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ABOUT THE CHARTER OF THE GREEK PATRIARCHATE OF 1861 IN THE OTTOMAN EMPIRE

Key words: Ottoman Turkey, reforms, Sublime Porte, millet system, Greeks, patriarch, charter.

Introduction

The second stage of Tanzimat started with the proclamation published in the Ottoman Empire on February 18, 1856 (Hatt-i Hümayun). This proclamation was a wide program of internal reforms, which gave some hope for a better life for Christians. However, with this program of reforms, the government tried to prevent the Christian nations from protesting against the Ottoman oppression. Hatt was not, in fact, a legislative act, it only mentioned innovations, the contribution of which in the legislation was a matter of future¹.

According to P. Chikhachev, this “infamous ferman was more famous in Europe than in the country where it was about to start a new era².”

With the proclamation declared in 1856-Hatt, three issues of major importance to Ottoman society were raised: 1) full security of life, honor and property, 2) regulation of tax distribution and collection of means, 3) rules of approving the terms of military service and conscription. The solution of all those problems was necessary to establish normal relations between the country and its subjects³.

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¹ See Սաֆրաստյան 2009, 62:

² Чихачев 1960, 61.

³ See Հարությունյան 2009, 76:

Hatt-i Hümayun and the Process of Reorganization of Subject Millets

Hatt-i Hümayun was reflected in Article 9 of the Treaty of Paris⁴, thus acquiring the character of an international obligation. This article recognized the rights of Christians under the rule of Ottoman Turks, thus obliging the Turkish government to take care of the welfare of all its subjects without any religious discrimination. The Sublime Porte was obliged to change the charters of all subject millets⁵ (Armenians, Greeks, Jews).

Article 9 of the Treaty of Paris stated: “His Majesty the Sultan pays special attention to the welfare of his subjects, and grants a special ferman (proclamation), by which he undertakes caring for the prosperity of his subjects without discrimination. At the same time, he informs the signatory countries that it is a spontaneous expression of sultan’s royal will”⁶.

The above mentioned directly confirmed that with this article the Ottoman Empire was trying to prevent other countries from interfering in its internal affairs. In fact, the mood towards Christians in the reform program was as follows:

“All the privileges and religious benefits that have long been granted to the Christians and non-Muslim communities under the rule of my ancestors’ empire and mine will be strengthened once again. ... Thus, each Christian or non-Muslim

⁴ The Treaty of Paris was signed on March 30, 1856 by representatives of Russia, Austria, France, Great Britain, Sardinia, Turkey and Prussia. Under this treaty, the parties undertook not to violate the territorial integrity of the Ottoman Empire, not to interfere in its internal affairs.

⁵ After the conquest of Constantinople in 1453, Mehmed II organized religious minorities according to the millet system. According to that system, the religious communities of the Greeks, Armenians, Jews, and a number of civil affairs (marriage, divorce, property, inheritance, etc.) were to be dealt with by their religious communities, the millets. In other words, the millets were self-governing religious communities that would have their own laws, governed by a religious minority leader who was accountable to the central government for the flock he led. In essence, the millet system was a system of guarantees for the status of religious minorities. The Millets had only ecclesiastical-educational autonomy without political rights. The Millet chiefs were supposed to collect various taxes from non-Muslims for the sultanate. See **Բալթուրյան** 2011, 150: Later, with the penetration of European ideas into the Turkish environment, the word "millet" gradually underwent a semantic change, losing its traditional meaning (“religious community”), and acquiring a new meaning. It corresponded with the words “nation”, “people” ... See **Սաֆրաստյան** 2009, 62:

⁶ See **Bebiroğlu** 2003, 40.

community during a period of time, will represent a committee chosen by them, which, under my sponsorship and under the supervision of The Sublime Porte, will review the privileges granted to them, so that the Sublime Porte can submit the necessary reform program according to the requirements of the time.

The privileges granted by Sultan Mehmed II, as well as by his successors, to the Christian patriarchs and bishops, must be reconciled with the present situation, which will provide my generous, friendly intentions to those communities”⁷.

It should be noted that in the provisions of Hatt of paramount importance were the measures aimed at transforming nations into purely religious institutions through the abolition of their traditional privileges in the field of civil governance.

