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“The Secrets of the Boys” Analyzing Homosexuality: Perceptions and Regulatory Frameworks in the Ottoman Empire and Turkey (The Past, Present and Future)

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ABSTRACT

The Ottoman Empire has not been seen as a taboo on homosexuality for centuries. My work uses historical methods the history of Ottoman Empire's and Turkey's legal and cultural background of homosexuality. According to public opinion, homosexuality was forbidden in the Ottoman Empire, although this was far from the case. The purpose of the research is to highlight the fact that the phenomenon existed even under Islamic law. The Islamic empires (Ottoman, Safavid / Qajar, Mughal) shared a common culture and showed many similarities with the ancient Greeks. It was very common for older men to have sex with younger, still bearded men, these young men were called “amrad”. It is well known that the sultans kept not only women but also young boys in the harem. Since 1858, the new Penal Code has not regulated it. Ironically, during the “Tanzimat period” (1839-76), an era when the Empire opened up to Western Europe, conservative values led to stigmatization of homosexuality. After World War II, Turkey joined the new world order and signed the United Nations Universal Declaration of Human Rights in 1945. Less than a decade later, Ankara signed the European Convention for the Protection of Human Rights and Fundamental Freedoms. In 2017, the new prime minister, since then President of the Republic Recep Tayyip Erdogan, has stated that supporting gay people against national interests. In my study, I intend to present the past, present and future of homosexuality in the Ottoman Empire and then in the Turkish state.

Keywords: *Homosexuality, Ottoman Empire, Hungary, harems*



INTRODUCTION

The Ottoman Empire (the seat of world Muslim power) did not regard homosexuality as a taboo for centuries. The Islamic empires (Ottoman, Safavid/Qajar, Mughal) shared a common culture and had many similarities with the ancient Greeks. It was very common for older men to have sex with younger, beardless men, these young men were called "amrad". It is known that sultans kept not only women but also young boys in their harems. II attacking Hungary. Mehmed and II. Sultan Murad also preferred boys in harems. In the Hungarian language, the so-called "Turkishness" began to denote the relationship between the two men.¹ Since 1858, the new Penal Code did not contain any regulations regarding it.

Ironically, during the "Tanzimat period" (1839-76), an era when the Empire opened up to Western Europe, conservative values led to the stigmatization of homosexuality.² This elicits neo-orientalist conclusions such as the Ottomans' decriminalization of homosexuality in 1858 via the introduction of the 1810 French Penal Code, without an accompanying examination of how the Ottomans had criminalized homosexuality before 1858. This assessment method not only facilitates neo-orientalism, but also casts a significant doubt on this method's validity.³

The German term *Homosexualität* was coined only around 1868 by the Austro-Hungarian author and journalist Károly Mária Kertbeny (formerly Karl-Maria Benkert). This fact raises the question

¹ Available on website: <https://mult-kor.hu/cikk.php?id=39176&pIdx=2>, Accessed: 5th January, 2023. 5th January.

²Hanioglu, Şükrü M. *A Brief History of Late Ottoman Empire*, Princeton: Princeton University Press, 2008, 105.

³ Elif Ceylan Ozsoy (School of Law, University of Exeter, Exeter, UK): *Decolonizing Decriminalization Analyses: Did the Ottomans Decriminalize Homosexuality in 1858?*, JOURNAL OF HOMOSEXUALITY Available on website: <https://doi.org/10.1080/00918369.2020.1715142>, Accessed: 6th January, 2023.

of how people might have conceptualised what we now think of as homosexuality before the word existed.⁴

After World War II, Turkey joined the New World Order and signed the United Nations Universal Declaration of Human Rights in 1945. Less than a decade later, Ankara signed the European Convention on Human Rights and Fundamental Freedoms.⁵

In 2017, the new prime minister and since then president of the republic, Recep Tayyip Erdogan, declared that supporting gay people is against national interests. This was not the first time he made this statement: he justified the banning of Pride in Istanbul in 2014. In 2017, in Ankara, the capital of Turkey, the authorities banned all LGBTQ-related cultural events, citing that they threaten order and that they fear provocative activity from the direction of some segments of society.

