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Assessing the Legacy of the Ottoman Reform of 1856: Possibilities, Impossibilities, and Situational Changes in Religious Freedom
Mon, 30/12/2013 - 11:25 — **Heather J. Sharkey**

In 1843, Muslim authorities in the Ottoman Empire found two men, an Armenian and a Greek, guilty of apostasy and consequently beheaded them. Originally Christian, these two had reportedly converted to Islam but had then reverted to Christianity (thereby violating Islamic law, which allowed conversion into but not out of Islam ). In 1852 and 1853, in the cities of Aleppo (now in Syria) and Adrianople (now Edirne, Turkey), Ottoman authorities executed two other men for apostasy – both Muslims who had embraced Christianity.
Eugene Stock, an executive of the Church Missionary Society or CMS (one of the major British Protestant missions of the period), observed in his 1899 chronicle of this organization that these particular incidents had driven Christian missions to urge the British government to take action in defense of Christians in Ottoman lands. Indeed, in his now-classic study entitled, The Development of Secularism in Turkey (1964), the Turkish Cypriot historian Niyazi Berkes suggested that foreign Christian lobbying played a significant role in propelling the "Protestant" diplomacy of Sir Stratford Canning, Britain's ambassador to the Ottoman state, when he pressured the Ottoman sultan to issue the famous Hatt-i Humayun reform edict of 1856 at a time when the Crimean War was ending and the Ottoman state was desperate for British support.
The Hatt-i Humayun edict certainly made lofty promises about religious freedom. "As all forms of religion are and shall be freely professed in my dominions," it declared, "no object of my empire shall be hindered in the exercise of the religion that he professes, nor shall he be in any way annoyed on this account. No one shall be compelled to change their religion [either]."
While in many ways these provisions merely affirmed existing policies of religious tolerance in the Islamic empire (including official disapproval of forced conversion to Islam, based on the Koranic injunction [2:256] that "there is no compulsion in Islam"), the 1856 edict went even further. It did so by promising that all subjects would have equal rights and responsibilities toward the Ottoman state, and that they would be able to build and repair places of worship in a context where Islamic states had historically restricted non-Muslims.
The wording of the 1856 edict was radical: Its emphasis on equality seemed to elide religious distinctions in an empire that had historically based its legitimacy on support for Sunni Islam and for the primacy of Islamic law and tradition. Coming less than two decades after an earlier Ottoman reform edict of 1839, which had made similarly lofty claims about individual liberties, the 1856 edict appeared to end, unequivocally, a practice of Islamic statecraft that stretched back to the mid-seventh century, when the religion of Islam and the Islamic empire were first taking shape. This was the practice of classifying the Christian and Jewish subjects of Islamic states as dhimmis, meaning protected people who enjoyed the right to practice their own religions and to pursue livelihoods as long as they recognized their subordination to the state and to Muslims. The 1856 Ottoman edict appeared to knock down this policy, and to recognize religious equality as well as religious profession as a matter of individual choice.  Certainly, the edict appeared to open the possibility of religious liberty in the sense that the United Nations enshrined nearly a century later, in the Universal Declaration of Humans Rights (UDHR) of 1948.
Practicing Religious Freedom



But what did the edict mean for religious freedom in practice? Writing in the year 2000, the Turkish historian Selim Deringil argued that the 1856 edict did indeed confirm religious liberty in one significant new respect. Namely, and from then on, Ottoman authorities refrained from identifying and penalizing apostates – partly because they worried about attracting unwanted attention (and meddling) from Great Power countries like Britain, France, and Russia. But "something fundamental had [also] changed in the relationship between the state and its non-Muslim subjects," added Deringil. "It was becoming increasingly taken for granted, by the rulers and the ruled, that the populace was not a faceless mass of infinitely reducible parties, but an aggregate of individuals, who could, and did, demand justice."  As evidence for this change, Deringil pointed to a spate of court cases that arose in the nineteenth century – and especially in the years between the issue of the 1839 and 1856 reforms edicts – involving Christian girls and women from the Balkans and greater Syria whom Muslim men had abducted, unilaterally married, and converted in a context where females, once raped, had historically regarded their honor as irretrievably lost unless they acquiesced to marriage. Remarkably, at this juncture, some females began to appear in Islamic courts with their blood relatives demanding the right to return to both to their original families and to Christianity – and just as remarkably, Muslim judges acceded.
The fact that foreign consuls and Christian missionaries had begun to monitor and report on such cases, and that Ottoman authorities were, again, eager to deflect bad publicity, undoubtedly played some role in these affairs. I speculate that something else may have been at play here, too: namely, new attitudes towards sexuality, which began to make it conceivable for females to envision other, different, and still "honorable" futures for themselves in the aftermath of sexual assault. In any case, the

Ottoman reform edict of 1856 seemed to create the new possibility for challenging or reversing the forced conversion of abducted females in Islamic courts of law, as part of a broader climate of greater religious liberty.

