



Citation:

Dominik, P. (2017). Pour la réforme de la justice ottomane: Count Leon Walerian Ostroróg (1867–1932) and His Activities in the Final Decades of the Ottoman Empire. *Slavia Meridionalis*, 17. <https://doi.org/10.11649/sm.1441>

Paulina Dominik

Graduate School of Global Intellectual History
Freie Universität Berlin

Pour la réforme de la justice ottomane: Count Leon Walerian Ostroróg (1867–1932) and His Activities in the Final Decades of the Ottoman Empire¹

Introduction

In the aftermath of the final partition of the Polish-Lithuanian Commonwealth (1795) by Russia, Prussia and Austria, the Ottoman Empire became one of the chief destinations for Polish political émigrés. Poles fled to Istanbul in the hope of securing Ottoman support in their efforts to regain national independence. The Polish presence in the Ottoman Empire, however, was not limited to activities aimed at the restoration of an independent Poland; rather,

¹ This paper is a result of the research carried out in 2015–2016 within the project *Outstanding Poles in Turkey from the Tanzimat to the end of WWII (1839–1945)*, initiated by the Consulate General of the Republic of Poland in Istanbul and the Suna and İnan Kıraç Foundation.

This work was supported by the Consulate General of the Republic of Poland in Istanbul.

Competing interests: no competing interests have been declared.

Publisher: Institute of Slavic Studies, Polish Academy of Sciences.

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Polish émigrés also played an active role in various enterprises connected to the reforms of the Ottoman state in the Tanzimat Era (1839–1876). For decades, hundreds of Polish political émigrés pursued occupations in the Ottoman army, administration, diplomacy, intelligence, press, road and telegraph construction, health services, as well as industry and agriculture. The chief political figures of the Tanzimat, such as Mustafa Reşid Pasha (1800–58), Mehmed Emin Âli Pasha (1815–1871), and Keçecizade Fuad Pasha (1814–1868), and supported the activities of the Polish émigrés in various spheres. While Polish émigrés' activities in the Ottoman Empire decreased after the Ottoman failure in the Russo-Ottoman war of 1877–1878, the Young Turk Revolution of 1908 and the coming to power of the Committee of Union and Progress was a watershed event that attracted a number of Polish émigrés from France to come to the Ottoman Empire. The Ottoman Empire remained an important center of their activities until Poland regained independence in 1918.

One of the Polish émigrés, who were active in the Ottoman public sphere during the last decades of the empire, was a descendant of a distinguished Polish noble family, Count Leon Walerian Ostroróg (1867–1932). His figure and work are remarkable as he was invited to the Ottoman Empire from Paris during the reign of Sultan Abdülhamid II (r. 1876–1909), who was the last Sultan to exert effective autocratic power over the Ottoman state. Ostroróg witnessed the Young Turk Revolution of 1908 and came to prominence as an advisor of the Ottoman Ministry of Justice during the Second Constitutional Period (1908–1918). Even though the Count left the Ottoman Empire at the outbreak of World War I, he closely followed the milestone changes that accompanied the transition from the Ottoman Empire to the Republic of Turkey and his observations found expression in his writings.

Despite Count Ostroróg's exceptional services to the Ottoman state and his authority in the field of the Islamic jurisprudence and Ottoman history and politics, he is a figure that has received very limited space in the Polish and Turkish historiography of the subject.² This paper is first and foremost

² On Leon Ostroróg in dictionaries see: Leitgeber (1979, p. 513) and Łątka (2005, p. 239). In the Polish secondary literature on the Polish emigration in the late Ottoman Empire Ostroróg is only mentioned briefly and mainly in the context of his legal assistance to the Polish community in Istanbul and Adampol, see: Dopierała, (1988, p. 211, 263, 272), Łątka, (2001, pp. 181–182), Reyman (1971, p. 122). In Turkish secondary sources Ostroróg is mainly subject of interest as far as his involvement in the Ottoman Ministry of Justice is concerned, see: Güzel (1991, pp. 73–78); Elmacı (2011). The Ostrorogs' villa on the Bosphorus that currently belongs to Rahmi Koç has also received some scholarly attention: Atasoy (2004).

an attempt to portray Leon Ostroróg as a public intellectual and outstanding jurist active in the Ottoman public sphere in a crucial period when all the reform efforts were put in action in order to save the fracturing empire. It is divided into two main parts. The first part focuses briefly on Leon Ostroróg's biography and the second – is dedicated to the overview and analysis of his chief works.

Count Ostroróg's Trajectory in Istanbul

Born in Paris in 1867, Count Ostroróg was a graduate of the Paris Sorbonne University where in 1892 he received his doctorate in the European law (Leitgeber, 1979, p. 513). In 1894, he was appointed head of the legal department of the Ottoman Public Debt Administration in Istanbul (*La Dette Publique Ottomane / Düyün-u Umumiye*), which was a European-controlled organization that was established in 1881 to collect payments which the Ottoman Empire owed to European companies (Atasoy, 2004, p. 210). While fulfilling this function for a few years, Ostroróg faced numerous difficulties due to a more general phenomenon of growing resistance towards the foreign intervention into the Ottoman public sphere during the reign of Sultan Abdülhamid II (r. 1876–1909). He quit the position and continued his practice as an independent lawyer in Galata, which gained him great fame (Güzel, 1991, p. 74).

