



# A Constitution for a Multilingual Empire. Translations of the *Kanun-i Esasi* and Other Official Texts into Minority Languages

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## *Introduction*

Ziya Pasha's seminal article "Poetry and Prose" (*Şiir ve inşâ*; 1868) contains an interesting paragraph on the untranslatability of the Ottoman language. In this passage, he writes that the Province of Tunis had asked for an Arabic translation of the *Düstur*, the Ottoman Code of Public Laws whose publication had begun in 1865. The local authorities had entrusted this task to a native Arabic speaker in Istanbul with knowledge of Turkish. This person encountered twenty or so problems in two or three pages. He therefore went to see seven or eight people with a perfect command of Turkish and a reputation for their mastery of prose and poetry. He presented his problems to them. Nobody knew how to resolve them. In some cases, their proposals even contradicted each other. The poor translator left with the impression that the translation of the *Düstur* he had embarked upon was a mass of riddles and was unable to complete his translation. Thereupon another person was entrusted with the task but he too failed. Eventually, Ziya Pasha concludes, "the Province of Tunis is unable to possess the law code of the state it belongs to."<sup>1</sup>

Ziya Pasha (1825-1880) who sought with this article to bring about a reform of the Turkish language and of Turkish writing, is, of course, exaggerating. But having been trained as a government official, he was familiar with the intricacies of the Ottoman chancery style. He was right in so far as the Province of Tunis would remain without an Arabic version of the Ottoman *Düstur* until the end of Ottoman rule.<sup>2</sup> But he was wrong in the long term because the *Düstur* was eventually translated into Arabic (at least partially) – having previously been translated into a variety of other languages spoken in the Ottoman Empire.<sup>3</sup>

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<sup>1</sup> See Ağâh Sırrı Levend, *Türk Dilinde Gelişme ve Sadeleşme Evreleri*, 3rd ed. (Ankara: Ankara Üniv. Basımevi, 1972), 119.

<sup>2</sup> On translations published in Tunis see Muḥammad Muwā'ada, *Harakat at-tarjama fī Tūnis wa ibrāz mazāhirihā fī l-adab 1840-1955* (Tunis: ad-Dār al-ʿArabiyya li l-Kitāb, 1986).

<sup>3</sup> Vide infra, n. 18.

### *The Translation of Ottoman Official Texts into Minority Languages*

The translation of Ottoman official documents into the languages of the non-Turkish speaking population had a long tradition, beginning even before the *Tanzimat* reforms (1839).

The very first Turkish paper to appear in the Ottoman Empire was the official gazette published by the Egyptians after the occupation of Crete (1830). It appeared in a bilingual edition (Turkish-Greek) under the title *Vekayi-i giridiyye* / Κρητική Εφημερίς.<sup>4</sup> In Egypt itself, the history of the press had started with a government newspaper published in Turkish and Arabic, named *Vekayi'-i misriyye* / *al-Waqā'ir al-misriyya*.<sup>5</sup> Publication started in 1828, three years prior to that of the *Takvim-i Vekayi* published in the Ottoman Capital.<sup>6</sup> The official paper of the Empire founded in 1831 under Sultan Mahmud II (1808-1939), also appeared for a while in French, Greek<sup>7</sup> and Armenian<sup>8</sup>. (According to some writers, there were also Arabic and Persian editions).

Translation activity increased with the promulgation of various laws in the wake of the *Tanzimat*. The text of the famous Imperial Rescript of Gülhane was published not only in Turkish in the *Takvim-i vekayi* but also in French and Greek.<sup>9</sup> The same applies to the *Islahat fermanı* of 1856.<sup>10</sup>

<sup>4</sup> See Orhan Koloğlu, “La presse turque en Crète,” in *Presse turque et presse de Turquie. Actes des colloques d'Istanbul*, ed. Nathalie Clayer, Alexandre Popovic, and Thierry Zarcone (Istanbul-Paris: Isis, 1992), 259-267; here 259f. For specimens of these papers see Athanase Politis, *Les rapports de la Grèce et de l'Égypte pendant le règne de Mohamed Aly (1833-1849)* (Rome: R. Soc. di geogr. d'Égitto, 1935), *appendix*; Zaynab 'İşmat Râşid, *Kirîr taht al-hukm al-mişrî, 1830-1840*, (Cairo: al-Jam'iyya al-Mişriyya li 'd-Dirâsât at-Târikhiyya, 1964), 179-182.

