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A CASE OF MURTADD DURING THE REIGN OF ABDUL MECİD BASED ON THE ACCOUNTS OF GERARD DE NERVAL

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En dix minutes, on a atteint l'échelle opposée, qui correspond à Balik-Bazar, le marché aux poissons; c'est là que nous fûmes témoins d'une scène extraordinaire. - Dans un carrefour étroit du marché, beaucoup d'hommes étaient réunis en cercle. Nous crûmes au premier abord qu'il s'agissait d'une lutte de jongleurs ou d'une danse d'ours. En fendant la foule, nous vîmes à terre un corps décapité, vêtu d'une veste et d'un pantalon bleus, et dont la tête, coiffée d'une casquette, était placée entre ses jambes, légèrement écartées... Nous nous éloignâmes avec dégoût de cette scène, et nous gagnâmes les bazars. Un Arménien nous offrit de prendre des sorbets dans sa boutique, et nous raconta l'histoire de cette étrange exécution.

Le corps décapité que nous avons rencontré se trouvait depuis trois jours exposé dans Balik-Bazar, ce qui réjouissait fort peu les marchands de poissons. C'était celui d'un Arménien, nommé Owaghim, qui avait été surpris, trois ans auparavant, avec une femme turque. En pareil cas, il faut choisir entre la mort et l'apostasie. - Un Turc ne serait passible que de coups de bâton. - Owaghim s'était fait musulman. Plus tard, il se repentit d'avoir cédé à la crainte; il se retira dans les îles grecques où il abjura sa nouvelle religion.

Trois ans plus tard, il crut son affaire oubliée et revint à Constantinople avec un costume de Franc. Des fanatiques le dénoncèrent, et l'autorité turque, quelque fort tolérante alors, dut faire exécuter la loi. Les consuls européens réclamèrent en sa faveur; mais que faire contre un texte précis? En Orient, la loi est à la fois civile et religieuse; le Coran et le code ne font qu'un. La justice turque est obligée de compter avec le fanatisme encore violent des classes inférieures. On offrit d'abord à Owaghim de le mettre en liberté moyennant une nouvelle abjuration. Il refusa. On fit plus; on lui donna encore les moyens de s'échapper. Chose étrange, il refusa encore, disant qu'il ne pouvait vivre qu'à Constantinople; qu'il mourrait de chagrin

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en la quittant encore, ou de honte en y demeurant au prix d'une nouvelle apostasie. Alors l'exécution eut lieu. Beaucoup de gens de sa religion le considérèrent comme un saint et brûlèrent des bougies en son honneur.

Gérard de Nerval, **Euvres, Vol. II**,
Gallimard, Paris, pp. 439-440.

Later the same day de Nerval saw Sultan Abdul-Medjid who was on his way to the Mevlevi Tekke of Pera for the Friday ceremonies.¹ A letter written by him the next day to his father, and mentioning his experiences of the day before, permits us to pinpoint further the date as being Friday the 18th of August 1843.² Therefore Hovagim had been executed on Wednesday, August 16th 1843.³

The punishment inflicted upon Hovagim is worth studying from several points :

1. The fact that de Nerval saw the remains during the course of his first visit to Eminönü and further, the possibility of establishing the truth of the matter, since de Nerval had the reputation of being addicted to 'poetic licence' to embellish the compte-rendu of his travels, as well as 'borrowing' and 'updating' incidents related by former travellers.⁴

2. Nerval displays a certain knowledge, even if summary, about the laws and customs of the country along with a great deal of open mindedness which places "Les Nuits de Ramazan" several cuts above the much publicized work of Chateaubriand, "Itinéraire de Paris à Jérusalem."

3. At a distance of 130 years it is easier to study this execution, the last of its kind during the long history of the Ottoman Empire, and to place the known facts together in order to reconstruct, at least partially, the event.

To establish a parallel, another eyewitness account was looked for and found in the archives of the Armenian Patriarchate at Kumkapı. Avedis Berberyan in his **History of the Armenians** relates the story of Hovagim thus :⁵

1843 - It is about this time that an Armenian young man from Samatya, named Hovagim, who had accepted the Moslem religion four years previously, and who later, having been ashamed of his act had confessed to his priest was circulating incognito. Following the denunciation of certain people he was put to prison and subjected to torture. The Patriarch and the elders

1 Gerard de Nerval, **Euvres**, V. II, Gallimard, Paris, p. 442.

2 *Ibid.*, V. I., pp. 931-932, Letter No. 98.