Nevertheless, it was in the Second Constitutional Period (1908–1918), which followed the Young Turk Revolution of 1908 and featured coming to power of the Committee of Union and Progress (CUP, *İttihat ve Terakki Cemiyeti*), when Count Leon Ostroróg truly came to prominence in Istanbul. In 1909, he was invited by the Ottoman government to become a legal adviser (*hukuk müşaviri*) at the Ministry of Justice (*Adliye Nezâreti*).³ In December 1909, Alfred/Ahmed Rüstem Bey (1862–1935), an Ottoman/Turkish diplomat and son of a prominent Polish émigré Seweryn Bieliński/Nihad Pasha (1815–1895), praised Ostroróg's work for the Ottoman government to the French ambassador: "This foreigner left a very positive impression on Turks. He learnt Ottoman and spoke it very well. The government was so impressed by his knowledge and friendly attitude he had towards Turkey that they decided to employ him at the Ministry of Justice" (Güzel, 1991, pp. 75–76). Despite Ostroróg's great involvement in the workings

³ Başbakanlık Osmanlı Arşivleri (BOA) İ.TAL. 192/1317/C-160. Appointment of Count Ostroróg as an adviser at the Ministry of Justice.

of the Ministry of Justice that included the drafting of a number of legal reform projects, a strong opposition to the Count, composed mostly of the religious deputies, emerged in the Ottoman parliament. His brilliant understanding of the Islamic law was not enough since, in the end, the Count represented Western ideas. Consequently, the Minister of Justice, Necmeddin Molla (1875–1945) decided to get rid of the post of the legal adviser in 1911. Before this even happened Ostroróg resigned himself (BOA. HR. TO. 541/65). However, given the appreciation for his earlier work at the Ministry of Justice and personal changes in the position of the Minister of Justice, Ostroróg was again appointed as the legal adviser to the Ministry (*Bab-ı Ali birinci hukuk müşaviri*) in 1913 and fulfilled this function until 1914 (BOA. BEO, 4244/318250; 4290/321744).

During his stay in Istanbul Ostroróg was also actively involved in the life of the local Polish community. He was an official representative of the Czartoryski family in the Polish village – Adampol known in Turkish as Polonezköy, which was established in 1842 by Hôtel Lambert’s chief representative in Istanbul, Michał Czaykowski aka Mehmed Sadık Pasha (1804–1886). For years Ostroróg worked voluntarily as a legal adviser of the Polish community in Istanbul and his services enjoyed great popularity among the Istanbul Poles (Leitgeber, 1979, p. 513).

Count Ostroróg’s family and social life is worth mentioning when discussing his work as it is illustrative of key dynamics that characterized the late Ottoman Istanbul society. Shortly after Ostroróg arrived in Istanbul, in 1895, he married Jeanne-Marie Lorando (1870–1932), a daughter of a notable Levantine family. Through this marriage, the Count became part of Istanbul’s Levantine upper class. Leon and Jeanne had two sons: Jean – a financier (1896–1975) and Stanislas (1897–1960) – a French diplomat (Atasoy, 2004, pp. 210–211; Güzel, 1991, p. 74).

The Ostroróg family played an important role in the *société* life of early twentieth century Istanbul. In 1904, Ostroróg purchased a *yalı* (villa) in Kandilli located on the Asian shore of the Bosphorus (Elmacı, 2011, p. 6). Ostrorógs’ villa immediately turned into a center of the French-Ottoman friendship. Among villa’s regular visitors were among others the famous French Orientalist writer Pierre Loti (1850–1923), leading late Ottoman poets Yahya Kemal (1884–1958) and Abdülhak Hamid (1852–1937), chief figure of the CUP Talaat Pasha (1874–1921) as well as the Ottoman heir apparent, Prince Abdülmecid (1868–1944) (Atasoy, 2004, pp. 214–222; Güzel, 1991, p. 76).

Count Ostroróg’s work in the Ministry of Justice in the Young Turk period received positive reactions in the press of the time. For instance, one of the leading journalists and most outspoken MPs of the Second Constitutional

Era (1908–1918) and of the early Republican period, Hüseyin Cahit (Yalçın) (1875–1957), in his writings in the leading pro-CUP newspaper *Tanin* (*Resonance*) criticized the way the Ministry of Justice operated. At the same time, he was aware of the advantages of appointment of an experienced foreign legal adviser. He penned some articles on the juridical reform projects of Ostroróg in *Tanin*, in which he praised his work. In an article from 6 April 1911, before enumerating all the services Ostroróg paid to the Ministry of Justice, Cahit wrote: “Resignation of this loyal Ottoman friend from his post is for us a real pity. When Mr Ostroróg was entering the Ministry of Justice he entered it with a Turkish, with an Ottoman heart. This has been the attitude he always had towards his work.” (Elmacı, 2011, p. 13). Clearly, in the eyes of at least part of the Ottoman public opinion, Count Ostroróg was not a foreigner with vested interests, but rather a talented jurist who loyally served the Ottoman cause.