According to ILGA (International Lesbian, Gay, Bisexual and Insex Association), Turkey is currently the second worst country in Europe in terms of LGBTQ rights. In my study, I want to present the past, present and future of homosexuality in the Ottoman Empire and then in the Turkish state. My work uses historical methods the history of Ottoman Empire's and Turkey's legal and cultural background of homosexuality.

THE CULTURAL BACKGROUND OF OTTOMAN MALE LOVE UNTIL THE 20TH CENTURY

The Ottoman Empire was one of the longest lasting empires in history. During the 16th century, the Ottoman Empire was at its peak

⁴ *What Ottoman erotica teaches us about sexual pluralism*, Available on website <https://aeon.co/ideas/what-ottoman-erotica-teaches-us-about-sexual-pluralism>, Accessed: 5th January, 2023.

⁵ Zehra F. Kabasakal Arat. 2007, *Collisions and Crossroads, Introducing Human Rights in Turkey. Human Rights in Turkey*. Philadelphia: University of Pennsylvania Press, 2007, 1.

as a world super power, but by the mid-18th Century it had considerably weakened.

Many sources confirm that Ottoman and Islamic culture itself, poetry and, in a broader sense, literature, were by no means as dismissive of male love as we might think today. The sources mention "mukhannas". These were men (some researchers believe they were transsexuals or third genders) who shaved off their beards as adults as a sign that they wanted to remain servants of male desires. They even had their own place in society. They were often used as servants by the prophets.

Historians often rely on literary representations to prove history. Many poems in ancient Muslim culture celebrate the mutual love between the two men. There are also factual writings that say it was illegal to force someone else's will on a young man. It is not known to many, but Islam has also used homosexual relationships excellently as a source of humor. The subject of humor could be anything from religion to personal morals, including homosexuality, which is forbidden in Islam.⁶

For example, a 11th-century Persian ruler advised his son to change his partners according to the seasons, to have relationships with young men in the summer and women in the winter. The VIII. Many of the poems of Abu Nuwas of Baghdad and other Persian and Urdu poets of the 19th century were written for boys. Medieval mystical works, especially Sufi texts, do not make it clear whether the object of love is a teenage boy or God, which can also be interpreted as a church blessing on the relationship between men and boys. Homoerotic poems were one of the most widespread literary products of the Arabic language for more than a thousand years. This spread from professional poets such as Abu Tammam and Abu Nuwas in the VIII. and IX. century, up to highly respected religious scholars, who also wrote several poems on this theme.

⁶Szombathy Zoltán, 2005, *Humor és szabadosság a középkori arab kultúrában A szólásszabadság antropológiája*. Documenta et monographiæ IV.

Khaled El-Rouayheb has pointed out that some homoerotic texts were still printed in the early 20th century but this soon stopped, in fact, texts such as *The Arabian Nights* had homosexual activity censored in the editions printed following the fall of the Ottoman Empire.⁷

Many translations of poems can be read in my country, Hungary, which was ruled by the Turks for centuries, translated by the excellent Hungarian poet György Faludy.

Love between men was known in Turkish culture, we know of several sultans who kept male harems. Hungarian historian Miklós Eszenyi remembers that the famous II. The Turkish Sultan Muhammad (1451-1481) was also bisexual. From 1442, Vlad Drakul's younger brother Szép Radu, voivode of Havasalföld, stayed in his court, and the sultan liked him very much. After a while, he stayed with the sultan's close entourage.⁸ In the state that had grown into an empire, the soldiers turned to each other, and the seduction of young boys was common. Janissary chief officers often collected children for the Sultan's seraj school, from whom they built their later apparatus. The boys continued such relationships with each other as well, with the ruler's permission they could marry later.⁹

We also know that in the course of history, prostitution was not only characteristic of women, but, for example, in the Turkish baths of the Ottoman Empire, men could also be prostitutes. In the golden age of baths in the 15th century, young boys (tellaks) helped male clients to clean themselves, massaged them, and, if needed, were also available for sexual intercourse. Although homosexuality was illegal at the time, tellaks naturally found ways to satisfy guests legally.

⁷Green, Cai, The decline of Homosexuality in the late Ottoman Empire, Available on website: <https://thehistorianjournal.wordpress.com/2019/05/27/which-factors-caused-the-decline-of-homosexuality-in-the-late-ottoman-empire/>, Accessed: 13th January, 2023., 2019.

