterlik tarafından incelendiği."*

Price was not the only thing of which the Monopoly was accused. This type of putting the Monopoly's policies at the center of the opium peasantry's politics can also be seen in many other topics, as will be seen.

The Purchase Policy of the Monopoly

The purchase policy of the Monopoly was problematic in all aspects, and became the most controversial topic between the peasants and the state policy. The policy's aspects on which the conflicting interests concentrated ranged from its timing to from whom the purchase was done, from its pricing strategy to its payment pattern.

Purchase Timing

As explained in Chapter Two, according to the new law, the Monopoly would announce a time period, approximately one month in length, for each year to buy that years' produced opium. This announcement would be published in the newspapers in order to inform the opium peasants and merchants. Opium could only be sold to the local agents specified by the Monopoly in this certain period, news which the peasants could solely learn by following the newspapers. However, there were many factors that would pose obstacles to the smoothly functioning of this expected system. These factors were low literacy rates, the unavailability of newspapers for the peasants, the transportation difficulties of the produced opium by the peasants' own resources to the specified local agents, and the Monopoly's limited numbers of officials who could not reach of the all opium producing districts within the permitted time interval. All of these factors negatively affected the functioning of the

system, and led to the peasantry's rising disquiet and complaints about, and related demands from, the Monopoly.

The problems rising from purchase timing of the Monopoly started to be voiced shortly after the Monopoly was established. Afyonkarahisar Congress, held in 1935, addressed these problems, claiming that they were rising from the Monopoly's not making things easier for the peasantry.[356] The Congress "preferentially demanded" that mobile officials and local correspondents should be employed in the sales seasons. Although this "preferential demand" was labeled to be forwarded to the related Bureau X[357] in the document, it did not seem to be precisely met. In 1938, the purchase timing problems led to the accumulation of unsold opium in the hands of peasants in some districts. Sandıklı, a borough of Afyonkarahisar, was one of these districts. One of the demands of the 1938 Afyonkarahisar Congress which was marked to be transmitted to the Economy Ministry was that the Monopoly's purchase of the opium stock be stored in Sandıklı at an appropriate price.[358]

It seems that this type of stock problem continued up to 1940 – 1941. Supporting the thesis that the "opium problem" started to be "solved" by the necessities of World War II, by that time the government had executed the Opium Law with a more "flexible" reading. This "flexibility" was also reflected in these stock problems. In 1940, Mebrure Gönenç, one of the Afyonkarahisar deputies, reported that there were opium stocks in the peasants' hands.[359] The main reason for

[356] PMRA Catalogue of Archives of the Republican People's Party, 490.01/492.1980.2. p.10. *"Afyon Kongre dileklerinin CHF Genel Sekreterliğine sunulduğu."*

[357] Bureau X was one of the bureaus that were established by the Republican People's Party in the single-party era to govern more effectively. These bureaus were specialized among several subjects, like culture, health, military services. Bureau X was related to the economy.

[358] PMRA Catalogue of Archives of the Republican People's Party, 490.01/492.1980.2. p.5. *"Afyon Kongre dileklerinin CHF Genel Sekreterliğine sunulduğu."*

this accumulation was seen as the peasants' inability to keep the tracks of permitted opium sale time interval from the newspapers, which did not arrive in the rural areas on time. Gönenç reflected the demands about the purchase of these opium stocks that resembled the ones made in both 1935 and 1938. Although the latter demands could be or were not met, Gönenç's demand made in 1940 was eventuated, and the Soil Products Office bought these stocks in 1941. The peasants' gratification at the stocks' purchase was again reported by Gönenç, in her 1941 constituency area report.[360]

From Whom the Opium Was Purchased

The Kemalist politic elites generally claimed that the new arrangements in the opium business basically aimed to rescue the peasantry from their dependence on intermediaries and merchants. However, this aim was never reached. The Monopoly's, and later the Soil Products Office's, new purchasing system of opium unceasingly strengthened the peasants' "dependence," and as a result, the position of the opium merchants.

The main reasons for this end were the Monopoly's organizational inadequacies, and its payment pattern. For the former, the Monopoly did not have enough officials or organization to go to all opium producing districts and purchase the opium directly from the producers. And for the latter, the initial payment system executed by the Monopoly, which will be explained below, due to its reactive nature

[359] PMRA Catalogue of Archives of the Republican People's Party, 490.01/613.1.2. p. 58. *"Afyon mebuslarının teftiş raporlarının Genel Sekreterlik tarafından incelendiği."*

[360] Ibid., p. 5.

also forced the peasants to sell their opium to the merchants because of their urgent money needs.

In 1935, the deputies of Konya announced that the opium peasants wanted the Monopoly administration to purchase the opium not only on time but also directly from them.[361] Cemal Tekin, one of these deputies explained this complaint more clearly:

> The producers are selling their crops at a very low price to the intermediaries due to their needs for money since the Monopoly administration does not purchase the opium on time. The administration direct purchasing.[362]

Although these complaints were made, this problem was always far from being solved. One of the limited number agricultural engineers of 1930s, Mecit Mağmumi, brought up this issue in his very critical book on opium question. Mağmumi underlined that the payment system served nothing else than to compel the peasantry to sell their opium to the intermediaries below its actual market price, which to victimized them further.[363]

An article written by again an agricultural engineer in 1949 confirms that this disquiet of the opium peasantry due sale to the intermediaries at low prices continued. Ahmet Kardeş claimed that the peasants sold their opium to the traders in the districts in exchange for their commodities since there were no Soil Products Office agencies in those districts.[364] He also pointed out that the peasants were complaining about their loss–making position in this business.

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[361] PMRA Catalogue of Archives of the Republican People's Party, 490.01/725.481.1.p. 12. "Cumhuriyet Halk Partisi milletvekillerinin seçim bölgelerini inceleme raporlarından özetler."

[362] PMRA Catalogue of Archives of the Republican People's Party, 490.01/725.481.1.p. 163. "Cumhuriyet Halk Partisi milletvekillerinin seçim bölgelerini inceleme raporlarından özetler." *"Tekit yönetimi Afyonu vaktinde satın almadığından üretmenlerin paraya olan ihtiyaçları dolayisile ürünlerini mutavassıtlara çok ucuza satıyorlar. Yönetimin doğrudan doğruya satın alması."*

[363] Mecit Mağmumi, *Afyon Mevzuu,* (Istanbul: Matbaai Ebüzziya, 1940): 10.

[364] Ahmet Kardeş, "Türkiyede afyon alım ve satımı," *Ziraat Dergisi,* no. 93 (1949): 22.

In conclusion, the changes in the opium business brought about since 1933 did not mean an actual change in respect of the crops' buyers. Regardless of the elites' intentions and/or conscious policies, the new system did not "rescue the peasantry from the intermediaries' hands", and even was in favor of these intermediaries.

Initial Payment System

According to the Narcotic Drugs Monopoly law, the Monopoly would buy the opium from the producers at a price determined by the experts' estimation about the morphine percentage of the opium. The peasants were paid an initial payment according to this estimated price. Then, all of the purchased opium was sent to an analysis laboratory in Istanbul in order to test and seal its morphine percentage. The remaining amount of money would be paid to peasants after this testing finished.[365]

This initial payment system was far from serving the peasants' interests, and even made the opium question more complex. As mentioned above, opium was a kind of crop that was produced mainly to sell in the market. Many peasant families's economies depended on the cash that would be earned from the sale of their opium. This initial payment system forced the peasants to make a choice between two unfavorable alternatives: they could either go into debt or sell their crop to intermediaries at a lower price than the Monopoly's announced one. As a result of this, the payment pattern followed by the Monopoly became an important topic that created disquiet among the peasants and led to their complaints and demands from the governing elites.

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[365] *Afyon: Türkiye'de ve Dünyada,* provided by the Economy Ministry Narcotic Drugs Monopoly, 78-90.

The Afyonkarahisar Congresses, held in both 1935 and 1938, brought up the initial payment system. In 1935, the peasants complained about the difficulties of the purchase process. They demanded that the payment system be made easier to "prevent the worsening off the opium business."[366] In 1938, the subjects of complaints and demands were expressed more clearly:

> While the current opium purchasing prices that were determined by the Monopoly according to the morphine percentages are so low they can not meet the production costs, the increase of the foreordained price as possible, and at the same time the payment of the total foreordained price with the purchase, and discontinuing the current initial payment system that is at the sacrifice of the producer, and the continuing of the purchases at least for three months.[367]

Mecit Mağmumi discussed the disadvantages of this payment pattern for the producer. He criticized the system because not only the peasantry had to sell their crops to intermediaries but also it unnecessarily prepossessed both the Office and the Agriculture Bank *(Ziraat Bankası)* two times.[368]

Although the disadvantages of this payment had been given voice to at different times, the Soil Products Office continued this system. However, it attempted new solutions like local experts, making faster the analysis process, and extending the purchase period[369] in order to appease these reactions.

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[366] PMRA Catalogue of Archives of the Republican People's Party, 490.01/492.1980.2. p.10. *"Afyon Kongre dileklerinin CHF Genel Sekreterliğine sunulduğu."*

[367] Ibid., p.5.*"İnhisar idaresince morfin derecesine göre taktir edilmiş bulunan hali hazır afyon alımı fiatları istihsal masrafını karşılayamıyacak derecede az olduğundan mukadder fiatın mümkün mertebe tezyidi ve aynı zamanda mübayaa ile beraber mukadder fiatın temamen tesfiyesi ve müstahsılın zararına olan hali hazır avans usulünden sarfınazar edilmesi ve mübayaa işinin en az üç ay devamı."*

[368] Mağmumi, *Afyon Mevzuu,* 10-12.

[369] *Afyon İşleri İzahnamesi, Toprak Mahsulleri Ofisi Genel Müdürlük Sayı: 315,* 13-23.

Pricing Strategy

The final obstacle that the peasants and the Monopoly encountered was the Monopoly's pricing strategy. As explained above, the opium was priced according to its morphine percentage. Each year, the Monopoly announced a descending price list for each morphine content class ranging from 14 to 10 percent or less. In every purchase region, experts estimated a morphine percentage for each peasant's crop, and priced it according to the announced list. The initial payment to the producers was done according to this estimated price. Hence, this estimation process itself became a point of bargaining, conflict and compromise between the peasants and the experts, who were seen as the representatives of the state by the peasants.

The Afyonkarahisar Congress of 1935 wanted the Monopoly's officials to make things easier for the peasantry on the issue of "opium waste"[370] *(afyon çıkımı)*.[371] This issue was raised because of the conflicts between seller and buyer about the determination of the opium's morphine content. As understood from this demand, these types of conflicts were not uncommon.

The constituency report, which was written by Mebrure Gönenç in 1941, presents a clearer example of the conflicting interests of the peasants and local experts who were seen as the representatives of state on the issue of determining the morphine percentage, and thus the price of opium. Gönenç noted the peasants' complaints about the experts. The Afyon peasants claimed that the experts quite often determined the opium's morphine percentage one point lower than its actual

[370] "Opium waste *(afyon çıkımı – çıkıntı afyon)*" was a special term used in opium market in order to call the opium types of which morphine percentage was low due to either climatic conditions or adulteration with some external materials. Bahtiyar, *Afyon:Türkiye'nin İstihsalatı:Haşhaş Ziraatı, ziraat Mıntıkaları, Afyon İstihsali, İstatistik, Ahdi ve Kanuni Mevzuat*, 9.

[371] PMRA Catalogue of Archives of the Republican People's Party, 490.01/492.1980.2. p.5. *"Afyon Kongre dileklerinin CHF Genel Sekreterliğine sunulduğu."*

rate. According to the peasants, the experts did this purposely because of their confidence that the producer sellers could not object. When a peasant opposed the determined rate and wanted to send the opium at issue to the laboratory in Istanbul and if the morphine percentage was not found at the rate the peasant had claimed, all of the costs of this process fell to the peasant. Gönenç also points out that the peasants wanted the experts to analyze their opium more accurately and requested "protection and help."[372]

This episode reported by Gönenç may be seen as a symbolic presentation of the conflicts raised due to the pricing strategies of the Monopoly (and later the Soil Products Office). As will be explained below, the "quality" of opium, meaning its morphine percentage, and its determination continued to be contested subjects that resulted in state policies to "educate" the peasants and the peasant resistance strategies to survive.

The Adulteration of Opium versus Clean Collection Policy

With the enactment of the Opium Law, the state started to play a more active role not only in the regulation of opium's production, export and import, but also in the production process of opium as an important crop for export. This meant that the agricultural institutions initiated the assignments to "improve the quality of the opium." However, this improvement mission of agricultural engineers and the Monopoly's officials came up against the producers themselves. The reason for this encountering was that the improvement of the quality of opium inevitably meant some kind of intervention to the existing production methods of the peasants. Hence,

[372] PMRA Catalogue of Archives of the Republican People's Party, 490.01/613.1.2. p. 5-6. *"Afyon mebuslarının teftiş raporlarının Genel Sekreterlik tarafından incelendiği."*

"opium's quality" became a contentious issue between the regulatory body and the opium peasants.

The establishment of the Narcotic Drugs Monopoly initiated the efforts to improve opium as a crop. According to the Agricultural Ministry, opium had been an "unknown country *(Terra inkognita)*" before these attempts in Turkey.[373] By 1934, te Yeşilköy Seed Improvement Center began to show special concern for opium on account for the Monopoly. The main aim of these attempts was to increase the morphine content of the opium, which was the most crucial parameter of opium's pricing in the market. One of these studies involved experimental plantations of opium in Merzifon and Afyonkarahisar.[374] Besides these experiments, another important issue to be improved was the rate of production, which did not satisfy these institutions. The cause of this dissatisfaction was the adulteration of the opium yields by the peasants.

Adulteration means the mixing of various foreign materials to the collected opium poppy pellets at the collating step. These materials can range from wood pieces to grass. They are adulated to opium in such a way as they can not be distinguished by a glance or touch. By this adulteration method, peasants increased their opium's weight without a sensible difference in its visible face. One another method to increase the aggregate amount of opium was the collecting of the opium poppy while there was still dew on the crops. Thus, the dew was also added to the opium poppy amount.[375] In these ways, peasants increased their crop yield without any need for more plantations or more seed. These strategies became unceasingly popular with the peasants to resist and survive the worsening market over the years.

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[373] *Afyon Raporu,* T. C. Ziraat Vekaleti Neşriyatı, (Istanbul: Güven Basımevi, 1938), 6.

[374] Ibid., 7.

[375] Fuat Çilingiroğlu, "Haşhaş ve Afyon (1)," *TMO Dergisi,* no. 41 (1958): 15.

As can be expected, the subjects of the opium regulatory body called these everyday forms of resistance practices of the peasants "deception and a kind of moral turpitude,"[376] and struggled against these by trying to "educate" the opium peasantry.

In this struggle, the Seed Improvement Center circulated "advice brochures" to the peasants about "rational agriculture, production, improvement, cutting, collecting and forming into pellets" each year before the production season.[377] Moreover, experts were sent to the opium production districts in order to "enlighten the producers on the spot."[378] However, these attempts did not seem to work very well. Although the propagandas of regulating body's officials in order to expand the "clean collection policy" were still continuing in the mid-1940s,[379] these "peasants' deceptions" continued on into the 1950s, according to one of the leading agricultural engineers of that times.[380]

Whose Trouble Was Bigger?: The Peasants of the Opium Production in the Forbidden Districts

The inevitable actors of peasant politics about the opium problem during the interwar period were of course the peasants in the districts where opium had been produced before 1933 and was prohibited by the Opium Law. Although the still–opium producing peasants were very disquieted by the situation in many aspects, as

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[376] Ibid., 15.

[377] *Afyon Raporu,* T. C. Ziraat Vekaleti Neşriyatı, 7.

[378] Ibid., 7.

[379] *Afyon İşleri İzahnamesi, Toprak Mahsulleri Ofisi Genel Müdürlük Sayı: 315,* 7.

[380] Çilingiroğlu, "Haşhaş ve Afyon (1)", 15.

explained above, the forbidden producers had one single wish: to restart opium production.

As explained in Chapter Two, both the peasants and the merchants reacted the production prohibition in some districts after the law. These direct reactions that were represented to the government by either getting into contact with the related authorities or being reflected by the press had positive results for the demanders. The government rolled back the prohibition, and permitted to opium production firstly in Balıkesir and Manisa Vilayeti, and then in Aydın Vilayeti within 1933. However, the later claimants, in order to go back to producing opium in their districts, were not as lucky as the first ones. Although these districts' peasants voiced their grievances to the deputies and authorities, and demanded to "qualify their production right again," their wishes were not met in the medical discourse led era when the law was tightly implemented. The peasants had to wait until war mitigated the medical discourse's hegemony and softened Turkey's policy about opium production.

One of these districts was a district of Bolu, Göynük. According to the 1935 constituency area report of Bolu deputy, İsmail Hakkı Uzmay, the opium production prohibition in Bolu limited the employment very much, and the people were unable to pay their taxes.[381] Other deputies of Bolu, Mitat Denli, Mitat Kuzay, and Dr. Emin Cemal Suda, also reported on the bad situation of the Göynük peasants: "Because of the opium production prohibition in Göynük for three years, the people were suffering and embarrassment. The solving of this issue."[382] One another district in which peasants had complaints against the prohibition was Ürgüp, a town of Kayseri. Although Kayseri deputies also received complaints, either these deputies or the

[381] PMRA Catalogue of Archives of the Republican People's Party, 490.01/725.481.1. p. 82, 131. *"Cumhuriyet Halk Partisi milletvekillerinin seçim bölgelerini inceleme raporlarından özetler."*

[382] Ibid., 82, 132. *"Göynükte afyon ekilmesi üç yıldanberi yasak olduğundan halk ıstırap ve müzayıka içindedir. Bu işin halli."*

peasants themselves distinguished their rationale for the wishes to go back to opium from the reasoning of the Göynük peasants. While the demands of Göynük leaned on the hard conditions of the people, the peasants from Ürgüp highlighted the value of the district's crop, specifying its high morphine percentage. Ahmet Hilmi Arga, one of Kayseri deputies wrote that: "Giving permission to opium production in Ürgüp, morphine percentage passes 12 percent. The land does not prove useful for any other purpose."[383] Manisa was another district that demanded to produce opium. However, the Manisa peasants wanted to produce opium not for its opium poppy but for its oil.[384] The deputies particularly underlined that control was already easier with regulations, possibly in order to persuade the authorities.

The governing elite showed no serious responses to these complaints and demands, regardless of their own reasons until the policy was changed by the war. However, the peasants did not refrain from announcing their difficulties and requests with different reasons, at least to the deputies. Their requests came into being in 1941. The list prepared by the Soil Products Office for the opium production permissions for 1941 consisted of Göynük and Ürgüp for opium poppy, and some districts of Manisa (Alaşehir, Soma, Adala town of Salihli country, Gölmarmara town of Akhisar country, and Gelenbe town of Kırkağaç country) for opium oil.[385]

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[383] Ibid., 90, 156. *"Ürgüpte afyon ekilmesine izin verilmesi, morfin derecesi on ikiyi geçiyor. Arazi başka işe yaramıyor."*

[384] PMRA Catalogue of Archives of the Republican People's Party, 490.01/514.2062.1. p. 46. *"Teftiş ve mebus raporlarından çıkarılan dilekler."*

[385] PMRA Catalogues of Council of Ministers' Decrees (1928 and afterwards), 30..18.1.2/112.78..9.

Actual Increases in the Opium Yield Despite the Production Restriction

The last area of the peasant politics was raised from a paradoxical situation. This paradox was that while opium production was restricted and opium was less profitable than earlier by the new regulations, the total opium yield of Turkey in the second half of the 1930s did not decrease, but rather increased contrary to expectations.

As explained in Chapter Three, the Monopoly had faced an excess stock problem immediately after its taking over the opium business. This stock had accumulated because of the lack of total market demand, and rising competition in the opium market that had resulted in Turkey's loss of its former buyers to other producing countries. Also, Turkey had not yet reached the production decreasing conclusion. The increase in the opium production, although it had been restricted, was pointed out by the inter-ministerial commissions, as explained in the previous chapter.[386] There were many reasons for this production increase, ranging from climatic conditions to improvements in agricultural techniques. Besides these possibilities, while the first commission established in 1936 explained this increase with the "needs of peasants,"[387] the second one gave the specific reason of the Monopoly's determination of restriction "on the map without following a rational method."[388] The difference between these two justifications may be thought to have correlated with the changes of power balance among the political elites. Moreover, this actual production may be explained by the producers' economic courses of conduct, as discussed by some economic historians. Among them, Pamuk argues that

[386] PMRA Catalogue of General Directorate of Transactions, 030.10/178.230..8. p. 2.

[387] Ibid.

[388] PMRA Catalogue of General Directorate of Transactions, 030.10/178.230..10. pp. 28-29.

agricultural production in Turkey might have increased after the Great Depression due to more production by family enterprises to secure certain income or consumption level.[389] Apart from these economic and political reasons the possibility of illicit production in the permitted cities also should be taken into consideration. Although it is not possible to prove this possibility due to the nature of "producing illicitly," some facts that may be explained within this possibility will be discussed.

The Monopoly assessed the opium yield's increase in 1936 and 1937 as the natural result of good weather conditions. While this could be an adequate explanation, the Monopoly did not settle for this adequacy. It added that this increase certainly did not rise from the expansion of opium plantations.[390] Moreover, while peasants generally reacted against the production restriction, interestingly the Afyonkarahisar Congress in 1938 demanded more prohibition. The Congress wanted the "prohibition of opium production in the places where fertile exportation crops like tobacco, grapes, figs, olive, etc., were produced."[391] It appears that in some regions of Afyonkarahisar, some peasants started to produce opium without declaring this to the authorities while they were not producing before the law and its conceding the "production privilege" to some cities including Afyonkarahisar.

The possible reason for this situation was the haphazard nature of the production restriction as executed by the governing elite. This quick and non–examined restriction created its own inequalities and tensions. All control mechanisms were applied to the forbidden districts, and this created an opportunity at least for some peasants in the permitted cities. The non–decreasing of the opium

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[389] Pamuk, "Dünya İktisadi Bunalımı ve 1930'lara Yeniden Bakış", 39.

[390] Erkan, "Afyon Tahdidatı," 20.

[391] PMRA Catalogue of Archives of the Republican People's Party, 490.01/492.1980.2. p.2. *"Afyon Kongre dileklerinin CHF Genel Sekreterliğine sunulduğu."*

yield had a relationship with this opportunity. Furthermore, having a certain buyer, the state, for the whole produced crop could also and have been incentive factor for the peasants that had this opportunity.