<sup>5</sup> The first issue of this paper dates from December 3, 1828 (see Jean Deny, *Sommaire des Archives turques du Caire* (Cairo, Institut Français d'Archéologie Orientale du Caire, 1930), 122; also see the French translation of the Turkish editorial of the first issue, *ibid.*, 152).

<sup>6</sup> First issued 25 Cemaziyülevvel 1247 / November 1, 1831. For this paper, see Orhan Koloğlu, *Takvimi Vekayi. Türk Basınında 150 yıl, 1831-1981* (Ankara: Çağdaş Gazeteciler Derneği, 1981).

<sup>7</sup> Under the title Οθωμανικός Μηνύτωρ *Othōmanikos Mēnytōr*. One of the editors was Yanko Mousouros (1808-1869). According to a letter written by Sophronios, the Metropolitan of Chio around 1840, the paper was sent by the Ottoman government to the metropolises and bishoprics of the Patriarchate of Constantinople. But there were only three copies on the whole island of Chio. See Manuel Gedeon, *Αποσημειώματα χρονολόγου 1800-1913* (Athens, “Phoinikos,” 1932), 49.

<sup>8</sup> Under the title “Newspaper of the Great Ottoman State” (*Lero Gir Teruf'eann Osmaneany*; first published in January 1832). It was printed by Boghos Arabian (1742-1836). See Toros Azadian, ed., *Žamanak K'arasnameay Yišatakaran 1908-1948* (Istanbul, 1948), 11. For the Armenian community, the publication of this official paper marked a turning point. Its Armenian version was the first Armenian paper published in the Ottoman Empire. Moreover, it appeared not in the classical (*grabar*) but in the vernacular language.

<sup>9</sup> A printed Greek version is also listed in D. Gkines and V. Mexas, *Ελληνική Βιβλιογραφία 1800-1863* (Athens, Graphieion Dēmosieumatōn tēs Akadēmias Athēnōn, 1939-1957), vol. 1, no. 3165. One French version appeared in the *Moniteur* (27 November 1839, p. 2065),

Among the principal law codes promulgated prior to the Constitution of which translations into minority languages are known were

- the Penal Code (*Ceza Kanunnamesi*; 1840; revised in 1851 and 1857)<sup>11</sup>
- the Commercial Code (*Ticaret Kanunnamesi*; 1850; revised in 1861)<sup>12</sup>
- the Provincial Reform Law (*Vilayet Kanunnamesi*; 1864).<sup>13</sup>

The Ottoman government was interested in having these translations published. In his observations on the execution of the *Islabat Fermanı*, the Ottoman grand-vizier Fuad Pasha (1815-1869), wrote:

“Ces différentes lois dont le texte a été publié en turc et en français, n’ont pas été traduites dans les autres langues. Le Gouvernement a pris des mesures pour combler cette lacune par la publication complète et simultanée d’une traduction des codes de l’Empire dans toutes les langues usitées en Turquie.”<sup>14</sup>

We still lack detailed knowledge about the execution of this project. But the new Ottoman legislation (or parts of it) did eventually also become available in the languages of the minorities. Moreover, translations were not restricted to widely used languages such as those of the two major *millet*s, Greek and Armenian, or Arabic. They existed also in Serbian, Bulgarian or Judaeo-Spanish. A Judaeo-Arabic version (Arabic in Hebrew Script) of the Ottoman Commercial Code, for example, was published in Baghdad in 1870,<sup>15</sup> a translation of the Ottoman Constitution in 1908.<sup>16</sup> For some non-Muslim communities, a translation of these laws into their ethnic language was not even necessary. For the Turkish-speaking Greek Orthodox and Armenians, the texts had only been transposed into another alphabet. This is shown by the *Karamanli* and Armeno-Turkish versions of the Penal Code, the Code of Commerce and the *Düstur*.<sup>17</sup>

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another one, by the French dragoman François Alphonse Belin (1817-1877) was published in the *Journal Asiatique*.