Count Ostroróg’s active participation in the Ottoman public sphere resulted in his being awarded several orders, the most notable being the *Mecidiye Order* (*Mecidi Nişanı*) that he received in March 1914 (BOA, İ.MBH, 14/68; İ.TAL, 491/27). While Count Ostroróg left the Ottoman Empire together with his sons shortly after the World War I broke out, his wife Contesse Jeanne stayed in Istanbul and became best known for helping Turkish soldiers wounded during the Çanakkale Battle, was also awarded the *Nişan-ı Şefkat* (*Order of Charity*) (BOA, İ.TAL, 493/29). After the end of the conflict, Count Ostroróg lived in the United Kingdom where, for a few years, he lectured on Islamic Law at the University College London and from there he followed political and social changes taking place in Turkey (Güzel, 1991, p. 76).

Leon Ostroróg died on 29 July 1932 in London. After his death his corpse was taken to Istanbul and he was buried at the Feriköy Latin Catholic Cemetery. His death was widely echoed in the international press as loss of “a noted jurist [...] distinguished for knowledge of the International Law of European Countries [and] A Moslem Law Authority” (Count Ostrorog, noted jurist, dead, 1932).

Leon Ostroróg as a Public Intellectual and Authority in the Field of Islamic Jurisprudence

As an international jurist versed in the international law of European jurisdiction and in the public and religious laws of Muslim countries, Leon Ostroróg put his signature to a number of works. He published throughout his whole life on a number of subjects which were not limited to jurisprudence. He was internationally

acclaimed as an authority in the field of Turkish law and history and an outspoken commentator of the developments taking place within the Ottoman borders. His publications represent an influential voice of assessment of the reform efforts taking place in the last decades of the Ottoman Empire as well as of the revolutionary changes that characterized the emergence of the Republic of Turkey.

Before arriving in the Ottoman Empire, Ostroróg received his doctorate in 1892 from the University of Sorbonne in Paris. His thesis was a comparative work on European law, in which he compared legislation concerning functioning of the public limited companies in France, Germany, and Great Britain (Ostroróg, 1892).

However, it was the Muslim law that was going to become the chief field of Ostroróg's interests for the rest of his life. He is internationally renowned for his translation from Arabic into French of the monumental work entitled *The Ordinances of Government: Al-Ahkam al-Sultaniyya w'al-Wilayat al-Diniyya* by the eleventh-century Islamic jurist Al-Mawardi (972–1058), known in Latin as Alboacen. The subject of the work is the Islamic political ruling system and focuses on functioning of the caliphate government. The translation of the first volume was published in 1900 and was followed by two more volumes in 1901 and 1906. *Al-Ahkam as-Sultaniyyah* gained prominence at the time and is a frequently cited textbook in modern political studies in Islam. The publication of Ostroróg's translations of Al-Mawardi's work was vastly commented on in the French and North African press of the time.⁴

How to Reform the Ottoman legislation? *Pour la réforme de la justice ottomane* (1912)

During his stay in the Ottoman Empire, Leon Ostroróg played an important role in secularization and modernization of the Ottoman judiciary system. When the Committee of Union and Progress (CUP) came to power in 1908, one of its main objectives was to save the country from the ongoing foreign intervention. One of the ways to prevent it were reforms executed in various spheres, among which the judiciary was of utmost importance.

⁴ Some of the titles are: *Journal officiel de la République française* (29.10.1901 & 16.05.1907), *Revue critique de législation et de jurisprudence* (1902), *Revue du monde musulman* (05.1905) or the notorious *L'Année sociologique* published under the supervision of Émile Durkheim (1900–1901).

As a legal advisor to the Ottoman Ministry of Justice, Ostroróg drafted a number of legal system reforms, which he presented to the ministers – first, Manyasizade Refik Bey (1853–1908) and then, Necmeddin Molla Efendi. These reform proposals were compiled and first published in Istanbul in 1909 under the title *Pour la réforme de la justice* (Güzel, 1991, p. 74). Then, the work was revised, completed, and published again in 1912 in Paris under the title, *Pour la réforme de la justice ottomane* with dedication to Manyasizade Refik Bey. The fact that Ostroróg published the book after his resignation from the Ministry, shows that he was still determined to make his voice heard despite the change of his circumstances.

Reform projects compiled in the book stretch from 1909 to 1911. In each case Ostroróg first presents the motivation behind the need for a particular reform and then provides a detailed draft of it. The volume contains, among others, a project of the reform of the civil law, reorganization of the judiciary system, proposal of the code of rules concerning exercise of the lawyer profession, revision of the commercial code, a proposal for the reorganization of the central administration of the Ministry of Justice, and finally, a revision of the law on capitulations, which was a highly controversial subject at the time. Ostroróg's ultimate intention was abolition of this privilege. Yet, capitulations were only abolished by the Treaty of Lausanne in 1923 (Ostrorog, 1912).

