



## SULTANA EL AÇMAK: II. ABDÜLHAMİD DÖNEMİNDE BİR SADAKA BİÇİMİ VE POLİTİK İSTİNATGÂH MEKANİZMASI OLARAK AFV-I ŞAHANELER

If A forgives B, then A must have been injured by B:  
this seems to be a logically necessary  
condition of forgiveness"

*"Eğer A B'yi affediyorsa, o halde A B tarafından incitilmiş olmalıdır.  
Bu, affetme eyleminin altında yatan,  
makul bir önkoşul gibi görünmektedir"*  
(R. S. Downie, Forgiveness, 1965)

Cem DOĞAN\*

### Öz

Afv-ı şahane terimi, Osmanlı tarihindeki önemi henüz pek kavranamamış bir uygulamaya işaret eder. Padişahın, iktidarın sahibi, tebaası için müşfik olduğu kadar duyarlı bir baba figürü ve örfi hukukta geniş anlamıyla kanun koyucu bir kimliğe sahip olmasının getirdiği avantaj sayesinde uygun gördüğü kişilerin suçlarını bireysel ya da kitlesel biçimde affetmesi sık rastlanan bir durumdur. Afv-ı şahaneler söz konusu olduğunda, İslâm'ın affediciliğin müspet yönüne yaptığı vurgu sadaka düşüncesiyle birleşiyor ve bu uygulama bir yandan padişahın hayırhahlık politikasına vurgu yaparken diğer yandan da politik bir istinatgâha dönüşmüş oluyordu. II. Abdülhamid dönemindeki afv-ı şahanelerin çarpıcı bir özelliği, yalnızca bireysel suçlara karşı çıkarılmamış olmalarıdır. Bilakis, afv-ı şahaneler bilhassa Ermeni komitecilerinin ifadelerini elde edebilmek için sık sık onlara da tanınan bir hak biçimini almıştır. Böylece afv-ı şahaneler bir yandan padişahın suçlular karşısındaki ataerkil ve merhametli tutumunun bir sembolü olurken diğer yandan da politik amaçlarla kullanılan bir mekanizmayı temsil etmiştir. Bu çalışma, sadaka şeklinde tezahür etmekle birlikte bir tür iktidar pratiğine dönüştürülen afv-ı şahaneleri II. Abdülhamid dönemi özelinde incelemeyi amaçlamaktadır.

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## BEGGING TO THE SULTAN: THE ROYAL AMNESTIES AS A FORM OF ALMSGIVINGS AND MECHANISM OF POLITICAL PIERING IN THE REIGN OF ABDULHAMID II

### Abstract

*The term Afv-ı Şahane (Royal Amnesty) refers to an underestimated practice in Ottoman history. By the advantage of being a father figure for his subjects and also a legislator in the customary law, the sultan's amnesty for those who deemed fit individually or massively was an everyday event. As for the royal amnesties, Islam emphasizes the positive aspect of forgiveness combined with charity's idea, and this practice, on the one hand, used to emphasize the benign attitude of the sultan, turned into a political pier. A striking feature of the royal amnesties in the reign of Abdulhamid II is that they were not only implemented against the individual crimes. The royal amnesties, on the contrary, have taken the form of a right that is often given to the Armenian insurgents, especially in order to obtain the statements of the them. Thus, the royal amnesties, represented a mechanism used for political purposes on the one hand, while being a symbol of the patriarchal and compassionate attitude of the sultan towards the criminals, on the other. This work aims to examine the royal amnesties, which appeared as grace but transformed into some power practice in the reign of Abdulhamid II.*

### Keywords

*Ottoman Empire, Abdulhamid II, Islam, Almsgiving, Royal Amnesty*



## INTRODUCTION

Amnesty is a tool of public law which occasionally removes, mitigates or alters the conclusive punishments, and sometimes drops a public prosecution or deems a conviction as if it has never been happened with its aftereffects. This general definition shows that forgiveness is a treatment of attribution and it can manifest in two different ways. One of them is the general amnesty which abolishes the conviction and public prosecution, and the other is a special forgiveness which can affect only the punishment (Keyman, 1965: 42).