In other respects, however, the 1856 edict showed that the state's declaring religious liberty was not the same thing as implementing it – thereby illustrating the limitations or perhaps impossibilities for change, especially in places where the state's power and presence were weak and where foreign consuls had fewer "eyes". Consider, for example, the remote, rural parts of eastern Anatolia, where, by the late nineteenth century, tensions were building between Christian Armenians on the one hand, and Muslim Turks and Kurds on the other, and where Ottoman authorities were less able or less keen to support the law and to protect victims of abuses. In the words of the French historian François Georgeon, who reflected on a case in 1889 when a Kurdish chief abducted and forcibly converted an Armenian girl near Muş, "Attacks against villages, farms burned, rapes of women, conversions: all that was part of daily life in this eastern Anatolian region that was long marked by this type of violence." There was also the problem that popular Muslim resentment over the 1856 edict's declaration of religious equality was so high in some places that Ottoman authorities tempered its application. "To cite just one revealing example," noted the historian M. Şükrü Hanioğlu, "Christian demands for permission to ring metal church bells in place of the dull wooden ones traditionally allowed were denied in many places to avoid provoking public disorder."

Nor did the 1856 edict do much for what Protestant evangelical missionaries had really hoped for in the first place: opening the doors for Muslims to leave Islam and enter Christianity officially and in the open. In this respect, the 1856 edict made little difference to the state of affairs. For in the nineteenth century as in the twentieth, formal missionary-mediated conversion from Islam to Christianity remained extremely rare in the Ottoman and post-Ottoman (that is, post-World War I) Middle East, partly because aspiring converts faced so much unofficial pressure – from their own relatives and neighbors, backed up by local police – not to leave Islam. The assumption remained among Muslim communities that Muslims should stay Muslims – even if Christians and Jews should have the freedom to join Islam, and to enjoy the protection of the state if their families attacked them in reprisal. In short, not all apostasies were equal.

At the same time, while the Ottoman state after 1856 began to turn a blind eye to out-conversion from Islam (in the sense of not sentencing apostates to death), its authorities did not establish legal mechanisms for allowing converts from Islam to register their changed religious status. This impossibility of registering conversion out of Islam has endured and remains in most post-Ottoman Middle Eastern countries today, with consequences for important facets of family law – including laws about who can marry whom, with Muslim women being unable to legally marry men of other faiths.

Internationalizing The Battle for Religious Freedom
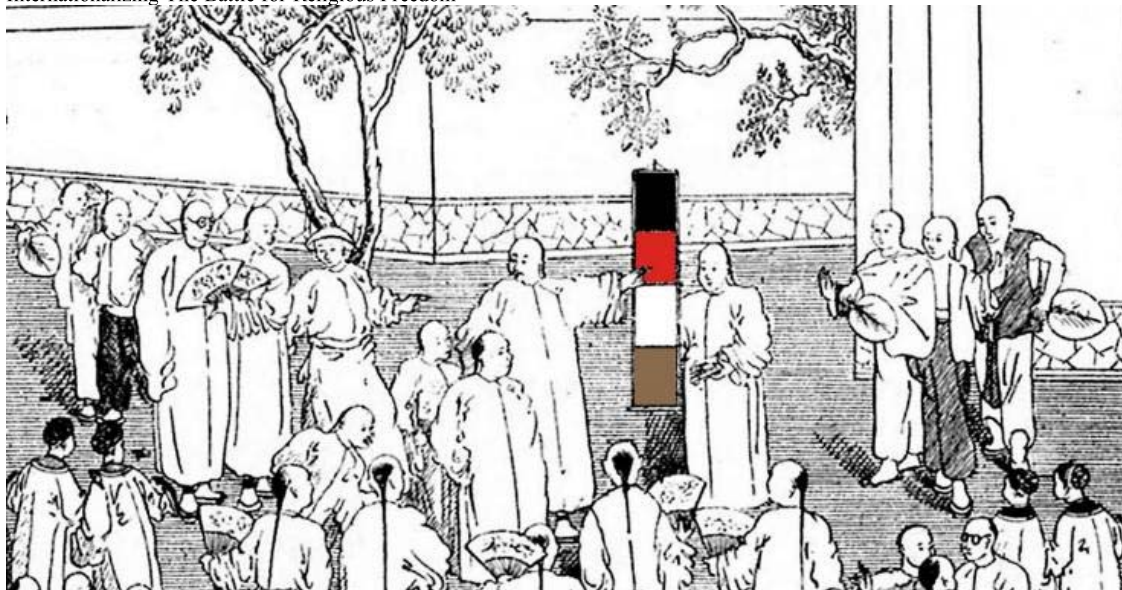