3 Faik Reşat Unat, **Hicri Tarihleri Miladi Tarihlere Çevirme Klavuzu**, Türk Tarih Kurumu Yayınları, Seri VII, No. 37.

4 It has been established that a large part of his eye witness accounts relating to Egypt have been borrowed from **An Account of the Manners and Customs of the modern Egyptians** by William Lane. See J. Richer, **Nerval, Expérience et Création** (Hachette, 1970), p. 360.

5 A. Berberyan, **History of the Armenians** (Istanbul, 1871), pp. 276-78. The book was published in old Armenian and Mr. Kevork Panukciyan kindly translated it into Turkish.

did not have the courage to intercede on his behalf at the Bab-ı Âli because this would have been considered as an insult against the Moslem religion but they advised the poor parents to present their plight to the Russian Ambassador. So they went to petition the ambassador. He read the letter after which he ordered them to go and give the letter to the British Ambassador, Lord Canning.⁶

When the British Ambassador read the petition, seeing the tearful plea of the parents, out of generosity he sent his senior translator Pizani to the Porte to intercede on his behalf to free the imprisoned youth with the Prime Minister Rauf Paşa and the Minister of Foreign Affairs. The translator presented the plea of his ambassador, and the Prime Minister replied that within two days the Cabinet and the Jurists would have a meeting and that during this meeting the wishes of the ambassador would be discussed and the youth would be freed and dispatched to him. Upon his return, the translator relayed what was said to him to the ambassador, and he in turn soothed the parents of the prisoner telling them to wait two more days to see their son.

When the council met at the Porte the Grand Vizier explained that the British Ambassador had interceded on behalf of the imprisoned *murtadd*. But Şeyhülislâm Rıza Ali Paşa⁷ and the other two fanatical ministers, scorning Sir Canning's pleas, decreed for the execution of Hovağim.

Following repeated advices for his reacceptance of the Moslem religion and promises of big gifts, the poor young man was executed at the Fish Market door of Istanbul. But he, joyfully and full of gratitude to Jesus Christ, bowed his head before the executioner who fell his head with one blow to which I, also, was a witness. His hat was placed upon his buttocks to insult Christianity.

The ambassadors of Britain and other countries were furious at this barbaric act and protested it to the Porte. European kings in full agreement and in unity sent a note to the Ottoman government five months later and requested freedom of religion for all nationalities, meaning that if some one who has renegaded his religion has second thoughts and returns to his former religion he must be free of pressure. Also if someone wants to change his religion, for example, if a Christian wants to become a Moslem or a Moslem wants to become a Christian, this must not be prevented, and everybody must be allowed to pray in the religion of his choice.

The ambassadors relayed the requests of their governments to Bab-ı Âli. Following this a big council took place at the palace with the Şeyhülislâm included. After long discussions they decided to give the following answer to the Europeans :

⁶ Avedis Berberyan here refers to the title, Lord, which was not bestowed upon Sir Stratford Canning until 1852. A cousin of George Canning, the British Secretary of State for War, he was first sent to Istanbul as an ambassador in 1826 to mediate between the Porte and the Greek subjects. He returned to Istanbul several times as an ambassador and in 1852 he became Viscount de Redcliffe. See M.S. Anderson, *The Eastern Question*, London, 1966.

⁷ Berberyan has obviously made a mistake here since the Şeyhülislâm at the time was Mekkizade Mustafa Asım Efendi, and, besides, the title of Pasha was not bestowed on religious leaders.

“Our government is wholeheartedly in agreement with your request, but we cannot make this known to our fanatical subjects. In order to convince the fanatical part of our people gradually we ask for a period of seven years. Otherwise there will be big demonstrations and actions against the Christian nations.”

The death and martyrdom of Hovagim has been the first cause of religious freedom. Before this event they used to force a number of people to renege their religion, some others they used to threaten with torture, and to some others they used to offer gifts in order to convert them to the Moslem religion. All this was eradicated and finished. Permission for free prayers was given to all the nations. Also permission was given to build new churches and to restore others in a more attractive way. In contrast with the unpleasant voices of the sacristeries⁷ bell towers were built in Armenian and Greek churches. As it is seen now, the freedom to change religion was granted to all nations without insulting and cursing the religions of others.