- 10 A Greek version was published on the island of Samos, translated by Z. Ypandrevmenos. Cf. D. Gkines and V. Mexas, *Ελληνική Βιβλιογραφία*, vol. 2: no 6990.
- 11 On the Judaeo-Spanish version, vide infra.
- 12 Translated into Arabic by Nicolas Efendi Nakkache (vide infra).
- 13 A Serbian version, *Ustavni Zakon Vilajeta bosanskog*, was published in instalments in the weekly *Bosanski vjestnik* in 1866. The translator was Miloš Mandić (1843 –1900).
- 14 “Mémoire de Fuad Pacha: Considérations sur l’exécution du Firman Impérial du 8 février 1856,” in Aristarchi Bey, *Législation ottomane, ou Recueil des lois, règlements, ordonnances, traités, capitulations et autres documents officiels de l’Empire ottoman*, 7 vols. (Istanbul: Nicolaïdes, 1873-1888), 2: 31-32.
- 15 *Qawānīn al tağāriya*, Baghdad, 5630 (1870). Listed in Abraham Yaari, *Ha-defus ha-ivri be-artsot ha-mizrah* (“Hebrew Printing in the East”), 2 vols. (Jerusalem, 1936-1940), no. 20.
- 16 *Tarjamat al-khatt al-sharīf al-sultānī wa l-Qānūn al-asāsī*, Baghdad 1226 [1908]. Cf. Yaari, *Ha-defus ha-ivri*, no. 167.
- 17 Karamanli: Penal code: *Ceza Kanunnamesi* (1859); Code of commerce: *Ticaret kanunnamesi* (1860); *Düstour* (1868 – 1871). For references see Evangelia Balta, *Karamanlidika. Nouvelles additions et compléments I*, (Athens, 1997), 254-256; Armeno-Turkish: *Ceza Kanunnamei hümayunu* (1859); cf. Garabed Panossian, ed., *Düstur*, 2 vol. 1881-1882. For references see

The *Düstur* was eventually available in Greek, Armenian, Armeno-Turkish, Karamanli, Judaeo-Spanish, Bulgarian and – despite Ziya Pasha’s scepticism – even in Arabic.<sup>18</sup>

### *The Translators*

Many translations were published anonymously. Others were the work of translators who were prominent figures in their respective communities.

This is particularly the case of the Arab translators, most of them Christians (Khalil al-Khūrī, Nicolas an-Naqqāsh, Anṭūn ʿId Šabbāg, Niʿmatullāh Nawfal). The Maronite Nicolas an-Naqqāš (“*İzzetli Nikola Efendi Nakkaş*,” 1825 – 1894), one of the pioneers, was also a distinguished writer and poet.<sup>19</sup> He had already translated the Ottoman “Land Law” into Arabic<sup>20</sup> before he was elected member of Parliament for Syria in 1876.

An equally important figure was the translator of the Ottoman Penal code into Judaeo-Spanish, Yehezkel Gabay (1825-1896). He founded the *Jurnal Yisraelit* in Istanbul in 1860 and is therefore regarded as the father of Jewish journalism in Turkey. He also is said to have been the first Jewish employee of the Ottoman Ministry of Education. His translation of the Penal Code was published under the title *Kanun name de Penas* in 1860. Gabay was an experienced translator from Ottoman Turkish: the Ottoman Jews also owe to him a Judaeo-Spanish translation of Sadık Rifʿat Pasha’s moral treatise *Risale-i ablāk* and, according to M. Franco, the Turkish version of the National Constitution of the Jewish *millet* (vide infra) whose text had first been drafted in Judaeo-Spanish.<sup>21</sup>