One another facilitator of opium smuggling was the nonexistence of any restriction of opium's commerce and transport within the boundaries of the country. The produced opium might be purchased from the peasantry, transported freely to the villages in the land borders and smuggled across these borders. One destination of the smuggling business was Syria, due to its long land frontier with Turkey. Although the Customs and Monopolies Ministry offered some legal measures to discourage the opium smuggling to Syria by this route in November, 1939,[392] it could not arrive any conclusion. In the ends of 1940s, this smuggling route and legal loopholes which were thought as its encouragers were still on the agenda.[393] Another destination of the smuggled opium was Istanbul. The opium was either sent by sea route from Istanbul to some other ports in France, Italy, and the USA or was taken and used to produce prepared opium in the secret laboratories in Istanbul or some other close cities, like Bursa.[394] This bidirectional route in Istanbul was also on the agenda of state authorities, and they declared their efficacious attempts to intervene especially in the supply of the secret laboratories business within the country.[395]

[392] PMRA Catalogue of General Directorate of Transactions, 030.10/180.245..17. pp. 1-2.

[393] Kardeş, "Türkiyede afyon alım ve satımı," 21-3. and Hüseyin Çağlar, "Uyuşturucu Madde Olarak Afyon Üzerinde Yapılan Kaçakçılıkla Mücadelede Mevzuatımızdaki Boşluklar," *İdare Dergisi*, no. 254-255 (1958): 11-16.

[394] PMRA Catalogue of General Directorate of Transactions, 030.10/178.230..10. pp. 32-35.

[395] Ibid.

Concluding Remarks

In order to reach some concluding remarks, the term "peasant politics," and whether the above explained practices may be seen under this term will be discussed. To start this discussion, it first should be underlined that the opium peasants were far from being a homogenous political entity. They were divided by several axes which affected their reactions to the law. The basic division points were in which city the peasants were living, the fertility of their land, the quality of their opium crop, their level of prosperity, and their land's size. These geographical, economic and social differences also diversified the peasants' experiences with the Opium Law. While the peasants living in the production-forbidden cities wanted to reproduce again, some peasants in the permitted cities totally quit opium cultivation or diversified their crop range. While large landowners only abandoned to employ agricultural workers, small landowners and tenants had to depend on more to their own family labor, especially female and child labor. While the more prospered peasants could wait out the period between advance and certain payment, the poorer peasants had to sell their crops to merchants at lower prices or had to get into debt.

Moreover, the peasants whose experiences were differentiated by various factors did not perform classical actions of protest, which are generally thought as the sole ingredient of "political activity." They did not rebel or demonstrate against the Opium Law.

These points underpin neither "peasants" nor "politics." At this point, our expectations from the term "peasants' politics" as a homogenous, conscious, and organized peasants' opposition should be questioned. As discussed above, Scott's theoretical framework can help us in this questioning. The peasants reacted against

many issues changed by the Opium Law, and attempted to affect these in order to make the system working to their minimum disadvantage. In some examples, when they faced with the new opium system, they diversified their crop range or totally left the opium production as their survival strategies. Moreover, with Scott's terminology, in some issues the peasants used "open political forms" such as complaining to deputies and experts, reflecting their demands by party congress channel, and in some others, they showed their political reactions by "hidden practices of everyday forms of resistance" such as the adulteration of opium, and illicit production. However, besides this analytical distinction, it is certain that the opium peasants were far from "silent objects" of the elites' politics about their means of subsistence.

The discourse used by the peasantry, or at least their reflected voice to the state documents by some intermediaries, is also important analyzing the nature of the peasant politics against the Opium Law during the 1930s. At this point, Timothy Mitchell's critique of Scott's theoretical framework should be taken into account.[396] While Scott argues that peasantry, and most subordinate classes, are able to demystify the prevailing ideology, Mitchell properly asks the meaning of "prevailing ideology" if there are doubts about its ability to prevail.[397] This questioning leads Mitchell to emphasize Scott's demonstration of that "hegemonic ideologies always offer significant claims to those they are directed against,"[398] although Scott himself highlights the subalterns' demystification of hegemonic ideologies. Following Mitchell's critique, it seems that the opium peasants attempted to use the claims

[396] Timothy Mitchell, "Everyday Metaphors of Power," *Theory and Society,* Vol. 19, No. 5 (Oct, 1990), 545-577.

[397] Ibid., 549.

[398] Ibid., 552.

offered by hegemonic ideology about opium in order to reach their demands. The opium peasants were far from opposing the regulation and control of "opium" seen as "drug," the state Monopoly itself in the opium business, or the restriction of its production. Rather, they expressed their disquiet and demands within the hegemonic language about opium. Moreover, they demanded that their "rights" be reinstated due to the fragmentation of this hegemonic ideology. Some examples of this pattern may be seen in the peasants' demand f0or changes to the payment system change because it forced peasants to use intermediaries, the desire of the Manisa producers to get back into producing opium for its oil since its control was in any case easier, and the Ürgüp peasants' claims to produce due to their crop's morphine percentage.

The peasants' politics power to influence and reach their demands should also be considered. As explained above, there were many issues with which the opium peasants were not satisfied and wanted to have changed. In some of these topics, they succeeded sooner or later, with the help of the changing conditions and priorities of the war. The relative price increase in the 1940s, the state's additional purchases of the accumulated opium stocks in the peasants' hands, and the permission to start producing given to the demander cities can be assessed under this heading. However, some of the demands of the peasants were not as lucky as these. The crystallizing example was the unchanged pricing and initial payment policy of the state that continued to compel peasants to sell their crop to merchants and intermediaries at prices lower than the state-determined price.

Last, I would like to discuss the responses of the governing elites to the peasant politics. First, the elites registered the general worsening situation of the opium question, at least in their discourses. As mentioned in Chapter Three, the statement of "to rescue the producers from the difficult circumstances" became the

motto in the struggles between the elites. Moreover, the elites were not disinterested in these peasant complaints and demands, and reported them to the government. It is crucial that these reports were not mere bureaucratic documents filed away in the archives. The appearance of these reports with written notes in the margins and underlined paragraphs suggest that they were considered important and worked on by the governing elites. These would provide the necessary information to the elites in order to govern. This information formed the base while the policy changes were introduced, as seen in the above-mentioned examples. These insights are also thought-provoking for the early Republican era historiography because its general assumption is that Kemalist elites did not have serious difficulties in the government art without needing notable interaction with the ruled people. It can be argued that the elites did not seem to satisfy this assumption, at least in regard to the opium question of 1930s. They did not seem peaceful, but rather seemed uneasy and hesitant. They prosecuted the related subjects and their political reactions, and attempted to govern these reactions.

CHAPTER V

CONCLUSION

Opium has been a special agricultural crop since Antiquity. It has always been a subject of power struggles among various agents thanks to its valuable and palliative contents. It has always created threat and pleasure, palliation and pain, fear and power, wealth and poverty. In its long history, the polymorphous character of opium was always governed in an economic, political and discursive regime of which parameters were determined by the existing power relations.

In the beginning of the twentieth century, the opium regime of the previous century started to change due to many economic, politic, ideological and technological reasons. This new system was comprised of elements such as economic regulation and restriction, political control by special bodies and discursively alarming the public opinion against opium. The world's sovereign powers swore to reduce the meaning of opium to one sole theme, "public threat." Hence, this poisonous and dangerous crop should be in a way controlled for the sake of the general public and high humanitarian aims. Due to this mentality, all aspects related to opium, ranging from its production to manufacture, from its trade to use were restricted, regulated and controlled at the both international and national levels beginning from the early 1900s. The guide that would be taken as reference in determining the extent of the controls was Western scientific-medical discourse. With this new opium regime, opium entered the arena of the medicine and the international and national jurisprudence. The first steps to legislate the opium-related issues, such as narcotics trafficking or penalization of the illegal users, were taken in the first three decades of the twentieth century. Although this system did not totally

achieve its goals –illicit trafficking and addiction has been on the agenda of the world since the beginning of the century- it seems that the underlying mentality of this system is still operating.

In this thesis, Turkey is situated in this global context with its "opium problem" in the inter-war era. The territories in which modern Turkey was founded were sources of the richest opium habitats in the world. Therefore, the changing worldwide perception of opium and its resultant policy changes directly affected Turkey. In the beginning of the 1930s, Turkish government was in a position that could not be sustained with the passive attitudes and ignorance policies of the 1920s on the opium issue. By the 1930s, Turkey unceasingly took on the mentality that opium was a poisonous drug which should only be prescribed by medical professionals and produced for medical needs. However, the acceptance of this mentality caused economic, political and social consequences in Turkey for a serious part of the population engaged in different aspects of the opium business.

In the first years of the 1930s, Turkish political elites attempted to face the intensified diplomatic and political pressures about the opium problem with small legislative changes. However, these changes did not lead to the desired result to satisfy the powerful anti-opium lobbies of the world. In 1933, Turkish government decided to implement a radical solution and accepted all of the international conventions on opium, regardless of their possible costs for Turkey. These laws meant that the whole opium business would be organized with a totally different mentality resulting in significant economic and social matters.

The post-law period was pregnant with the actual consequences of the radical change of the opium business, and these results had to be faced by the Turkish governing elite, which was not an easy job. On the one hand, they could not oppose

to the international anti-opium circles, including leading Western states such as Germany and the USA and the institutions such as the League of Nations, in front of which the new Turkish Republic was defining itself. In addition, the new nation state as a site of "awakening" did not want to be labeled as a country "numbing" the people of other national states by providing narcotics to them. Moreover, the Turkish medical elites acting as the domestic agents of the world-wide trend for the detraction of opium became more hegemonic in the opium problem both discursively and politically. However, on the other hand opium had a significant role in the new state's economy that was being developed by etatism. Moreover, sacrificing the economic and social welfare of a crucial part of the population for the sake of "humanity" did not seem very realistic and urgent to certain groups of the Republican governing elite. These two different approaches to the opium problem dominated the discussions on opium in the post-law period and resulted in conflicts and discriminations among the ruling elite in their duty of how to "govern." Hence, the Turkish governing elites were in between these two preferences regarding the "opium problem" pendulum in the early Republican era. The point to which the pendulum was closer was determined by both the power balance between these domestic groups and the international course of the opium problem. In the second half of the 1930s, Turkey was a radical and careful implementer of all existing regulations on opium, even one of the few countries in the world. World War II put an end to this commitment by changing both the domestic and international power relations, and the opium business in Turkey almost turned back to its non-legislated times.

While Turkey's opium problem in the inter-war era was difficult to "govern" for the political elites, it was also difficult to "live and survive" within these changes

for the opium peasantry. Peasants were negatively affected by the changes and their resultant economic hardships. Some of them were prohibited to produce opium, and the ones who could continue the production were affected by the distinct fall in opium prices. Another aspect of the opium problem for the peasants was the meeting the demands of the state institution, the Narcotic Drugs Monopoly, established with the new opium system. The peasants' confrontation with the state in the personality of the Monopoly's officials seemed to be more in confrontation rather than in compromise. Although the opium peasants did not show their reactions in a recognized political form of rebellion and/or demonstration, they continuously tried to affect the course of the opium problem. They sometimes used their rights given by the parliamentary democracy of the new Republic, like the complaining to the deputies and the voicing their demands in the congresses of the Republican People's Party, and they sometimes used their own survival strategies, like the adulteration of opium and the illicit production. Their engagement in political activities was significant as it showed that the peasants were not mere the objects of the governmental practices, even in the single-party regime of Turkey.

Besides, and possibly because of, the difficulties of the problem, the governing elite could not totally implement their policies whereas the resistance of the peasants had a limited power to change the result. The final outcome of Turkey's opium problem was determined by both the different political agenda of peasants and elites, and by the international dynamics of the wartime. The war did not only lead to the depressing of the world-wide hegemonic discourse on opium and the international opium control regime, but also increased the demand to opium. In Turkey, these effects of the war joined with the policy-revisionist demands of both the certain part of the governing elite and the peasants. When it came to the first

years of the 1940s, the opium problem was almost “solved” with that the price of raw opium and the export levels increased, the production restrictions were annulled, and the opium derivatives started to be manufactured.

Consequently, this thesis does not any normative approach to the argued changes about the conception of opium and the opium politics at both international and domestic levels. Rather, it is more interested in understanding the structural and subjective factors, which affected the net results. The humble aim of this study is to represent a small contribution to the main search of history-writing about the “historical change” in time, space, and subjects.

APPENDIX

APPENDIX A

INTERNATIONAL OPIUM COMMISSION.

Final resolutions, adopted February 26, 1909.

BE IT RESOLVED:

1. THAT the International Opium Commission recognizes the unswerving sincerity of the government of China in their efforts to eradicate the production and consumption of opium throughout the Empire; the increasing body of public opinion among their own subjects by which these efforts are being supported; and the real, though unequal, progress already made in a task which is one of the greatest magnitude.

2. THAT, in view of the action taken by the government of China in suppressing the practice of opium smoking, and by other governments to the same end, the International Opium Commission recommends that each delegation concerned move its own government to take measures for the gradual suppression of the practice of opium smoking in its own territories and possessions, with due regard to the varying circumstances of each country concerned.

3. THAT the International Opium Commission finds that the use of opium in any form otherwise than for medical purposes is held by almost every participating country to be a matter for prohibition or for careful regulation; and that each country in the administration of its system of regulation purports to be aiming, as opportunity offers, at progressively increasing stringency. In recording these conclusions the International Opium Commission recognizes the wide variations between the conditions prevailing in the different countries, but it would urge on the attention of the governments concerned the desirability of a reexamination of their systems of regulation in the light of the experience of other countries dealing with the same problem.

[25] *Times*, October 25, 1886.

4. THAT the International Opium Commission finds that each government represented has strict laws which are aimed directly or indirectly to prevent the smuggling of opium, its alkaloids, derivatives and preparations into their respective territories; in the judgment of the International Opium Commission it is also the duty of all countries to adopt reasonable measures to prevent at ports of departure the shipment of opium, its alkaloids, derivatives and preparations, to any country which prohibits the entry of any opium, its alkaloids, derivatives and preparations.

5. THAT the International Opium Commission finds that the unrestricted manufacture, sale and distribution of morphine already constitute a grave danger, and that the morphine habit shows signs of spreading; the International Opium Commission, therefore, desires to urge strongly on all governments that it is highly important that drastic measures should be taken by each government in its own territories and possessions to control the manufacture, sale and distribution of this drug, and also of such other derivatives of opium as may appear on scientific enquiry to be liable to similar abuse and productive of like ill effects.

6. THAT as the International Opium Commission is not constituted in such a manner as to permit the investigation from a scientific point of view of anti-opium remedies and of the properties and effects of opium and its products, but deems such investigation to be of the highest importance, the International Opium Commission desires that each delegation shall recommend this branch of the subject to its own government for such action as that government may think necessary.

7. THAT the International Opium Commission strongly urges all governments possessing concessions or settlements in China, which have not yet taken effective action toward the closing of opium divans in the said concessions and settlements, to take steps to that end, as soon as they may deem it possible, on the lines already adopted by several governments.

8. THAT the International Opium Commission recommends strongly that each delegation move its government to enter into negotiations with the Chinese government with a view to effective and prompt measures being taken in the various foreign concessions and settlements in China for the prohibition of the trade and manufacture of such anti-opium remedies as contain opium or its derivatives.

9. THAT the International Opium Commission recommends that each delegation move its government to apply its pharmacy laws to its subjects in the consular districts, concessions and settlements in China.

Arsıulusal mücadele anlaşmaları : Uyuşturucu maddeler hakkında Arsıulusal kabul olunan ve halen hükûmetimiz tarafından da tatbik olunmakda bulunan mukaveleleri aşağıya sıralayorum. Bu mukavelelerde tababeti alâkadar etmiyen fasıl ve maddeler de mevcut olduğundan bunların yazılmasında ameli bir faide memul olmadığı için o kısımlar rapora konmamışlardır.

Kanun

Lahaye ve Cenevre Afyon mukavelenameleri protokollarının tasdikine dair Kanun

Kanun No. 2108

Kabul tarihi 14—1—933
Neşri tarihi 26—1—933

Madde 1 — 1931 senesinde Lahayede imzalanan Afyon mukavelenamesile 1914 tarihli munzam protokoluna ve 1925 tarihli Cenevre Afyon mukavelenamesi ve protokoluna ve 1931 tarihli Cenevrede imza edilen Afyon mukavelenamesi ile protokoluna hükûmetimizin iltihakı kabul edilmiştir.

Madde 2 — Bu kanun neşri tarihinden muteberdir.

Madde 3 — Bu kanun ahkâmını icraya icra vekilleri heyeti memurdur.

18 — 1 — 1933

Lahaye afyon mukavelenamesi

Fasıl I

Ham Afyon

Tarif : ham Afyon ile şu anlaşılır : Münevvim haşhaşı (papa ver somniferum) mahfazasından istihsal edilmiş, paketlenmesi ve nakli için muktazi ameliyelerden başka bir ameliye görmemiş olan kendiliğinden mütehassir usare.

Madde 1 — Eğer mevcut kanunlar ve nizamlar ile keyfiyet daha evvel bir kaideye raptedilmemiş ise Akit devletler ham afyonun istihsal ve tevziini murakabe için müessir kanun ve nizamlar vazedeceklerdir.

Madde 2 — Akit devler şeraiti ticariyeleri arasındaki farkları nazarı itibara alarak ham afyonun ihraç ve idhaline müsaade edilecek olan şehirler, limanlar ve sair mahaller adedini tahdid edeceklerdir.

Madde 3 — Eğer mevcut tedbirler ile keyfiyet daha evvel bir kaideye rabt edilmemiş ise :

Akit devletler :

A) Ham afyonun ithalini menetmiş olan memleketlere bu maddenin ihracına mani olmak için,

B) Ham afyon ithalâtını tahdid eden memleketlere bu maddenin ihracını men etmek için tedbirler ittihaz edeceklerdir.

Madde 4 — Akıt devletler, mürselât (5) kilogramı geçmek şartile ihracatta ham afyonu havi her kolinin üzerine muhteviyatını bildirecek surette bir işaret vazı lüzumunu natık nizamlar vazedeceklerdir.

Madde 5 — Akit devletler alelusul ruhsatı haiz olanlardan başka kimseler tarafından ham afyon ihraç ve ithal olunmasına müsaede etmiyeceklerdir.

Fasıl II

Müstahzar Afyon

Tarif : müstahzar afyon ile şu anlaşılır :

Bir sıra ameliyatı mahsusa ile ve hassatan hal, kaynatma, teshin ve tahammür tariki ile ve istihlake yarıyacak hülâsa haline koymak maksadile elde edilen ham afyon mahsülü.

Müstahzar afyon tabiri, lçilen afyonun cürufile diğer bakiyelerine şamildir.

Madde 6 — Akit devletler müstahzar afyonun imalini, dahili ticaretini ve istimalini her memlekete mahsus muhtelif şerait hududu dahilinde tedrici ve müessir bir surette refetmek için daha evvel keyfiyetin icabına bakılmış olsun.

Madde 7 — Akit devletlerden müstahzar afyon ihraç ve ithalini derhal yasak etmeye henüz hazırlanmamış bulunanlar mümkün olduğu kadar bu ihracı çabuk yasak edeceklerdir.

8 — Derhal müstahzar afyon ihracını yasak etmeye henüz hazırlanmamış akit devletler :

A) Müstahzar afyonun ihraç edilebileceği şehirler, limanlar ve sair mahallerin adedini tahdid edecelerdir.

B) Müstahzar afyon ithalini halen men eden yahut ileride men edebilecek olan memleketlere müteveccihen bunun ihracını yasak edeceklerdir.

C) Müstahzar afyon ithalini azaltmak arzu eden bir memlekete bu arzu tahakkuk edinceye kadar her türlü müstahzar afyon gönderilmesini men edecektir. Meğer ki ihracatçı, ithalat memleketi nizamlarına tevfiki hareket etmiş olsun.

D) Müstahzar afyonu havi ihraç edilen her parçaya muhteviyatının mahiyetini gösterecek mahsus bir işaret konması için tedbirler ittihaz edeceklerdir.

E) Müstahzar afyon ihracı için, mahsusen ruhsat almış kimselerden başkasına müsaade etmiyeceklerdir.

Fasıl III

Tıbbî afyon, morfin, kokain ve saire

Tarif : tıbbî afyon ile şu anlaşılır :

Toz veya granüle (granulé) halinde yahut tesirsiz maddeler ile mahlût olub % 10 dan az morfini havi olmayan ve (60) santigrad derecesine kadar ısıtılmış olan ham afyon.

Morfinden şu anlaşılır :

Düsturu (C 17 H 19 NO 3) olan esas afyon şibih kalevisi.

Kokainden şu anlaşılır :

Kimyevi düsturu (C 17 H 21 NO 4) olan eritroksilon (Erythroxylon) koka yapraklarının esas şibih kalevisi.

Eroinden şu anlaşılır :

Düsturu (C 21 H 23 NO 5) olan diyasetilmorfin.

Madde 9 — Akit devletler morfinin, kokainin ve milhlerinin imalini füruhtunu ve kullanılmasını yalnız tıbbî ve meşru istimallerine hasredecek tarzda eczacılık hakkında kanunlar ve nizamlar vaz edeceklerdir. Meğer ki mevcut kanunlar yahud nizamlar keyfiyeti zaten tanzim etmiş olsun. Devletler bu drogların başka her hangi bir husus için istimalini men etmek üzere kendi aralarında teşriki mesai edeceklerdir.

Madde 10 — Akit devletler, morfin, kokain milhleri imal, ithal, füruht, tevzi ve ihraç edenlerin hepsini, kezalik bu eşhasın bu sanatı yahud bu ticareti icra eyledikleri binaları mürakabe etmeğe veya ettirmeğe gayret edeceklerdir.

Bu hususda akit devletler aşağıdaki tedbirleri kabul etmeğe veya ettirmeğe gayret edeceklerdir ; meğer ki mevcud tedbirler zaten keyfiyeti tanzim etmiş olsun :

a) Morfin, kokain ve milhlerinin imalini yalnız bunun için ruhsat verilmş olan müesseselere ve mahallere hasretmek yahud bu droğların imal edildiği müesselere ve mahallere dair malûmat edinmek ve onların bir defterini tutmak ;

b) Morfin, kokain ve mihlerini imal, ithal, füruht, tevzi ve ihraç edenlerin hepsinin bu ameliyelere tevessül için bir ruhsat veya müsaadeyi haiz olmalarını selâhiyettar mercilere bir resmî beyanname ita etmelerini taleb etmek ;

c) Morfin, kokain ve milhleri imalâtının miktarlarlarını, ithalâtını, satışlarını, diğer her suretle terk ve devrini ve ihracatını, bu şahısların kendi defterleri üzerinde kayd etmelerini taleb etmek. Bu kaide tabib reçetelerine, kanunen müsadeyi haiz olan eczacıların yapdıkları satışlara bittabi tatbik olunmayacaktır.