Commentator of the Ottoman Political and Social Affairs

During his stay in Istanbul Count Ostroróg was a careful follower and fervent commentator of the developments in the Ottoman public sphere. He penned a number of articles in the Ottoman francophone newspapers. He wrote extensively for the journal *Stamboul*, which represented the French interests on the Bosphorus (Güzel, 1991, p. 74). In the meantime, he was also the Istanbul correspondent of the British *Daily Telegraph*, which even caused a polemic in January 1912 on the pages of the oppositional *Mècheroutiette*, published in Paris, about his alleged lack of objectivity in this role due to his affiliation with the CUP (*Un home qui n'est pas à sa place*, 1912, p. 17–20.)

Ostroróg represented a voice of authority as far as the possible directions of modernization that the Ottoman Empire should take during the Second Constitutional Period. Let us give one illustrative example. The 1908 Young Turk Revolution coincided with, and even to some extent, was prompted by

the Japanese victory over Russia in 1905 and the period known in today's historiography as the "awakening of Asia/the East" (1905–1914).

Japan's successful modernization, which was regarded as a key to its victory, made it a metaphor for Asian modernity for the Ottomans, Egyptians and Indians. Consequently, in the following years many Ottoman, Egyptian and Indian writings appeared on the reasons for the Japanese progress (Aydın, 2007, p. 79). They reflected a dilemma on the issue of attributing the Japanese success either to exceptional Japanese traits or to universally applicable policies of the Meiji leadership.

Ottoman statesmen and CUP members claimed to be the "Japan of the Near East" and Japan became for them an example to follow in two key spheres: as a military model and as a model in achieving Western-style modernity (Worringer, 2012, p. 455).

In 1911, the CUP held a conference entitled "La Renaissance du Japon". This event illustrates the degree to which Japan was a universal Ottoman referent for progress and modernization and an image with which the Ottoman statesmen wished to be associated. Among the audience were high-ranking and influential figures, e.g. the Ottoman heir-apparent Prince Abdülmejid (Aydın, 2007, p. 79; Worringer, 2012, p. 468). Leon Ostroróg was the main speaker at the conference. He explained the Japanese success not as a miracle, but as a consequence of the fundamental inclinations of the Japanese people. The most important of them was the recognition of the value of adopting the ways of a superior foreign civilization. Apart from stressing Japan's historically unique ability to assimilate foreign cultures, Ostroróg's explanations touched on major ideas accounting for the exceptionality of Japan's successes, among them, Bushido's ethics (Japan's ancient samurai spirit) (Aydın, 2007, p. 80). He argued that the Japanese had carried out constitutional reform, introduced military conscription and obligatory education, set up universities as well as reorganized the economy thanks to their unique national character (Worringer, 2012, p. 469).

Ostroróg's conclusion was problematic for Ottoman policy makers as it translated into an argument of fatalism and predetermination. It suggested that it was impossible for the Ottomans to repeat the achievements of their Oriental brothers in Japan. Nevertheless, one can argue that Ostroróg's paper influenced Turkish nationalist ideology during the CUP regime in two ways. First, in his lecture he made contributions to the meaning of race among the Ottoman educated elites. Second, he encouraged an emphasis to be placed on

language as a signifier for (racial) identity (Worringer, 2012, p. 469). Ostroróg stressed the importance of “hereditary disposition” or “race” (*ırk*) and environment or “surroundings” (*bi’a*) in shaping a nation’s distinctive spirit (Worringer, 2012, p. 469). Ostroróg’s discussion of the importance of language for racial identity may have encouraged nationalist Turks connected to the CUP to pursue language reform to replace the convoluted Ottoman bureaucratic language filled with vocabulary and syntax borrowings, with a new Turkish vernacular (Worringer, 2012, p. 469).

Overall, the lecture was well-received. According to the review of the pro-CUP *Tanin* entitled “Japonya’nın Teceddüati” (“Modernization of Japan”) (1911): “[Ostroróg was] not only an excellent jurisconsult but erudite with a rare intelligence.” Moreover, the lecture’s importance was stressed by the fact that in 1925 it was translated into Arabic by the Iraqi and former Ottoman army officer Taha al-Hashimi (1888–1961) and popularized in the Arab world (Worringer, 2012, p. 469).

The Ottoman Empire and WWI: *Le problème turc* (1917)

A few years after leaving the Ottoman Empire following the outbreak of WWI, in 1917 Ostroróg wrote a work entitled *Le problème turc*, which was translated into English as *The Turkish Problem* and published in London in 1919. In a highly pragmatic tone Ostroróg identified in the very introduction of the work the Ottoman Empire’s multiethnic composition as its greatest issue: “Turkey is a heterogeneous assemblage of suffering humanity, an ill-adjusted mosaic.” (Ostrorog, 1919, p. 7).

In the following chapters he discussed the ethnic composition of the Empire and devotes the whole chapter to the origin and ethnic characteristics of the Turkish population. Given that he wrote his book in the time when the racial theories were gaining ground, he concluded that Turks are born soldiers, known for their courage, hospitality, sincerity, and child-like candour (Ostrorog, 1919, p. 25).

In the same context, Ostroróg focused on the role of Islam in the multiethnic and multiconfessional empire. He argued that under the Ottoman rule “the system of haughty tolerance” was in operation, where the society was divided into two classes: of those who fight and command, i.e. the Muslim population and those who work and pay taxes, i.e. the non-Muslim population (Ostrorog, 1919, p. 20). He went on to explain what he thought Turks/Ottomans made of Islam.