The Judaeo-Spanish version of the *Düstur* was published by Moïse del Médico and David Fresco under the title *Koleksyon de las leyes, reglamentos, ordenanzas i instruksyones del Imperio Otomano* (Istanbul, 1881).<sup>22</sup> Del Médico (“Moiz Bey Dalmediko,” Istanbul 1848-1937)<sup>23</sup> was a high-ranking government employee, who eventually became First Dragoman at the Ministry of the Navy (*Premier Secrétaire-interprète du Ministère de la Marine*). As a journalist, Dal Médico was in-

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Hasmik A. Stepanian, *Hayataʿ Turkʿeren grkʿeri ew Hayataʿ Turkʿeren parberakan Mamuli matenagitutʿiwen* (Istanbul, Turkuaz Yayınları, 2005).

<sup>18</sup> Niʿmatullāh Nawfal, in collaboration with Khalil al-Khūrī, *Ad-Dustūr*, 1st vol. (Beirut, Al-Matbaʿa al-adabiyya, 1301/1883-84). An Arabic version of the *Mecelle*, *Al-Majallah*, was published in Istanbul in 1297/1880 (only one volume).

<sup>19</sup> See on Nicolas Naqqāsh Malek Sharif’s contribution in this volume.

<sup>20</sup> See *Aşl wa tarjamat qānūn wa nizāmnāmat al-arađi – Kanunname-i arazi ve tapu* (Beirut: Matbaʿat al-Abāʿ al-yasūʿiyyīn, 1290/1873) [Turkish–Arabic].

<sup>21</sup> See M. Franco, *Essai sur l’Histoire des Israélites de l’Empire ottoman depuis les origines jusqu’à nos jours*, Paris, 1897, 169.

<sup>22</sup> See Elena Romero, *La creación literaria en lengua sefardí*, (Madrid: Ed. MAPFRE, 1992), 202.

<sup>23</sup> See on Del Médico art. “Dalmediko, Moiz” (Rifat N. Bali), in *Yaşamları ve Yapıtlarıyla Osmanlılar Ansiklopedisi*, ed. Ekrem Çakıroğlu, 3 vols. (Istanbul: Yapı Kredi Yayınları, 1999), 1:366-367 (with further references).

volved in the publication of several Judaeo-Spanish papers. Together with his compatriots Marco Maiorcas and David Fresco, he published the paper *El Nacional*, a continuation of Gabay's *Jurnal Yisraelit*. He later became a member of the "Commission for the propagation of the Ottoman Language" (*Tânim-i lisan-i osmani komisyonu*) created in 1900. His excellent textbook for the study of Ottoman Turkish<sup>24</sup> was adopted by the schools of the *Alliance Israélite Universelle* in the Ottoman Empire. His collaborator David Fresco (1850 – 1933) was a printer, publisher and a particularly prolific translator of works from French or Hebrew into Judaeo-Spanish. But like Dal Médico, he urged his coreligionists to adopt the Turkish language.

Several prominent Greek translators (C. Photiades, I. Vithynos, G. Aristarchi) shall be dealt with below.

### *The Role of the Press*

The press of the non-Turkish-speaking population was also instrumental in the dissemination of the new legislation. Many laws and regulations promulgated in the wake of the *Tanzimat* were published in the papers of the non-Muslim communities in their respective languages (Greek, Armenian, Bulgarian, Judaeo-Spanish, etc.). This press had developed rapidly after the proclamation of the *Hatt-i şerif* of Gülhane (1839) – in some cases more rapidly than the Turkish press, whose rise only begins after 1860. This was especially the case of the Greek, Armenian and Bulgarian press in Istanbul.<sup>25</sup> After 1860, Fāris al-Shidyāq ("Ahmed Faris Efendi," 1804-1887) started the publication of his famous Arabic paper *Al-Jawā'ib* in Istanbul, where numerous laws and regulations in Arabic translation were published.<sup>26</sup> It was followed in 1876 by the Persian language paper *Akhtar* ("The Star")<sup>27</sup>, which also contained many translations (including a Persian version of the *Kanun-i esasi*).