We need to understand the structure of states as the result of intricate sets of practices and processes. A state formation is the outcome of myriads of positions where civil actors negotiate power and meaning. This alters the focus point of analysis to the many methods of power and the quotidian and ritual forms that empower the state (Hansen ve Nustad, 2005: 12). In this sense, royal amnesty was a part of the imperial world, which kept its existence throughout the centuries in both Eastern and Western societies. Before the invention of modern law systems, there was a common belief that the rulers had the prerogative of the amnesty of mercy as a natural outcome of their divine power.

By this feature, royal amnesties provide us with a significant opportunity to elaborate on political supremacy's microstructure. The kings and sultans of the old world had the precedence of granting mercy to whom they deemed fit among their subjects. They used to exploit this royal privilege to solidify their social and political relations with ordinary people and state elites. Hence, the ruler's great forgiveness became a double-edged symbol for the favor of his sovereignty and in creating a legislative father-figure.

### I. IS THE ROYAL AMNESTY AN ALMSGIVING?

The royal amnesty has a long history and different implementations in many countries over history. In the ancient Roman society, for example, *pater familia* had an absolute power over his family. This unquestionable position provided him a right to choose of life and death of the people under his command (Roux-Dessarps, 1898: 8). Middle Ages took over the tradition of royal amnesty and interpreted it under its own needs and ways of life. The practice of royal amnesty established an aspect in a more general power in determining the decent punishments to certain crimes and remit or commute the appointed penalties in individual cases (Hurnard, 1997: 1).

As Kesselring (2003: 2) underlined, amnesties restored their recipients to the king or queen's peace and released them from the juridical sanction for their crimes. In the standard formula in documents of mercy, by his or her "mere motion and special grace," the sovereign "amnestyed, remitted, and



released” convicts from the forfeitures they had undergone. The royal power to amnesty convicted felons was central to the process by which forms of excusable or justifiable homicide came to be defined and separated from “murder” that is from deliberate killing with malice aforethought and it remained an important aspect of the means by which criminal liability was determined well into the early modern period (Beattie, 1987: 10).

This was the ‘individual amnesty’, so-called because the term of the contract provided for merely the peculiar offences with which one individual held charged. Every supplicant for a human being amnesty had to submit a petition, and each case was determined according to the specific circumstances which attended it. In ordinary situations the royal judges themselves could set the method of amnesty in act, by applying their power to uphold clemency (Lacey, 2005: 20).

The tradition kept its existence even in England, which had a long-established parliamentary system and a famous declaration as Magna Carta (1215).

During the 16th century, the royal right of amnesty was unrestricted and unquestioned by parliament, no matter how some members sought to affect the king’s decisions because they were afraid that he would deliver too much amnesty to the wrong people. They failed to stop the king eradicating amnesties, but they crafted legislation in order to intercept the misuses (Kesslering, 2003: 14). After ratified by related court, a letter of remission in 16th century France could not only get a criminal off the hook but also make him/her sure that his/her goods would not be confiscated. It even remitted every penalty, including fines, corporal, criminal and civil injuries and, as the best side of it, the amnesty used to restore the amnestyed one his/her reputation back (Davis, 1987: 6).

In the age of piracy and plunder, the royal amnesty was a practical way to get away with what the pirates did. Blackbeard, a famous pirate, for instance, abandoned his flagship and sailed to Ocracoke Island, North Carolina, around the years of 1718. Seemingly, he had a plan to settle in that area because he bought a house in Bath Town, and he even got a royal amnesty for himself. He seems to have lived a respectable life by killing his times with something else than illegal jobs, but after two months, he returned to plundering and piracy again (Cordingly, 2011: 172).

As is clearly seen in the above examples and corresponding with Alschuler’s (1979: 4) statement, mercy is given, not sold. Thus, it can not be earned as a materialistic value, but it symbolizes something to be granted by the will of a higher power, and it becomes more than what it meant in the first place because it turns into some sort of *sadaka* (alms). *Sadaka* comes from the Hebrew term *sedaka* and both are used for “right,” “privilege,” “donation” or



“gift” with the idea that giving a gift is an appropriate course of action (Singer, 2008: 17).

We may draw a quick conclusion from the Ottoman exemplification that the royal mercy or royal amnesty which was given by the ruler made up a royal *sadaka*, nothing more according to the sultan. However, it would be a very hasty way of thinking because the royal amnesties could work as safety valves most of the time, and they had a function to bridge the gap between the old rules and modern law systems. As it is stressed in a related work, amnesties could uphold justice by restoring those abnormal positions where the juridical organization fails, amnesties, however, would not require any justification (McSweeney, 2014: 159).