According to Ostroróg: “As a born soldier Turk saw in Islam a religion of the perfect trooper.” (Ostrorog, 1919, p. 29). He argued that in its Turkish version Islam became yet another military discipline, whose principles were easy to understand and accept and for its new adherents consisted mainly of repetition of prayers in a tongue that was not comprehensible (Ostrorog, 1919, p. 29).

Ostroróg was sternly critical of the Ottoman Empire’s situation at the time and argued that one should not ask: “why the Ottoman Empire was such an ill-constructed mosaic but rather how comes that such a badly cemented mosaic was able to hold together for so long.” (Ostrorog, 1919, p. 40). He continued with assessment of the Ottoman sultans and state dignitaries over the centuries just to come to the conclusion that while Turks were very good on the battlefield, they were rather mediocre when it came to creation (Ostrorog, 1919, pp. 43–48). That is why the functioning of the state was possible thanks to, as he called them, “the civilian mercenaries” hired by the Sultans. Ostroróg attached great importance to the fact that for centuries the minorities played key roles in such areas as civil administration, finances, trade, diplomacy, fine arts, etc. (Ostrorog, 1919, p. 45). He was particularly fond of Armenians, whom he described as “gifted for professional and business careers” and who were numerous represented in such professions as lawyers, doctors, journalists, bankers and businessmen (Ostrorog, 1919, p. 173–174). Given that frequently Turkish was for Armenians almost their second mother tongue, until recently they had been regarded as the “faithful nation” (Ostrorog, 1919, p. 46, 174). Ostroróg bemoaned the Armenian massacres that took place first during the reign of Abdülhamid II and then under the CUP government and concluded as follows: “If national independence was the reward for talent, courage and martyrdom, no other nation deserves it more than Armenians” (Ostrorog, 1919, p. 169).

As the spokesman for the French interests Ostroróg discussed in his work the role that the French played in the changes that had been taking place in the Ottoman Empire since the first decades of the nineteenth century. He enumerated direct French influences in the Ottoman state ranging from the education system through introduction of modern state finance such as foundation of the institutions of the Imperial Ottoman Bank and the Ottoman Public Debt in the 1850s to innovations in the judiciary and specialist assistance in the construction of railways, harbours and quays (Ostrorog, 1919, pp. 49–58).

At the same time, *Le problème turc* is a stark criticism of the Ottoman-German rapprochement both in the Hamidian period and in the years directly

preceding WWI. Ostroróg calls Kaiser's promises to the Sultan and then the Young Turks: "the German hashish" or "the deadly stupefying Teutonic drug" (Ostrorog, 1919, p. 64, 88). He is initially lenient with the Young Turks, applauded as "heroes of liberty", who in "in their patriotism of childish simplicity" aimed to "conceive a new Turkey" (Ostrorog, 1919, p. 76). However, he claims that Young Turks never succeeded in substituting themselves for the imperial authority and thus, no reforming power was left in the empire similar to that of sultans like Selim III or Mahmud II (Ostrorog, 1919, p. 88). Finally, he castigated Enver Pasha's visions of the world ruled by the Caliph and the Kaiser as irrational and unpardonable. He argued that the entering the First World War by the CUP leaders on the German side in 1914, was the final stone to the Ottoman grave (Ostrorog, 1919, pp. 85–86). Given that Ostroróg was a spokesman for French interests on the Bosphorus, his critical position towards the Ottoman-German close relations is not surprising. Nevertheless, it is worth remarking that a few decades later two Polish political émigrés – Konstantyn Borzęcki aka Mustafa Celâleddin Pasha (1826–1876) and Karol Karski aka Lehli Hayreddin (d. 1914) convinced the editorial board of the influential *Basiret* (*Foresight*) newspaper to take side of Prussia during the Franco-Prussian War of 1870–1871.⁵ They were convinced that a stronger Germany may weaken Russia in the future and serve the Polish national independence struggle. The pro-German stand was also an indication of disillusion among the Polish emigration with Napoleon III (1808–1873) and his "principle of nationalities" that seemed to them selective and not applied to their own national cause (Kołodziejczyk, 2011, p. 120). This initiative cannot be underestimated given the key role that *Basiret* played

⁵ Konstantyn Borzęcki aka Mustafa Celâleddin Pasha (1826–1876) was a Polish convert to Islam who came to the Ottoman Empire following the failure of the Revolutions of 1848. He came to prominence as an officer in the Ottoman army and served on various military posts in Anatolia and the Balkans. Eventually, he was promoted to the rank of divisional general (*ferik*). He is best known because of his work *Les turcs anciens et modernes* (*The ancient and modern Turks*, 1869), in which he developed the racial theory of Turo-Arianism – an early kind of Turkish nationalism based on historical and linguistic arguments. In the early Republican times the book became inspiration for espousers of Turkism, among them a leading Turkish nationalist thinker and historian Yusuf Akçura (1876–1935) and even Mustafa Kemal (Atatürk) (1881–1938). Borzęcki was also great-grandfather of one of the most important Turkish poets, Nazım Hikmet Ran (1902–1963), who after fleeing Turkey and becoming deprived of Turkish citizenship, died in exile as a Polish citizen. On the importance of *Basiret* and role of these émigrés in the editorial board of the newspaper see: Yerlikaya (1994, pp. 21–27, 55–56, 66–67).

in the German-Ottoman rapprochement in the following years (Basiretçi Ali, 1997, pp. 70–71; Yerlikaya, 1994, pp. 67, 82–83, 87).

