

The Law, and Origin Story of Istanbul's Iconic Hagia Sophia

A landmark ruling has reversed a previous decision preventing worship in the Hagia Sophia after its conversion into a museum in 1934.

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On Friday July 10, Turkey's highest court has repealed a previous decision that saw the 1934 conversion of the Hagia Sophia from a mosque into a museum, and put restrictions on prayers being performed at the site.

A week earlier, Turkey's Council of State received arguments by lawyers pressing for an annulment of a 1934 decision by its Council of Ministers which turned the historic monument into a museum.

In the case, lawyers appealed to the foundation charter of the Hagia Sophia itself, personal property of Sultan Mehmet II, which forbids changes of any sort to the endowment, its lands, and use.

"At the heart of this controversial case is a bid to restore religious freedoms," says Mark Jefferson, an analyst for Omran Strategic Studies Institute.

"Early modern Turkey cracked down on the practice of faith, wearing of religious garb and expression of religion, and one of the policies they enacted was to deny its religious Muslim community a place that served as a deeply symbolic place of prayer for nearly five centuries," he says.

"It is worth recalling the 'Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of Independence and Sovereignty', adopted by UN General Assembly Resolution 2131 on 21 December 1965, which saw a unanimous ratification," notes Hassan Imran, an international lawyer who spoke to TRT World prior to the court's ruling.

"Whether the court ruling is in favour or against annulment, respect for the rule of law is essential. To that end, the judiciary should uphold their independence, free of any political consideration," he adds.

Freedom of worship preserved

Authorities have consistently communicated that the features of Hagia Sophia, a significant historical and cultural heritage site dating back to the sixth century AD, will continue to be preserved and protected, and will remain open to the public in the same manner the Blue Mosque is open to visitors and tourists of all denominations and faiths.

Turkey's presidential spokesman Ibrahim Kalin also maintained that allowing prayers in

Hagia Sophia would not deprive it of its identity.

“Turkey will still preserve the Christian icons there, just like our ancestors preserved all Christian values”, said Kalin.

“Hagia Sophia’s status is not an international matter but a matter of national sovereignty for Turkey,” Foreign Minister Mevlut Cavusoglu said earlier Thursday.

“Hagia Sophia, like all cultural assets on our lands, is the property of Turkey,” adds Turkish Foreign Ministry spokesperson Hami Aksoy.

With its multifaceted and rich past, questions arise surrounding Hagia Sophia’s significance and meaning to Turkey. For some, it was founded as a church. For others, Mehmet Fatih II’s conquest of Constantinople in 1453, and his subsequent preservation and restoration of the ancient cathedral, has made it a keystone of national culture and modern Turkish heritage.



A painting of Hagia Sophia by Gaspere Fossati in 1852. (Gaspere Fossati /)

While some criticism has been leveled against the annulment of restriction on prayers in the monument, Khalid Yacine, anthropologist of antiquities at the University of Setif says there's nothing unusual about it all.

"The Hagia Sophia is a part of Turkey's origin story. Without it there would be no Turkey, and no Istanbul," he says in an interview with TRT World.

"It's ties to multiple faiths will likely give rise to sensitivities, but if worshippers and visitors are allowed as they have been before, then this is more than was done by others."

When asked what he means, he chuckles and resumes.

“Most people don’t know that St. Peter’s Basilica, in the Vatican itself, is built over several Roman temples. When Spain expelled Muslims in the inquisition, it changed the Grand Mosque of Cordoba into a cathedral, where Muslims are forbidden to pray to this day,” he elaborates.

“Many mosques were outright destroyed or converted into Churches. By the same token, when the Spanish went to the New World, they also changed places of worship into churches. The Mexico City Metropolitan Cathedral is built on the ruins of an Aztec temple,” he adds.

But the list goes on.

“The Church of Prophet Elija in Thessaloniki, Greece was a former mosque. In Bulgaria, the Sveti Sedmochislenitsi Church of Sofia was converted from a Mosque into a church. In Croatia too, three Ottoman mosques were converted into churches. Vietnam saw the French destroy Buddhist and Taoist places of worship to build the St. Joseph Cathedral.”

“Turkey has ruled to allow people to carry out prayers in Hagia Sophia. That hardly compares to getting arrested in the Grand Mosque of Cordoba for saying something in Arabic or converting it into a cathedral. If anything, the Hagia Sophia stands today because of Turkey’s efforts to restore it,” he points out.

Istanbul’s birth

Written on a 66-meter length of carefully preserved gazelle skin, Fatih Sultan Mehmed Foundation, Sultan Mehmet II, writes:

“All the things I have explained and designated here have been set down in written form in the foundation charter in the manner appointed; the conditions may not be altered; the laws may not be amended; they may not be diverted from their original purpose; the appointed rules and principles may not be diminished; interference of any sort in the foundation is interdicted... May the curse of Allah, the angels and all human beings be upon anyone who changes even one of the conditions governing this foundation.”



The Sultan's charter is carefully preserved, and treated multiple times a year to ensure its longevity.
(AA)

Shortly after his conquest of Constantinople and renaming of the city to Istanbul, the Sultan performed his first Friday prayers there. Apocrypha tells a story of a young Sultan who is said to have fallen to his knees in prayers of gratitude upon entering the ancient cathedral.

Shortly after, he established an endowment to care for and govern the new 'Great Mosque', with an annual income of 14,000 gold pieces per year to restore, expand and preserve the civilizational monument. The endowment's charge was significant not only as an edict, but spiritually as well.

Islamic jurisprudence forbids the alteration of an endowment or foundation's charter or purpose without consultation and approval of the owner, a principle that has since become ubiquitous in modern law.

Out of respect to the multi-faithed citizens of the city and his empire, Sultan Mehmet II ordered new decorations that did not destroy the previous interior detailing within Hagia Sophia.

At the time, the Hagia Sophia was already 900 years old, and had suffered at least two fires and three earthquakes, one of which caused the entire dome to collapse. It had also been ransacked and desecrated during the Fourth Crusade by Crusaders.

Buried History

With Istanbul's conquest, Hagia Sophia quickly became a cultural icon, bearing deep heritage to Turkey today. Named a 'Great Mosque', every effort was made to preserve it and improve upon a structurally flawed design caused by a heavy central dome perched on a long basilica.

Buttresses were added to the Hagia Sophia's sides to prevent it from collapse during the reign of Murad III by the historical architect Sinan who would be inspired by the ancient edifice, and fusing its style with Islamic art and aesthetics in a series of Grand Mosques.

A series of additions were made including a school, and fountain during Sultan Mahmud I's rule, and a clock room during Sultan Abdulmejid's time, which also saw the most thorough restoration of the ancient structure carried out by Swiss architects from 1847-1849.

At the time, Russian historian Peter Ouspensky, commented ironically.

"The Turks showed more understanding for the city's monuments than the Crusader armies that occupied Istanbul in 1204."

Hagia Sophia would also become home to the largest calligraphy collection in the empire, with countless gold inscriptions, tiles, artistic reflections of Turkey's civilizational heritage.

In the words of Necip Fazıl Kısakürek, a Turkish poet,

"The Hagia Sophia is neither stone, nor line, nor color, nor matter, nor a symphony of substance; it is pure spiritual meaning, meaning alone."

But Hagia Sophia is also more than just a monument to the grandeur of human achievement and artistic expression. It also serves as the final resting place for five sultans and their families, giving it a venerated historical status befitting its age and history.

With the ruling opening the way for permitting worshippers to pray in the Hagia Sophia, there is no doubt that the ancient site will remain respected by adherents of many faiths around the world, and one of Turkey's most revered sites of heritage.

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