There is also a crucial point to be mentioned here that the Sultan’s privilege segregates from its European counterparts on a large scale. In the Western tradition of amnesty, the king had to face several restrictions one way or another because of the political understanding, and the sphere of aristocratic or clerical influence. In the Ottoman royal amnesty, on the contrary, the sultan was unrivalled by any group of his subjects. It was one of the core characteristics in strengthening the sultan’s autocracy by preventing him to the obstacles that had brought forth by the royal bureaucracy, and the sultan Abdulhamid II would choose particular occasions like his birthday, or the anniversaries of his enthronement that meant him precious ones.

## II. LONG LIVE THE SULTAN!: SPECIAL DAYS FOR ABDULHAMID II AND GROUP AMNESTIES

As Oguz claimed in his thesis (2011: 72), granting amnesties was an imperial policy of Abdulhamid II in consolidation of loyalty and just image of the Sultan. Especially the amnesties on enthronement days and Sultan’s birthday reveal that this policy was one of the legitimization policies of Abdulhamid II and these days constituted the justification of amnesties. Also, granting amnesty had a religious side which found its terms in the religious discourse of justice. Therefore, most of the time, the approval of the amnesties were done under the title of caliphate and the amnesties were called “*merhamet-i seniyye*” (mercy of the grace).

As the symbolic children of the sultan, one group that benefited from the special days of him were the prisoners. In the early phases of amnesty practice, the prisoners who completed most of their punishments were released. But some restrictions were imposed in the following years. The prisoners who were sentenced to imprisonment for crimes other than assassination, politics and rape, who served two-thirds of their sentences, whose sentence was six months or fewer until the end of their sentence, and who had no objection to



their amnestying, were amnestied and released (Olgun, 2018: 131). Such an understanding of amnesty, albeit partially, both made the sultan charming in the eye of the public and also made the people expect such an amnesty these days. Besides, this amnesty means to score points in the eyes of European states where democracy is swiftly improving (Demirel, 2001: 70).

In the special days for Sultan, such as his birthday or enthronement date, some groups of prisoners were released, and it became a mark of benevolence of the Sultan. There were lots of occurrences that sultans gave their permissions to forgive and amnesty the crimes of prisoners and let them go, but in the reign of Abdulhamid II, it gained a deeper and political meaning. Amnesties under certain circumstances established a connection between the political power and ordinary people with its capability of creating a domain of an organic bond over them. The supreme benevolence of the Sultan was showing itself through his decision of forgiveness and there is no doubt that it came from generous nature, at least the prisoner who were released and their families must have thought this way. Forgiveness and mercy, if they contain a amnesty too, thus unifies and turns into a symbolic key which opens the doors of loyalty and the sultan based his mechanism of mass control and surveillance upon this basic fact.

Moreover, the Sultan did not violate any law when he opens the access of his mercy to the greater groups. *Kanûn-ı Esâsî* (The Ottoman Constitution) of 1876 gave the Sultan a certain privilege to commute or remit the punishments by saying: *mucazat-i kanuniyenin tahfifi veya afoi* (commuting or remitting the juridical punishments) (Kanun-i Esasa, 1876: 4). In accordance with the related article, the Sultan had the right to show mercy on his subjects and amnesty them their punishments, and it was reserved under the warrant of the constitution. A striking point is that the Sultan was not tied up with any intermediary position when he desired to amnesty the criminals. Let us now take a few examples here to expand the limits of our debate.

In 1883, the authorities declared that several prisoners were to be released from *Hapishane-i Umumi* (General Prison) in honour of the Sultan's birthday. Nevertheless, we should not arrive at a conclusion that they were unconditionally freed because the prisoners who were deemed fit for the royal amnesty were only the ones who completed most of their jail time and the ones who improved their condition with the old and sick ones (B.O.A., İ..DH., 1883, 888/70710). These conditional releases may seem away from the details, but, lucky for us, there are some notes about the released prisoners that telling us what they did to walk into the prison. On the 46th birthday of the Sultan, thirty-seven prisoners had the chance of starting all over again thanks to the



royal amnesty. When we examine the reasons that put them in the prison in the first place, we meet this picture (B.O.A., İ.DH., 1888, 1081/84823):