While Ostroróg was critical of the Ottoman rulers, he bemoaned the fate of the empire and sympathized with the common Muslim/Turkish population of the country. He deplored the fact that they are only used “to provide fodder for cannons” and that “bones of Turkish peasants are scattered all over Anatolia” (Ostrorog, 1919, p. 95). He condemned “the state for whom they do everything and who does nothing for them” (Ostrorog, 1919, p. 96).

As a viable solution, Ostroróg called for the “principle of least suffering” to be applied (Ostrorog, 1919, pp. 105–114). Hence, for the law and order to be reinstated in the Ottoman lands, he put forward the example of Egypt of 1898 and called for the presence of foreign/French advisors in each of the chief government departments (Ostrorog, 1919, pp. 139–142). He regarded the foreign intervention as an inevitable solution for the Ottoman state.

Advent of the Republic of Turkey: *The Angora Reform* (1927)

In the light of changes taking place on the map of Europe following World War I and the transformation of the multi-ethnic and multicultural Ottoman polity into the Republic of Turkey, in June 1927 Ostroróg pronounced three lectures entitled *The Angora Reform* on the occasion of the centenary of the foundation of the University College London (Ostrorog, 1927). He held them when he was a lecturer in Islamic Public Law and Turkish Law at that institution. Subsequently, the lectures were published as a book under the same title and translated into Turkish as *Ankara Reformu* in 1972 (Ostrorog, 1972). In these lectures Ostroróg reviewed the rise of Turkish nationalism resulting from the Treaty of Sèvres, discussed the reasons for the overthrow of the Sultanate and surveyed the reforms of the first years of the Republic.

Each lecture constitutes a follow-up to the previous one. The first lecture is entitled “Roots of Law” (“Usul-ü Fikh”) or “Philosophy of Law”. Ostroróg explained in it how it was difficult for Islamic law to fit modern conditions because of the original conception of the Divine Law as having a single source – the Quran (Ostrorog, 1927, pp. 13–34).

The second lecture entitled “Turkish Psychology” explains how the Ottoman government had, to some degree, solved this difficulty. Ostroróg put stress on the difference between the Turkish and Arab outlook. He claimed that Turkish psychology was very different from the Arab one. Discipline

was the main characteristic of what he described as the Ottoman character (Ostrorog, 1927, pp. 37–41). Ottomans' belief in the authority of the Sultan enabled them to conceive a man-made law (*kanun*) distinct from the divine law (*sharia*). Turks adopted Islam but managed gradually to modernize Islamic law (*though faultily*) so as to make it fit with their political position in relation to the European Powers (Ostrorog, 1927, pp. 42–52). Moreover, in the Ottoman Empire the man-made law *kanun* existed side by side with the divine *sharia*. At first it was possible only with the approval of the *ulema* but later the *kanun* was often in direct opposition to the sacred law. Eventually, it was necessary to establish a separate set of courts to apply the *kanun* as the *kadis* would only apply the *sharia* (Ostrorog, 1927, pp. 47–49). Hence, the Ottoman government made efforts to keep pace with modern requirements. Whether it would have been possible to continue development along these lines was not certain but until the last days of the Ottoman polity there was little initiative for doing otherwise.

The final lecture is entitled “The Revolution” and speaks of the milestone reforms that accompanied the establishment of the Republic of Turkey in 1923. Among the chief changes Ostroróg enumerates a number of legal reforms that were introduced at the wake of the republic: the abolition of the Caliphate, the establishment of lay courts, the secularization of education, the abolition of dervish lodges and *tekkes* as well as promulgation of the Turkish civil code based on its Swiss counterpart (Ostrorog, 1927, pp. 69–86). Ostroróg stressed the importance of the legal revolution as far as the family law was concerned: women not only had equal property rights (always recognized by Islamic law) but also gained equal rights in inheritance, marriage, and divorce (Ostrorog, 1927, pp. 81–87).

In conclusion, Ostroróg asked: “What remains of Islam in Turkey?” At the time of his lectures Islam was still the state religion. Hence, he stressed that the Republic of Turkey was far from rejecting Islam or advocating official atheism. He suggested that although Islam did not allow separation of religion and law, the legal revolution might prove to be the beginning of a reform of Islamic law (Ostrorog, 1927, pp. 94–99). He put forward the idea of “return to an Islam of younger and broader views” and the conception of Islam uncontaminated by the “subtlety of scholastic logicians” (Ostrorog, 1927, pp. 97–98). For Ostroróg, the secularization of law in Turkey was a possible starting point for an important renewal of Islamic thought on a more liberal basis than had ever been possible before. Nevertheless, shortly after the lectures were pronounced, on 10 April 1928 the National Assembly voted the abrogation of the Article II of

the Constitution of 1923, which renouncement of Islam as the state religion. With this decision, Ostroróg's visions put forward in the final lecture became a dead letter confined in application to the pages of his work.