The official press in the provinces, known as *vilayet gazeteleri*, played a particularly important role in our context since many of them also appeared in the vernacular languages (Arabic, Greek, Bulgarian, Serbian, etc). Publication of most of these papers began after the Reform of the *vilayets* (1864), except in the case of Tunis, where the publication of the official paper *Al-Rā'id at-Tūnisī* (in Arabic)

<sup>24</sup> *Méthode théorique et pratique pour l'enseignement de la langue turque [Muallim-i lisan-i osmani]*, (Constantinople: Imprimerie du Ministère de la Marine, 1885) [2nd ed. (Istanbul, 1908)].

<sup>25</sup> See on the principal papers Johann Strauss, "Who Read What in the Ottoman Empire (19<sup>th</sup>-20<sup>th</sup> centuries)?," *Arabic Middle Eastern Literatures*, 6.1 (2003), 39-76; here: 43.

<sup>26</sup> They were collected in vol. 6 of the *Kanz ar-raghā'ib fī muntakhabāt al-Jawā'ib*, 7 vols. (Istanbul: Maṭba'at al-Jawā'ib, 1288/1871- 1298/1881).

<sup>27</sup> See on this paper Anja Pistor-Hatam, *Nachrichtenblatt, Informationsbörse und Diskussionsforum: Akbar-r Estānbūl (1876-1896) – Anstöße zur frühen persischen Moderne* (Münster: Lit, 1999).

had started already in 1860. Among the official papers of the Arabic provinces, *Zevra* / *al-Zawwāʾ*, the bilingual *vilayet gazetesi* of Baghdad province founded in 1869, enjoyed the highest prestige, at least for a while.<sup>28</sup>

### *The Role of the French Language*

French unquestionably played a pivotal role in this context. It is fair to say that without the French versions of these documents, the translation into the other languages would have encountered serious difficulties.

French had become a sort of semi-official language in the Ottoman Empire in the wake of the *Tanzimat* reforms. Even before the promulgation of the Constitution in the Ottoman Empire (and of course also after that date) we have many publications of legal texts in French.<sup>29</sup> These were usually communicated officially to the foreign diplomats and other residents. It is thanks to these translations that these texts found a wider audience, after having been reproduced in the European press, e.g. in the French *Moniteur* (*Le Moniteur* was the name of the French official gazette, first published as *Le Moniteur universel* in 1789).

As Fuad Pasha's observations (vide supra) show, the French translations were in the eyes of some Ottoman statesmen the most important ones. Sultan Mahmud II had already had public opinion in Europe in mind when he ordered the publication of the official paper in French. It appeared under the title *Moniteur Ottoman* echoing the title of its French counterpart. But this French version was also to play an important role for the native language press of non-Muslims in the Ottoman Empire. As the title of the Greek version of the *Takvim-i Vekayi*, *Othōmanikos Mīnytōr* (Οθωμανικός Μηνύτωρ), shows, it was clearly based on French, not on Turkish. Characteristically, also the Arabic press in the provinces began in 1858 with a newspaper that also appeared in a French edition, the semi-official *Ḥadīqat al-Akbbār* (French title: *Hadikat-el-Akbbār. Journal de Syrie et Liban*).<sup>30</sup> It was published by Khalīl al-Khūrī (1836 – 1907), who was to become a leading official press figure in the Syrian provinces.

It is true that French was not an ethnic language of the Ottoman Empire. But it was the only Western language which would become increasingly widespread among educated persons in all linguistic communities. The French translations published by the Ottoman government were usually the work of Ottoman na-

<sup>28</sup> See on this paper Christoph Herzog, "The Beginnings of the Press in Iraq: Zevra," in *Amtsblatt, vilayet gazetesi und unabhängiges Journal: Die Anfänge der Presse im Nahen Osten*, ed. Anja Pistor-Hatam, Frankfurt, etc.: Lang, 2001, 55-63.