⁸Eszenyi Miklós: *Adalékok a homoszexualitás középkori történetéhez*, Available on website: <http://www.otkenyer.hu/kozepkor.php#lj24>, Accessed: 08th August, 2022.

⁹Eszenyi Miklós: *Adalékok a homoszexualitás középkori történetéhez*. Available on website: <http://www.otkenyer.hu/kozepkor.php#lj24>, Accessed: 08th August, 2022.

Often, almost a partnership developed between them and the clients. The tellaks were even allowed to keep all the money they received for their services, they were not charged a commission, even though they worked for a pittance.¹⁰

During the research, we can also find the remains of a rich culture. An illustration of a 19th-century Turkish manual, for example, ten intertwined men surrender to the pleasure of anal intercourse, which is the number one sensation from a gay point of view in the exhibition on the history of eroticism that opened in the Barbican cultural center in London. It is a unique cultural memory, because there is no known image in the history of homosexuality that glorifies sodomy in such an exaggerated way, especially not in a Middle Eastern culture. Wearing the traditional Muslim headdress, the red fez, naked men from the waist down form a closed chain by placing their penises in each other's asses. The manuscript titled "Tuhfet Ul-Mulk", which is decorated with this lavish painting, was created in 1773 in Turkish, but in Arabic script. The name of its author, Sajkh Muhammad Ibn Mustafa Al-Misri, indicates an Egyptian connection. This sensational cultural-historical curiosity - the existence of which was widely unknown until now - is part of a private collection in Paris, owned by a certain Alain Kahn-Sriber.¹¹

THE LEGAL BACKGROUND OF OTTOMAN MALE LOVE UNTIL THE 20TH CENTURY

The Qur'an also mentions the "*ghilmans*". They are immortal young men who wait and serve people in paradise. "Immortal (male) youths surround them, waiting for them," says the Qur'an. "When

¹⁰ A régi Konstantinápoly erkölcséről bővebben: B. Horváth Miklós: *Konstantinápoly, Törökország fővárosa*. Lauffer Vilmos Kiadója. Budapest, 1877.

¹¹ Available on website: <https://hatter.hu/hirszolgalat/tiz-kicsi-szodomita>, Accessed: 08th August, 2021.

you see them, you think they are scattered pearls." Like the Bible, the Qur'an tells the story of Allah punishing the ancient inhabitants of the city of Sodom. Two angels arrive in Sodom, meet many locals, and end up spending the night in the house of one of them, who insists on entertaining them. Later, others learn about the strangers and decide to rape them. Although the destruction of the cities is interpreted by many as hatred against gays, it is not really about that, but about Allah punishing rape, violence and lack of hospitality.

Examining the legal aspects, classical Islamic criminal law recognized homosexuality as a criminal category. Fatih Sultan Mehmet (Mehmet the Conqueror) drafted the first secular criminal code of the Ottoman Empire in 1488. After Beyazid II, Yavuz Sultan Selim also codified a criminal law in which no penalties were incurred for sodomy and/or same-sex intimacy (16th century).¹²

The three layers of classical Islamic criminal law:

1. *Ginaya*: punishment customs developed in the pre-Islamic era, primarily based on blood revenge, the talio principle and compensation;
2. *Let*: the crimes laid down in the Qur'an and their punishments;
3. *Tasir*: penalties to be imposed by the prosecuting authority They reflect three different concepts of criminal law, and they arose in different ways over time. As Muslim jurists made no attempt to unify these rules, the three criminal law systems continued to remain relatively separate. The common feature of crimes falling within the scope of hudud is that their commission is a violation of religious rules. This does not mean neglecting or transgressing ritual rules, but committing acts specifically defined in the Qur'an.¹³

¹² Acar, I. *Islamic criminal law and Ottoman criminal codes*. XIII-XIV D.E.Ü.İlahiyat Fakültesi Dergisi, XIII-XIV, 2001, 53-68.

¹³ Germanus Gyula, *Das islamische Recht (Acta Juridica Academiae Scientiarum Hungaricae* 1974, 16. 1-2. 237.-240.

These include:

1. Apostasy (*ridda*) - i.e. denial of Allah, defamation of Muhammad, denial of God's existence and eternity;
2. Fornication (*zina*) - although it is mentioned in the Qur'an, its precise definition is given by the jurisprudential interpretation: adultery, incest, homosexuality, forced sexual intercourse, sexual contact during Ramadan, which is punishable by 100 lashes;
3. False accusation of fornication (*qadhif*) - anyone who brings an honest married woman into disrepute and cannot produce 4 witnesses who saw the act itself, is punished with 80 lashes and loses his honor.