In search of universal rights: *Les droits de l'homme et des minorités dans le droit musulman* (1930)

Two years before his death Académie diplomatique internationale published Ostroróg's final paper dealing with the issue of human rights and the rights of minorities in Islamic law (Ostrorog, 1930). In his article entitled *Les droits de l'homme et des minorités dans le droit musulman* (*Human and minority rights in Islamic law*) Ostroróg explained the division in Islam into believers and non-believers: Jews and Christians, that goes beyond any ethnic divisions. Next, he enumerated the freedoms that were guaranteed to the non-Muslims by the Islamic law such as freedom of language, freedom of education at their own institutions, freedom of running their own charity institutions and of owning religious courts of justice (Ostrorog, 1930, p. 6). In his article he used the example of the Ottoman Empire as the state where such a system was practically applied for the longest in the history.

All that one expected from the minorities was to pay the tax and show respect to their hosts. They could live as they wished, take care of their business and live their family lives according to the rules of their religions, their traditions and in their language but without meddling into state affairs (Ostrorog, 1930, pp. 6–7). However, despite their rights, Ostroróg recognized that the non-Muslims were regarded as external to the Muslim society and had to obey certain rules, like: they were supposed to wear different head-garments and clothes than Muslims, had to build houses lower than those of Muslims, they were not supposed to show off with their religious symbols and in some cases they were not equal as far as the penal law was concerned (Ostrorog, 1930, pp. 16–17). Still, he rejected opinions espoused by some foreign countries' diplomats that minorities suffered under the Ottoman rule (Ostrorog, 1930, p. 18). Ostroróg concluded his article with words that did not lose their universality even though almost nine decades passed since the paper was published. He called for the need for the universal rule of equality and brotherhood in the world and respect for the basic human rights. He argued that while conceiving these rights, "the Muslim Orient and the Christian Occident have to find a common language" (Ostrorog, 1930, pp. 21–22).

Conclusion

In conclusion, an ardent advocate of the Ottoman legal system reforms, an expert in the Islamic jurisprudence and ambassador of the Ottoman-French cultural rapprochement, Leon Ostroróg played an important role in the transfer of ideas and knowledge between the European and Ottoman intellectual milieus in the late Ottoman period.

He was one of the co-authors of reforms taking place in the final decades of the Ottoman Empire. Later, he closely followed revolutionary changes being introduced in the newly established Republic of Turkey. He was an ardent commentator of these developments and did not keep away from criticism when he regarded it as necessary. Meanwhile, he attached importance to his Polish origins – he actively participated in the life of the Istanbul Polish community. While Leon Ostroróg certainly represented a voice of authority during the Young Turk period as far as the legal reforms were concerned, he was not the only Polish voice who tried to influence the Ottoman social and political realities of the time. The activities of the Young Turk movement in Paris in the first decade of the 20th century, the 1908 Young Turk Revolution and the coming to power of the Committee of Union and Progress (*İttihat ve Terakki Fırkası*, CUP) can be regarded as crucial developments, which attracted some Polish émigrés born in France to come to the Ottoman Empire and once again, tie the Polish national independence cause to the alliance with the Ottomans.⁶ Moreover, the outcome of the Balkan Wars (1912–1913) and the perceived imminence of a military conflict in Europe incited the pro-Polish independence circles grouped around the future Chief of State, General Józef Piłsudski (1867–1935) to seek political alliances with the Ottoman state against Russia. In order to realize this goal, the Polish political emissaries were sent to Istanbul to convince the Ottoman side of the advantages of a cooperation with the Polish pro-independence circles. The Polish-Turkish friendship societies were founded on Piłsudski's initiative both in Cracow and Paris in 1913 (Chmielowska, 2006, pp. 31–37).

The multifaceted nature of Ostroróg's activities allows us to identify his persona with French political interests, Ottoman reformer spirit, Levantine

⁶ One of the most prominent examples is Tadeusz Seyfeddin Gasztowtt (1881–1936), who was adherent of the Young Turk movement and played an important role in the normalization of Polish-Ottoman/Turkish relations after Poland regained independence in 1918. More on Gasztowtt and his activities in the Ottoman Empire, see: Dominik (2014).

milieu of the Late Ottoman Istanbul and Polish noble origins. Ostroróg and his agency in the intellectual transfer represents an important case study as far as the complexities of transcontinental dialogue and entanglement processes between Europe and the Middle East are concerned.

