

Story #323 Tape #10, Summer 1970 Narrator: Huseyin Kılıç Arslan

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Turkish ^{Concept of} Justice Comes to Istanbul

When Fatih Mehmet captured Istanbul [1453], he had the inmates of all the prisons released. Among these prisoners was a man on crutches. Fatih Mehmet wondered why this man was in jail, and he asked him, "Why are you in jail? The others may have been guilty, but what crime could you have committed?"

The man said, "Your Majesty, I have a strong tongue, and it was the cause of my going to jail.

"What did you do with your tongue?"

"I used to speak out the truth about everything, and this did not please our rulers. That is why I was thrown in jail.

Fatih said, "Will you speak the truth to me as you did to your former rulers?"

"Yes," the man said, "but it may displease you too."

"No, I promise you that I shall not punish you for what you say. I shall give you two months to wander about, going wherever you like in our city, and then you are to report back to me and tell me the truth about what you saw.

"Very well," said the lame man on crutches.

The padishah assigned assistants to this man, and he started inspection of the Turkish administration by visiting the courts of law. He entered one court where a man had a case about a mule which he had bought at a market. On the way home from market, the mule had become ill and had fallen dead. The buyer had come to the court with a complaint against the seller, claiming that the mule sold to him must have been ill and demanding that the money paid for it be refunded to him. The seller was unable to attend the trial that day, and so the judge postponed the trial until the following day. On this next day, both the buyer and the seller appeared at court, but the judge could not come and sent word that the trial was again postponed until the following day. When the plaintiff asked the reason for this delay, he was told that the judge's mother had died and that he had gone to make the arrangements for her funeral. On the third day, everyone was present for the trial, and the hearings began. After the proceedings had commenced, the seller of the mule arose and quickly left the courtroom, saying he felt ill. Shortly after this, word came to the courtroom that he had suddenly died.

The buyer of the mule protested to the judge. "Your Honor, if you had been present yesterday for the trial, I should have won my case and had my money refunded by the seller of the mule. Now that he is dead and the trial unfinished, I have no way of recovering my loss."

The judge answered, "Yes, you are right. I failed to come to the trial at the last date set for it because of the death of my mother. Actually, I should have arranged for someone else to

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handle the details of my mother's funeral so that I could be present at the trial. I am responsible for your loss because of my failure to attend the trial. This profession is haram¹ to me." Saying this, he removed his gown and resigned his position.

The lame man then went to the Chief Justice of that time and asked him, "Have you heard that the judge of such and such a place has resigned?"

Yes," the Chief Justice answered, "and I am at fault for having appointed a man such as that to serve as judge at that place. I do not deserve the position I hold."

Having observed this, the lame man reported it all to Fatih. He said to Fatih, "As long as you maintain this excellence in judicial matters, no nation in the world will be able to defeat you. If you do not maintain it, you will end in disaster."

¹What is haram is forbidden, not in a legal but in a religious sense. The judge here concludes that it is against divine will for him to remain in his position any longer. For the full implication of the word, one should consult religious works on the concepts of haram and its opposite condition, halal.