In an aim to test the validity and reliability of this decriminalization framework, this article critically examines the assessments that conclude that the Ottomans decriminalized homosexuality through transplanting the 1810 French Penal Code.¹⁴ They adopted the 1810 French Penal Code, which had been influential throughout Europe at that time. The contentious article of the 1858 Ottoman Penal Code is as follows: „*Art. 202 – The person who dares to commit the abominable act publicly contrary to modesty and sense of shame is to be imprisoned for from three months to one year and a fine of from one Mejidieh gold piece to ten Mejidieh gold pieces is to be levied*” (Penal Code of the Ottoman Empire, 1858). This is a translated version of Article 330 of the French Penal Code, which decriminalized homosexuality in France.¹⁵

¹⁴ Elif Ceylan Ozsoy (School of Law, University of Exeter, Exeter, UK, *Decolonizing Decriminalization Analyses: Did the Ottomans Decriminalize Homosexuality in 1858?*, JOURNAL OF HOMOSEXUALITY, Available on website: <https://doi.org/10.1080/00918369.2020.1715142>, Accessed: 6th January, 2023, 3.

¹⁵ Elif Ceylan Ozsoy (School of Law, University of Exeter, Exeter, UK): *Decolonizing Decriminalization Analyses: Did the Ottomans Decriminalize Homosexuality in 1858?*, JOURNAL OF HOMOSEXUALITY Available on website: <https://doi.org/10.1080/00918369.2020.1715142>, Accessed: 6th January, 2023, p. 5-6.

THE 20TH CENTURY AND CURRENT SITUATION

While the Ottoman Empire initially resisted European culture, so homosexuality was allowed until 1858, nationalization soon triumphed over it. After the First World War, after the fall of the Ottoman Empire and the creation of the modern Turkish state, European intervention did not stop and Turkey had to ensure the protection of its non-Muslim communities, as enshrined in the 1923 Treaty of Lausanne.¹⁶ During the time of Mustafa Kemal Atatürk, important changes took place in the Ottoman world of thought, which had been thought to be unbreakable until then, and women, for example, were given more rights.¹⁷ Mustafa Kemal was the fundamental of the modern Turkey, the maker of the new identity of Turkish people, the famous words “How happy is the one who says I am a Turk.” (Ne mutlu Türküm diyene).¹⁸

He was the head of the young Turkish Republic has defined Turkey’s legal system, domestic and foreign policy orientations and judgments in the world.¹⁹ Atatürk's policy is a legacy, as well as a language that can be constantly renegotiated.²⁰ The republicanism

¹⁶Donnelly Jack. “*Human Rights, A New Standard of Civilization?*.” International Affairs, Vol.74, No.1), 1998, 9.

¹⁷Szűcs Lászlóné Dr. Siska Katalin, *A török nők emancipációja. Lélektan és hadviselés – interdiszciplináris folyóirat*, I. évf. 2019/1. szám. 73-83., Available on website: http://real.mtak.hu/103718/1/LH_2019_1_073_Szucs.pdf.

¹⁸Siska Katalin, Mustafa Kemal Atatürk’s Effect on the New Concept of the Turkish Identity and Citizenship in Particular the Constitutional Regulation of the Young Turkish Republic, Available on website: http://acta.bibl.u-szeged.hu/54047/1/juridpol_forum_006_001_139-149.pdf.

¹⁹Siska Katalin, The Press Coverage of the Turkish-Hungarian Economic and Trade Relations of the Atatürk Era in Hungary, JOG- ÉS POLITIKATUDOMÁNYI FOLYÓIRAT 2020 XII. ÉVFOLYAM, (2020), Number 3.