Berberyan's account is interesting because it confirms the statements of de Nerval as far as the visual part of the execution is concerned. By the same token we can accept that deNerval has indeed seen Abdülmecid on his way to the *selâmlık*.

As for *murtadd*, according to Heffening,⁸ various concepts have been formulated and, or, applied through the centuries for this crime. However, the case of Hovagim seems to have been based not on precepts of the Ottoman criminal law, but rather on the Islamic law and specifically with the *fetvas* of the sixteenth century scholar Şeyhülislam Ebussuûd Efendi.

The following decrees, in our opinion, constitute a basis for the fate of Hovagim :

Question : According to Sheria, what is the procedure applicable to a non Muslim who returns to his state of nonbeliever after having accepted the Moslem religion?

Answer : He is recalled to the Moslem religion; if he refuses he is put to death.⁹

Question : If a non Muslim has intercourse with a Moslem female what is the procedure applicable?

Answer : He is not put to death but is kept in the prison following the intercourse.¹⁰

Question : According to Sheria what is the procedure applicable to the nonbeliever male who has had intercourse with the Moslem wife of a Moslem male?

Answer : If he becomes a Moslem he is spared the death punishment. If the woman has consented she is stoned.¹¹

7 The term used from the old Armenian is *zangoç*, which translates as 'verger' which in turn is interpreted as 'sextan' and 'sacristan'.

8 *The Encyclopedia of Islam*, V. III, pp. 736-38.

9 M. Ertuğrul Düzdağ, *Şeyhülislam Ebussuûd Efendi Fetvâları*, Enderun Kitabevi, İstanbul, 1972, p. 90, number 370.

10 *Idem.*, p. 102, number 448.

11 *Idem.*, p. 103, number 449.

However, in the light of Hatt-ı Şerif and Tanzimat one may wonder at such strict application of the sixteenth century laws. But 1843 was a year when Réchid Pasha was abroad due to pressures exerted by the hard core fanatics who regarded the liberal and young Vizier as being "careless in matters of religion and were dissatisfied with him because of his increased intercourse with Europeans."¹²

On the other hand, even the Greek clergy was opposed to the doctrine of equality formulated by the Hatt-ı Şerif fearing that the traditional position of the Greek Millet as subject peoples of the Empire would be threatened.¹³ If one adds to this the Christian contempt for the Jew, Greek opposition to Armenian and the squabbles of Gregorian, Roman and Protestant Armenians the resulting picture is far from being encouraging indeed.

To complicate the matters further one must consider the concept of 'Millet' which came to be accepted as a word meaning 'Nation' only recently, but in reality meant 'Religious Group'. In the tradition of the Islam the Turks were tolerant of non-Muslims who possessed recognized books of divine revelation—"people of the book" (ehl-i kitab), as they were called. People of the book were absorbed into the Empire and granted protection and toleration of their forms of worship. Though they did not live in completely segregated groups but were scattered about the Empire, for administrative convenience an organization of each group under its ecclesiastical heads was recognized by the Ottomans. Each group constituted a *millet* within the Empire; membership in the *millet* automatically followed lines of religious allegiance.

Each non-Muslim *millet* was headed by a patriarch who was confirmed in office by the Ottoman government. In addition to his spiritual powers and the supervision of his own ecclesiastical subordinates the patriarch had a fairly extensive civil authority over matters of internal *millet* administration.¹⁴

Though the Turkish Moslems were generally tolerant of adherents of other revealed religions and were not given to persecution of Christians and Jews and were quite likely to say to them "Your faith is a faith and my faith is a faith," they had the remote belief that the Moslems were the ruling *millet* (*millet-i hâkime*). Therefore the prevailing custom was one of keeping the status quo. This was more so in times of crises. To all this one must add a further stratification within the various *millet*s, a class division. The line of basic demarcation was not between Moslem and Christian, but between the ruler and the ruled. Those on top, whether Ottoman civil servants or army officers, Greek or Armenian bankers or merchants or higher ecclesiastics, looked down on the masses.¹⁵

In the case of Hovagim, the facts lead us to believe that he came from a simple background and lacked the sophistication to handle himself more intelligently. The fact that his execution took place at Balık Pazarı makes him either a fish monger or a

¹² Cevdet, *Tezâkir*, p. 8. - Cevdet Paşa (Ahmed) *Tezâkir* 1-12. Cavid Baysun, ed. Ankara 1953.