Madde 11 — Akit devletler dahilî ticaretlerinde morfin, kokain ve milhlerinin ruhsatlı olmayan eşhasa terk ve devrini yasak etmek için tedbirler ittihaz edeceklerdir. Meğer ki mevcut tedbirleri zaten keyfiyeti tanzim etmiş olsun.

Madde 12 — Akit devletler vaziyetlerinin farklarını nazarı itibara alarak morfin, kokain ve milhlerinin ithalini ruhsatlı eşhasa hasretmeğe gayret edeceklerdir.

Madde 13 — Akit devletler kendi memleketlerile müstemleke, müstamere ve icarlı arazilerinden diğer akit devletrlerin memleketlerile müstemleke, müstamere ve icarlı arazılarına müteveccih morfin, kokain ve milhleri ihracatını ancak ithal eden memleket kanun ve nizamlarında muayyen ruhsat veya müsadeyi haiz eşhasa gönderilmek şartile yapılmasını temin edecek tedbirleri kabul etmeğe veya ettirmeğe gayret edeceklerdir.

Bu hususda her hükûmet, ihracatcı memleketler hükûmetlerine kendilerine morfin kokain ve mihlerini ithal için ruhsatname veya müsaade verilmiş olan eşhasın cedvelini vakit vakit verebilecektir.

Madde 14 — Akit devletler morfin, kokain ve milhlerini imal, ithal, furuht veya ihraç hakkındaki kanun ve nizamları :

a) Tıbbî afyona ;

b) 0.2 % den ziyade morfin yahut 0,1 % den ziyade kokaini

havi (düstürî gayri düstürî afyon muzadı denilen devalar dahi dahil olduğu halde) bütün müstahzarata.

c) Eroine milhlerine ve 0,1 % den ziyade eroini havi müstahzaratlara,

d) Morfin, kokain ve milhlerinin her yeni müştakkına yahud umumiyetle tanınmış ilmî taharriler neticesine göre mümasil suiistimallere mahal verebilecek ve aynı muzır tesirleri intaç eyleyebilecek olan her hangi bir afyon kalevisine de tatbik edecektir.

Fasıl IV

Madde 15 — Akit devletlerden Çin ile muahedeleri olanlar *(Treaty powers)* Çin hükûmeti ile bilitilaf Çin arazisine olduğu gibi kendilerinin aksayı şark müstamerelerine ve Çinde işğal ettikleri icarlı araziye dahi ham ve müstahzar afyon, morfin, kokain ve milhlerinin ve kezalik bu mukavelenin 14 üncü maddesinde musarrah mevaddın kaçak olarak idhaline mani olmak için muktazi tedbirleri alacaklardır. Çin hükûmeti de çinden ecnebi müstamere ve icarlı araziye afyonun ve yukarıda tasrih edilen diğer maddelerin kaçakcılığını kaldırmak için mümasil tedbirler alacakdır.

Madde 16 — Çin hükûmeti kendi tebası için morfin, kokain ve milhlerinin ve bu mukavelenin 14 üncü moddesinde musarrah mevaddın satışını ve tevziini tanzim eden ispençiyari kanunlar vazedecek ve bu kanunları Pekinde bulunan siyasi mümessilleri vasıtasile Çin ile muahit hükûmelere tebliğ eyleyecekdir. Akit devletlerden Çin ile muahedeleri olanlar bu kanunları tetkik edecekler ve şayanı kabul gördükleri halde Çinde ikamet eden tabaları hakkında tatbik için muktazi tedbirleri ittihaz eyleyeceklerdir.

Madde 17 — Akit devletlerden Çin ile muahedeleri olanlar kendi icarlı arazilerinde ve Çindeki setlement *(Settlements)*

imtiyazlı yerlerinde afyon içmek itiyadını tahdit ve murakabe için muktazi tedbirler ittihazına ve Çin hükûmeti ile müterafikan henüz mevcudiyetini muhafaza edebilen afyonkeş kahveleri yahut mümasil müesseseleri ilğaya ve eğlence evlerinde ve umumhanelerde afyon istimalini yasak etmeğe teşebbüs eyleceklerdir.

Madde 18 — Akit devletlerden Çin ile muahedeleri olanlar kendi icarlı arazilerinde ve Çin de setlement *(Settlements)* ve imtiyazlı yerlerinde henüz mevcudiyetini muhafaza edebilen ham ve müstahzar afyon füruhtuna mahsus dükkanların adedini tedricen azalmak için aynı maksat dahilinde Çin hükûmetinin ittihaz edeceği tedabir ile müterafikan filî tedbirler ittihaz edeceklerdir. Akit devletler icarlı arazilerinde vé *(Settlements)* ve imtiyazlı yerlerinde perakende afyon ticaretinin tahdidi ve murakabesi icin müessir tedbirler ittihaz edeceklerdir. Meğer ki mevcut tedbirler zaten keyfiyeti tanzim etmiş olsun.

Madde 19 — Çinde posta şubeleri olan akit devletler gerek ham, gerek müstahzar afyonun ve morfin, kokain ve milhlerinin ve bu mukavelenin 14 üncü maddesinde musarrah diğer mevaddın posta paketi şeklinde Çine gayri kanunî olarak ithalini ve kezalik Çinin bir mahallinden diğer mahalline bu posta şubeleri vasıtasile gayri kanunî olarak munakalesini men etmek için müessir tedbirler ittihaz edeceklerdir.

Fasıl V

Madde 20 — Akit devletler ham afyonun, müstahzar afyonun, morfinin; kokainin ve mihlerinin gayri kanunî surette elde bulundurulmasını cezalandıran kanunlar ve nizamlar vazi imkânını tetkik edeceklerdir. Meğer ki mevcut kanunlar ve nizamlar keyfiyeti zaten tanzim etmiş olsun.

Protokol

25 Haziran 1914

İkinci konferans tarafından izhar olunan 3 No lı temenni mucibince, Felemenk hükûmeti tarafından davet edilen üçüncü beynelmilel afyon konferansı 15 haziran 1914 de La hayede (Palais des comtes) da içtima etmiştir.

Bu porotokolda tıbbî hükûmler görülmemekde ve ancak birinci konfransda karar altına alınan maddeleri kabul eden devletler murahhaslarının da iştirakile henüz iştirâk etmemiş olan devletlerin iştirâkleri için davetnameler gönderilmesine karar verildiği görülmekdedir.

Cenevre afyon mukavelenamesi

12 Şubat 1925

Arnavutluk, Almanya, Avusturya, Belcika, Brezilya, Britanya imperatorluğu, Kanada, Avusturalya, cenubi Afrika ittihadı, Yeni Zelanda, İrlanda serbest devleti ve Hindistan, Bulgaristan, Şili, Küba, Danimarka, İspanya, Fransa, Yunanistan, Macaristan, Japonya, Letonya, Lüksenburg, Nigaragua, Holanda, İran, Lehistan, Portekiz, Yugoslavya, Siyam, Sudan, İsviçre, Çekoslavakya, Uruguay.

Akit devletler tarafından 23 Kânunusani 1912 tarihli Lahey mukavelenamesi ahkâmının tatbiki pek mühim neticeler vermiş olduğu, maahaza kaçakcılığın ve işbu mukavelenamede mevzuu bahs mevat suiistimalinin el'an vasi mikyasda devam etmekde bulunduğunu nazarı itibare alarak;

Bu maddeler kaçakcılığının ve sui istimalinin fiilen men edilebilmesi ancak işbu maddelerin istihsal ve imalini daha müessir bir surette tenkis etmek ve beynelmilel ticaret üzerinde işbu muahedede derpiş edilen nezaret ve murakabeden daha sıkı

bir nezaret ve murakabe icra eylemekle kabil olacağına kani olarak ;

Bahse mevzu mukavelenamede istihdaf edilen gayeye vusul ve anın ahkâmını itmam ve takviye eylemek maksadile yeni tedabir ittihazını arzu eyleyerek ;

İşbu tenkis ve murakabenin bilcümle akit tarafların iştiraki mes'elesini istilzam eyleyeceğini müdrik bulunarak ;

alâkadar devletlerin müttehiden bu insani gayrete iltihak edeceklerinden emin bulunarak ;

yüksek akit taraflar bu hususta bir mukavelename aktine karar vermişlerdir.

Fasıl I

Tarifler

Madde 1 — Bu mukavelenin tatbiki maksadile akitler atideki tarifleri münasip görmüşlerdir.

Ham afyon — Morfin muhteviyatı ne olursa olsun haşhaş *(Papaver somniferum)* L.) mahfazalarından istihsal edilmiş ve paketlenmesi ve naklı için lâzım gelen ameliyeden başka bir ameliye görmemiş olan kendi kendine mütehassır usareye ham afyon denir.

Tıbbî afyon — Tıbbî istimale yarayacak şekle gelmesi için lâzım gelen istihzarata tabi tutulmuş ve toz veya granüle halinde veyahut kodeksin gösterdiği lüzuma nazaran tesirsiz maddelerle karışmış şekilde olan afyona tıbbî afyon denir.

Morfin — (C_{17} H_{19} NO_3) kimya düsturuna uygun olan afyonun başlıca cevheri müesirine (morfine) denir.

Diyasetilmorfin — (C_{21} H_{23} NO_5) = *(Dimorphine,* Heroine) kimyevi düsturuna uygun olan cisme *(Diacetylmorphine)* denir.

Koka yaprağı— *(Eryroxylacées)* fasilesinden*(Erythroxylon coco lamarck), (Erytroxylon novogranatense)* ve *(Hieronyums)*

(Morris) ve bunun muhtelif cinslerinin veya ayni fasilenin diğer nevilerinin yapraklarına koka yaprağı denir ki bu yapraklardan gerek doğrudan doğruya ve gerekse kimyevi tahavvüllerle *(Cocaine)* istihsal olunabilir.

Ham kokain — Koka yapraklarından doğrudan doğruya veya bilvasıta istihsal olnnup *(Cocaine)* istihzarına yarayan bütün mahsulâta (ham kokain) denir.

Kokain — (C_{17} H_{21} NO_4) kimyevî düsturuna malik olup 20 % de kloroformda mahlûl halinde bulunan Levojir *(Benzoylecgonine)* nin metil eterine *(Cocaine)* denir (a - D 20°= —76° 4).

Ecgonine — (C_9 H_{15} NO_3 H_2 O) kimyevî düsturuna malik olan *(Ecgonine lévogyre)* e ve sanayide bu cismin tekrar meydana çıkarılmasına yarayan bütün müştakkatına *(Ecgonine)* denir. (Mahlûl halinde 5 % (a) D 20°= — 43° 6).

Hint keneviri — Her hangi isimle ticarete çıkarılırsa çıkarılsın recinesi çıkarılmamış olan *(Canabis sativa L.)* nebatının kurumuş uzvu tenislerile çiçeklenmiş veya meyvalanmış mezherlerine (Hint keneviri) denir.

Fasıl II

Ham afyonun ve koka yaprağının dahili murakabesi

Madde 2 — Akit devletler ham afyonun istihsal ve tevzîî ve ihracı üzerinde müessir bir mürakabe temin etmek için, eğer şimdiye kadar neşretmemişlerse kavanin ve nizamet neşrini deruhte ederler. Akit devletler icabı hal nisbetinde 1912 Lahey mukavelesi ve işbu mukavelenamenin birinci maddesi mucibince keyfiyet hakkında neşretmiş olacakları kavanin ve nizamatı zaman zaman tekrar tetkika tabı tutup takviye etmeği kezalık taahhüt ederler.

Madde 3 — Akit taraflar şeraiti ticariyeleri arasındaki farkı nazarı itibara alarak afyon veyahut koka yaprağı ihracatına tahsis edecekleri şehir, liman ve sair mahallerin adedini tahdit edeceklerdir.

Fasıl III

Mamûl eczanın dahili murakabesi

Madde 4 — Bu fasıl ahkâmı bervechi ati mevat hakkında tatbik olunacaktır :

a) Tıbda müstamel afyon,

b) Ham kokain ve ecgonin,

c) Morfin, diyasetilmorfin, kokain ve bunların mütekabil emlahı,

d) Antiopium tesmiye olunan mualecat dahil olmak üzere %2 den fazla morfini ve %1 den fazla kokaini ihtiva eden, eczahane dahil ve haricinde tertip edilen, bilcümle müstahzarat,

e) Diyasetilmorfin ihtiva eden her türlü müstahzarat,

f) Hint kenevirinin calinosî *(Calènique)* istihzaratı *(extrait)* hulâsa, *(teinture)* ruh,

g) Onuncu maddeye tevfikan işbu mukavelenamenin tatbik olunabileceği sair uyuşturucu maddeler.

Madde 5 — Akit taraflar işbu faslın mabihüttatbik olduğu mevadın imal, ithal, satış, tevzi, ihrac ve istimalini yalnız tıbbî ve fenni hususlara hasretmek için müessir kavanin ve nizamat istar edeceklerdir. Mezkûr mevadın başka bir maksatla kullanılmasını men için yekdigerile teşriki mesai eyleyeceklerdir.

Madde 6 — Akit taraflar, bu faslın mabihüttatbik olduğu mevaddı imal, ithal, füruht, tevzi ve ihrac edenlere bu eşhasın icrayı sanat ve ticaret ettikleri binaları da kontrol edeceklerdir. Bu hususta akit taraflar :

a) 4 b) c) g) maddesinde istihdaf edilen mevadın imalini yalnız bunun için ruhsat verilmiş olan müesseseler ve mahallere hasredeceklerdir.

b) Mezkûr mevadi imal, ithal, füruht, tevzi ve ihraç edenlerin cümlesinden bu gibi muamelâta tevessül edebilmeleri için bir müsaade veya ruhsatı haiz bulunmalarını istiyeceklerdir.

c) Mevzuubahis maddelerin mâmul miktarlarını, ithalâtını, ihracatını, satışlarını ve her hangi diğer bir suretle devri ferağlarını şu şahısların kendi defterlerine kayt ve tesbit etmelerini taleb edeceklerdir. Bu kaide doktorlar tarafından tevzi edilen miktara, doktor reçetesi üzerine kanunen müsaadeyi haiz eczacıların yapdıkları satışlara, her defasında reçeteler doktor veya eczacı tarafından usulü dairesinde muhafaza edildiği taktirde behemehal tatbik olunmayacaktır.

Madde 7 — Akit taraflar, dahili ticaretlerinde, bu faslın mabihüttatbik olduğu maddelerin ruhsatı haiz olmayan eşhasa devrü ferağını veya bunlar tarafından hıfzını menetmek için tedbirler ittihaz edeceklerdir.

Madde 8 — Milletler cemiyetinin hıfzıssıhha komitesi rapor ve fikrini almak üzere, Paris beynelmilel umumî hıfzıssıhha ofisinin daimi komitesine meseleyi arz ettikden sonra bu fasılda istihdaf olunan uyuşturucu mevadı havi bazı müstahzaratı mürekkep bulunduğu tıbbî mevadın mahiyeti itibarile ve bunların ameli bir tarzda uyuşturucu mevad istihsaline gayrı müsait bulunması hasebiyle zehirlenme ibtilâsına sebebiyet vermeyeceğini müşahede edince işbu müşahadeyi akvam cemiyeti meclisine bildirecektir. Mebhus müstahzaratı işbu mukavele rejiminden hariç bırakacak olan bu müşahedeyi meclis akit taraflara bildirecektir.

Madde 9 — Her akit taraf, eczacılara müstaceliyet halinde ilaç olarak hemen istimal edilmek üzere eczanelerde tertip edilen berveçhi ati afyonlu müstahzaratı kendiliklerinden ahaliye ita etmeğe mezuniyet verebilirler. (Teinture d'opium) afyon ruhu,

laudanum de sydenham, poudre de dower (dover tozu).Bununla beraber bu halde ita edilebilecek azamî miktarın tıbbî afyondan 25 gramdan fazla ihtiva etmemesi icap eder ve eczacı, defterlerine, 6 ıncı C. maddesine tevfikan ita eylediği mıktarı kaydetmeğe mecburdur.

Madde 10 — Milletler cemiyeti hıfzıssıhha komitesi mütalâasını ve raporunu almak için paris beynelmilel umumî hıfzıssıhha ofisi daimî komitesine meseleyi arzettikden sonra işbu mukavelenin mabihüttatbik olmadığı bilcümle uyuşturucu maddelerin, mumasil, suiistimallere müsait bulunduğunu ve mukavelenin bu faslında istihdaf edilen mevat kadar muzır tesirat icra edebileceğini müşahade ettiği taktirde hıfzıssıhha komitesi milletler cemiyeti meclisini haberdar edecek ve kendisine işbu mukavelename ahkâmının bu madde hakkında tatbik edilmesini tavsiye eyleyecektir.

Milletler cemiyeti meclisi tavsiyeyi akit taraflara tebliğ edecektir. Tavsiyeyi kabul edecek her akit taraf bu kabulü milletler cemiyeti umumî kâtibliğine bildirecek ve umumî kâtiblik akit tarafları keyfiyetten haberdar edecektir. İşbu fıkralarda istihdaf edilen tavsiyeyi kabul eyleyecek olan salifüzzikir akit taraflar beyinlerindeki münasebatta mevzuubahis madde hakkında işbu mukavele ahkâmını derhal tatbik edeceklerdir.

Fasıl IV

Hind keneviri

Madde 11 — 1. akit taraflar hint keneviri ve bundan ihraç edilen reçineye tatbik edilecek işbu mukavelenin 5 inci faslı ahkâmına ilâveten :

a) Hint kenevirinden ihraç edilmiş olan reçine ve esası reçine olan umumiyetle müstamel müstahzaratın (haşhaş, esrar, şıra ve janba) istimalini meneden memleketlere ihracını menetmeği

ve ihracata müsaade edildiği taktirde ithal eden memleketin hükûmeti tarafından verilmiş ve ithalâtın şehadetnamede tevsik edilen maksad için tasvip edildiğini ve reçine yahud mevzuubahs müstahzaratın tekrar ihrac edilmeyeceğini müsbit bir hususî ithalât şehadetnamesinin ibrazını istemeği ;

b) Hint keneviri hakkında işbu mukavelenamenin 13 üncü maddesinde istihdaf edilen ihracat müsaadenamesini vermeden evvel, ithalâtı memleket hükûmeti tarafından verilen ve ithalâtın tasvip edildiğini ve münhasıran tıbbî ve fennî istimale tahsis edilmiş bulunduğunu tasdik eden hususî bir ithalât şehadetnamesi istemeği teahhüt ederler.

2 — Akit taraflar, hint keneviri ve bilhassa reçinenin gayri meşru beynelmilel ticaretini men edecek mahiyette müessir mürakabe icra edeceklerdir.

Fasıl V

Beynelmilel ticaretin murakabesi

Madde 12 — Her akıt taraf, bu mukavelenamenin mabihüttatbiki olduğu mevattan her hangi birinin her defaki ithalâtı için ayrı bir ithalât müsaadesi talep edecektir. Bu müsaadename ithal edilecek miktar ile ithalât ve ihracatcının isim ve adreslerini irae edecekdir.

İthalât müsaadesi ithalâtın icra edilmesi lâzımgelen mühleti zikredecektir. İthalâtın müteaddit irsalâtta yapılmasını kabul edebilecektir.

Madde 13 — 1 — Her akit taraf bu mukavelenamenin mabihüttatbik olduğu mevattan her hangi birinin her defaki ihracatı için ayrı bir ihracat müsaadesi taleb edecektir. Bu müsaade ihrac edilecek miktar ile ihracat ve ithalâtcının isim ve adreslerini irae edecektir.

2 — Akit taraf bu ihracat müsaadesini vermeden evvel

ihraç maddesini isteyen şahıs yahut ticaret evinden ithal eden memleketin hükûmeti tarafından verilmiş ve ithalâtın kabul edildiğini müşir bir ithalât vesikası talep edecekdir. Her akif taraf nümunesi işbu mukavelenameye merbut ithal şehadetnamesini mümkün mertebe kabul etmeği taahhüt edecektir.

3 — İhracat ruhsatnamesi ihracatın icra edilmesi lâzımgelen mühleti tayin edecek ve ithalât vesikasının numara ve tarihile bu şehadetnameyi veren makamı zikredecektir.

4 — İhracat ruhsatnamesinin bir sureti irsalât eşyasile birlikde gidecek ve ihracat şehadetnamesini veren hükûmet bunun bir kopyesini ithal eden memlekete gönderecektir.

5 — İthal eden memleketin hükûmeti, ithalâtın icrasından sonra yahud ithalât için tesbit edilen mühletin inkızasında üzerine şerh ile, ihracat ruhsatnamesini ihrac eden memleketin hükûmetine iade edecektir. İşbu şerh bilfiil ithal edilmiş olan mıktarı tesbit edecektir.

6 — Şayet bilfiil ihrac edilen mikdar ihracat ruhsatnamesinde tasrih edilen mıkdardan aşağı ise ait olduğu makamat tarafından ihracat ruhsatnamesine ve bunun her resmi suretine bu miktarın kaydı yapılacakdır.

7 — Şayet ihracat talebi, ithalatcı memleketin gümrük antreposuna tevdi edilmeğe mahsus bir irsalâta taalluk ediyorsa ihracatcı memleketin selâhiyettar makamatı, balâda mezkûr ithalât şehadetnamesi yerine, anifülbeyan şerait dahilinde irsalâtın ithalını tasvip ettiğini müşir ithalâtcı memleket selâhiyettar makamından verilecek hususî bir şahadetnameyi kabul edebilecek dir. Bu taktirde, ihracat ruhsatnamesi irsalâtın bir gomrük antreposuna tevdi edilmek için ihrac kılındığını tesbit edecektir.

Madde 14 — İşbu mukavele ahkâmının serbest limanlar ve mıntakalarda temamile tatbik ve icrası için, akit taraflar mevzuubahis mukavelenamede zikr edilen mevad hakkında memlekette mer'i kavanin ve nizamatı, topraklarında bulunan

serbest liman ve mıntakalara tatbik etmeği ve oralarda ülkelerinin diğer aksamında yapdıkları ayni nezaret ve murakabeyi ifa etmeği taahhüt ederler. Bununla beraber, bu madde, akit taraflarından birinin mevzuubahis mevad hakkında ülkesinin diğer aksamına nazaran serbest liman ve mıntakalardan daha şedid havanın tatbik etmesine mani değildir.