It was not by chance that the text of Hatt already included the provision aimed at the implementation of that idea: the militant leaders, who had traditionally exercised power, acting as mediators between members of the militias and the Turkish authorities, were prohibited to engage in civil matters. They were transferred to the leadership of special councils (meclis), which consisted of spiritual and secular individuals. Thus, the patriarchs were deprived of the right to fully represent the interests of the community under their control at the Sublime Porte. From now on, non-Muslims had only one way to protect themselves from the pressure of the Turkish authorities: to go to the courts, which were controlled by the same authorities. So, the basis was laid for the collapse of the system that ensured the autonomy of non-Muslim peoples in the internal life of millets, and its replacement by a system of spiritual organizations, deprived of any civil privileges⁸.

In March, 1866 a government circular was published confirming Hatt's **provision**: The spiritual leaders were forbidden to represent so-called reports (tahrirs)⁹ out of spiritual problems to the Sublime Porte. Another tendency reflected in Hatt was the involvement of the elite in the Ottoman administrative system for keeping direct control over the activities of non-Muslim millets. One of

⁷ Փափազյան 2002, 28–29:

⁸ See Safrastyan 2007, 9–10.

⁹ A report, a note or an application addressed to the Sublime Porte by the leaders of the religious community.

Hatt's provisions stated the payment of state salaries to the leaders of the millets, thus declaring the latter governmental employees¹⁰.

The reorganization of the millets supposed the reduction of abuses and the improvement of the millet's relationship with the Sublime Porte, but the subsequent steps further emphasized the lack of unity of the peoples living in the Ottoman Empire and the religious divisions¹¹.

It is noteworthy that, in the opinion of the Tanzimat figures of the second period, the millets should be transformed into religious communities, and their privileges in the civil sphere should be abolished. From now on, Christians should be Ottoman subjects, not the members of particular millets. Each community (millet) is a separate whole, wrote Ali Pasha, which differs in its spirit, language, customs and aspirations. "Their development could get out of control." "The government should give each community the right to deal only with religious issues¹²."

It should be noted that among the Greek spirituals there was great dissatisfaction with the fact that the Hatt-i Hümayun was equally spread on all religious communities. According to Jevdet Pasha, the Greek Patriarchate objected to this and announced "The significance of the three religious communities: Greek-Orthodox, Armenian and Jewish, and the respective attitude of the Sublime Porte towards them should be determined by the period of the creation of the berat¹³. As the Greek Orthodox community had been the first to be established in 1453, they should be given the first place, the Armenian one – the second, the Jewish – the third¹⁴. In fact, with the rights given by Mehmed, the power and capacity of the Greek Patriarchate had increased¹⁵.

In 1859 the Sublime Porte instructed the heads of non-Muslim communities to form commissions to work on national charters according to the relevant provision of the Paris Agreement. Below the elaboration and approval of the charter of the Greek community will be discussed in details.

¹⁰ See **Сафрастян** 1985, 50.

¹¹ See **Հարությունյան** 2009, 78:

¹² **Սաֆրասիյան** 2009, 58–59:

¹³ A proclamation, a court bill, confirming tax exemption or other obligations. Any decree, conferring a privilege and degree.

¹⁴ See **Новичев** 1978, 99–100.

¹⁵ See **Eroğlu** 2013, 80.

There were not many obstacles for reforms in the Greek millet, probably because there was almost no resistance to this issue in the secular part of the nation¹⁶. Power in the community belonged to ecclesiastic leaders, and this was reflected in the Greek Charter, where the importance of spiritual power was not reduced¹⁷.

The Charter of the Greek Community

The charter of the Greek community was approved by the Sublime Porte on April 25, 1861¹⁸. The Greek Charter consisted of 4 parts, having 118 articles. In the Charter, the method and form of the election were defined, and then in different articles the issue of voting and other issues of practical nature were regulated, the functions of the Mixed assembly (consisting of members of religious and civil assemblies, the metropolitans of the Capital City and provinces and also Bishops) were presented. Different questions – from preparing and carrying out the election of the Patriarch to reporting the results of the voting to the Sublime Porte – were minutely clarified¹⁹. The first chapter of the Charter regulated the election of the Patriarch, which was carried out by the Mixed Assembly. The second chapter defined the characteristics necessary for a patriarchal candidate (his virtue of subjection to the Ottoman authorities, good knowledge of religious affairs, etc.)²⁰.

As can be seen, the Greek Charter was based on the right to vote. The preparation for the election of the Greek Patriarch presupposed a certain period. The Greek high-ranking clerics were to gather in Istanbul for a 41-day election²¹. The Patriarch was elected by the General Assembly elected by the Supreme Assembly, consisting of a number of civil and religious classes. The election of the Patriarch was based on the lists of candidates nominated by the bishops. The list of all candidates participating in the election was immediately sent to the Sublime Porte or if in this list there was a name of a person who was not politically fit for the post of the Patriarch, then within 24 hours, the Sublime Porte was to inform the Patriarch, that the name of the person must be removed and someone else

¹⁶ See Davison 2005, 132.