<sup>29</sup> One of the last translations was *Law of the vilayets* of the late sixties: *Sublime Porte.: Sur la nouvelle division de l'Empire en gouvernements généraux formés sous le nom de Vilayets* (Istanbul, 1867).

<sup>30</sup> See G. Groc and İ. Çağlar, *La presse française de Turquie de 1795 à nos jours. Histoire et catalogue* (Istanbul: Isis, 1985), 107 (no. 208) and 62 (facsimile).

tionals employed in the various sections of the translation service, in particular the Translation Office (*Terceme odası*).<sup>31</sup>

Moreover, one can safely assume that some documents (such as the *Islahat fermarı* of 1856) were originally drafted in that language.

### *Aristarchi Bey's Législation ottomane*

These French translations were eventually collected and published in Istanbul. The best-known example of such a collection, embracing the whole of Ottoman legislation (which is still useful today) is that of Grégoire Aristarchi Bey, *Législation ottomane, ou Recueil des lois, règlements, ordonnances, traités, capitulations et autres documents officiels de l'Empire ottoman* (7 vols., Istanbul, 1873-1888). This work was edited by Demetrius Nicolaidis. Its prospective readers were, as the preface states, primarily foreign diplomats and residents.<sup>32</sup>

The work contains translations of both the *Düstur* and the *Mecelle*.<sup>33</sup> Grégoire ("Ligor") Aristarchi (1843- ?) was the scion of a well-known Phanariot family, which had supplied the Ottoman state with several Grand Dragomans in the past. Aristarchi Bey was trained as a jurist and started his career in the provinces. In 1861, he was appointed director of foreign correspondence in Crete. Later, he was vice-governor and political director (*directeur politique*) in Izmir (1867). The *Législation ottomane* was published when he was appointed Ottoman ambassador in Washington. There, he became a popular figure (and even a protagonist of one of Henry James's novels). However Aristarchi Bey was not the translator of the entire corpus contained in this collection. One may even ask what contribution he actually made, since the translations in the *Législation ottomane* stem from the most diverse sources: The introduction and the classification of the laws was undertaken by a Greek lawyer in Istanbul, N. Petrakides, who had died an early death from consumption, a short time before the publication of the work. Petrakides also wrote the (voluminous) notes. The French version of the *Hatt-i şerif* of Gülhane was reproduced from the *Manuale di diritto pubblico e privato ottomano*. This very important collection, one of the first of its kind, had been published by the Italian lawyer Domenico Gatteschi in Alexandria in 1865.<sup>34</sup> Even more intriguing is the fact that in vols. VI-VII of the *Législation ottomane*, containing translations of the *Mecelle*, Aristarchi's name does not even appear.<sup>35</sup> They seem to have been

<sup>31</sup> See now on the *Tercüme odası*, Sezai Balcı, *Osmanlı Devletinde Tercümanlık ve Babıali Tercüme Odası*, unpublished Ph.D. thesis Ankara Üniversitesi, 2006.

<sup>32</sup> In the preface, it is said: "[...] l'édition d'une collection des lois ottomanes, des conventions internationales, en langue française, à l'usage des chancelleries consulaires établies dans l'Empire, à l'usage des étrangers qui pour la plupart connaissent le français, était d'une nécessité absolue" (Aristarchi, *Législation ottomane*, 1:vii).

<sup>33</sup> The latter contained in vols. VI and VII of Aristarchi, *Législation ottomane*.

<sup>34</sup> Gatteschi was a lawyer at the Supreme Court of Appeal of the Italian Kingdom.