Number	Name/Neighbourhood/Occupation	Offense	Length of the Punishment	Jail-Time Left in Average
1	Catalca, Kestanelik Karyeli Ciftci Demo veled-i Yorgali	Beating and Injury	One year	Seven months
2	Kostenceli Esvapçı Bernar Azburg veled-i Yonde	Disturbing the Public Peace	One year	Nine months
3	Asitaneli Bila-san'at Ojeni veled-i Nikoli	Larceny and Beating	One year	Ten months
4	Merfeteli Simsar Hristo veled-i Yorgi	Larceny	Eight months	Six months
5	Ortakoylu Terzi Kozmoz veled-i Mihayil	Disturbing the Public Peace	Two months	One month
6	Nevsehirlı Yakob veled-i Mihayil (accomplice of Kozmoz)	Disturbing the Public Peace	Two months	One month
7	Asitaneli Ascı İbrahim bin Huseyin	Larceny	Three months	One month
8	Ahışalı Koltukcu Mustafa bin Osman	Larceny and fraud	Six months	Four months
9	Bitlisli İttisamcı Bogos veled-i Serkiz	Larceny	Six months	Three months
10	Bolulu Lostracı Yode veled-i Nesim (i.e. Mansiyon)	Larceny	Six months	Four months
11	Asitaneli Tabakçı İsrail veled-i Hacor	Larceny	Six months	Four months
12	Sivaslı Hizmetkar Bogos veled-i Avadis	Larceny	Three months	One and a half months
13	Sofyalı Perukar Arif bin Osman	Larceny	Three months	Two months
14	Asitaneli Ketebeden Rıza Efendi bin Mehmed	Beating and Injury	Two months	One and a half months
15	Sakızlı Balıkçı Yani veled-i Yorgi	Larceny	Three months	Two months
16	Kandıralı Rencber Yakup bin Mustafa	Larceny	Three months	One month
17	Sebinkarahisarlı Hizmetkar Hasan bin Abdullah	Larceny	Three months	One month
18	Erzincanlı Kurukahveci Oskyan veled-i Kirkor	Larceny	Six months	Four months
19	Yunanlı Buyukada'da Yazıcı Dimetokalı Mangaki veled-i Yankov	Embezzling	Six months	Four months
20	Eski Zagrallı Rencber Ethem bin Hasan	Not delivering the tobacco that he produced to the Reji	Five months	Two and a half months
21	Asitaneli Kahveci Esat Pehlivan bin Salih (released with bail in cash)	Beating	Six months	-
22	Amasyalı Hizmetkar Ali bin Fetah (returned to Beyoglu Attorney General)	Beating	Five months	Four and a half months
23	Asitaneli bosta Sukru Efendi bin İbrahim Halil	Drawing gun	Three months	-



	(released with bail in cash)			
24	Nevsehirlî Asar Mültezîmî Vasil veled-i Nikola (released with bail in cash)	Fraud	Three months	-
25	Sarkoylu Bakkal Cıragı Andorya veled-i Dimitri (released after fulfilling the need)	Larceny	Three months	-
26	Nevsehirlî ayakta yagcı Muhsin bin Hasan (released with bail in cash)	Insulting and beating	Six months	-
27	Gelibolulu Katrancı Dimitri veled-i Panayot	Beating and carnal abuse	Ten days	Nine days
28	Kayserilî Sutcu Yorgi veled-i Tanas	Beating	One week	Six days
29	Divrigi Sucu Kokas veled-i Mar-diyos	Carnal abuse	Five days	Five days
30	Rizelî Gemici Hasim bin Abdullah	Larceny	Three months	Three months
31	Trabzonlu Mültezîm Osman Efendi bin Mahmud	Fraud	Three months	Two months
32	Bedelci Vahi Efendi bin Mahmud	Fraud	Three months	Two months
33	Asitaneli Kurabiyeci Abdullah bin Hafız Ahmed	Larceny	Three months	Two months and one week
34	Sofyalı Rençber Osman	Larceny	Three months	Two months
35	İranlı Kitapçı Mahmud	Larceny	Three months	Two months
36	Kayserilî Nikoli	Larceny	Three months	Two months
37	Yanbolulu Arabacı İbrahim	Larceny	Three months	One and a half months

As the picture shows us, the royal amnesty here was to include only petty offences like larceny, disturbing the public order, or beating, and the prisoners would be released had to be incarcerated not over one year. Making this picture general might lead to a reductive understanding, but as it turns out the royal amnesty used to work in this way most of the time. Another amnesty case verifies the fact that the Sultan was apt to forgive the criminals except who involved in illegal political affairs, conspiracy and sexual abuse, which might have showed both rape or adultery (*politika ve su-i kasd ve fi'il-i sen'iden maada*) (B.O.A., Y..PRK.ZB., 1901, 29/84).