¹⁷ See Shaw, Shaw 1977, 126.

¹⁸ Kaya 2004, 110.

¹⁹ See **Убичини** 1877, 168.

²⁰ **Լուրբեկյան** 2011, 38:

²¹ See Kaya 2004, 111.

had to be nominated in his place²². But now the power of the Patriarch was limited to religious matters.

Article 8 of the Charter stated: "The person who will be elected Patriarch is not only the religious leader of his community, but also the mediator of the Ottoman government in carrying out the orders of the secular affairs of the Christians of his community. The right to appoint someone to religious or national affairs belonged to religious and secular leaders²³. As already mentioned, the election of the Patriarch was based on the lists of candidates nominated by the bishops, however, the Ottoman government reserved the right to ban the election of those candidates for its own reasons²⁴. It is interesting that in the Greek Charter the functional role of the Patriarch was high and his rights and responsibilities were even higher. It is not an accident that the charter of the Greeks is called the "Charter of the Greek Patriarchate" (Rum Patrikhanesi Nizamnamesi)²⁵.

With the patriarch, the lodofet (civilian, official of the patriarchate) was elected, then one member of the Mixed Assembly, one member of the patriarchate, and the other officials of the patriarchate were elected. Merchants, sarrafs (table bankers), and esnafs (trade-craft classes) participated in the election of the patriarch.

The third chapter of the Charter regulated the method of electing the General Assembly, and the fourth chapter explained the method of electing bishops. Article 12 of this chapter deals with the composition and functions of the Metropolitan Assembly as well as the relations between the Metropolitans and the Patriarch. Some of the articles are devoted to the Joint Assembly (for joint sessions of religious and civil assemblies)²⁶.

The forth part of the charter referred to the characteristics of the clergy aspiring to the bishopric rank (Articles 6–14), the composition of the metropolitan assembly and commission, and then to their relations with the patriarch (Article 21).), which emphasized the supremacy of the religious beginning, the choice of religious bodies and the legal regulation of their activities over the civil law in the

²² See Kaya 2004, 111.

²³ Փափազյան 2002, 53:

²⁴ See Davison 1963, 128.

²⁵ See details Eroğlu 2013, 79–82.

²⁶ Նուրբեկյան 2011, 38:

Greek charter. The detailed presentation of the latter can be seen in the forth part of the Permanent Joint Assembly Rules (Articles 1–15). The mixed assembly consisted of 14 secular members, 4 bishops who were always at work, in fact, carrying out internal civil affairs related to the Greek community (issues about education, enlightenment institutions, national property, etc.)²⁷.

The Greek charter once again confirms the religious-community nature of the millet. Religious (spiritual) assemblies, including the patriarch, were limited to religious functions, and the affairs of the community were transferred to secular, civil assemblies²⁸.

The analysis of the above mentioned facts suggests that during this period the Greek millet had also a secular, representative part in the government, although religious control remained much stronger. The fact is that the representatives of the ruling elite indirectly modeled the nationalist movements which found their support around them²⁹.

During the years of Tanzimat the Sublime Porte's policy in the national issue was characterized by the intensification of backward, anti-national, repressive tendencies despite the announcement of a number of progressive provisions in governmental acts. This makes us reconsider the assessment of the period as a **whole and particularly the view of the "liberalization" of the Turkish authorities'** policy towards the subject peoples during the period of Tanzimat, so widely spread in the Western Turkish historiography. Is it possible to claim unconditionally that the Tanzimat innovations were progressive if they were aimed at suppressing the Christian peoples' national spirit³⁰?

Conclusion

Thus, our analysis leads us to several possible conclusions. First and foremost it is important to note that in fact the Greek Charter, in contrast to the aspirations of Ottomanism, gave a great place to the religious principle in both religious and practical senses, yet it conformed to the Ottoman law. However, the Greek Charter managed to preserve the religious character of the Greek millet, thus resisting the ideology of Ottomanism aimed at destroying the religious origin of

²⁷ **Հատինյան** 2015, 59:

²⁸ See **Նուրբեկյան** 2011, 39:

²⁹ See Zürcher 2014, 62.