Returning to the role of "Protestant" diplomacy in pushing the agenda that led to the Hatt-i Humayun edict, there is no doubt that Christian missionaries in the nineteenth- and twentieth-century Middle East were not purely altruistic seekers of human liberty: they had vested interests in wanting to guarantee and protect rights of religious free choice. They wanted to be able to convert people. And they wanted a free-market system that would allow religious liberty in the lower-case-p "protestant" sense of the term that Winnifred Fallers Sullivan described in her book, The Impossibility of Religious Freedom (2005) – "protestant" as in "private, voluntary, individual, textual, and believed" religion, free from the state and from communities that could constrain individuals' choices in the name of tradition or orthodoxy. Missionaries also wanted protection for people who both converted and wanted to talk about it, that is, for inner belief as well as profession. They wanted to avoid the need for converts to have to live in secret or to emigrate, moving city or even country in order to acquire the freedom to reinvent themselves – moving, for example, from Syria to Egypt, or as in one extreme case from the late nineteenth century, from Egypt to China, in order to escape from the threats and abuse of relatives. Missionaries were acutely aware of the rights that they wanted to protect, especially in Islamic societies, even as they were often blind in their claims on humanitarianism to the abuses that Britain, the United States, France, and other imperial powers were perpetrating through colonial regimes around the world.

As the twentieth century opened, many Protestant missionaries in the Middle East felt that they were losing the "battle" for religious freedom – even if this was a battle that some Muslims, Orthodox Christians, and Jews, who were on the receiving end of proselytization, sometimes likened to a Crusade, that is, a hostile and ideologically driven attack. Thus, many missionaries turned to promoting religious liberty on the international stage, and above all through the League of Nations and later, after World War II, the United Nations, believing that international diplomatic pressure would best serve their cause and their interests. While this story is too long to recount in detail here, suffice it to say that "Protestant diplomacy" in this period (as yet another historian has called it), exerted an important influence on U.S. foreign policy and on leaders like President Woodrow Wilson. It also arguably influenced drafters of the UDHR of 1948 – including men like Charles Malik, who came from a Lebanese Orthodox Christian family, but who in his youth had frequented American Protestant schools and clubs (including the Young Men's Christian Association, or YMCA ) in Lebanon and Egypt. The language of Article 18 of the UDHR definitely sounds "protestant" – again, in the sense that Winnifred Fallers Sullivan used that term – in its emphasis on individual volition.

Fast forward to the early twenty-first century: Today, as Elizabeth Shakman Hurd remarked in her contribution to this blog, the international human rights "doctrine" of religious freedom upholds the principle of individual choice in religion as it pertains to the right to believe, but now, too, the right not to believe – that is, potentially to reject a religion or the idea of a God or gods.

This shift reflects, in turn, what Linde Lindkvist called in his contribution to this forum the "situational" nature of religious liberty: simply, understandings and interpretations of religious liberty have changed, and will continue to change, according to circumstance. Thus religious liberty advocates today are willing to stand up for committed and outspoken atheists in a way that some leading supporters of the UDHR – including figures like Charles Malik and Eleanor Roosevelt – may have hesitated to do in the mid-twentieth century, when "godless" Communist states, in the view of their critics, were threatening individual liberties in the name of communist collectives.

Nowadays many of the most public battles fought in the name of religious freedom in the West take place in courtrooms – such as the case involving nonconformist Christian graves in Florida, Warner v. Boca Raton (2001), which inspired Sullivan's book, or cases about headscarf-wearing by Muslim females in ostensibly secular Western European countries, such as Dogru v. France (2008). Such cases hinge on messy and perhaps "impossible" questions about what counts as authentic religion on the part of ordinary people who run against state laws and assumptions about "orthodox" religion in their own daily exercise of religious belief.

But debates over what we might call the old-fashioned kind of religious liberty remain relevant in many parts of the world. Most Ottoman successor states in the Middle East – indeed, most states that declare Islam their official religion – still maintain legal barriers to prevent Muslims from leaving Islam, either by converting to another religion or by professing atheism. They also still maintain inherited Islamic legal systems that, for example, prevent Muslim women from marrying non-Muslim men, while refusing to recognize the legitimacy of unions that do occur for purposes of child custody and inheritance.  Likewise, many Islamic states refuse to recognize religions aside from Christianity, Islam, or Judaism – whose adherents qualify as "people of the book", endowed with scriptures, according to the Qur'an.  Consider, for example, the conundrums that have faced the Baha'is (members of a religion that only emerged in the late nineteenth century), who constitute a tiny minority in Egypt – a country in which the state has generally expected its citizens to declare membership in one of the three Abrahamic religions that it recognizes. Meanwhile, the continuing inability of many converts from Islam to Christianity to register their conversions and to live without harassment from the general public or from state authorities has given rise to the phenomenon of "Muslim believers in Christ" – that is, Muslims who claim that Christianity is complementing rather than replacing their Islam – in countries like Syria, Egypt, Sudan, and Algeria. This last is an example of a "situational" response to dilemmas of religious identity of the sort that observers once hoped the reform of 1856 would address in Ottoman lands.

In every country in the world, religious freedom will always be a work-in-progress. Indeed, religious freedom may be "impossible" in the sense that quirky or nonconformist individuals will inevitably clash with states and communities in defining and asserting their claims to religion. But for those who believe in the desirability and preciousness of individual rights, religious freedom – entailing the ability to profess, change, and reject religion – is an idea worth keeping on the books. This is the case even if negotiating the performance of this freedom, entailing how one can live one's religion without impinging on the rights of others, remains a tricky business.

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