<sup>35</sup> The first volume published under Abdülhamid II bears the title *Doustour-i-hamidié*.

edited solely by Demetrius Nicolaidis, who also wrote the dedication at the beginning, written both in French and Ottoman Turkish. From the book we learn that the translations of book IV (“*du Transport de Dette*”) and V (“*du Gage*”) were only reprinted from those published previously by the Armenian judge at the Criminal Court of Péra, Takvor Efendi Baghtchebanoglou. The fourteen remaining texts had been translated by the Istanbul lawyer, probably of Levantine origin, L. Rota, with the help of the Armenian Mihran Chirinian (books I, II, III and VI) and, in the following books, with that of the Greek Alexander Adamides.<sup>36</sup> The Armenian lawyer G. Sinapian, a prominent jurist and Turkish scholar,<sup>37</sup> translated the eight last chapters of the *Mecelle* contained in vol. VII of the *Législation ottomane* using thereby the translation of his compatriot Ohannes Bey Alexanian for the *Livre des Preuves*, as he says in his “Avertissement du traducteur” (p. 5f).

What is striking is that no Frenchman or native speaker of French seems to have been involved in this translation work.

### *Greek Versions and their Impact*

There are also other puzzling aspects in the *Législation ottomane*. It is evident that at least some sections had been translated into French not from Turkish but from Greek, by a translator (or translators) seemingly ignorant of Ottoman Turkish.

This is clear from a number of details. In the first parts, Ottoman Turkish technical terms are transcribed almost slavishly from Greek, a language that has no equivalent for certain Turkish vowels and consonants. Cf.: “*tourbé*,” Ottoman Turkish *türbe* “mausoleum.” One even comes across a Greek plural in the case of “*mebarsides*” (vol. I, p. 44 ; Ottoman Turkish: *merbasalar* “(Armenian) bishops”).<sup>38</sup>

Characteristically Greek is the treatment of Turkish *ş* and *j*: *ş* is usually rendered by *s*: *Mebkémey-Teftiss* (vol. I, p. 27; Ottoman Turkish *Mabkeme-i teftiş*); *Selimié-Kislassi* (vol. I, p. 31; Ottoman Turkish: *Selimiye kışlası*); *c* and *ç* as *tz*: *Laléby Tzesmessi* (vol. I, p. 30; Ottoman Turkish *Laleli çeşmesi*); *b* often appears as *p*: *arazii-djipayet* (p. 605 – Ottoman Turkish *arazi-i cibayet* “land belonging to a pious foundation”); *f* = *pb*: *phi-sebil-ul lab* (vol. I, p. 34; Ottoman Turkish *fi sebilillah* “in the way of God”), etc.

The translator seems to have been dimly aware of the problem. We therefore even find incorrect forms (“hyperurbanisms”) where *z* is wrongly replaced by *j* or *s* by *ş* to make it sound more “Turkish”: “*Pejmi Alem*” (p. 34; Ottoman Turkish:

<sup>36</sup> Aristarchi, *Législation ottomane*, 5: c.

<sup>37</sup> Sinapian, a prominent lawyer of the Istanbul bar, was also the co-author (with Andon Tinghir) of a comprehensive dictionary of technical terms *Fransızcadan Türkçeye istilabat luğati* – *Dictionnaire français-turc des termes techniques*, 2 vols. (Istanbul: Imprimerie & Lithographie K. Bagdadlian, 1891-92). Later, he contributed to the Turkish journal *Muhamat*.

<sup>38</sup> This term of Syriac origin is often read incorrectly as *murabhasa*.

*Bezm-i alem*) “*Hajiney Djelile*” (p. 35; Ottoman Turkish: *Hazine-i celile*), “*resmi-tablish*” (p. 37; Ottoman Turkish: recte *tablis*), etc.

These examples make it clear that not only French but also Greek – undoubtedly the most prestigious language among the languages spoken by non-Muslims in the Ottoman Empire – played a significant role in the context of translations of Ottoman law codes.