Madde 15 — 1 - İşbu mukavelenamede istihdaf edilen mevattan her hangi birinin irsali, eğer bu irsal bir memleketten diğer bir memlekete vaki ise, bir sefineden veya her hangi bir vasıtai nakliyeden aktarma edilmiş olsun olmasın buna terfik edilen ihracat ruhsatnamesi (sureti ve yahud tebdili tarik vesikası) eğer bu vesika bervechizir fıkraya tevfikan ita edilmişse üçüncü memleketin selahiyetdar makamatına ibraz edilmedikce bu memleketden imrarına müsaade edilmeyecekdir.

2— İşbu mukavelenamede istihdaf edilen mevattan her hangi birinin irsalinin imrarına müsaade eden bir memleketin salâhiyettar makamatı, bu irsalata terfik edilen ihracat ruhsatnamesi (yahut tebdili tarik şahadetnamesi) suretinde gösterilen mahalden gayri bir mahalle tebdili mahreç etmesine mani olmak için lâzım gelen bütün tedabiri ittihaz edecekdir. Meğer ki işbu memleketin hükûmeti hususî bir tebdili mahrec şehadetnamesile işbu tebdili mahrece müsaade etmiş buluna. Bir tebdili mahreç şehadetnamesi ancak 13 üncü madde ahkâmına tevfikan tebdili mahreç neticesi sevk olunacak memleket hükûmetinden alınacak bir ithalat ruhsatnamesi üzerine tevdi edilecekdir. Bu ruhsatname salifüzzikir 13 üncü madde mucibince ihracat vesikalarında tasrih edilmesi lâzım gelen ayni malûmat ile birlikde irsalatı gönderen menşe memleketin ismini de ihtiva edecekdir. Bir ihracat müsaadenamesine kabili tatbik olan 13 üncü maddenin bilcümle hükümleri tebdili mahrea ruhsatnamelerine de aynen tatbik edilecekdir.

Bundan başka irsalatın mahrecinin tebdiline müsaade eden

memleketin hükûmeti irsalata merbut bulunan ruhsatiye sureti ülkesine vasıl olur olmaz ilk ihracat ruhsatnamesini yahud tebdili tarik şahadetnamesini muhafaza edecek ve aynı zamanda bunu tebdili mahreç neticesi sevkine müsaade edilen memleketin ismini tasrih ederek ita eden hükûmete ita edecekdir.

3 — Nakliyat, hava yolile icra edildiği zaman bu maddenin yukarıdaki hükümleri şayed havai sefine üçüncü memleketin ülkesini yere inmeksizin geçdiği takdirde tatbik edilmiyecekdir. Eğer havai sefine mezkûr memleketin arazisinde yere inerse mevzuubahs hükümler ahvalin müsaadesi nisbetinde tatbik edilecekdir.

4 — İşbu maddenin 1 den 3 üncü ye kadar olan fıkraları mevzuubahis mukavelenamede istihdaf edilen mevaddın akit devletlerin biri tarafından icra edilecek kontorolunu tahdid eden beynelmilel her hangi bir itilafın hükûmlerine mezkûr mevad doğruca transit olarak sevkedildiği takdirde, halel iras etmezler.

5 — İşbu maddenin hükümleri mezkûr mevaddın posta ile nakillerinde tatbik edilmiyecekdir.

Madde 16 — İşbu mukavelede istihdaf olunan mevaddan her hangi bir irsal akit taraflardan birinin ülkesine çıkartılır ve bir gümrük depoşuna vaz edilirse mürselüileyh memleket hükûmeti tarafından muta ve ithalatın tasvib edildiğini müşir bir ithalat ruhsatnamesi gümrük antreposunun merbut bulunduğu makamata ibraz edilmedikçe mezkûr depodan kaldırılamıyacakdır. Her kaldırılan madde için bu makam tarafından hususî bir müsaadename ita edilecek ve bu 13—14 ve 15 inci maddelerde istihdaf olnnan ihracat ruhsatnamesi yerine kaim olacaktır.

Madde 17 — İşbu mukavelenamede istihdaf olunan mevad akit taraflardan birinin ülkesinden transit olarak geçer ve yahud gümrük antreposuna vaz olunursa gerek mahiyetini gerek salâhiyetdar makamın müsaadesi olmadıkca ambalajlarını tebdil edebilecek hiç bir ameliyata tabi tutulmayacakdır.

Madde 18— Şayet akit taraflardan biri işbu fasıl ahkâmından her hangi birinin diğer bir memleketle olan ticaretinde tatbikini mezkûr memleketin salifülbeyan mukavelenameye iştirak etmemiş bulunmasından dolayı gayri mümkün ad ederse mezkûr akid taraf mevzuubahis fasıl ahkâmını ancak ahvalin müsaadesi nisbetinde tatbika mecbur olacakdır.

Fasıl VI

Daimî merkezi komite

Madde 19 — İşbu muhavelenamenin meriyete girdiğini takib eden üç ay zarfında bir daimî merkez komitesi tayin edilecektir. Merkezi komite fennî salâhiyetleri, bitaraflıkları ve istiklallerile cihan şumul bir emniyet telkin edecek sekiz şahısdan mürekkeb olacakdır. Merkezî komitenin azaları milletler cemiyeti meclisi tarafından tayin edilecekdir.

Amerika birleşik devletleri ve Almanya tayine iştirak etmek üzere birer zat göstermeğe davet edilecekdir. Mezkûr tayinler yapılırken bir tarafdan müstahsil ve imalatcı diğer tarafdan müstehlik memleketlere mensub ve uyuşdurucu mevad meselesi hakkında bir ihtisasa malik bulunan zevatın bir nisbeti munsifane dairesinde merkezi komitede bulundurulmasındaki ehemmiyet nazarı itibara alınacakdır. Merkezi komite azaları doğrudan doğruya hükûmetlerine tebaiyeti mucib olacak bir vaziyeti intaç eden vazaifi ifa edemiyeceklerdir.

Komite azaları beş senelik bir müddet için tayin edilecekler-dir. Yeniden de intihabları caizdir.

Komitenin içtimaları için tesbit edilen nisabi müzakere 4 azanın huzurudur. 24 ve 26 ıncı maddelere mütedair komite kararları bilcümle komite azasının ekseriyeti mutlakasile alınmalıdır.

Madde 20 — Milletler cemiyeti meclisi komitesinin teşkilini ve

işlemesini ve bu teşekkülün teknik vazifelerinin icrasında tam istiklalini ve umumî kâtib vasıtasile komitenin idari şubelerinin hüsnü temşiyetini temin zımnında icab eden tertibatı işbu mukavelenameye tevfikan komite ile bilitilaf alacakdır. Umumî kâtib komitenin iraesi üzerine ve meclisin tasvibi kaydı ihtirazisile merkezi komitenin katib ve memurlarını tayin edecekdir.

Madde 21 — Akid taraflar her sene kânunuevvelinin 31 inden evvel 19 uncu maddede derpiş edilen daimi merkezi komiteye tıbbî, fennî ve sair maksatlarla senei atideki dahilî istihlâkleri için ülkelerine ithal edecekleri mukavelenamede istihdaf edilen beher maddenin mikdarı hakkındaki tahminatı bildirmeğe muvafakat ederler.

Bu rakamlar, alâkadar hükûmet için mecburî bir mahiyeti haiz gibi telakki edilmeyecek, ancak merkezi komiteye vazifesinin icrası için husulü malûmat maksadile tevdi edilecekdir.

Şayet ahval, sene zarfında bir memleketi tahminatında tadilat icrasına icbar ederse bu memleket merkezi komiteye değiştirilen rakamları tebliğ edecekdir.

Madde 22 — I - Akit taraflar her sene merkezi komiteye komite tarafından irae edilecek tarzda, sene nihayetinden azami üç ay sonra (C fıkrasıda derpiş edilen ahvalde 5 geçen seneye ait istatistikleri) mümkün olduğu kadar tam ve doğru olarak göndermeği taahhüd ederler.

a) Ham afyon ve koka yaprakları istihsalatı hakkında;

b) İşbu mukavelenamenin 3 üncü faslının 4 b, c, g maddesinde istihdaf edilen mevad imalatile bu imalatta kullanılan mevadı ibtidaiye hakkında;

Mukavelede istihdaf edilmeyen diğer müştakkatın imali için kullanılan mezkûr mevaddın mıkdarı ayrıca bildirilecekdir.

c) Hükûmet ihtiyacatından gayri ihtiyacat için dahilî istihlâkda sarfedilmek üzere hükûmet ve yahud topdancı tüccarlar elinde mevcud işbu mukavelenamenin 2 inci ve 3 üncü fasıllarında istihdaf edilen mevad stokları;

d) Devlet ihtiyacatı haricinde işbu makavelenin 2 inci ve 3 üncü fasıllarında istihdaf edilen mevaddın istihlaki hakkında;

e) Gayrı meşru ithalat ve ihracat neticesinde müsadere edilmiş bulunan işbu mukavelede istihdaf edilen mevat mikdarı hakkında, bu istatistikler, müsadere edilen mevaddın nasıl kullanıldığına, kezalik müsadereye ve müsadere edilmiş olan mevaddın ne yapıldığına dair her faideli malûmatı gösterecekdir.

a, b, c, d, e harflerinde gösterilen istatistikler merkezi komite tarafından akid taraflara tebliğ edilecekdir.

2 — Akid taraflar, işbu mukavelenamede istihdaf edilen mevaddın her biri için, her üç aylık müddetin hitamını takib eden dört hafta içinde merkezi komitenin tayin edeceği tarzda mütekaddim üç ay zarfında ki, her memlekete giden ve her memleketden gelen ihracatı ve ithalat istatistiklerini mezkûr komiteye göndermeğe muvafakat ederler. Bu istatistikler komite tarafından tayin edilebilecek ahvalde telgrafla gönderileceklerdir. Eğer mikdarları merkezi komite tarafından tesbit edilecek asgari bir haddın dununa düşerse telgrafla gönderilmelerine lüzum kalmıyacakdır.

3 — Bu madde mucibince hükûmetler istatistikleri gönderirken, memleketde tıb ve fennin umumî ihtiyacatı için lâzım olan mikdarların tayin ve tesbitini mümkün kılmak üzere devlet ihtiyaclarına nazaran ithal ve iştira olunan mikdarları ayrı ayrı tasrih edeceklerdir. Devlet ihtiyacatı için ithal ve iştira edilen mikdarlara bunların tarzı istimalleri hakkında merkezi komitenin sual sormak ve beyanı fikir etmeğe hiç bir salâhiyeti olmayacakdır.

4 — İşbu maddenin mefhumuna göre devlet tarafından muhtemel bir satış maksadile elde bulundurulan, ithal veya

iştira edilen mevat hakikaten devlet ihtiyacatı için elde bulundurulmuş ithal veya iştira edilmiş gibi telakki edilmez.

Madde 23 — Dünyada mevcud afyon umumî mikdarının kati surette nereye tahsis edildiğine dair merkezi komiteye verilen malûmatı ihmal için, müstahzar afyonun muvakkat bir zeman için kullanılmazsa müsaade edilmiş olan memleketlerin hükûmetleri, komiteye bu komitenin tayin edeceği şekilde, 22 inci maddede derpiş edilen istatistiklerden maada sene nihayetinden azamı üç ay sonra geçmiş seneye ait istatistikleri mümkün olduğu kadar tam ve doğru olarak her sene vereceklerdir.

1 — Müstahzar afyonun imali ve işbu imalde kullanılan mevaddı ibtidaiye hakkında,

2 — Merkezi komite tarafından müstahzar afyonun istihlaki hakkında şayanı ehemmiyet bir derecede beynelmilel gayri meşru muamelei ticariye mevcudiyetini müşahede ve tesbit keyfiyeti müstesna olmak üzere mezkûr istatistikler hakkında komitenin sual iradına ve yahut beyani fikir etmeğe hiç bir selâhiyeti olmayacağı ve işbu madde tarafından istihdaf edilen mevad hakkında 24 üncü maddede münderiç ahkâmın tatbik edilmiyeceği mukarrerdir.

Madde 24 — 1 - Merkezi komite beynelmilel piyasa faaliyetini daimi bir suretde takib edecekdir, Elde ettiği malûmata nazaran bir memleket bu mukavelede istihdaf edilen bir maddeden fazla mikdarda iddihar etmiş ve böylece gayri meşru ticaret merkezi olmak tehlikesini göstermişse komite milletler cemiyeti umumî kâtibliği vasıtasile mevzuubahs memleketden izahat istemek hakkını haiz olacakdır.

2 — Münasib bir mühlet zarfında hiç bir izahat verilmez ve yahut verilen izahat kafi addedilmezse merkezi komitenin bu nokta hakkında bütün akid taraflar hükûmetlerinin ve milletler cemiyeti meclisinin nazarı dikkatini celbe ve işbu

mukavelenin mabihüttatbik olduğu mevaddın yahud bunlardan birinin mevaddı mezkûre hakkında bu memleketdeki vaziyetin memnuniyetbahş olduğunun komite tarafından işarına değin mevzuubahs memlekete yeniden ihracat yapılmamasını tavsiye etmeğe hakkı olacakdır.

Merkezi komite ayni zamanda alâkadar memleket hükûmetine, yaptığı tavsiyeyi tebliğ edecektir.

3 — Alâkadar memleket meseleyi milletler cemiyeti meclisine sevk edecektir.

4 — Merkezî komitenin tavsiyesine tevfikan hareket etmeğe mütemayil olmayan ihracatcı bir memleketin hukûmeti dahi meseleyi milletler cemiyeti meclisine sevkedebilecektir. Bu suretle hareket etmek lüzumuna kail olmayan bir memleket mümkün ise esbabını zikrederek, meclisin tavsiyesine tevfiki harekete mütemayil olmadığından merkezî komiteyi derhal haberdar edecektir.

5 — Merkezî komitenin mesele hakkında bir rapor neşr ve meclise tebliğ etmeğe hakkı olacak ve meclis bunu akit taraflar hükûmetlerine isal edecektir.

6 — Şayed, herhangi bir ahvalde merkezî komitenin kararı ittifakı ara ile ittihaz edilmemişse ekalliyetin noktai nazarı keza beyan ve tasrih edilecektir.

7 — Her memleket doğrudan doğruya kendisini alâkadar eden bir meselenin müzakere edildiği merkezî komite celselerinde mümessil bulundurmağa davet edilecektir.

Madde 25 — Bütün akit taraflar müzakereyi istilzam eder gördükleri her mesele hakkında dostane bir tarzda komitenin nazarı dikkatini celbetmek hakkını haiz olacaklardır. Mamafih, işbu madde komitenin selâhiyetlerini teşmil eder mahiyette telâkki edilmeyecektir.

Madde 26 — İşbu maddeye iştirak etmemiş olan memleketlere gelince, merkezî komite edindiği malûmata nazaran kendi-

sinde bir memleketin gayrımeşru bir ticaret merkezi olmak tehlikesini gosterdiği kanaatı hasıl olursa 24 üncü maddede tasrih edilen tedabire tevessül edebilir. Bu takdirde, komite alâkadar memlekete yapılacak tebliğe dair mevzuubahs maddede gösterilen tedabiri ittihaz edecektir.

Bu halde 24 üncü maddenin 3—4 ve 7 inci fikraları tatbik edilecektir.

Madde 27 — Merkezi komite her sene milletler cemiyeti meclisine mesaisi hakkında bir rapor verecektir. Bu rapor neşr edilecek ve bilcümle akit taraflar tebliğ edilecektir.

İşbu mukavelenin 21, 22, 23, 24, 25 ve 26 ncı maddeleri mucibince merkezî komite elinde mevcud olan tahminat, istatistikler, malûmat ve izahatın, spekülatörlerin muamelelerini teshil veyahud akit taraflarından birinin meşru ticaretine halel iras edebilecek tarzda neşrine mani olmak için bilcümle tedabiri ittihaz edecektir.

Fasıl VII

Umumî ahkâm

Madde 28 — İşbu mukavele ahkâmının tatbikatına müteferri kavanin ve nizmata mugayir efal ve harekâtı, akit taraflardan her biri, icabeden cezai hükümlerle tecziye ve hini hacette, mevzuu cürüm olan mevaddı musadere etmeği teahhüt ederler.

Madde 29 — Akit taraflar, kendi dairei kazaiyelerinin harlcinde bulunan her yerde, işbu mukavelede istihdaf edilen mevadda müteallik ve bu yerde meriyette bulunan kanunlara mugayeret teşkil eden bir fiilin ikaına yardım ve muzaheret maksadile, dairei kazaiyeleri dahilinde ika edilen efalı tecziye için tedabiri teşriiye ittihaz etmek imkânını en itilâfcuyane bir surette tetkik edeceklerdir.

Madde 30 — Akit taraflar, milletler cemiyeti umumî kâtipliği

vasıtasile işbu mukavelenamede istihdaf edilen mevada müteallik mevcut kanun ve nizamlar ile mevzuu bahis mukavelenamenin mevkıı meriyete vazı için neşr edecekleri kanun ve nizamları da yekdigerine, şimdiye kadar etmemişlerse, tebliğ edeceklerdir.

Madde 31 — İşbu mukavelename, akit taraflar arasında La haye de 23 kânunusani 1912 tarihinde imza edilmiş bulunan mukavelenamenin 1,3 ve 5 inci fasılları ahkâmı yerine kaimdir. Mezkûr ahkâm işbu mukavelenameye iştirak etmeyip La haye mukavelenamesine iştirak etmiş bulunan herhangi bir devlet ile akit taraflar arasında mevkii meriyette kalacakdır.

Madde 32 — 1 — İşbu mukavelenamenin tefsir ve tatbiki hususunda yüksek akit taraflar arasında zuhur edebilecek ve diplomasi tarikiyle hal edilemiyecek ihtilafları, mümkün mertebe dostane bir surette halletmek maksadile ihtilâfta bulunan taraflar her türlü adli ve tahkimi usule müracaattan evvel bu ihtilâfı istişari rey için milletler cemiyeti meclisinin bu hususda tayin edeceği teknik teşkilâta arz edebilecektir.

2 — İstişari rey, ihtilâfın mevzuubahis teşekküle havale edildiği günden itibaren altı ay zarfında dermeyan edilecektir. Meğer ki ihtilâf halinde bulunan taraflar müştereken bu müddetin temdidine karar vermiş bulunalar. Bu teşekkül, dermeyan ettiği rey hakkında, akit tarafların beyanı mütalâa edebilecekleri müddeti tesbit eyleyecekdir.

3 — İstişarı rey, ihtilâf halinde bulunan tarafları ilzam etmeyecektir; Meğer ki her ikisi tarafından kabul edilmiş buluna.

4 — Ne doğrudan doğruya,ne de icabî takdirinde salifüzikir teknik teşkilât tarafından dermeyan edilen reye istinaden hal edilmeyen ihtilâflar hali nizada bulunan taraflardan birinin talebi üzerine beynelmilel daimi adalet divanına havale edilecektir; Meğer ki mevcud bir mukavelenamenin tatbiki suretile yahud akdedilecek hususî bir itilâfnameye tevfikan ihtilâfın tahkim veyahut herhangi bir usul ile halline mübaşeret edilmiş buluna.

5 — Divanı adalete müracaat, divan statüsünün (dahili nizamname) 40 ıncı maddesinde derpiş edilmiş bulunan tarzda yapılacaktır.

6 — İstişari rey almak üzere ihtilâfı milletler cemiyeti meclisi tarafından tayin olunan teknik teşekküle havale veyahud tahkime müracaat etmek üzere ihtilâf halinde bulunan taraflarca alınan karar milletler cemiyeti umumî kâtipliğine ve bunun vedaatile usul hakkında müdahaleye selâhiyettar olan akit taraflara tebliğ edilecekdir.

7 — Teknik teşekkül veyahut hakem mahkemesi huzurunda cereyan eden muhakeme esnasında tahaddus edecek her hukuku duvel yahud işbu mukavelenamenin tefsiri meselesi hakkında tarafeynden birinin talebi üzerine mevzuu bahis teşekkül veya mahkeme ihtilâfın tesviyesi için berveçhi peşin divanca hallini zarurî bulunduğuna lüzum gösterirse ihtilâfta olan taraflar keyfiyeti beynelmilel divanı adalet huzuruna sevke mecbur olacakdır.

Madde 33 — Fransızca ve İngilizce metinleri müsavi derecede muteber olacak işbu mukavelename bu günün tarihini havi bulunacak ve 30 eylûl 1925 tarihine kadar mezkûr mukavelenamenin ihzar edildiği konferansda temsil edilmiş bulunan her devletin, her milletler cemiyeti azasının ve milletler cemiyeti tarafından kendisine bu mukaveleden bir nusha tebliğ edilmiş olan her devletin imzasına açık bulunacakdır.

Uyuşturucu mevaddın imalini tahdid ve tevziini tanzim için mukavele

Cenevre, 13 / 7 / 1931

Fasıl I

Tarifat

Madde 1 — Aşağıdaki tarifat, aksine bir kaydı mahsus bulunmadıkca, işbu mukavele ahkâmının kâffesine tatbik olunur :

1 — Cenevre mukavelesinden maksut, 19 şubat 925 de cenevrede imza edilen beynelmilel afyon mukavelesidir.

2 — Ecza (derogue) dan gerek kısmen imal, gerek temamen tasfiye edilmiş olsun, Atideki eczalar anlaşılır :

Grup ; 1

Tali Grup (a) :

(I) % 20 morfin ihtiva eden ve doğrudan doğruya ham veya tıbbî afyonla yapılan mustahzarat da dahil olduğu halde, morfin ve emlâhı;

(II) Diacétylmorphine (Diyasetilmorfin) ve morfinin sair eterleri (eter milhleri) ve bunların emlâhı ;

(III) Doğrudan doğruya koka yaprağından yapılan ve 0,1 % nisbetinden fazla kokain ihtiva eden müstahzarat dahil olduğu halde, kokain ve emlâhı, ecgonin (Ekgonin) in bütün eterleri ve bunların emlâhı ;

(IV) Dihydroxycodéinone (ki, eucodal müseccel ismi altında bir milhi vardır) dihydrocodéinone (ki, dicodide müseccel ismi altında bir milhi vardır), dihydromorphinone (ki, dilaudid müseccel ismi altında bir milhi vardır), acètylodihydrocodeinone veya acétylodéméthylodihydrohtèbaine (ki, acédicone müseccel ismi altında bir milhi vardır), dihydromorphine (ki, paramorfan müseccel ismi altında bir milhi vardır), bunların eterleri, ve bu maddelerden her hangi birinin ve eterinin emlâhı N - oxymor-

phine (ki müseccel ismi genomorphine dir), N - oxymorphine e ait mürekkebat ve sair pentavelente azotlu morfin mürekkebatı.