¹³ Karal, Enver Ziya, *Osmanlı Tarihi*, V: Nizamı Cedit ve Tanzimat Devirleri (1789-1856), Ankara, 1947.

¹⁴ Davison, Roderic H. *Reform in the Ottoman Empire 1856-1857*. Princeton University Press 1963.

¹⁵ *Ibid.*

shop assistant. According to Ottoman criminal law executions took place at the scene of the crime. Since a fish market is an unlikely place for a love affair, it stands to reason that the place of work of the condemned man was selected for his execution.¹⁶

The reason why the patriarch and the Armenian elders refrained from interceding on behalf of Hovagim may lie in the fact that they were themselves guilty to a certain extent for being instrumental in the *murtadd* in the first place and encouraging the young man and his family when he refused to return to the Muslim religion or to leave Istanbul so adamantly. Furthermore, taking into consideration the social rank of the accused, he may not have been considered worthy of maximum efforts by the clergy.

Another interesting point in this affair is the petition to the Russian Ambassador and not to Stratford Canning right away. When the hostile attitude between the Russians and the British are considered at the time and the influential position of the British Ambassador vis a vis the Porte, one cannot help but wonder why the Patriarchate advised the family to "petition" the Russian Ambassador, who had the good sense to turn them over to Sir Canning. (Since it is not the subject of this short study we have refrained from indulging in research into the Russian agitation among the Armenians at the time but this could not prevent us from wondering.)

One final point is that, unemotionally one cannot help but "understand" the difficult situation of the Ottoman government who was forced to face a 'fait-accomplí' and from all accounts available was forced to hand down a death sentence most reluctantly. The whole affair, indeed looks like a nefarious plot to place the Sultan in a difficult position at a time when serious reforms were being undertaken after centuries of stagnation, with enemies from without and a conservative and interested population opposing from within and in the midst of all this a simple and impetuous young man being manipulated to create a dilemma. Indeed, this sordid affair seems to have two intended victims of which only one paid the penalty of his ignorance while the other, the Ottoman State lasted nearly eighty years more before succumbing to its wounds.

We think a most appropriate ending is written by de Nerval :

Cette histoire nous avait vivement impressionnés. La fatalité y introduit des circonstances telles que rien ne pouvait faire qu'elle eût un autre dénouement. Le soir même du troisième jour de l'exposition du corps à Balik-Bazar, trois juifs, selon l'usage, le chargeaient sur leurs épaules et le jetaient dans le Bosphore parmi les chiens et les chevaux noyés que la mer rejette çà et là contre les côtes. Je ne veux point, d'après ce triste épisode dont j'ai eu le malheur d'être témoin, douter des tandances progressives de la Turquie nouvelle. Là, comme en Angleterre, la loi enchaîne toutes les volontés et tous les esprits jusqu'à ce qu'elle ait pu être mieux interprétée. La question de l'adultère et celle de l'apostasie peuvent seules aujourd'hui encore donner lieu à de si tristes événements.

Gerard deNerval, *Euvres*, V. II, Gallimard, pp. 440-41.

¹⁶ Heyd, *Uriel Studies in Old Ottoman Criminal Law*, ed. V.L. MÈNAGE Oxford at the Clarendon Press 1973, p. 268.

SULTAN MECİD DEVRİNDE BİR MURTAD HADİSESİ

ÖZET

Ondokuzuncu asır Fransız muharriri Gerard de Nerval 1843 yılının Ağustos ayında İstanbul'a geldiği vakit Eminönü Balık Pazarında ibreten teşhir olunmakta olan Hovagim isimli bir ermeninin başsız cesedini görür. Günlerden Cumadır ve maktulün boynu siyaseten üç gün önce murtad suçundan vurulmuştur. De Nerval'in bahsettiği hadise aslında adiyattan olmayıp Tanzimat fermanını müteakip ortaya çıkan entrikaların somut numunelerinden biridir. Araştırmalarımızdan edindiğimiz intibalara göre Hovagim, basit şahsiyetinden istifade edilerek, bir nevi 'Dreyfus' olarak kullanılmak istenmiş, fakat hadiselerin tekâmülü buna fırsat vermemiştir.