²⁰ Szűcs Lászlóné Siska Katalin. MUSZTAFKA KEMAL ATATÜRK, TE ÖRÖK! MITŐL LEHET ATATÜRK POLITIKÁJA A MAI NAPIG HIVATKOZÁSI ALAP A LEGKÜLÖNBÖZŐBB POLITIKAI IRÁNYZATOKNAK? „INTERDISZCIPLINARITÁS A RÉGIÓKUTATÁSBAN IX.” NEMZETKÖZI TUDOMÁNYOS KONFERENCIA ÉS „A JOG TUDOMÁNYA, A MINDENNAPOK JOGA III.” TUDOMÁNYOS KONFERENCIA, Debrecen, 2019, 45.

was included among its six directives of Atatürk²¹, but for homosexuals, Atatürk's era did not bring changes, just like the XX. century not even the beginning of the century.

The content of the six principles, the "six arrows" (Altı Ok) is summarized as an ideology, Kemalism (Turkish: *Kemalizm*, *Atatürkçülük*, *Atatürkçü Düşünce*), or Atatürkism, which was named after Mustafa Kemal Atatürk, and when it was created practically it was synonymous with the political program of Atatürk's party, the Republic of the People's Party (CHP).²²

Under the presidency of Mustafa Kemal Atatürk, homosexuality still went unnoticed. The members of the LGBTQ+ community kept on fighting for their rights and, to protect themselves, attempted to create their own political identity. With the military coup d'état on September 12, 1980, their effort came to an end.

Female relationships were more nuanced, so lesbian relationships did not appear either. Atatürk is known as an advocate of women's rights anyway. Gazi Mustafa Kemal Atatürk, the founder of the Republic of Turkey, supported the advancement of women in all areas, including election and also in terms of electability. Atatürk's dictatorial or autocratic methods almost forced the country to modernize society and give women equal rights.²³

Atatürk also announced religious reforms, which also favored the perception of the homosexual community.²⁴

The real LGBT community organization started in the 1990s, when countless NGOs were founded. In 1993, the Pride organizers were denied permission to organize the parade, and in 1995 and 1996,

²¹Szücs Lászlóné Dr. Siska Katalin. *Az atatürkizmus „hat nyila”*, *Iustum Aequum Salutare* XIII. (2017) Number 2. 201.

²² Szücs Lászlóné Dr. Siska Katalin. *Az atatürkizmus „hat nyila”*, *Iustum Aequum Salutare* XIII. (2017) Number 2. 203.

²³ Szücs Lászlóné Dr. Siska Katalin, *A török nők emancipációja*. *Lélektan és hadviselés – interdiszciplináris folyóirat*, I. évf. 2019/1. szám. p. 73-83., Available on website: http://real.mtak.hu/103718/1/LH_2019_1_073_Szucs.pdf.

²⁴Szücs Lászlóné Dr. Siska Katalin, *Folytonosság és változás. Iszlám és szekularizmus a késő Ottomán birodalomban és a fiatal Török Köztársaságban*, Nomor 23. Volume 1, (2017) 131-139.

the LGBT film festival and scientific conference were also denied.²⁵ In 1996, Turkish courts also discriminated against LGBT people. The Supreme Court, for example, took her child away from a lesbian mother on the grounds that homosexuality was "immoral".

The situation has changed somewhat since the 2000s, however, trans people can be fined under the Penal Code, and homosexuals have to deal with additional disadvantages. Some courts have sometimes applied the principle of "undue provocation" in favor of the perpetrator of a crime against a trans person.²⁶ In 2003, Turkey became the first Muslim-majority country to hold a gay pride march in Istanbul and then in Ankara (2008). Since then, these have been held annually, but the legal inequality has not stopped. In 2008, a homosexual Kurdish-Turkish student, Ahmed Yildiz, was shot by his father in front of a cafe and later died in the hospital. His father killed his son because of his homosexuality, sociologists consider this to be the first openly gay honor killing in Turkey since then.²⁷

Turkish President Recep Tayyip Erdogan is waging an ongoing legal and political battle against the LGBTQI community in Turkey. The fight began to escalate in 2014, when more than 100,000 people marched at the opening of Pride and the police decided not to allow marches anymore. Since then, there has been a constant struggle between organizations protecting the rights of gays and sexual minority groups and the authorities.²⁸

In 2017, the Istanbul governor's office banned the LGBT pride parade, citing security and public order concerns, even though thousands of people participated in it every year. The same thing

²⁵ Available on website: https://hu.abcdef.wiki/wiki/LGBT_rights_in_Turkey , Accessed: 5th October, 2022.