Talî grup (b):

Méthylmorphine (Codéine) ve éthylmorphine ve bunların emlâhı müstesna olmak uzere, ecgonine, thèbaine ve bunların emlâhı, Benzylmorphine gibi morphine, èihers - oxyd leri ve bunların emlâhı.

Grup: Ii

Methylmorphin (codéine) éthylmorphin ve bunların emlâhı.

İşbu bentte zikredilen maddeler sentetik bir tarzda bile yapılmış olsalar ecza (drogues) ad olunacaklardır.

Grup 1. ve Grup 2. tabirleri mütekabilen işbu bendin I ve II inci gruplarını gösterirler.

3 — Ham afyon, morphine muhteviyatı ne olursa olsun haşhaş (papaver somniferum L.) kellelerinden istihsal edilmiş ve paketlenmesi ve naklı için lâzım gelen ameliyeden başka bir ameliye görmemiş olan, kendi kendine mütehassır usareye ham afyon denir.

Tıbbi afyon, Tıbbî istimale yarayacak şekle gelmesi için lâzımgelen istihzarata tabi tutulmuş ve toz veya granüle veyahud kodeksin gösterdiği lüzuma nazaran tesirsiz maddelerle karışmış şekilde olan afyona tıbbî afyon denir.

Tıbbî afyon, tıbbî istimale yarayacak şekle gelmesi için lâzım gelen istihzarata tabi tutulmuş ve toz veya granüle halinde veyahud kodeksin gösterdiği lüzuma nazaran tesirsiz maddelerle karışmış şekilde olan afyona tıbbî afyon denir.

Morphine, (C_{17} H_{19} O_3 N.) kimya düsturuna uygun olan afyondur. Başlıca cevheri müessirine (Morphine) denir.

(Diacétylmorphine) C_{21} H_{23} O_5 N (C_{17} H_{17} (C_2 H_3O) 2 O_3 N) (Diamorphine, Héroine) kimyevî düsturuna uygun olan maddeye (Diacétylmorphine) denir.

Koka yaprağı (Erythroxylacée) fasilesinden (Erythroxylon

Coca lamarck),(Erythroxylon novo - granatense) ve Kieronymus (Moris) nevilerinin yapraklarına Koka yaprağı denir ki bu yapraklardan gerek doğrudan doğruya ve gerekse kimyevi tehavvüllerle (Cocaine) istihsal olunabilir.

(Cocaine) (C_{17} H_{21} O_4 N) kimyevî düsturuna malik olub 20 % (Chloroforme) da mahlûl halinde bulunan levojir (benzoyle ckonine) nin metil eterine (Cocaine) denir.

Ecgonine (C_9 H_{15} O_3 N. H_2 O) kimyevî düsturuna malik olan (ecgonine lèvogyre) e ve sanayide bu maddenin tekrar meydana çıkarılmasına yarayan bütün müştakkatına (Ecgonine) denir. (Mahlûl halinde 5 % (a) D 20° = — 45° 6).

Atideki eczalar kimyevî formüllerile şöyle tayin edilmişlerdir.

Dihydrooxycodéinone . . . . C_{18} H_{21} O_4 N
Dihydrocodéinone . . . . . C_{18} H_{21} O_3 N
Dihydromorphinone . . . . C_{17} H_{19} O_3 N
Acétylodihydrocodéinone ou
acétylodéméthylodihydrothébaine $C_{20}H_{23}O_4N(C_{18}H_{20}(C_2H_3O)O_3N)$
Dihydromorphine. . . . . C_{17} H_{21} O_3 N
N - oxymorphine . . . . . C_{17} H_{19} O_4 N
Thébaine . . . . . C_{19} H_{21} O_3 N
Méthylmorphine (codeine). . $C_{18}H_{21}O_3N$ ($C_{17}H_{18}$ (CH_3O) O_2N)
Ethylmorphine . . . . . $C_{19}H_{23}O_3N$ ($C_{17}H_{18}$ (C_2H_5O) O_2N)
Benzylmorphine . . . . . $C_{24}H_{25}O_3N$ ($C_{17}H_{18}$ (C_7H_7O) O_2N)

4 — (İmal) den tasfiye de anlaşılır.

(Travil) den şibih kalevilerin kendi emlâhına tahvili müstesna olmak üzere, bir (ecza) nın kimya usulile tahvili anlaşılır.

Bir (ecza) başka bir (ecza) ya tahvil edilirse, bu ameliye ilk (ecza) ya nisbetle bir tahvil ve ikinciye nisbetle bir imal ad olunur.

Tahminden maksad, işbu mukavelenin iki ilâ beşinci maddelerine tevfikan yapılan tahminler ve metinde aksine sarahat olmadıkça munzam tahminlerdir.

(İhtiyat stok) tabiri, herhangi bir ecza mevzuu bahis olduğu zaman,

(I) Bulundukları memleket veya arazide dahili normal istihlâk için,

(II) Bu memleket veya arazide tahvil edilmek için,

(III) İhracat için, lâzım olan stok demekdir.

(Devlet stoku) tabiri, herhangi bir ecza mevzuubahs olduğu zaman, devletin kendi istimali için veya fevkalâde ahvale karşı devletin, kontrolü altında tutulan stoklardır.

Metinde aksine sarahat olmadıkça, (ihracat) tabirinin yeniden ihracı da ifade ettiği ad edilir.

Fasıl II

Tahminler

Madde 2 — 1 — Yüksek akit taraflar Cenevre mukavelesinin VI ıncı fasılına tevfikan teşekkül eden daimi merkez komitesine her sene her ecza için ve işbu mukavelenin tatbik edildiği arazilerinin her biri için, işbu mukavelenin 5 inci maddesi ahkâmı mucibince tahmin cetvellere göndereceklerdir.

2 — Yüksek akitlerden biri, 5 inci maddesinin 4 üncü fıkrasında tasrih edilen tarihde, işbu mukavelenin tatbik edildiği arazilerinden biri için tahmin cetveli göndermemişse,mevzuubahs tahmin, imkân dairesinde, 5 inci maddenin 6 ıncı fıkrasında zikr edilen murakabe teşkilâtınca yapılır.

3 — Daimî merkez komitesi, işbu mukavelenin tatbik edilmediği memleketler veya araziler için işbu mukavele ahkâmına tevfikan tanzim edilmiş tahmin cedvelleri taleb edecekdir. Bu memleketler veya arazilerden her hangi birisi için, tahmin cedvelleri tevdi edilmezse, bu tahmin, imkân dairesinde, murakabe teşkilâtınca yapılacaktır.

Madde 3 — Yüksek akit taraflardan herhangi biri, icab

ederse lâalettayin bir sene için, ve arazisinden lâalettayin biri için o arazı ve o seneye mahsus munzam tahmin cetveli tanzim edebilir ve bunu icap ettiren esbabı izah eyler.

Madde 4 — 1 - Akit olduğu memleketin veya arazinin dahili istihlâkı için lâzım olan (ecza) lardan herhangi biri için yukarıdaki maddeler mucibince yapılan her tahmin, ancak o memleket veya arazinin tıbbî ve fenni ihtiyacatına müstenit olacaktır,

2 — Yüksek akit taraflar, ihtiyat stoklarından başka devlet stokları da teşkil ve muhafaza edebilirler.

Madde 5 — 1 - İşbu mukavelenamenin 2 ilâ 4 üncü maddelerinde musarrah tahminler daimi merkez komitesince zaman zaman tanzim edilib bu komite tarafından milletler cemiyeti azası ve 27 inci maddede mezkûr aza olmayan devletlere tebliğ edilecek modele tevfikan yapılabilir.

2 — Şibih kalevî veya emlâhı veya şibih kalevi istihzarat veya emlâhı şeklinde olan her bir ecza için her sene, her memleket veya arazı için yapılacak tahminler aşağıdaki şeyleri gösterecektir:

a) Müstahzarat imali için lâzım olan miktar da dahil bulunmak üzere, tıbbî ve fennî ihtiyaçlar için elzem olan miktarın gerek dahili istihlake gerek ihraca tahsis edilmiş olsun, ihracında ihraç müsaadesine lüzum olmayacaktır.

b) Gerek dahili istihlâk gerek ihraç için yapılacak tahvillere yarayacak mikdar,

c) Elde bulundurulması arzu edilen ihtiyat stokların,

d) 4 üncü maddede musarrah devlet stoklarının teşkil ve muhafazası için lâzım olan miktar.

Her bir memleket veya arazı için tahmin yekûnundan maksad, işbu bendin a ve b fıkralarında tasrih edilen mıkdarlar yekûnuna, ihtiyat stoku ile devlet stoklarının matlub mikdara iblağı için lâzımgelen mikdarın ilâvesile veya bu yekûndan mez-

kûr stokları matlup derecede fazlaya çıkarabilecek her mikdarın tenzilile elde edilecek mikdardır. Mamafih bu ilâve ve tenziller, ancak alâkadar yüksek akit tarafın tahmin cedvelini zemanında daimî merkez komitesine tevdiine bağlıdır.

3 — Her tahmin cedveli ile beraber, orada münderic muhtelif miktarların hesabında kullanılan usulü gösterir bir izahname bulunacakdır. Hesaplanan mikdarlara, talebin tezayüdü ihtimaline karşı bir pay da dahil edilmişse tahmin cedvelinde bu pay miktarı da tasrih edilecektir.Şurası da muharrerdir ki ikinci gruba dahil olan veya dahil olabilecek (ecza) lardan herhangi biri mevzuu bahis olduğu takdirde, diğer (ecza) lardakinden daha fazla bir pay bırakmak lüzumu hasıl olabilir.

4 — Bütün tahmin cedvellerinin en geç tahminin tesbit edildiği seneden evvelki Ağustosun I inde daimi merkez komitesine vasıl olmaları lâzımdır.

5 — Munzam tahmin cedvelleri tanzimleri akabinde daimi merkez komitesine gönderilecekdir.

6 — Tahmin cedvelleri bir murakabe heyeti tarafından tetkik edilecekdir. Milletler cemiyetinin afyon ve sair muzur eczalar ticareti için istişari komsiyonu, daimi merkez komitesi milletler cemiyeti hıfzıssıhha ofisile beynelmilel hıfzıssıhha ofisi bu heyete birer aza tayin etmek hakkına malik olacaklardır. Murakabe heyeti kitabeti, merkezi komitenin sıkı teşriki mesaisini temin edecek olan milletler cemiyeti umumî kâtibi tarafından temin edilecektir.

Devlet ihtiyacları müstesna olmak üzere, kendisi için tahmin cedveli tanzim edilen her memleket veya arazı için, murakabe heyeti, gerek tahmini itmam, gerek cedveller münderecatını izah için lüzumlu gördüğü her türlü fazla tafsilât ve izahatı isteyebilir. Bu suretle toplanan malûmat neticesinde, murakabe heyeti alâkadar devletin rizasile takdir cedvellerinede tadilât yapabilir. II inci grupa dahil olan veya dahil olabilecek (ecza) lardan

herhangi biri mevzuubahs olduğu takdirde, muhtasar bir beyanname kâfidir.

7 — Murakabe heyeti, verilen tahmin cedvellerini, yukarıdaki maddenin 6 ıncı bendine tevfikan, tetkik ve kendileri için tahmin cedveli verilmiş olan memleket veya arazı için tahmin cedvelini 2 inci maddeye tevfikan tanzim ettikden sonra milletler cemiyetinin bütün azasına ve 27 nci maddede mezkûr aza olmayan devletlere her memleket veya arazi için yapılan tahmini gösterir bir listeyi en geç her senenin 1 Kânunuevvel tarihinde kâtibi umumî vasıtasile gönderecekdir. Bu listeye murakabe heyeti tarafından lüzum görüldüğü takdirde, yukarıdaki 6 ncı bende tevfikan, verilen veya istenilen izahatı ve tahmin, izahat veya izahat talebi hakkında murakabe heyetinin arzetmek lüzumunu hissettiği mülâhazatı havi bir izahname ilâve edecektir.

8 — Sene zarfında daimi merkezî komiteye gönderilen her munzam tahmin cedvelinin murakabe heyeti tarafından derhal yukarıdaki 6 ve 7 inci bentlerde tasrih edilen muameleye tabi tutulması lâzımdır.

Fasıl III

İmalâtın tahdidi

Madde 6 — 1 — Hiç bir memleket veya arazide her hangi bir sen zarfında her hangi bir (ecza) dan aşağıdaki mikdarların yekûnundan fazla mikdarda imal olunamayacakdır :

a) Velev dahili istihlake veya ihracata tahsis edilmiş olsun ihracat müsaadesine tabi olmayan müstahzaratın imalı için lâzımgelen mikdar da dahil olduğu halde, tıbbî veya ilmî ihracatta ecza olarak kullanılmak üzere o memleket veya arazinin o sene için tayin edilmiş olan tahminat hadleri dahilindeki miktar;

b) Gerek dahili istihlâk gerek ihracat için tahvil maksadile bu memleket veya arazinin bu seneye ait tahminat cedvelleri hududu dahilinde lâzım olan mikdar;

c) İhracata muhassas siparişlerin işbu mukavelename ahkâmına tevfikan sene zarfında icrası için bu memleket veya arazinin muhtaç olabileceği mikdar ;

d) İhtiyat stoklarını derpiş edilen seneye ait tahminatta tayin olunan hadde tutmak için o memleket veya arazı tarafından lüzumlu görülmesi muhtemel mikdar;

e) Devlet stoklarını derpiş edilen seneye ait tahminatta tayin olunan hadde tutmak için lüzumlu görülmesi muhtemel mikdar.

2 — Bir yüksek akit taraf, bir sene nihayetinde imal edilmiş olan mikdarın, 7 inçi maddenin ilk fıkrasında derpiş edilen tenzilât ta hesaba dahil edildikden sonra, yukarıda tayin edilen miktarlar yekûnunu tecavüz ettiğini görürse, bu fazlanın ertesi sene zarfında imal edilecek olan miktardan tenzili mukarrerdir. Yüksek akit taraflar daimî merkezi komiteye senelik istatistiklerini verirken, bu fazlalığın sebeblerini de bildirecektir.

Madde 7 — Her ihracatın 6 ıncı madde mucibince her hangi bir sene zarfında her hangi bir memleket veya arazide imaline müsaade edilen miktarından:

(I) İade edilen kısmı dahil olmak ve tekrar ihrac edilen tenzil olunmak suretile ithal edilen her miktar ecza,

(II) Müsadere edilib de dahili istihlâk için öylece istimal edilen veya tahvil için kullanılan her miktar ecza,

Tenzil edilecektir.

Madde 8 — Bir memleket veya arazı dahilinde tahvil maksadile. o memleket veya arazinin tahmin cedvellerine tevfikan ithal veya imal edilen her nevi (ecza) miktarı, imkân varsa tahmin cedvellerinin tayin ettiği müddet zarfında,bu hususda tamamen kullanılmalıdır.

Bununla beraber, mevzuubahs müddette de bu miktarın hepsini kullanmak mümkün değilse, sene sonunda kullanmamış olarak kalan kısmı bu memleket veya arazinin ertesi seneki tahmin cedvellerinden tenzil edilecektir.

Madde 9 — Eğer, işbu mukavelenamenin bütün ahkâmının

kabili tatbik olacağı zaman, bir memleket veya arazide o esnada mevcud bir ecza stoku bu memleket veya arazinin kendi tahmin cedvellerine nazaran elinde bulundurmak istediği mezkûr ecza ihtiyat stok mikdarını tecavüz ederse, bu fazla, işbu mukavelename ahkâmına tevfikan sene zarfında tabiî şerait dahilinde icabına göre imal veya ithal edilecek miktardan tenzil edilecektir.

Bu muamele tatbik edilmezse, hükûmet işbu mukavelenamenin bütün ahkâmı kabili tatbik olacağı zaman mevcud stok fazlasını uhdesine alacakdır. Hükûmet bazı fasıllarla bunlardan ancak mukavelename mucibince verilebilecek olan miktarda teslimatta bulunacakdır. Sene zarfında, bu şekilde yapılan teslimat mıkdarı, aynı sene zarfında, icabına göre ithal veya imal için muhassas mıkdarın mecmuundan tenzil olunacaktır.

Fasıl IV

Memnuat ve tahdidat

Madde 10 — 1 — Yüksek akit taraflar, (Diacétylmorphine) ve emlâhi ile (Diacétylmorphine) i veya emlâhını ihtiva eden müstahzaratın arazilerinden ihracını men edeceklerdir.

2 — Bununla beraber, kendi arazisi dahilinde (Diacétylmorphine) imal edilmeyen bir Hükûmetten sadir olacak bir talep üzerine, her yüksek akid taraf (Diacétylmorphine) in, emlâhının ve (Diacétylmorphine) veya emlâhını ihtiva eden müstahzaratın o memleketin tıbbî ve ilmî ihtiyaclarına tekabül eden mikdar nisbetinde o memlekete ihracına müsaade edebilir. Şu şartla ki bu talep bir ithal vesikasına terdifen yapılmış ve vesikada işaret olunan resmi makama tevcih edilmiş olsun.

3 — Bu şekilde idhal edilen bilumum mıkdarlar, idhal eden memleket hükûmeti tarafından ve onun mesuliyeti tahtında tevzi edilecektir.

Madde 11 — 1 — Bu günkü tarihde tıbbî ve fennî ihtiyacat

için istimal edilmemiş olan afyonun (Phénaetrene) şibih halevilerinden veya koka yaprağını (ecgoninique) şibih kalevilerinden birinden müştak her mahsulün ticaret ve ticaret maksadile imâline, her hangi bir memleket veya arazı dahilinde, ancak bu mahsûlün tıbbî veya ilmî kıymeti alâkadar hükûmet tarafından makbul görülecek bir tarzda tesbit edilirse, müsaade edilebilir.

Bu takdirde, mevzuubahis maddenin (toxicomanie) tevlid etmeğe müstaid olmadığına veya toxicomanie tevlid edebilecek bir maddeye tahvil edilmeyeceğine karar vermiş olmadıkca imaline müsaade olunan mikdar aşağıda münderic mukarrerata intizaren, memleket veya arazinin tıbbî ve ilmî maksadlara matuf ihtiyacatı yekûnunu ve ihracat siparişlerine tekabül etmesi lâzım gelecek miktarları tecavüz edemeyecek ve işbu mukavelename ahkâmı mezkûr maddeye tatbik olunacaktır.

2 — İşbu maddelerden birinin ticaretine veya ticaret maksadile imâline müsaade edecek olan yüksek akid taraf, bu müsaadeden derhal milletler cemiyeti umumî kâtibini haberdar edecek ; umumî kâtib de, bu işarı diğer yüksek akid taraflara ve cemiyetin hıfzıssıhha komitesine tebliğ edecektir.

3 — Hıfzıssıhha komitesi meseleyi beynelmilel hıfzıssıhha ofisi daimi komitesine arzzettikden sonra, mebhus maddenin toxicomanie tevlid edib etmeyeceğine ve bu itibarla birinci grubun (A) tali grubunda zikredilen (ecza) larla temsil edilib edilemiyeceğine veya bu (ecza) lardan birine tahvili kabil olub olmadığına (ve bu itibarla birinci grubun B) tali grubunda veya ikinci grupda zikredilen (ecza) larla temsil edilib edilmeyeceğine karar verecekdir.

4 — Hıfzıssıhha komitesi, mevzuubahs maddenin toxicomanie tevlib edebilecek mahiyette olmamakla beraber bu neviden bir (ecza) ya kalb olunabilecğine karar verirse, bu (ecza) nın (birinci grubun B) tali grubu ile ikinci grubdan hangisine dahil olduğunu tayin meselesi bunun ilmî ve teknik cihetlerini tetkika

salahiyettar üç mütehassısdan mürekkeb bir komitenin kararına arzolunur.

Bu mütehassıslardan ikisi mütekabilen, alâkadar hükûmet ve afyon istişarı komitesi tarafından ; üçüncüsü de, her ikisi tarafından tayin olunacakdır.

5 — Bu geçen iki fıkraya tevfikan ittihaz olunacak her ikrar milletler cemiyeti umumî katibinin ittilaına arz edilecek ve umumî katib, bunu milletler cemiyetinin bütün azalarına ve 27 inci madde de mezkûr aza olmayan devletlere bildirilecekdir.

6 — Bu mukarrerattan mevzuubahis maddenin toxicomanie tevlid edilebileceği veya tevlid edebilecek bir (ecza) ya tahvil olunabileceği anlaşılırsa, yüksek akid taraflar, umumî kâtibin tebliğini alır almaz bu (ceza) ya I inci veya II inci gruba dahil olduğuna göre, işbu mukavelenamede derpiş olunan rejime tabi tutacaklardır.

7 — Her hangi diğer bir yüksek akit tarafın umumî kâtib nezdinde vaki olacak talebi uzerine, bu mahiyetdeki her karar yapılmış olan tecrübelerden istifade edilerek yukarıda işaret olunan usule tevfikan tekrar tetkik olunabilecekdir.

Madde 12 —1—Yüksek akid tarafın arazisinden mevrud veya oraya sevkedilecek elan herhangi bir (ecza) nın ithal veya ihracı, ancak mukavelename ahkâmına tevfikan yapılabilecekdir.

2 — Herhangi bir (ecza) nın herhangi bir memleket veya arazi dahilinde herhangi bir sene için yapılacak ithalât, o memleket veya arazi dahilinde aynı sene sarfında imal edilen mikdar tenzil edildikden sonra, 5 inci maddede tasrih edilmiş olan takdirler yekûnile o memleket veya araziden aynı sene zarfında ihrac edilen mikdarların mecmuunu geçmeyecekdir.

Fasıl V.

Kontrol

Madde 13 — 1—a) Yüksek akid taraflar I gurupdaki umum eczada Cenevre mukavelenamesinin 4 üncü maddesinde tahsis edilmiş maddelere tatbik edilmekte olan ahkâmı (ve ya buna muadil ahkâmı) tatbik edeceklerdir. Yüksek akid taraflar bu ahkâmı işbu 4 üncü maddede işaret edilen kokain ve morfin müstahzaratına ve Cenevre mukavelenamesi rejiminden, mukavelenamenin 8 inci maddesine tevfikan hariç kalabilecek müstahzarat müstesna olmak üzere, I grubunun diğer eczalarının bütün müstahzaratına dahi tatbik edeceklerdir.

b) Yüksek akit taraflar 0,2 % nisbetinde veya daha az morfin yahut 0,1 % nisbetinde veya daha az kokain ihtiva eden atıl, mayi veya sulb bir maddedeki morfin veya kokain veya bunların emlâhının mahlûl veya temditlerine daha yüksek bir % ye malik bulunan müstahzaratın tabi tutulduğu muameleyi tatbik edeceklerdir.