³⁰ **Սաֆրաստյան** 2009, 72:

the millet. The Ottoman state was never able to neutralize the religious foundations of non-Muslim subjects. Moreover, the functions of the secular principle and the corresponding structures, should have led or contributed to the development of national self-consciousness among the subject nations, the development of culture, the strengthening of the national outlooks. It is in the latter that one must see the positive changes brought about by the national charter in the spiritual and intellectual life of the non-Muslim societies.

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ՕՍՄԱՆՅԱՆ ԿԱՅՄՐՈՒԹՅՈՒՆՈՒՄ 1861 ԹՎԱԿԱՆԻ ՀՈՒՆԱԿԱՆ ՊԱՏՐԻԱՐՔՈՒԹՅԱՆ ԿԱՆՈՆԱԴՐՈՒԹՅԱՆ ՇՈՒՐՋ

ՄԱՐԿՈՍՅԱՆ Ս.

Ամփոփում

Քանալի բառեր՝ Օսմանյան կայսրություն, բարեփոխումներ, Բարձր Դուռ, միլլեթների համակարգ, հույներ, պատրիարք, կանոնադրություն:

Ինչպես ազգային մյուս փոքրամասնությունների, այնպես էլ հունական համայնքի ազգային կանոնադրությունը շրջանառության մեջ մտավ 1861 թվականի ապրիլի 25-ին՝ բարեփոխումների հրովարտակի և հպատակ միլլեթների վերակազմավորման ընդհանուր գործընթացին համապատասխան:

Հունական միլլեթում իշխանությունը պատկանում էր հոգևոր առաջնորդներին, և այս հանգամանքն իր արտացոլումն է գտել իրենց կանոնադրությունում, որտեղ նույնպես չի նվազեցվել հոգևոր իշխանության նշանակությունը:

Այս կանոնադրության հիմքում ևս ընկած էր ընտրական իրավունքը: Պատրիարքի ընտրությունը իրականացնում էր Ընդհանուր ժողովի կողմից ընտրված Գերագույն ժողովը, որը տրոհվում էր հոգևոր և քաղաքացիական ներկայացուցիչների միջև: Պատրիարքի ընտրությունը կատարվում էր եպիսկոպոսների ներկայացրած թեկնածուների ցուցակների հիման վրա, սակայն օսմանյան կառավարությունն իրեն իրավունք էր վերապահում հաստատել կամ մերժել այդ թեկնածուի ընտրությունը:

Կարելի է կարծել, որ հունական կանոնադրության մեջ ավելի լայն տեղ էր տրված պատրիարքի իրավասություններին, քան արևմտահայերի Ազգային սահմանադրության մեջ: Եկեղեցու այսպիսի պահպանողական բնույթը

հիմնավորում էր այն, որ կանոնադրությունը կոչվում էր «Հունական պատրիարքության կանոնադրություն»:

Թեև աշխարհիկ գործերը ի վերջո տնօրինում էր քաղաքացիական ժողովը, այս կանոնադրության մեջ վերահաստատվում է միլլեթների կրոնական-համայնքային բնույթը:

Փաստորեն, հույների կանոնադրությունը կարողացավ պահպանել այդ միլլեթի կրոնադավանական դիմագիծը և այդ կերպ դիմակայել ազգային համայնքների կրոնական սկիզբը քայքայելուն ուղղված օսմանիզմի քաղաքականությանը:

К ВОПРОСУ ОБ УСТАВЕ ГРЕЧЕСКОГО ПАТРИАРШЕСТВА 1861 ГОДА В ОСМАНСКОЙ ИМПЕРИИ

МАРКОСЯН С.

Резюме

Ключевые слова: Османская империя, реформы, Высокая Порта, система миллетов, греки, патриарх, устав.

Предметом исследования является значение реформ для греческой общины, осуществленных в Османской империи во второй половине XIX века, а также попытка раскрыть обстоятельства и основные закономерности разработки и утверждения греческого устава.

В контексте достижения этих целей актуализировались следующие задачи:

а) показать, что в 1856 году благодаря реформам правительство пыталось предотвратить протест подданных народов против османской диктатуры,

б) продемонстрировать, что реформы были направлены на подавление национального духа христианских народов;

г) рассмотреть основное содержание греческого устава.

Реорганизация миллетов имела целью устранение злоупотреблений в отношении подданных народов и распространение принципа народного правления.

При этом хотя и были внедрены реформы по секуляризации общества, но религиозная дифференциация османских народов не исчезла.

Таким образом, в греческом национальном уставе еще раз подтверждается религиозно-общинный характер миллетов, однако при очевидном сочетании со светским, гражданским принципом, который наряду с избирательным правом являет собой новшество в традиционном содержании миллетов.