It also ought to be noted that the group amnesties by the Sultan lead to an expectation among other prisoners. For this reason, there are a great deal of petitions for amnesty in the archives. They might be seen a copy of their counterparts from a first impression, however, it is crystal clear that the owners of these petitions not only begged for forgiveness from the Sultan but they were creating a declaration of behaving well if they were granted with the amnesty. Hence, these petitions called an obedience into being and



symbolizing some sort of subjugation and commitment in favor of the Sultan himself.

### III. PRIVATE AMNESTY AND THE CONSTRUCTION OF POWER IN THE REIGN OF ABDULHAMID II

In 1820, Tepedelenli Ali Pasha (1744-1822) who was called the Lion of Jannina led a mutiny with his sons against the Ottoman power, under the rule of Sultan Mahmud II (1808-1839) Mahmud II discharged Ali Pasha upon awaring that he reached the capability of establishing an independent state with his sons. Rumour has it that Fener Greek Patriarchate was effective on the decision of Mahmud II. Tepedelenli Ali Pasha did not obey the Sultan's verdict and started a mutiny. II. Mahmut appointed his Grand Vizier Hursit Ahmet Pasha in overriding the disobeyers to suppress the mutiny. Hursit Ahmet Pasha defeated the armies of Tepedelenli and took the occupied places back. Tepedelenli Ali Pasha surrendered on 24 January 1822 on the condition that his life would be spared. (Uysal ve Uyar, 2013: 374).

In his letter of 7 October 1820 adressed to the Sultan, Tepedelenli Ali Pasha offered his gratitude and deep commitment to the royal authority and said "he got refreshed" (*tenzademe taze can geldi*) with the royal amnesty. He also stated that his only purpose in life was to gain the favor of the Sultan (*tahsil-i rıza-yı miyamak-ı irtiza'-yı padisahiye sir'etten gayri fikr ve endisem yokdur*) (B.O.A., HAT., 1820, 400/21026). However, it was decided that Tepedelenli Ali Pasha must have been executed in case of raising the devil again in the future. When he heard the news about himself, he tried to draw his gun and he was shot dead. Then his head was sent to Istanbul after he had been beheaded (Uysal ve Uyar, 2013: 374).

In providing amnesty for a human being, we illustrate that we will either abandon or reduce punishment that is otherwise justified. Unlike in forgiveness, we represent this automatically. Furthermore, we amnesty men for transgressions charged against a normative order other than the moral order (Haber, 1991: 61). In this sense, the amnesty conservation, which has existed in the Ottoman Empire since the early periods, was practiced many times for various reasons. Amnesties were frequently declared after the sultans' ascension ceremonies, birthdays, holidays, and significant occasions. Besides these, after the wars and the suppression of the riots, this technique was adopted (Tanus, 2019: 287).

Amnesty tales, as judicial sources, were the products of a collaborative enterprise between the semiliterate and legal professionals. Curial proctors awaited their clients in rented offices around the four basilicas, then took the written petitions to the curia and ensured they got through the labyrinth of



officials by using their expertise and contacts (Erdélyi, 2018: 4). We should not form a premature judgement on the royal amnesties of Abdulhamid II, as if they were only put into effect in favour of Muslim subjects. On the contrary, his mercy surrounded all the subjects because it meant to reach them under any circumstances, besides he had the chance to build a source of power over them by manifesting to that extent his sphere of influence could reach not only in the Empire but far more soils. In such a case, a catholic priest who had been involved in the crime of counterfeiting in Syria gained the privilege of forgiveness.

Furthermore, the request of forgiveness came directly from the Pius IX, the pope of the day. According to this, the priest, named Zase Hacıyar, had attempted to imitate the Ottoman golden and silver coins (*meskukat-ı sahane*) and the other the coins of other countries. While the authorities investigating about the priest, he had already vanished away, and the authorities sentenced him with the punishment of ten years' penal servitude in his absence. Finally, the sultan ordered the authorities to let him loose in due form (B.O.A., BEO., 1892, 94/7021).