2 — Yüksek akid taraflar II inci grupda bulunan veya o gruba ithal edilebilecek olan (ecza) lar Cenevre mukavelenamesinin zirdeki ahkâmını veya bunlara muadil ahkâmı tatbik edeceklerdir.

a) 6 ıncı ve 7 inci maddelerin, bu eczaları imal, ithal, ve ihrac ve topdan ticaretine tatbik edilebilecek ahkâmı;

b) bu — ecza — lardan birini ihtiva eden ve alelâde tedavi tatbikatına yarayan terkiblerden madası için V inci faslın ahkâmı;

c) 22 inci maddenin I b) c) ve e) fıkralarile 2 inci fıkrasının ahkâmı ki bunda, şurası da muharrerdir :

I) İthalât ve ihracat istatistikleri üç ayda bir değil, senede bir gönderilebilecekdir.

II) 22 inci maddenin I b) ve 2 inci fıkraları bu (ecza) ları ihtiva eden terkiblere kabili tatbik almayacakdır.

Madde 14 — 1 - Birinci grubda bulunan veya o gruba ithal edilecek olan bir (ecza) nın ne bu mukavelenin ne de Cenevre mukavelenamesinin tatbik olunmadığı memlekete veya arazilere müteveccihen ihracı için ihraç müsaadenamesi verecek olan hükûmetler, derhal keyfiyetten daimi merkezi komiteyi haberdar edeceklerdir. Şurası da mukarrerdir ki, vaki olacak ihraç talebleri 5 kilo, gram veya ondan fazlası içinse, bu ihracın ithal edecek olan memleket veya arazı için yapılan tahminleri tecavuze sebebiyet vermiyeceği daimi merkezi komite nezdinde alâkadar hükûmet tarafından temin edilmedikce müsaadename verilmiyecekdir. Daimi merkezi komite tecavuz vuku bulacağını bildirirse, hükûmet bu tecavüze sebebiyet verecek mikdarın ihracına müsaade etmiyecekdir.

2 — Daimi merkezi komiteye şu geçen fıkraya tevfikan tevdi edilen ithalât ve ihracat cedvellerinden veya yapılan beyanattan her hangi bir memleket veya araziye müteveccihen yapılan veya yapılmasına müsaade edilen miktarın, müşahede ve tesbit edilmiş olan ihracatı da ilâve edilmek suretile o memleket ve arazisi için, o sene için 5 inci maddede tesbit edilmiş olan tahminlerin mecmuunu tecavüz ettiği tebeyyün edecek olursa, o sene komite derhal keyfiyedden bütün yüksek akıd tarafları haberdar edecekdir. Bunlar, mevzuubahis sene zarfında mezkûr memleket veya araziye müteveccihen hiç bir yeni ihracata müsaade vermiyeceklerdir. Bu hususda şu hallerde istisna vardır :

(I) Aynı zamanda fazla olarak ithal edilen her mikdar ve lâzım olan munzam mikdar için yeni bir munzam tahmin icra edildiği halde, veya

(II) ihracat memleketi hükûmetinin fikrine göre ihracatı insaniyetin menfaatları veya hastaların tedavisi için kati suretde lüzumlu olan istisnai hallerde.

3 — Daimi merkezi komite, her sene geçen seneye mahsus olmak üzere her memleket veya arazi için bir liste hazırlayacak, içinde şunlar işaret edilecekdir :

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a) Her bir (ecza) ya dair tahminleri ;

b) İstihlâk edilmiş her bir (ecza) nın mikdarlarını ;

c) İmal edilmiş her bir (ecza) nın miktarını ;

d) Başka bir madde haline kalb olunmuş her bir droğun mikdarını ;

e) İdhal edilmiş olan her bir (ecza) nın mikdarını ;

f) İhraç edilmiş olan her bir (ceza) nın mikdarını ;

g) İhraçlar için ihrac müsaadeleri matlub olmayan müstahzaratın imalinde kullanılmış olan her bir (ecza) nın mikdarlarını.

Yüksek akid taraflardan birinin işbu mukavelenamede derpiş edilmiş mecburiyetleri ifa etmekde kusur ettiği veya kusur etmiş olabildiği mezkûr listeden istintac edilirse, komite milletler cemiyeti umumî kâtibi vasıtasile ondan izahat taleb etmek hakkına malik olacakdır. Ve bu hususda Cenevre mukavelenamesinin 24 üncü maddesinin 2 ilâ 7 inci fıkralarında derpiş edilen usul kabili tatbik olacakdır.

Komite, yukarıda mevzuubahis olan listeyi, ve faydasız telâkkî etmedikce, evvelki fıkra mucibince verilen veya taleb olunan izahatın bir hulâsası ile beraber bu izahata ve yahud izahat taleblerine müteallik olarak serdetmek lüzumuna kail bulunduğu mülâhazatı mümkün olacak müstacliyetle neşredecekdir.

Daimi merkezi komite, işbu mukavelename mucibince aldığı istatistikleri ve diğer haberleri neşrederken bu neşriyatta spekülatölerin muamelerini teshil edebilecek veya yüksek akid taraflarından her hangi birinin meşru ticaretine zarar getirebilecek mahiyetde hiç bir kayıd bulundurmamağa itina edecekdir.

Fasıl VI

İdarî ahkâm

Madde 15 — Yüksek akid taraflar işbu mukavelename ahkâmının razilerinde meriyeti için muktazi bilcümle kanunî ve

diğer nevi tedbirleri ittihaz eyleyeceklerdir. Yüksek akid taraflar :

a) İşbu mukavelename ahkâmını tatbik etmek ;

b) Ecza ticaretini nizam ve nezaret altına almak ve murakabe etmek ;

c) Toxycomanie (zehirlenme ibtilâsı) nın tevessüüne mani olmak ve gayri meşru ticarete karşı gelmek için muktazi bilcümle tedbirleri ittihaz etmek toxicomaniye karşı mücadele teşkilâtı yapmak vazifesile mükellef hususî bir idareyi, eğer henüz tesis etmemişlerse, tesis eyleyeceklerdir.

Madde 16 — 1 -) Yüksek akid tarafların her biri :

a) Eczaların her birinin imal veya başka bir maddeye kalbi için, ve yahud her gangi bir gaye için her imalatcının elinde bulunan ibtidai maddelerin ve işlenmiş eczaların miktarları ;

b) İstihsal edilen eczaların (yahud da bu eczaları ihtiva eden müstahzarların) mikdarı ;

c) Bu suretle istihsal edilmiş olan eczalarla müstahzarların istimalleri sureti ve bilhassa bunların fabrikadan çıkışlarında, piyasaya tevzileri üzerinde şiddetli bir mürakabe icra edilecekdir.

2 — Yüksek akid taraflar her hangi bir fabrikatörun elinde piyasa şeraiti nazarı itibara alınarak, teşebbüsün iktisadî işlemesinin istilzam etdiği mikdardan faza ibtidai maddelerin terakümüne müsaade etmiyeceklerdir. Her imalâtcının her hangi bir zemanda, elindeki ibtidai maddelerin mikdarı, gelecek altı aylık müddet zarfındaki imalât için lâzım olan miktarı geçmeyecekdir, meğer ki hükûmet, tedkikat yapdıkdan sonra istisnai ahvalin munzam mikdarların toplanmasını icab etdirdiğini takdir etmiş buluna. Fakat, hiç bir halde, bu suretle birikecek olan mikdarlar yekûnu, bir senelik iddiharatı tecavüz etmemelidir.

Madde 17 — Yüksek akıd taraflardan her biri, arazisi üzerinde yerleşmiş olan her imalâtcıyi atideki noktalar hakkında üç ayda bir rapor vermeğe mecbur tutacakdır :

a) İmalathanesine almış olduğu ibtidai maddelerle her ecznın mikdarları, bir de bu maddelerin her biri ile imâl edilmiş olan eczalar veya sair her maddenin mikdarı. İmalâtcı bu suretle kendisi tarafından alınmış olan ibtidai maddelerin mikdarını haber verirken, bunların ihtiva ettikleri veya bunlardan istihsal edilebileck morfin, kokain, *(ecgonine)* nisbetlerini bildirecekdir. Bu nisbetler, hükûmet tarafından tayin edilen metodlar ve hükûmetce makbul addedilecek şartlar dahilinde tayin edilecekdir.

b) Üç aylık müddet zarfında kullanılmış olan gerek ibtidai maddelerin, gerek bu maddeler vasıtasile imal edilmiş olan mahsullerin mikdarları;

c) Üç aylık müddet sonunda stok olarak kalan mikdarlar.

Yüksek akid taraflardan her biri kendi arazisi üzerinde yerleşmiş olan topdancıları, her sene sonunda, her ecza için o sene zarfında ithal veya ihraç edilmiş olan ve ithal ve ihraç için müsaadenameye ihtiyacı bulunmayan müstahzarattan ihtiva ettiği eczanın mikdarını bir raporla bildirmeğe mecbur tutacakdır.

Madde 18 — Yüksek akıd taraflardan her biri, gayrı meşru ticaredde müsadere edeceği I inci grubdaki (ecza) ların adli prosedür veya devlet makamatı tarafından açılacak her hangi bir dava nokdasından bu (ecza) lara lüzmu kalmadığı andan itibaren gerek hükûmet tarafından ve gerek onun kontrolu altında imha edilmesini, yahud uyuşdurucu olmayan veya tıbbî veya ilmî istimale tahsis edilen maddelere tahvil etdirilmesini teahhüt ederler. Her halde, diacétylmorphine imha veya başka maddeye kalb edilecekdir.

Madde 19 — Yüksek akid taraflar, her hangi bir (ecza) yı ihtiva eden müstahzaratın satılığa çıkarıldığı etiketlerin bunların yüzde nisbetlerini bildirmesi mecburi tutulacakdır. Bu etiketler (ecza) ve müstahzaratın ismini de millî kanunlarca derpiş edilen şekilde göstereceklerdir.

Fasıl VII

Umumî ahkâm

Madde 20 — Bu mukavelenamenin meriyete girdiği esnada arazisinin biri üzerinde her hangi bir (ecza) imal veya tahvil edilen veya o sırada ve yahud bilâhara bu imal veya tahvilin arazisi üzerinde icrasına ruhsat vermek tasavvurunda bulunan her yüksek akid taraf, milletler cemiyeti umumî kâtibine ihbariye göndererek, imal veya tahvilin yalnız dahilî ihtiyacatı teminemi, yoksa aynı zemanda ihracata damı matuf bulunduğunu, bu imal veya tahvilin ne zaman başlayacağını bildirecek, ve aynı zemanda, imal veya tahvil olunacak (ecza) ların ve ruhsat alan eşhas ile ticarethanelerin isimlerini tasrih edecekdir.

2 — Arazisi üzerinde (ecza) lardan her hangi birinin imâl veya tahvili tatil edildiği takdirde, yüksek akid taraf bu husus için umumî kâtibe bir teblîgname göndererek bu imâl veya tahvilin tatil edildiği veya edileceği mahâl ve tarihi bildirecekdir.

3 — 1 - ve 2 inci fıkralara tevfikan verilen malûmat, umumî kâtib tarafından yüksek akid taraflara tebliğ edilecekdir.

Madde 21 — Yüksek akid taraflar, milletler cemiyeti umumî kâtibi vasıtasile, bu mukavelenameyi müessir kılmak zımmında neşredilen kanun ve nizamnameleri birbirlerine tebliğ edecekler ve mezkûr umumî kâtibe, afyon ve diğer muzur (ecza) lar ticareti istişari komitesinin tesbit etmiş olduğu bir formüle tevfikan, kendi arazileri üzerinde bu mukavelenin tatbıkına dair senelik bir rapor vereceklerdir.

Madde 22 — Yüksek akid taraflar, daimi merkezi komitesine verecekleri senelik istatistiklerde imalâtcılar ve topdancılar tarafından müstahzarat imali için kullanılan, dahilî istihlâke veya ihrtcata yarayan, ihrac için müsadenameye ihtiyaç olmayan her (ecza) nın mıkdarını göstereceklerdir. Yüksek akid taraflar, istatistiklerinde, aynı zamanda 17 inci maddeye tevfikan ima-

lâtcılar tarafından tesbit olunmuş cedvellerin bir hulâsasını bulunduracaklardır.

Madde 23 — Yüksek akid taraflar, keşfetmiş oldukları, ve gerek bulunan (ecza) ların mikdarı gerekse bu keşfin gayri meşru (ecza) ticaretini temin eden menbalar hakkında veya bu ticareti yapanların kullandıkları metod üzerinde malûmat verebilecek mahiyetde olması noktasından ehemmiyet arzedilebilecek olan her gayri meşru ticaret vakasını milletler cemiyeti umumî kâtibi vasıtasile, mümkün olduğu kadar kısa bir mühlet zarfında birbirlerine ihbar edeceklerdir. Bu ihbarat, mümkün olduğu kadar, şunları gösterecekdir :

a) Mevzuubahis (ecza) ların mikdar ve cinsini ;

b) Eczaların menşeini, markalarla etiketlerini ;

c) Eczaların gayri meşru ticarete geçirildiği geçid noktalarını;

d) Eczaların gönderildiği yer, gönderenlerin nakliye ajanlarının veya komisyoncuların isim ve adresleri, kullanılan emanet depozito metodları ve malûm olduğu takdirde mürselünileyhlerin adreslerini ;

e) Kaçakcılar tarafından kullanılan metodlar ve takib edilen yollar ve nakliyata vasıta oldukları muhtemel vapurların isimleri.

f) Cürümde methaldar olanlar bilhassa bunların müsaadenameye veya berata malik bulunmuş olanları hakkında hükûmetlerce alınan tedbirler ve tadbik olunan müeyyideleri ;

g) Gayrı meşru ticaretin kaldırılmasına yardım edecek diğer bütün malûmatı.

Madde 24 — 1912 tarihli Lahaye ve 1925 tarihli Cenevre mukavelenamelerinden hiç olmazsa birile bağlı bulunan akid taraflar arasındaki münasebetlerde, işbu mukavelename, mezkûr mukavelenameleri itmam edecekdir.

Madde 25 — Yüksek akid taraflar arasında bu mukavelenamenin tefsir veya tatbikına dair her hangi bir ihtilâf zuhur ederde diplomasi yolile memnuniyetbahş bir suretde refedilmezse, bu ihtilâf akidler arasında cari olan beynelmilel ihtilâfların halline dair ahkâma tevfikan tesviye edilecekdir.

İhtilâf halinde bulunan taraflar aralarında böyle ahkâm mevcud olmadığı takdirde, ihtilâfı tahkimi veya adli usullere tabi tutacakdır. Diğer bir mahkeme intihabı hususunda mutabakat hasıl olmadığı takdirde, taraflar ihtilâflarını beynelmilel adalet divani statüsüne mütedair 16 kanunuevvel 1920 protokoluna dahil işler, birinin talebi üzerine, mezkûr divana, ve mezkûr protokola dahil değillerse beynelmilel ihtilâfların muslihane halline dair olan 18 teşrinievvel 1907 tarihli Lahay mukavelenamesine tevfikan teşkil edilecek bir hakem mahkemesine tevdi edeceklerdir.

Madde 26 — Her yüksek akid taraf imza, tasdik veya iltihak sırasında, bu mukaveleyi kabul etmekle müstemlekelerinin ve mahmiyelerinin, deniz aşırı arazisinin veya hakimiyeti yahud mandası altına vaz edilmiş arazinin umumî heyeti veya bir kısmı için uhdesine hiç bir mecburiyet almadığını beyan edebilir. Ve bu mukavele işbu beyanda zikrolunan araziye tatbik edilmiyecekdir.

Her yüksek akid taraf, bilâhara her ne zeman olursa olsun milletler cemiyeti umumî kâtibine işbu mukavelenamenin şu geçen fıkra mucibince bir beyane mevzu teşkil etmiş olan arazisinin umumî heyetine veya bir kısmına tatbikini arzu ettiğini ihbar edebilir. Ve bu mukavelename, mukavelenameyi tasdik veya ona iltihak etmiş olan her memleket için vaki olduğu gibi bu ihbar da tasrih edilen bütün araziye tatbik olunacakdır.

Yüksek akid taraflardan biri 32 inci maddede tasrih edilen beş senelik müddetin hitamından sonra her ne zaman olursa olsun işbu mukavelenamenin müstemlekelerinin, mahmiyelerinin, deniz aşırı arazisinin veya kendi hakimiyeti veya mandası altına vaz edilmiş arazisinin umumî heyetine veya bir kısmına tatbikini nihayet bulmasını arzu ettiğini beyan edebilir. Ve

olsun ifade edilebilecekdir işbu ihbar böylece bağlı olan diğer bütün milletler cemiyeti azalarile aza olmayan devletlere umumî kâtib tarafından tebliğ edilecekdir. İhbar yüksek akid tarafların en az ücü tarafından iltizam edilirse işbu akid taraflar mukavelenamenin yeniden rüyeti maksadile bir konfrans halinde toplanmağı teahhüt etmekdedirler.

Madde 34 — İşbu mukavelename, meriyete girdiği gün, milletler cemiyeti umumî kâtibi tarafından tescil edilecekdir. Bunu tasdikan, yukarda anılan murahhaslar işbu mukavelenameyi imzalamışlardır.

Cenevrede on üç tammuz bin dokuzyüz otuz birde, tek nüsha olarak yapılmışdir. İşbu nüsha milletler cemiyeti kâtibliği evrak dairesine vazedilmiş olub, aslına mütabık müsaddak suretleri, bütün milletler cemiyeti azalarile 27 inci maddede mezkûr aza olmayan devletlere tevdi edilecekdir.

Uyuşdurucu maddeler inhisarı hakkında kanun

Kanun No. 2253 Tarih 31—5—1933

Madde 1 — Ham afyon ve tıbbî afyon ile morfin ve bunun bütün milhlerinin ve uzvî hamızlarla veya alkol cezirlerile birleştirilmesinden mütehassil bütün eterlerinin ve bunların milhlerinin ve ham kokain ile kokain, (ecgonine) ekgonin, (tropococaine) tropokokain ve bunların milhlerinin ve (dicodide) dikodid, (dilaudide) dilodit, (eucodal) ökodal, (acedicone) asedikon ve bunların kimyevî terkiblerinde bulunan maddelerin ve bütün bu cisimlerin iktisad ve sıhhat ve içtimaî muavenet vekâletlerince tayin olunacak müstahzarlarının imal, ithal ve ihracı devlet inhisarına alınmıştır.

İstimalinde mazarrat hasıl olduğu ve toksikomani tevlid eylediği, fennî suretde tesbit edilen yukarıki fıkrada yazılı cisimlere benzer diğer maddeler de icra vekilleri heyeti kararile bu inhisara tabi tutulabilir.

Madde 5 — Afyon ekim mıntakaları iktisad vekâletinin mütaleası alınarak ziraat vekâletince tesbit ve icra vekilleri heyetinin tasvibinden sonra inhisar idaresince ilân olunur.

Afyon ekilecek mıntıkaların ilânda acık ve herkes tarafından kolay anlaşılabilecek suretde gösterilmesi ve ekimin men edildiği mıntakaların da gazetelerle ilân olunması ve bütün ihtiyar meclislerine imza mukabilinde tebliğ edilecek hususî ilân varakalarile de keyfiyetin halka bildirilmesi lâzımdır. Bütün mülkiye memurları memnu mıntakalarda afyon ekilmesini daimî suretde mürakabe ve takib ederler. Ekim mıntakalarında afyon ekenler

ihtiyar meclislerinden alacakları beyannameleri bir hafta içinde doldurub bu meclislere vermekle mükellefdirler. İhtiyar meclisleri aldıkları beyannamelere mukabil sahiblerine heman birer makbuz verirler ve beyannameleri de bir hafta içinde tasdik ederek mahallin en büyük mülki memuruna tevdi ederler. Mülkiye memurları bu beyannameleri inhisar idaresine göndererirler. İnhisar idaresi beyanname ve makbuzları vaktinde hazırlayıb her yerin ekin zemanından en az biray evvel ihtiyar meclisleri nezdinde bulundurur. Hazır beyanname bulunmadığı hallerde afyon ekenler sadece ekdikleri afyonun dönüm mikdarını ve tarlanın mevkiini bir puslaya yazıb imza ederek ihtiyar meclislerine bildirebilirler.

Madde 7 — Bu kanunla inhisar altına alınmış olan maddeler memleketde inhisar idaresinin Ankarada tesis ve idare edeceği tek fabrikada imal olunur. Bugün memleketde mevcut olan bu maddelerin imaline mahsus fabrikaların çalışmasına müsaade edilemez. Bu fabrikaların işlemesi, mamulatının nevileri, mikdarları ve satılmasının mürakabesi tarzları İktisat ve Sıhhat ve İçtimaî Muavenet Vekâletlerile müşterek olarak yapılacak bir nizamname ile tayin olunur. Bu maddelerin memleketden ihracı İstanbul ve İzmir gümrüklerinden yapılır. İktisat Vekâieti lüzumu halinde diğer gümrüklerden de ihraç yapılmasına izin verebilir.

Madde 15 — Bu kanuna göre hükûmetce tayin ve ilân olunacak mıntakalar haricinde afyon ekenlerden beş liradan yüz liraya kadar hafif para cezası alınır ve mahsul henüz elde edilmemişse sökülmesine, elde edilmiş ise müsaderesine hüküm olunur. Tekerrür halinde para cezası ile beraber bir hafdadan iki aya kadar hafif habs cezası verilir. Bu kanuna göre beyanname ve pusula vermeyenler yüz liraya kadar hafif para cezasına mahkûm edilir. Bu maddede yazılı cezalara sulh mahkemelerince hükmolunur.

Afyon ihracatına müteallik Türk - Yugoslavya itilâfnamesi

Kanun No. 2254 Tarih 31—5—1933

Bir tarafdan Türkiye — Diğer tarafdan Yugoslavya

Afyon meselesinin beynelmilel nizam altına alınması üzerine, afyonlu maddeler imaline mahsus ham maddenin başlıca satıcısı olan kendi memleketlerinde de mütekabilen afyon istihsal ve ihracatının işbu beynelmilel nizama intibakı lüzumunu nazarı itibare alarak.

Bu sahadaki samimi teşriki mesailerinin, memleketlerinin karşılıklı meşru menfaatlerini vikaye etmekle beraber, uyuşdurucu maddeler suistimaline karşı beynelmilel hareketi kolaylaştırmağa müsait olacğı kanaati ile bu hususda bir itilâf aktine karar vermişlerdir.