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Pour la réforme de la justice ottomane: Hrabia Leon Walerian Ostroróg (1867–1932) i jego działalność w późnym Imperium Osmańskim

Po ostatnim rozbiórze Rzeczypospolitej Obojga Narodów w 1795 roku Imperium Osmańskie było jednym z najważniejszych kierunków, jakie obrała polska emigracja polityczna. Polacy przyjeżdżali nad Bosfor mając nadzieję na osmańskie wsparcie w próbach odbudowania niepodległego państwa polskiego. Aktywność Polaków w Porcie Osmańskiej nie ograniczała się jednak wyłącznie do planowania przyszłych powstań przeciwko zaborcom. Emigranci odegrali znaczącą rolę w przygotowaniu reform mających na celu reorganizację Imperium Osmańskiego

poczynając od okresu Tanzimat (1839–1876). Choć działalność polskiej emigracji zmalała po przegranej Imperium Osmańskiego w wojnie przeciwko Rosji (1877–1878) i podczas panowania Sułtana Abdülhamida II (na tronie od 1876 do 1909), rewolucja młodoturecka w 1908 roku i dojście do władzy Komitetu Jedności i Postępu (İttihat ve Terakki Fırkası) były przełomowymi wydarzeniami, które stały się impulsem dla polskich emigrantów urodzonych we Francji do przybycia do Państwa Osmańskiego.

Tematem tego artykułu jest działalność Hrabiego Leona Ostroroga (1867–1932), który w okresie młodotureckim (1908–1918) zasłynął jako doradca prawny w osmańskim Ministerstwie Sprawiedliwości. Ostroróg odegrał znaczącą rolę w przygotowaniu projektów reform osmańskiego systemu prawnego. Równocześnie był on również aktywnie zaangażowany w życie polskiej, osmańskiej oraz lewentyńskiej społeczności Sztambułu. Koncentrując się na najważniejszych pracach opublikowanych przez Ostroroga, artykuł poddaje pod dyskusję poglądy Ostroroga na sytuację Imperium Osmańskiego w ostatnich latach jego istnienia oraz na zmiany zachodzące w wyniku I wojny światowej, kiedy to wielokulturowe i wieloetniczne imperium przeobraziło się w Republikę Turcji.

Słowa kluczowe: Imperium Osmańskie; rewolucja młodoturecka; Republika Turcji; reforma prawna; historia intelektualna; Leon Ostroróg

***Pour la réforme de la justice ottomane:* Count Leon Walerian Ostroróg (1867–1932) and His Activities in the Final Decades of the Ottoman Empire**

Following the final partition of the Polish-Lithuanian Commonwealth in 1795 the Ottoman Empire became one of the chief destinations for the Polish political émigrés. Poles fled to Istanbul hoping for Ottoman support in their efforts to regain independence. Their participation in the Ottoman public sphere was not limited to the activities aimed at the restoration of an independent Poland; rather, Polish émigrés also played an active role in the enterprise of modernization of the Ottoman state since the era of the Tanzimat reforms (1839–1876). While one can say that the intensity of the Polish participation in the Ottoman public sphere decreased substantially after the Ottoman defeat in the war against Russia (1877–1878) and during the reign of Sultan Abdülhamid II (r. 1876–1909), the subsequent 1908 Young Turk Revolution and the coming to power of the Committee of Union and Progress (İttihat ve Terakki Fırkası) was a watershed event that attracted some Polish émigrés from France to come to the Ottoman Empire.

This paper focuses on the work of Count Leon Ostroróg (1867–1932), who came to prominence as a legal adviser to the Ottoman Ministry of Justice in the Second Constitutional Period (1908–1918). He played an important role in the reform projects of the Otto-

man legal system. Meanwhile, he was actively engaged in the life of the Istanbul's Polish, French and Levantine communities. By focusing on his major works this paper discusses Ostroróg's views on the late Ottoman Empire and his stance towards the transformation of the multicultural and multiethnic Ottoman Empire into the nation-state of the Republic of Turkey in the aftermath of the WWI and towards a number of far-reaching reforms that characterized that period.

Keywords: Ottoman Empire, Young Turk Revolution, Republic of Turkey, legal reform, intellectual history, Leon Ostrorog

Notka o autorze

Paulina Dominik (paulina.dominik@orinst.oxon.org) – doktorantka na Freie Universität Berlin, magister orientalistyki, licencjat z zakresu turkologii i iranistyki, absolwentka Uniwersytetu Oksfordzkiego (University of Oxford). Zainteresowania badawcze: historia Bliskiego Wschodu i Europy Środkowej, w szczególności wzajemne relacje między tymi regionami, rola polskiej emigracji w wymianie idei i wiedzy między Imperium Osmańskim a Europą i jej udziale w późnoosmańskich debatach intelektualnych od Tanzimatu do okresu młodotureckiego (1839–1918). Stypendystka niemieckiego instytutu badawczego Orient-Institut Istanbul (2013–2014) i wykonawczyni w projekcie *Istanbul Memories: Personal Narratives of the Late Ottoman Period*.

Paulina Dominik (paulina.dominik@orinst.oxon.org) – PhD student at the Graduate School of Global Intellectual History at the Freie Universität Berlin, M. sc. in Oriental Studies, Bachelor in Turkish and Persian, graduated from the University of Oxford. Research interests: history of the Middle East and Central Europe and intersections between both; the role of the Polish political émigrés in the transfer of knowledge and ideas between the Ottoman and European intellectual milieus as well as their participation in the Ottoman intellectual debates from the Tanzimat Era until the Second Constitutional Period (1839–1918). In 2013–2014 based at the Orient-Institut Istanbul where she held a fellowship and since has been contributing to the *Istanbul Memories: Personal Narratives of the Late Ottoman Period* project.