There were some special strategies, though, to be forgiven by the sultan, and converting to Islam was ahead of the curve. In an example happened in 1891, in Skopje, a man who was originally a Bulgarian subject and called Hasan Abdullah decided to be a Muslim. Abdullah was in prison for seventeen years, and he claimed that his papers of proceeding were burned in a fire. So, he was waiting to be judged at once and it looks like converting to Islam. He tried to shorten his time in prison. Authorities in the area conducted a meticulous investigation about this man and finally he was deemed fit to the royal mercy (B.O.A., İ.DH., 1891, 1227/96106).

In another example, a convict known as Arab Hasan begged for mercy despite he was sentenced to death. Hasan was imprisoned in the guilt of murder in 1903. After five years passed in prison, he got sick and told about his condition to the authorities with a petition. The members of *Hey'et-i Tıbbiye ve Mulkiye* (Medical and Civil Board) in Konya examined the man and came to a conclusion that Hasan was very sick and he was losing his ground day by day (*gayr-i kabil-i tedavi illetle ma'lul olduğu gibi illet-i mezkurenin gittikçe kesb-i siddet ve vahamet ettiği*). Besides, Hasan had a wife and several kids and naturally he wanted to see them one last time before he died. Upon the report of the board of health, Hasan's situation became obvious, and he was honored to the royal mercy as "sadaka-yı ser-meali efser-i hazret-i padisahı" (B.O.A., İ.AZN., 1908, 78/2).

In some cases, the main stimulant of mercy was intertwined with a litigation of pudicity. In the October 1882, local authorities received a petition from



a woman prisoner, Kalyopi Ksenasaki, that requested an imperial amnesty. Ksenasaki's appeal seemed reasonable because she was deceived with the promise of marriage and abandoned by Manoli Kapabaçaki after he had a sexual intercourse with her. Ksenasaki had her vengeance by throwing nitric-acid to the man's face and making one of his eyes blind. The avenger woman sentenced to penal servitude for three years and one of them had already passed in prison. One of the principal arguments to set her free was the fact that she was exposed to some kind of rape with a false promise and this was deemed as a matter of mitigation (*hususiyet-i haline binaen bakıyye-i muddetinin afov...*). Finally, the woman was found forgivable (*sayan-ı merhamet*) and released (B.O.A., A.}MTZ.GR., 1882, 1/31).

Sometimes personal expectations of having an amnesty gave rise to high hopes and pipe dreams that would not come true and resulted in tragic events. In such a case, in 1883, Said Bey, one of the clerks of the Second Imperial Army (*İkinci Ordu-yu Humayun*) took his own life on the account of the fact that he did not get the royal amnesty from the Sultan, through his bureaucracy of high degree. Said Bey, who used to live in Kapiıagası neighbourhood, near Sultan Ahmed killed himself (*katl-i nefis*) on the night of 24 February 1883. He was living with his brother Faik bey and sister Fehime. On the night of incident, he drank alcohol with his friend from the Ministry of Evkâf (*Evkaf-ı Humayun*) Munib Efendi. Then, suddenly, he took some papers out of his pocket, threw them on Munib Efendi, and drew a little gun that he would kill himself on the spot from his chest (B.O.A., Y..PRK.KOM., 1883, 4/5).

Said Bey had written three separate suicide notes to be last his will and testament before he killed himself. One of them was addressed to seraskier pasha, the second one was to General Director of Accounting (*Muhasebat Reis-i*) Rusdu Pasha, and the last note was for his family. Interestingly enough, Said Bey had provided a certain amount of naphtha (*neft*) for cremation. It was, indeed, an unusual incident to see such a preparation of a suicide (B.O.A., Y..PRK.KOM., 1883, 4/5).

After the suicide happened, Minister of Police (*Zaptıye Nazırı*) opened a detailed investigation and submitted the report of this sad incident. According to the report, Said Bey had been to Vidin and Plevne by opting in the clerkship of battalion, and while his duty was continuing there, he managed to get the title of "clerk of the battalion" (*alay katibi*). He was taken captured there and after his return, he started to work in Ankara battalion. After all these achievements in his career, Said Bey involved some illegal activities with his friends and they were put on trial by Court-Martial (*Divan-ı Harb*). Upon their trial, Said Bey's friends were punished with various penalties and



he was punished with ten years of penal servitude (on sene muddetle *kurege konulmasına hukmolunarak*). When he received information about the court's decision for himself, Said Bey appealed to seraskier pasha and General Director of Accounting (Muhâsebât Reisi) Rusdu Pasha to get a royal amnesty (*istida'-yı sefaat icun*). Once he realized that there was no chance of amnesty, he chose to kill himself (B.O.A., Y..PRK.KOM., 1883, 4/5).