Madde 14 — Yüksek akid taraflar afyonlu maddeler ihracını ancak, ithalâtcı memleketlerin şeraiti kanuniyesine tevifan icra etmeği taahhüd ederler. Bu maddelerin kaçakcılığını men ve ihracatını mürakabe etmek için müessir tedabir ittihaz edeceklerdir.

Müdde 15 — Yüksek akid taraflar, bu ihtilâfname ahkâmına muhalif olarak icra edilen ham afyon ve afyonlu maddeler ihracatının kâffesini kaçakcılık addederler. Yüksek akid taraflar bu kabil ceraimi takib edebilmek üzere kanunlarında lâzım gelen tadilâtı icra etmeği teahhüd ederler. Yüksek akid taraflar bilcümle ham afyon ve afyonlu maddeler kaçakcılığı vekayiine dair zabıtları teati edeceklerdir.

Kezalik ham afyon ve afyonlu maddeler ticaretine müteallik bilumum kavanin, nizamat ve kararların metinlerini de teati edeceklerdir.

Madde 16 — Yüksek akid taraflar beynelmilel sahada afyon meselesinin nizam altına alınmasında samimiyetle teşriki mesai edeceklerdir. Kezalik müstakbel afyon istihsali ve afyonlu maddeler imali hususunda takib olunacak siyaseti de tekarrür ettireceklerdir.

Uyuşdurucu maddelerin mürakabesi hakkında kanun

Kanun No. 2313

Kabul tarihi : 12—6—933
Neşri tarihi : 24—6—933

Madde 1 — Tıbbî afyon ile müstahzaratının ve morfin ve bütün mihlerinin ve morfinin uzvî hamızlarla ve yahud küul cezrile birleşmesinden mütehassil bütün eterlerinin ve bunların milhlerinin ve koka yaprağı, ham kokain ve kokain, ekgonin ve tropokokain ile bütün milhlerinin ve yüzde 0,20 gramdan fazla morfin ve milhlerini ve yüzde 0,10 gramdan fazla kokain ve milhlerini muhtevi bütün müstahzarların ve ökodal (Eucodal), dikodid (Dicodide) ve Dilodid (Dilaudide), asedikon (acédicone) ve bunların terkibi kimyeviyesinde bulunan maddelerle bütün müstahzarlarının idhal, ihraç ve memleket içerisindeki satışı Sıhhat ve İçtimaî Muavenet Vekâletinin mürakabesine tabidir.

Madde 2 — 2108 numaralı kanuna merbut afyon mukavelenamesinde tarif edilen ve müstahzar afyon namı verilen maddenin ihzar, idhal, ihraç ve satışı memnudur.

Madde 3 — Münhasıran esrar yapmağa yarayan nebatın (Hint keneviri) ekilmesi ve her ne şekilde olursa olsun esrarın ihzar, idhal, ihrac ve satışı memnudur.

Madde 4 — Birinci maddede yazılı olan cisimlerden mahsus kanuna tevfikan inhisar altına alınanların memlekete idhali için inhisar idaresince Sıhhat ve İçtimaî Muavenet Vekâletinden müsaade alınır ve bunun için hangi nevi maddenin ne mikdarda ve nereden ve ne vasıta ile celbedebileceği bildirilir. Taleb edi-

len mikdarın memleket tıbbî ve ilmî ihtiyacından fazla olmadığı vekâletce tensib olundukdan sonra bir idhal vesikası verilir.

Madde 5 — Uyuşdurucu maddelerin ithaline mahsus vesika ibraz edilmedikce gümrüklerden bu gibi maddelerin idhaline müsaade edilmez. Vesikalarda yazılan mikdarın bir defada idhali şartdır. Altı ay içinde idhal edilmeyen uyuşdurucu maddelere aid vesikalar müteber değildir.

Madde 6 — Uyuşdurucu maddelerin idhaline mahsus olarak verilen vesikaların bir sureti bu maddeleri ihraç edecek memleketin uyuşdurucu maddeler murakabesine memur makamına Sıhhat ve İçtimaî Muavenet vekâletince gönderilir.

Madde 7 — Birinci maddede zikredilen cisimlere aid müstahzarlardan inhisar altına alınmamış olanlarının memlekete ithaline ve bütün uyuşdurucu maddelerin memleket dahilindeki satışına ancak hususî kanunlarına tevfikan icrayı sanata müsaade alarak eczane veya ticarethane açmış eczacılar ve ceza ticarethaneleri sahibleri mezundurlar. Bunların getirecekleri inhisar altına alınmamış uyuşdurucu maddeler müstahzarlarının memlekete ithali hakkında 4 inci, 5 inci ve 6 ıncı maddeler hükümleri caridir.

Madde 8 — İnhisar idaresince tesis edilecek fabrika tarafından yapılacak uyuşdurucu maddeler ve müstahzaratının memlekedden çıkarılması için ihraç edilecek memleketin salâhiyatdar makamından alınmış bir idhal vesikası Sıhhat ve İçtimai Muavenet Vekâletine tevdi olunur. Vekâletce vesikanın sıhhatı ve ihraç edilecek mikdarın münhasıran tıbbî ve ilmî ihtiyaca yarayacağı tebeyyün etdikden sonra bir ihraç vesikası verilir.

Madde 9 — Uyuşdurucu maddeler ihracına mahsus vesika ibraz edilmedikce gümrüklerden bu gibi maddelerin ihracına ve nakil vasıtalarına tahmiline müsaade edilmez. Bu vesikalar üç ay için müteberdir ve ihtiva ettikleri mikdarların bir defada ihraci şartdır.

Madde 10 — Uyuşdurucu maddelerin ihracına mahsus olarak verilen vesikaların bir sureti bu maddeleri idhal edecek memleketin uyuşdurucu maddeler mürakabesine memur makamına Sıhhat ve İçtimaî Muavenet Vekâletince gönderilir.

Madde 11 — Birinci maddede zikrolunan uyuşdurucu maddelere aid olub bu kanun mucibince mürakabeye tabi tıbbî müstahzarlardan inhisar altına alınmayanların memleketden ihracına yalnız evvelce hususî kanuna tevfikan ruhsatname almış eczacılarla laboratuvar sahibleri mezundur. Bunların memleketden çıkması hakkında da sekizinci, dokuzuncu ve onuncu maddeler hükümleri caridir.

Madde 12 — Devletce akdedilmiş itilâfnameler hükümleri harici de ham afyonun Türkiyeye idhali memnudur. Uyuşdurucu maddeler inhisar idaresi ihraç edilecek memleketin alâkadar makamından verilmiş idhal vesikası olmadıkca ham afyon ihraç edemez ve yapılan ihracatı en nihayet bir hafta zarfında mikdarı, hangi memlekete ve kimin namına gönderildiği, idhal vesikası tarih ve numarasile beraber Sıhhat ve İçtimaî Muavenet Vekâletince bildirilir. Sıhhat ve İçtimaî Muavenet Vekâletince idhal vesikası veren memleketin selâhiyetdar makamına haber verilir.

Madde 13 — Ham afyon ve diğer uyuşdurucu maddelerin kâffesi veya bir kısmı hakkında idhal vesikası vermeyen memleketlere ihraç olunacak bu maddelerin ihracına müsaade için idhal vesikası istemez. Yalnız birinci maddede yazılı uyuşdurucu maddedelerin ihraç müsaadesi verilebilmek için gönderilecek mikdarın tıbbî ihtiyaca mahsus olduğuna kanaat hasıl olması lâzımdır. İhraç müsaadesi alâkadar memleket sıhhat makamlarına da bildirilir.

Madde 14 — Uyuşdurucu maddelerin tekrar ihraç edilmek üzere idhali memnudur. Transit olarak gelen uyuşdurucu maddeleri havi kablar gümrüklerce mühürlenir.

Madde 15 — Uyuşdurucu maddelerin memleket dahilinde

perakende ve reçete mukabilinde olarak satışı münhasiran eczacılar ve eczahaneler kanununa tevfikan açılmış eczahanelerde yapılır. Ecza ticarethaneleri yalnız eczahanelere ve resmî müesseselere ve laboratuvarlara topdan satış yaparlar.

Madde 16 — Ecza ticarethaneleri ve eczaneler veya müstehzerat laboratuvarları doğrudan doğruya inhisar idaresinden alacakları uyuşdurucu maddeler için her defasında Sıhhat ve İçtimaî Muavenet Vekâletine müracaatla izin vesikası alırlar. inhisar idaresince vekâlet tarafından verilmiş izin vesikası görülmedikce hiç bir satış yapılamaz. Bu vesikalar üzerine yapılan satış mikdarı ve tarihi kayd edildikden sonra inhisar idaresince Sıhhat ve İçtimaî Muavenet Vekâletine iade olunur.

Madde 17 — Ecza ticarethaneleri her yapdıkları satış için eczahane sahib veya mesul müdürü veya resmî müessese namına selâhiyetdar zat veya müstahzarat laboratuvarı mesul müdüründen vesika alarak bu vesikaları beş sene müddetle saklarlar.

Madde 18 — Ecza ticarethaneleri sahibleri ve mesul müdürleri uyuşdurucu maddelerin varidat ve sarfiyatını gösteren defterler tutmağa ve bunlara muntazaman alıb satdıkları uyuşdurucu maddelerin mikdarlarını ve satış tarihlerini ve kimlere satdıklarını kayde mecburdurlar. Eczane sahibi veya mesul müdürleri eczaneler kanununun mahsus maddesi mücibince uyuşdurucu maddelerden Sıhhat ve İçtimai Muavenet Vekâletince tayin olunacak cisimlerin alım ve satımını muntazam suretde defterlere kaydederler. Bu defterlerin nümunesi Sıhhat Vekâletince tertib olunur.

Madde 19 — Birinci maddede isimleri yazılan uyuşdurucu maddeler haricinde olub ilmî tedkikat neticesinde mazarrâtı tebeyyün eden ve toksikomani tevlid eyleyen diğer zehirlerin dahi, bu kanun hükümlerine tabi olacağı icra vekilleri heyeti kararile Sıhhat ve İçtimaî Muavenet Vekâleti tarafından tayin ve ilân olunur.

Madae 20 — Gümrüklerden izinsiz memlekete sokulmağa çalışılan veya memleket dahilinde izinsiz satıldığı görülen ve her hangi suretde olursa olsun kanunî selâhiyeti olmıyanlar yanında bulunan uyuşdurucu maddeler zabıta ve gümrük ve inhisar memurları, Sıhhat ve İçtimaî Muavenet müfettiş ve müdürleri ve hükûmet tabibleri ve sahil sıhhat teşkilâtı memurları tarafından bir zabıt varakası tanzimile derakab zabdedilir. Gerek bunlar ve gerekse izinsiz imal ve ihraç edilmek istenilen ve inhisar idaresi tarafından müsadere olunanlardan sahibleri malûm olanlar hakkında yapılacak kanuni takibatın neticelenmesine kadar cürüm delili olarak müddei umumilikce muhafaza altında bulundurulur ve kanunî takibatın bitmesinden sonra cereyan eden muamelelerin ve neticelerin işarile beraber mühür altında olarak Sıhhat ve İçtimaî Muavenet Vekâletine gönderilir. Sahibi bulunmayan veya malûm olmayan kaçak uyuşdurucu maddeler mahallin en büyük mülkiye memuruna teslim ve onun tarafından yine Sıhhat ve İçtimaî Muavenet vekâletine gönderilir.

Madde 21 — Zabtedilen ve Sıhhat ve İçtimaî Muavenet Vekâletine gönderilen ve sahiblerine iade edilemiyeceği kanunî takib neticesinde anlaşılan veya sahibi malûm bulunmayan uyuşdurucu maddeler usulü dairesinde ve bir heyet huzurunda imha edilir.

Nadde 22 — İkinci ve üçüncü maddelerde memnu olduğu yazılı olan müstahzar afyon ile esrar her nerede görülürse görülsün hemen zabt olunur ve bunlar hakkında da 20 ve 21 inci maddeler hükümleri tatbik olunur.

Madde 23 — Münhasıran esrar istihsaline yarayan Hind keneviri her nerede olursa olsun sıhhat ve ziraat memurları tarafından verilecek müşterek rapor üzerine mahallin en büyük mülkiye memurunun emri ile zabıtaca imha edilir.

Üçüncü maddedeki memnuniyet hilâfına Hind keneviri

ekenler sulh mahkemesince bir aydan altı aya kadar habis cezasile cezalandırılır.

Madde 24 — Uyuşdurucu maddeleri 15 inci maddede zikr edilenlerden başkalarına satan ecza ticarethaneleri sahib ve veya mesul müdürleri ile tabip reçetesi olmadan satan eczane sahib mesul müdürleri Türk ceza kanununun 403 ve 406 ıncı maddeleri mucibince cezalandırılırlar.

Türk ceza kanunu.

Madde 403 — Esrar, müstahzer afyon ve tıbbî afyon ile müstahzarlarının ve morfin ve bütün milhlerinin ve morfinin uzvî hamızlarla veya küûl cezrile birleşmesinden mütehassıl bütün eterlerinin ve bunların milhlerinin ve koka yaprağı, ham kokain ve kokain, ekgonin ve tropokokain ile bütün milhlerinin ve % 0,20 gramdan fazla morfin ve milhlerinin ve % 0,10 gramdan fazla kokain ve milhlerini muhtevi bütün müstahzarlarının ve eucodal, dikodit, dilodit, asedikon ve bunların terkibi kimyevisinde bulunan maddelerle bu maddeler mahiyetinde olduğu icra vekilleri heyetince tayin ve ilan olunacak maddeleri ve bütün müstahzarlarını izinsiz memlekete sokmağa çalışanlarla sokanlar ve memleket dahilinde izinsiz satanlar ve alanlar veya satmak üzere yanında bulunduranlar ve bunların alınıp satılmasına ve her ne suretle olursa olsun tedarikine vasıta olanlar ve imal ve izinsiz ihrac edenler ve mahsus bir yer tedarikile veya diğer suretle halkı celbederek ve bunların kullanılmasını kolaylaşdıranlar bir seneden beş seneye kadar hapıs ve her gram veya küsuru için bir lira hesabile ağır para cezası ile mahkûm edilirler. Şu kadar ki para cezası her halde ikiyüz liradan aşağı olamaz.

Madde 404 — 403 üncü maddede yazılı şeyleri bir yere toplatarak kullananlar veya bu maksatla yanında bulunduranlar iki aydan altı aya kadar hapis ve beş liradan yüz liraya kadar ağır para cezasına mahkûm edilir.

Madde 406 — 403 üncü maddede yazılı suçları işleyenler tabib, diştabibi, dişçi, eczacı, ecza ticarethaneleri sahip ve mesul müdürleri, sıhhiye memuru ve ebe iseler iki seneden eksik olmamak üzere hapsolunur ve mezkûr maddede yazılı para cezası dörtte bir arttırılarak hükmedilir. Bu cezalardan başka hapis müddetini geçmemek üzere meslek ve sanatın tatiline de ayrıca hükmolunur.

Madde 407 — Geçen maddelerde yazılı fasıllardan dolayı eşhasın hastalanması veyahut yara ve berelenmesi gibi sıhhatce bir arıza vuku bulduğu veya insan telef olduğu taktirde birinci surette ceza üçde birden yarısına kadar çoğaltılır. İkinci surette beş seneden aşağı olmamak üzere ağır hapıs cezası verilir. Eğer fail bir kaç kişinin hastalığına sebeb olmuş ise birinci fıkrada beyan olunan ceza bir mislinden ve ölümüne sebeb olmuşsa on seneden aşağı olamaz.

Madde 408 — 403 üncü maddede yazılı şeylerin kullanılmasını kolaylaşdırmak için açılan mahallerde mevcut bütün eşya müsadere olunur ve işbu eşyanın bedelinin yarısı cürmü meydana çıkarmakda hizmeti görülenlere verilir.

Madde 25 — Onyedinci maddede yazılı vesikaları almayı ihmal eden veya saklamıyan yahud bu kanunda zikr edilen defterleri tutmayan ecza ticarethaneleri sahib ve mesul müdürleri sulh mahkemesince 100 liradan 500 liraya kadar ağır para cezasile cezalandırılır.

Madde 26 — Yirmi yedinci maddede zikr edilen sebebden dolayı ve yahud uyuşdurucu maddelere aid kayıdları gayrı muntazam tuttuğundan dolayı mükerreren mahkûm olan ecza ticarethaneleri ve mesul müdürleri Sıhhat ve İçtimaî Muavenet Vekâleti tarafından uyuşdurucu maddeler alıb satmasından muvakkaten veya daimî olarak men olunabilirler.

Madde 27 — Türk ceza kanununun 403—404—405—406—407 ve 408 inci maddelerinde yazılı suçlar 1918 numaralı kanun hükümlerine göre ihtisas mahkemelerince takib ve muhakeme olunur. Yukarıki fıkrada yazılı olan maddelerdeki suçları Türk ceza kanununun 285 inci maddesinde yazılı iftira çürmünü teşkil edecek suretde istinatda bulunan müfterilerin muhakemesi de ihtisas muhakemelerince görülür.

Madde 285 — Her kim adliyeye veya kanunu takib yapacak ve yaptırabilecek bir mercie yazı ile ihbar ve şikâyette bulunarak sucsuz olduğunu bildiği bir kimseye bir cürüm isnat eder yahut o kimse aleyhinde böyle bir cürmün maddî eser ve delillerini uydurursa isnat eylediği cürmün nevi ve mahiyetine ve uydurduğu delillerin kuvvetine göre üç aydan üç seneye kadar hapsolunur.

Bu isnat kendine iftira olunan kimsenin tevkifi gibi şahsî hürriyeti tahdit eden bir halin hudusnna sebeb olmuşsa müfteri hakkında bir seneden beş seneye kadar hapis cezası hükmolunur.

Kendine iftira olunan kimse hakkında üç seneden fazla hürriyeti tahdid eden bir ceza ile mahkûmiyeti mutzammın bir hükmü sadır olmuşsa müfteri hakkında onbeş seneyi geçmemek üzere aynı ceza hükmolunur.

Eğer magdurun mahkûmiyeti müebbet ağır haps ise müfteri onbeş seneden aşağı olmamak üzerc ağır hapıs ile cezalandırılır.

Eğer mahkûmiyet ölüm cezasını müstelzem olmuş ve infaz edilmişse müfteriye aynı ceza verilir. Henüz infaz edilmemiş ise müebbed ağır hapıs cezası hükmolunur.

Yukarıdaki fıkralarda yazılı olan cürmün faili mağdur hakkında takibat yapılmadan evvel bu isnattan rücu eder veya uydurduğunu itiraf ederse yukarda yazılı cezaların altıda biri hükmolunur ve ceza müebbed ağır hapıs ise

Madde 28 — Yirmi yedinci maddede yazılı suçların istilzam ettiği para cezaları 1918 numaralı kanunun 60 ve 61 inci maddeleri hükûmlerine göre dağıtılır.

Madde 29 — Yirmi yedinci maddeye göre ihtisas mahkemelerince görülecek suçların mükerre'leri hakkında türk ceza kanununun tekerrüre mütedair hükümleri tatbik edilmekle beraber ayrıca bir seneden aşağı olmamak üzere muvakkat sürgün cezası yerilir.

Madde 30 — Bu kanun 2253 numaralı kanunun 18 inci maddesinde meriyeti yazılı 1369 numaralı kanunun hükümleri

on sene ağır hapse indirilir ve isnattan rücu veya tasnin itiraf olunması takibata başlandıkdan sonra vakı olursa asıl cezanın üçde ikisi indirilir ve müebbed ağır hapıs yerine yirmi sene ağır hapıs cezası tayin olunur.

Madde 405 — 403 üncü maddede yazılı şeyleri sahte reçete ile alanlar bir seneden eksik olmamak üzere hapsolunur ve yüz liradan bin liraya kadar ağır para cezası alınır.

1918 sayılı kanunun (60) ıncı maddesi şu şekle konulmuştur: Kaçakcılık para cezalarile müsadere olunan eşyadan :

A) dışardan getirileceklerin sif kıymetinin.

B) kaçak altınların merkez bankası alım değerinin.

C) inhisar eşyası ile diğer kaçak maddelerin alâkalı idarecelerce tesbit edilecek maliyetinin % de yirmi beşi haber verenlere, % yirmi beşi bilfiil tutanlara, ikramiye olarak dağıdılır. % onbeşi peşin ikramiye faslının mütehavvil tahsisatı, % de yırmisi kaçakçıların çarpışma veya onları takip sırasında ölenlerin ailelerine ve sakatlananlara büdcelerinden verilecek tazminat karşılığı olmak üzere hazineye irad kaydolunur.

Yüzde onbeşi de gümrük muhafaza taburile gümrük ve merkez müdürlükleri mıntakalarında kaçakcılık, takib ve muhafaza işlerinde büyük yararlığı görülenlere ikramiye olarak dağıdılır. Bu ikramiyenin dağıtma sureti bir nizamname ile gösterilir.

2313 numaralı kanuna göre müsadere edilen eşyaların değerinden ikramiye verilmez. Kaçak eşyanın haber verenleri yoksa haber verene ait olan payın üçde ikisi tutanlara, üçde biri de peşin ikramiye faslının mütedavil tahsisatına karşılık olmak üzere hazineye irad kaydolunur.

Madde 61 — Kaçak eşya ve maddeleri ihbar edenlerle bilfiil tutanlara bu kanunun 60 ıncı maddesinde yazılı ikramiye hisselerinin % de otuzu müsadereyi müteakıp ve peşin olarak verilebilir. Aucak bu yüzde otuzlar müsadere edilen eşya ve maddelerinin sif (sif) kıymetinin yarısını geçemez.

Peşin ikramiyeler büdcelerde açılacak mütehavvil tahsisat faslı mahsusundan verilir.

yerine ikame edilmiş ve mezkûr 1369 numaralı kanun ilga olunmuştur.

Mavakkat madde — 2253 numaralı kanunun muvakkat maddesi hükmüne göre yapılacak ham afyon ihracı bu kanunun 12 inci maddesi hükmünden müstesnadır. Şu kadar ki bu suretle yapılacak ihraçlar uyuşturucu mdddeler inhisarı idaresince ihracın yapıldığından en çok bir hafta içinde sıhhat ve içtimaî muavenet vekâletine bildirilir.

Madde 31 — Bu kanun neşri tarihinden muteberdir.

Madde 32 — Bu kanun hükümlerinin icrasına icra vekilleri heyeti memurdur.

17 / 6 / 1933

APPENDIX C

BAŞBAKANLIK CUMHURİYET ARŞİVİ

T. C.
BAŞVEKÂLET
MUAMELAT MÜDÜRLÜĞÜ
Şube:
Sayı: 13672

KARARNAME

İcra Vekilleri Heyeti Reisicümhur Gazi M.Kemal Hazretlerinin Yüksek Reisiliğinde toplandı.