²⁶ See: Európai Bizottság, *Commission Staff Working Document: Turkey 2009 Progress Report*. Brüsszel, 2009. október 14. SEC (2009) 133426. and 72.

²⁷ Available on website: <https://www.independent.co.uk/news/world/europe/was-ahmet-yildiz-the-victim-of-turkey-s-first-gay-honour-killing-871822.html>, Accessed: 5th October, 2022.

²⁸ Available on website: <https://www.dehir.hu/vilag/konnygazzal-es-gumilovedekkel-oszlatta-fel-a-rendorseg-a-torok-pride-ot/2021/06/27/>, Accessed: 5th October, 2022.

happened in 2018 and 2019. According to DPA, the police came out with large forces to break up the unauthorized march, which was banned by the authorities shortly before it started. The armed forces also used tear gas and, according to some reports, they also shot the marchers with plastic bullets. Several participants were detained.

Although same-sex marriage is possible under civil law, in light of the current situation, it is not known how long this will last. In 2015, the first "gay wedding" was held in Turkey. Ekin Keser and Emrullah Tuzun held a "wedding" in Istanbul in September, namely on a yacht sailing on the Bosphorus.²⁹

In connection with the topic, it is unavoidable to mention that although the government is trying to make impossible the rights of LGBT people, which they have fought for for decades, and to ban their events, many entertainment venues have been created for them, especially in Istanbul. Homosexual culture is also constantly present in the field of arts, just think of the excellent director Ferzan Özpetek. Özpetek shot his first own film in 1997, the international success *Turkish Bath*.

Through the crisis-ridden relationship of the two protagonists, Francesco (Alessandro Gassman) and Marta (Francesca d'Aloja), Özpetek in fact contrasts the overly practical Western world, which has become a grindstone of everyday existence, with the airy world of the East based on moods, scents, tastes, and delicate sensuality. where the passing of time takes on a completely different meaning. *The Last Harem* (1999) or *The Unknown Fairy* (2001) also evoke the dramatic meeting of two worlds, the dying Ottoman Empire and European culture. Since then, Özpetek has directed several films and also directed video clips, for example for the song "Hüp" by the also gay singer Tarkan.

²⁹ Available on website: <https://turkinfo.hu/parbeszed/szot-kerek/az-also-melegskuvo-torokorszagan/>, Accessed: 5th October, 2022.

CONCLUSION

The historical overview shows that Turkey is a contradictory, two-faced country. Throughout the centuries, homosexuality was always present in Turkey, in the Ottoman Empire, with a rich culture. In the world of the janissaries, in the harems, homosexuality was natural, and in Constantinople, male love was in its heyday. Turkey was the XX. In the 20th century, it was the only Muslim country where gay parades were allowed and the state also protected the rights of the LGBT minority. At the same time, this does not mean that the social acceptance of homosexuals is high, since often even the closest family members do not support them. As you can see, the current leadership has started a fight against LGBT people, homosexuals, transvestites and transgenders can receive state protection, unless the contrary can be established in individual cases" - this information, however, contradicts the Dutch country report on Turkey.³⁰

Turkish law and Turkish authorities do not provide adequate protection for LGBT people. LGBT people usually do not dare to ask for protection. Many LGBT people do not trust the police because of their prejudice. Even when LGBT people report discriminatory acts and/or threats to the Turkish authorities, the reports are usually ignored.³¹ The situation is legally highly objectionable, and the future will decide in which direction LGBT people's rights will turn in Turkey.

³⁰ See holland külügyminisztérium: Törökország országjelentés, 2010. szeptember 1., 3.4.6. bek., Available on website:

<http://www.rijksoverheid.nl/ministeries/bz/documenten-en-publicaties/ambtsberichten/2010/09/14/turkije-2010-09-14.html>, and so: Jansen, Sabine-Spijkerboer, Thomas, 2011: *A „M e n e k ü l é s a h o m o f ó b i a e l ő l ” - A szexuális orientációval és a nemi identitással kapcsolatos menedékkérelmek Európában*, Vrije Universiteit Amsterdam. 30.

³¹ Jansen, Sabine-Spijkerboer, Thomas, 2011: *A „M e n e k ü l é s a h o m o f ó b i a e l ő l ” - A szexuális orientációval és a nemi identitással kapcsolatos menedékkérelmek Európában*, Vrije Universiteit Amsterdam, 74., 280. footnote.

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