We also should put an emphasis on the fact that most, if not all, of the royal amnesties in the age of Abdulhamid II were directly linked to a political concern about the unrest of an Armenian problem as a rising international topic. When a glance is shot to the amnesty choises of the Sultan in the later years of his reign in particular, one can assume that this tradition became a political mechanism more than ever had been in the past, and ergo, there are a great deal of occasions of amnesty in the archives. In one of them, to exemplify, an Armenian called Mıgırdic Tutuncuyan remorsefully begged for forgiveness (*harekat-ı sabıka-yı fesadkaranesinden dolayı izhar-ı pismarı ile*) and he attained a amnesty from the Sultan. However, this amnesty was not given with no charge. Tutuncuyan had some secret and important information about the plans of the Armenian outlaws in Geneva. He denounced that the Armenians in geneva would send a certain number of mortar bombs along with some particular intelligences, and they all overlapped with the actual situations. The Sultan's bureaucrats thought that Tutuncuyan was a useful source of illegal information, and hereby he was granted with a amnesty for his past-crimes (B.O.A., HR.TH., 1892, 117/66).

Abdulhamid II adopted a harsh attitude against the sexual crimes and abstained from showing any tolerance to the rapers or sexual abusers. In 1893, Mehmed bin Ali send a petition to beg for forgiveness from Cısır-i Mustafa Pasha, a town near Edirne. He was arrested for the crime of adultery (*fi'il-i sen'i*) but according to his claims his family was living under terrible conditions in his absence. Besides, he was sick and because of this reason he had been dismissed from his job in the army and he had to get a perpetual treatment. Mehmed's health condition was getting worse and his mother Fatma Hanım and his wife Ziyne Hanım submitted a petition in order to make him had an amnesty, but the authorities stated that he could not be released because of what he did (B.O.A., DH.MKT., 1893, 7/60).

We notice that the Sultan display the same attitude towards the ones who sentenced to death. In 1897, a prisoner named Armanyan Hacı Kalust sent a petition to the Armenian Patriarchate from Erzincan and requested a royal amnesty both for himself and his friends. When the authorities examined the situation of Kalust and his group of prisoners friends, however, they saw that the verdict about them was a sentence of death. Besides, the Supreme Court



(*Mahkeme-i Temyiz*) had not come to a final conclusion, and this made their condition uncertain. Therefore, the request of Kalust did not get a positive confirmation (B.O.A., DH.TMIK.M., 1897, 31/72).

## CONCLUSIONS

The practice of royal amnesty during the reign of Abdulhamid II had a particular political content and aim by all odds. Seizing the throne not long after the declaration of Tanzimat, Abdulhamid II needed some byproduct images of power. Because of the increasing demands of a more democratic way of ruling in the Tanzimat era, the political climate was at loose ends. Also, Abdulhamid II had a natural despotic character whose aims based upon to build a mechanism of surveillance over his subjects.

Royal amnesties, on the other hand, had a symbolic meaning in understanding the connection between the sultan and his subjects. Mercy was thought coming directly from the God himself throughout the centuries in both Eastern and Western political traditions. Even sometimes the rulers who got the power in their hands went too far and claimed that they were God themselves. Being taken by the channel of a divine source, this power of ruling also gave them the privilege of showing mercy when their subjects fell into an error. However, once a ruler amnesties the fault one of his dependants something else than forgiveness steps in and that is exactly what the ruler desires to get for consolidating his power. Thus, forgiveness turns into a political mechanism in order to achieve the goals of rulership itself.

One feature of the royal amnesty was obviously solidifying the sultan's autocratical sovereignty in customary law. As it is known, even the sultan had his certain limits for the rules of *shari'ah*, but he also had a radius of action. Royal amnesties functioned as a tool of expansion and gave the sultan a prerogative to reconstruct his auspicious image in the eyes of his subjects. It should be also noted that this tradition typified some kind of contraption for circumventing the system of positive law. The sultan used to exploit his royal amnesty in a wide spectrum, containing a list of capital crimes from homicides to treason, and some less important misdeeds as petty larcenies. Either way, the right of royal amnesty provided a remarkable power for the benefit of the Sultan.



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