Uyuşturucu maddelerin takibi vaziyetini ve buna ilişikli olan sıhhî, iktisadî ve zirai meseleleri tetkik eyledi.

Gerek umum insanlık için , gerek Milletin yüksek menfaatları için bu hususta şimdiye kadar takip olunan siyasetin bütün icaplarını etraflî ve daimî bir program halinde tayin ve tanzim etmeğe karar verdi .

Mesele Evvelâ C.H. Fırkasında bütün teferruatile müzakere olunacak ve neticeleri B.M.M.nin takdir ve tasvibine arz edilecektir.

Fırkada müzakereye konacak program maddeleri şunlardır :

I- 1912 Lâhey, 1925 Cenevre, 1931 Cenevre Beynelmilel mukavelelerine iştirak meselesinin intacı .

2- Uyuşturucu maddeler imal eden ve bugün kapatılmış bulunan İstanbuldaki hususî üç fabrikanın bir daha açtırılmaması ve her nevi hususî imalâtın şiddetle takibi.

Dünyanın tıbbî ve fennî ihtiyacı için Beynelmilel müşterek ve x menfaat kasdından âri bir fabrikanın kurulması, uyuşturucu maddelerin x fenalıklarının önüne geçmek için en müessir bir çaredir. Beynelmilel bu imkân bulunacağı zamana kadar Türkiye tıbbî ve fennî ihtiyaçlara mahsus imalâtı Devlet inhisar ve idaresinde ve dahilde bir fabrika ile temin x edecektir.

3- Ham afyonun haricî ticareti işinin ticarî bir birlik merkezine hasrı.

4- Afyon istihsalinin tahdidi ve zeriyatının mürakabe ve müsaadeye tabi tutulması zaruridir .

Tahditte gaye şudur;

Meşru haricî ticarete, Devlet fabrikasının tıbbî ve fennî ihtiyaçlar için olan imalâtına kifayet edecek miktardan fazlası ekilmiyecektir .

T. C.
BAŞVEKÂLET
MUAMELÂT MÜDÜRLÜĞÜ
Şubat .....
Sayı: .....

KARARNAME

Bu suretle nameşru haricî ticaret için ve dahilde gizli imal ve istimal için her türlü ihtimaller kaldırılmış olacaktır.

5- Esrar çıkarılan Hint kenevirinin Türkiyede ekilmesinin katiyen men'i.

6- Uyuşturucu maddelerin gizli imalinin ve kaçakçılığının İhtisas mahkemelerine tevdii ve hususî ceza hükümlerine tabi tutulması.

7- Bu programın tatbikı ile biz Büyük Türk milletine ve ailesinden bulunduğumuz büyük insanlık alemine karşı en asil ve medenî bir vazifemizi ifa etmiş olacağız .

25/I2/932

Bş V. Ad. V. M. M. V. Da. V.

Ha. V. Ma. V. Mi. V. Na. V.

İk. V. S. İ. M. V. G. İ. V. Zr. V.

010	18	01	02	32	80	7

APPENDIX D

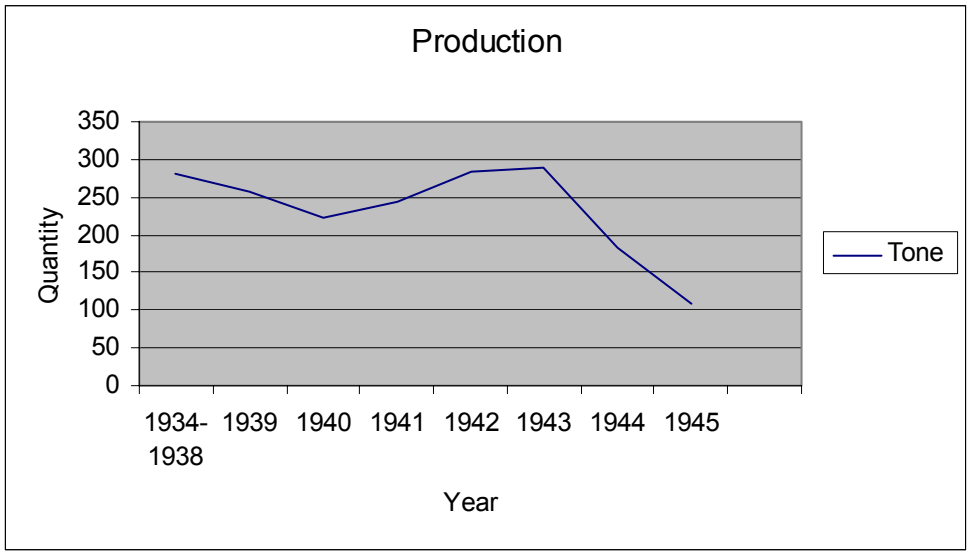


Fig. 3: The Opium Production of Turkey between 1934-1945 (Production quantities in tone)•

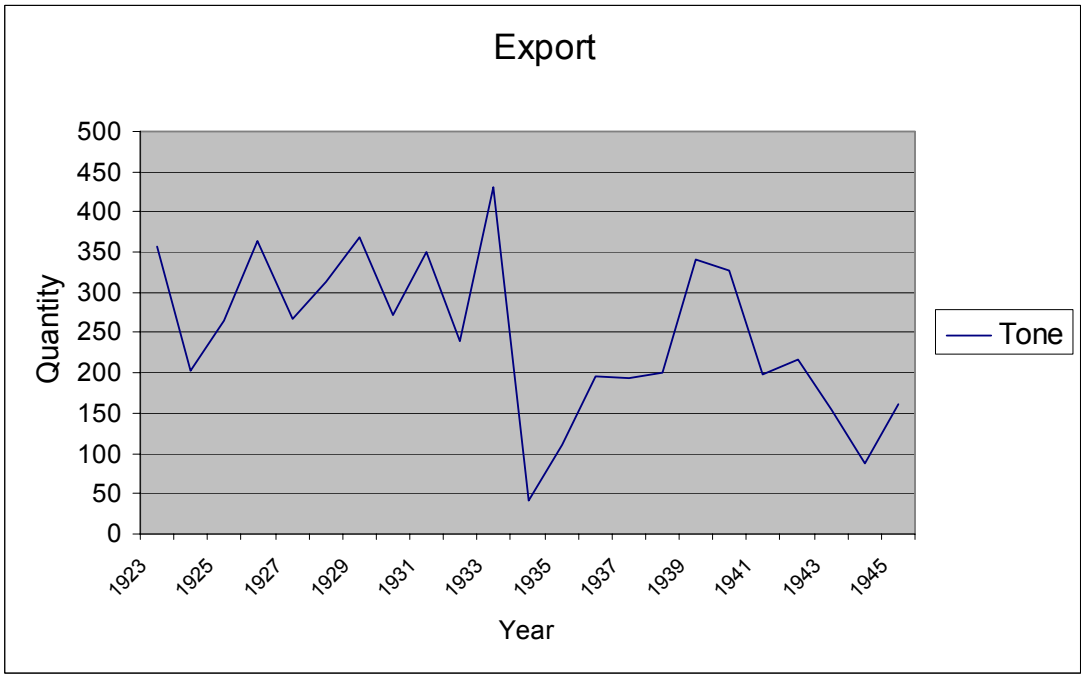


Fig. 4: The Opium Export of Turkey between 1923-1945 (Export quantities in tone)•

• The figures are from *İstatistik Yıllığı1942-1945* (İstanbul: Hüsnütabiat Basımevi, 1946): 220-1.

• The figures are from *İstatistik Yıllığı 1936-1937,* 240 and *İstatistik Yıllığı1942-1945,* 379.

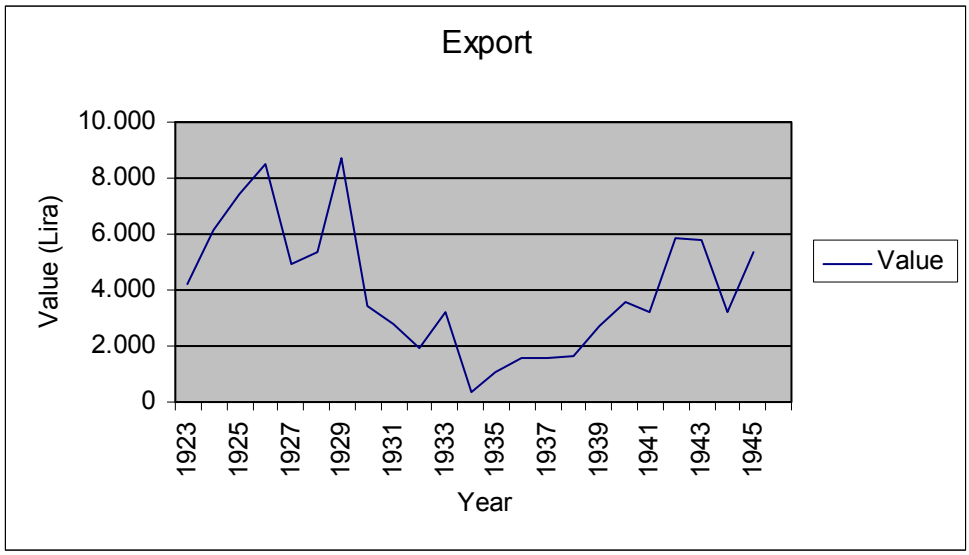
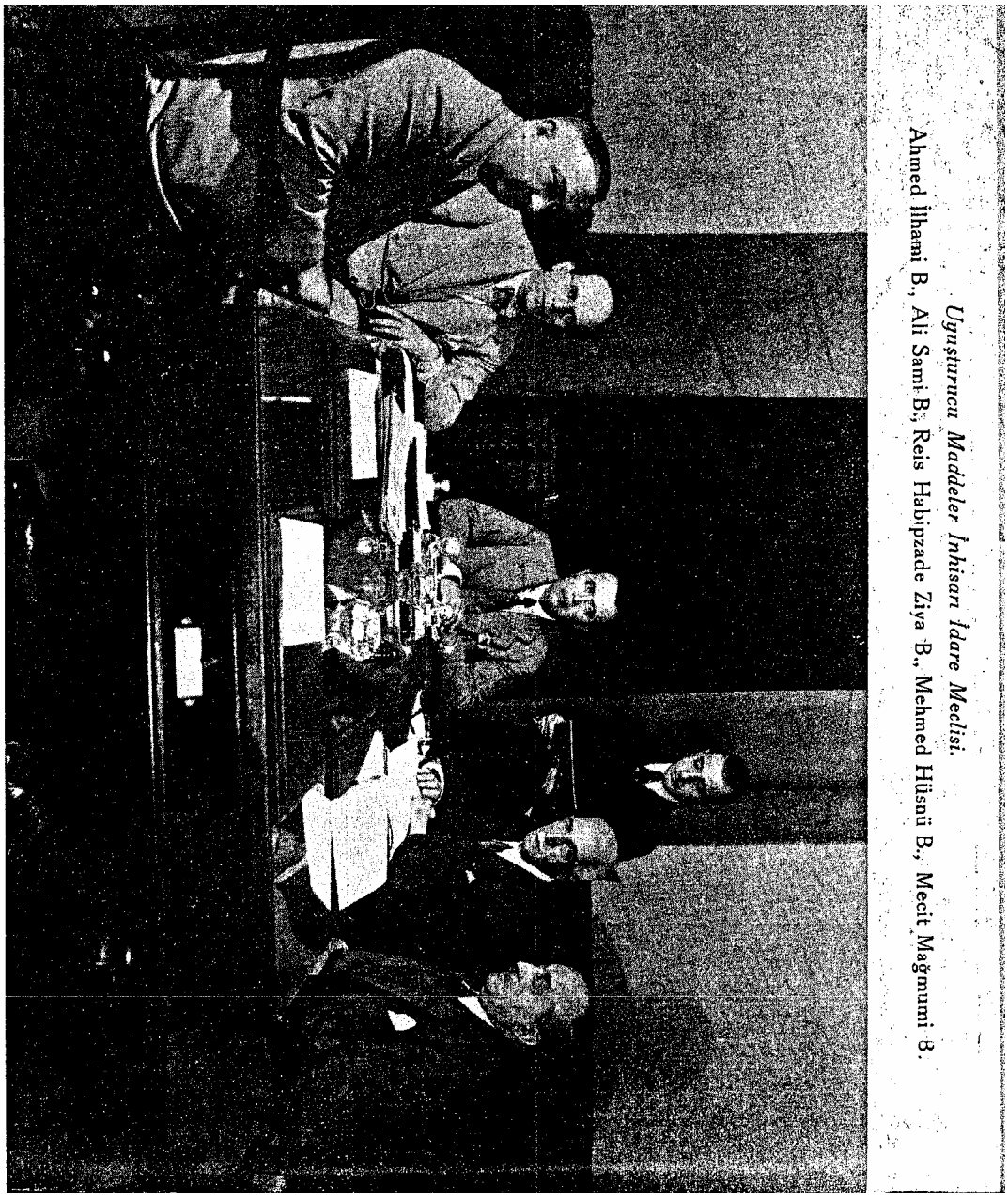


Fig. 5: The Value of Turkey's Opium Exports between 1923-1945 (Value figures in Lira, with three-zero)•

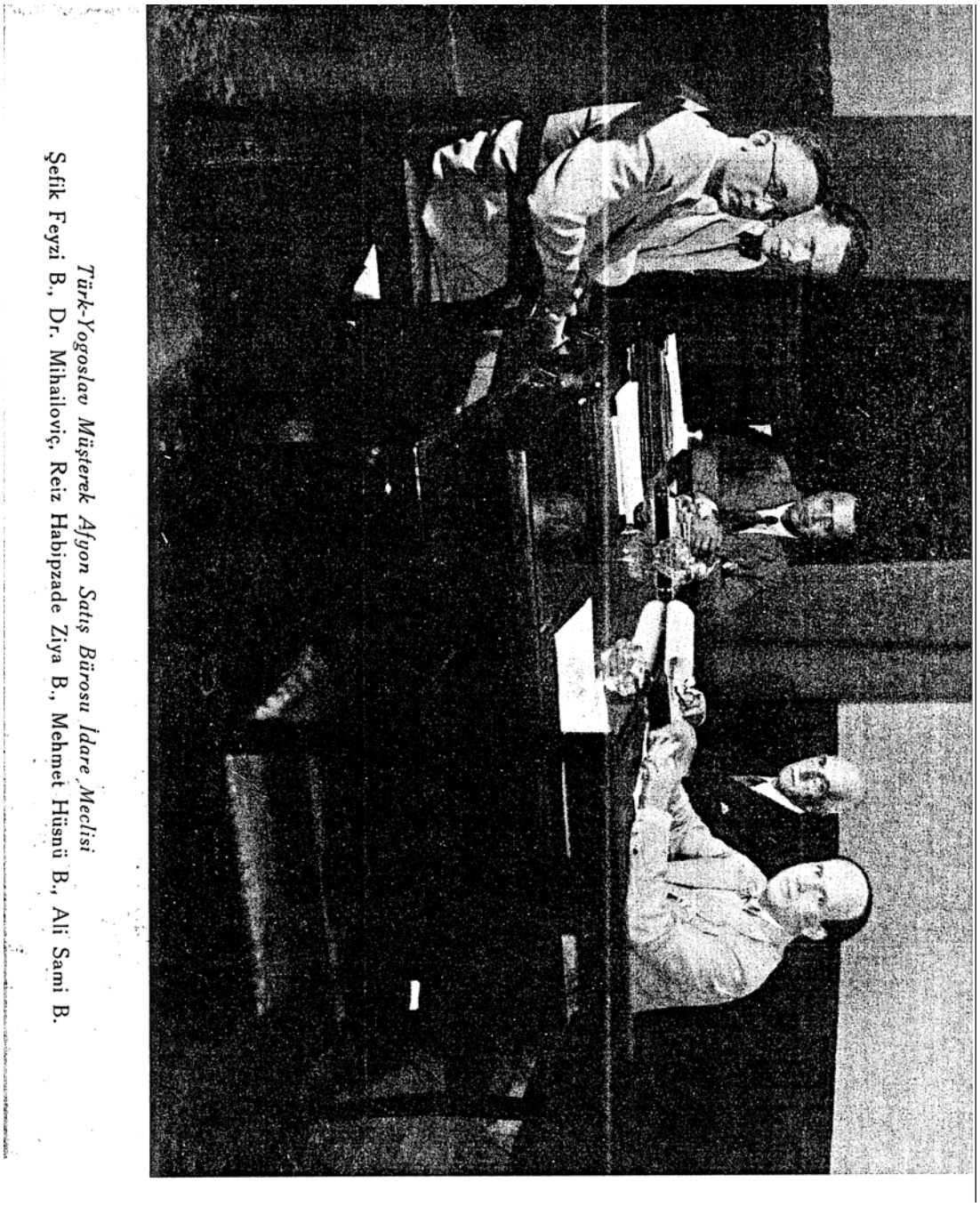
• The figures are from *İstatistik Yıllığı 1936-1937,* 240 and *İstatistik Yıllığı1942-1945,* 379.

APPENDIX E



Uyuşturucu Maddeler İnhisarı İdare Meclisi.
Ahmed İlhami B., Ali Sami B., Reis Habipzade Ziya B., Mehmed Hüsnü B., Mecit Mağmumi B.

The Executive Board of the Narcotic Drugs Monopoly: Ahmet İlhami Bey, Ali Sami Bey, Habipzade Ziya Bey, Mehmet Hüsnü Bey, Mecit Mağmumi Bey.



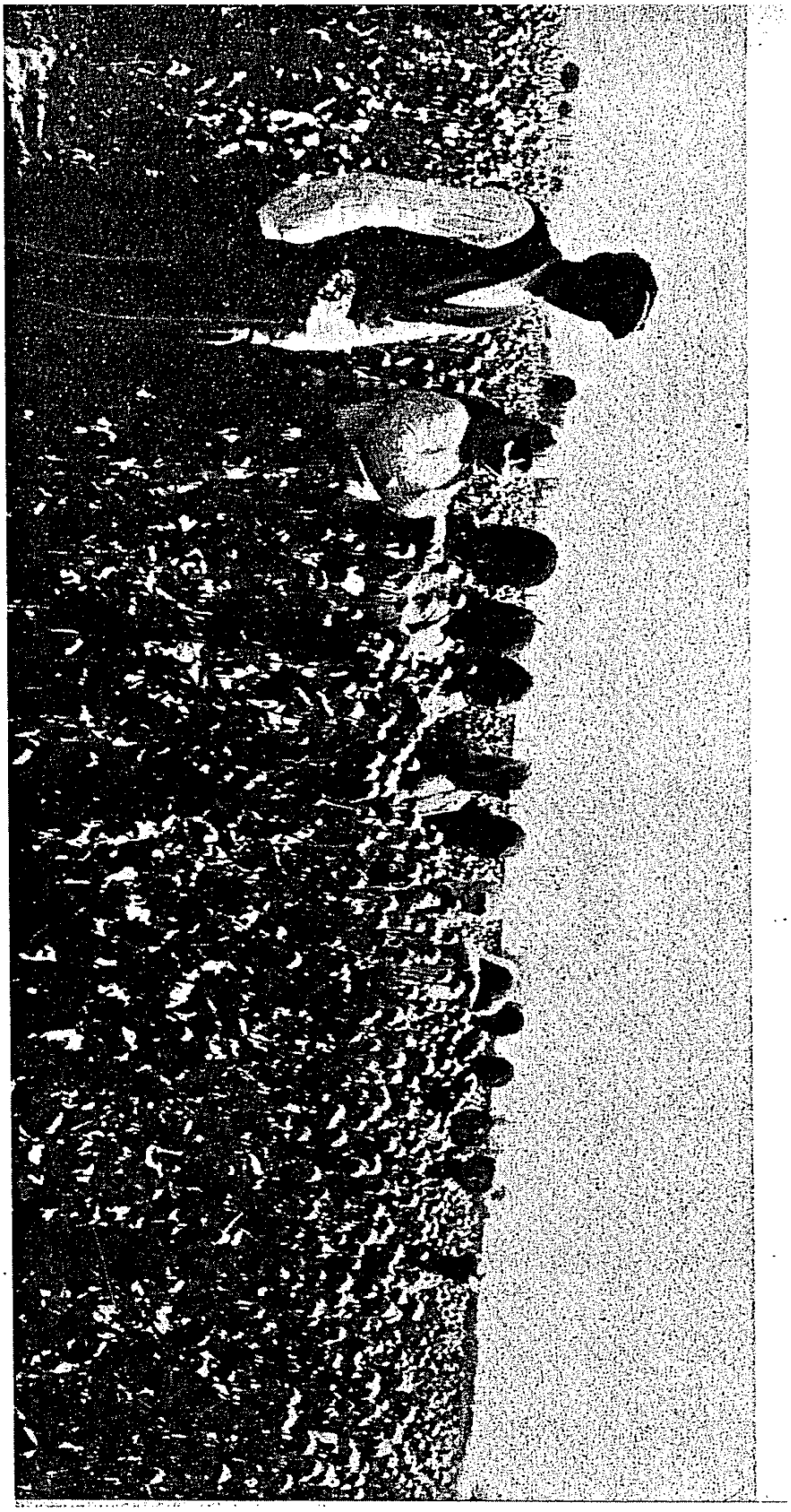
Türk-Yogoslav Müşterek Afyon Satış Bürosu İdare Meclisi
Şefik Feyzi B., Dr. Mihailoviç, Reiz Habipzade Ziya B., Mehmet Hüsnü B., Ali Sami B.

The Executive Board of the Turkey-Yugoslavia Joint Opium Sale Central Office: Şefik Feyzi Bey, Dr. Mihailoviç, Reiz Habipzade Ziya Bey, Mehmet Hüsnü Bey, Ali Sami Bey.

Türk-Yugoslav Afyon Merkezi Satış Bürosunun Avrupa afyon mamulâtı fabrikaları karteli mümessilleriyle İnhisar merkezinde yaptıkları ilk toplantı

M. Y. Comar, Dr, R. E Gsell, M. Paluka, Ali Sami Bey, Dr. Mihailovitch, M. J. Chum, Şefik Feyzi Bey.

The first meeting of the Turkey-Yugoslavia Joint Opium Sale Central Office with the representatives of European Opium Manufacturing Cartel in the Monopoly's building: M. Y. Comar, Dr. R. E. Gsell, M. Paluka, Ali Sami Bey, Dr. Mihailovitch, M. J. Chum, Şefik Feyzi Bey.



The peasants collecting opium.

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