### *The First Greek Version of the Düstur*

The first version of the *Düstur* published in a foreign language in the Ottoman Empire was in Greek. It appeared 1869-1871 under the title *Othōmanikoi kōdēkes* (Οθωμανικοί Κώδικες) “Ottoman Codes.” A supplement (*parartēma*) was published in 1874, a second edition appearing in 1889-91. It was published by Demetrius Nicolaides (Istanbul 1843-?), the editor of the *Législation ottomane*. It was intended primarily for his Greek compatriots (*homogeneis*) but could also serve other Greek speakers. Nicolaides states proudly in the postface that “among the various nationalities in the Ottoman Empire, only the Greek one possesses now, in one volume, and written in Greek, all the laws governing the Empire. Even the Muslim nationality (*ethnikotēs*) still lacks such a work since the *Düstur* with its supplement only contains the oldest laws whereas the most recent and most important ones [...] are scattered in the official papers published in the Capital or the provinces.”<sup>39</sup> Nicolaides presented his work to the Ottoman authorities, who approved it after examination. The editor was rewarded with the rank of a civil servant of the third class. The government even bought one hundred copies of it to send with a recommendation to the provinces.<sup>40</sup>

Nicolaides was an extremely active but somewhat enigmatic figure in the press life of 19<sup>th</sup> century Istanbul.<sup>41</sup> He was a native of Istanbul and a graduate of the “Great National School” (*Megalē tou Genous scholē*) in 1861. He started a career as a journalist, editing various Greek papers (*Anatolikos Astēr*, *Heptalophos*, *Thrakē*, etc.). He also founded the paper *Kōnstantinoupolis* in 1867, which was long to remain the most widely read Greek paper in the Ottoman Empire. One of his most interesting ventures was the publication in 1889 of a Turkish paper, *Servet*, of which the famous Turkish journal *Servet-i fünun* had first been a supplement.

The publications of the Greek and French versions of the Ottoman legislation proved quite lucrative for Nicolaides.<sup>42</sup> He reputedly became a wealthy man own-

<sup>39</sup> Οθωμανικοί Κώδικες, 1430.

<sup>40</sup> Ibid.

<sup>41</sup> See on Nicolaides, *Malumat* no. 45 (18 Temmuz 1312), 1002-1003; Gedeon, *Αποσημειώματα*, 35-38, Ahmet İhsan [Tokgöz], *Matbuat Hatıralarım*, 2 vols. (Istanbul: Ahmet İhsan Matbaası, 1930-1931), 1:59f.

<sup>42</sup> Gedeon, *Αποσημειώματα*, 35-36.

ing two houses, one in the Phanar neighbourhood and another one on one of the Princes' islands. But he eventually died in poverty during the First World War.

The *Othōmanikoi kōdēkes* claim to have been translated from Turkish. However, it is not at all clear to what extent Nicolaidēs translated any of these texts himself (or merely reproduced translations previously published in the official press).<sup>43</sup> Some of them were the work of translators whose names are quoted in the text: the Greek version of the *Islabat fermanı* was translated from the official French version, which had also been published in the French *Moniteur* and then been reproduced in Féraud-Giraud's standard work *De la juridiction française dans les échelles du Levant et de la Barbarie*, 2 vols. (Paris, Durand, 1866 [1st ed. 1859]).<sup>44</sup> The notes were translated from the translation contained in Gatteschi's *Manuale*<sup>45</sup>, which actually was the work of a French Oriental scholar, François Belin (1817-1877). Belin spent several decades in Istanbul in his country's diplomatic service.<sup>46</sup> His translation of the *Islabat fermanı* was originally published in his *Etude sur la propriété foncière en pays musulman et spécialement en Turquie* (1862) and had appeared first in the *Journal Asiatique*. Nicolaidēs cut a few of Belin's notes (probably because he considered them too critical) and added other notes, such as the (Greek) text of a *berat* for a patriarch issued in 1860.

The Greek version of the Ottoman Land Law contained in the *Othōmanikoi kōdēkes* was translated into Greek by D. Rhazes, the First Dragoman of the Greek embassy in Istanbul.<sup>47</sup> This Greek version was apparently held in such high esteem that even the French version contained in the *Législation ottomane*, – another very learned translation by Belin with copious notes –,<sup>48</sup> was corrected several times to bring it into line with Rhazes's Greek translation.<sup>49</sup> Nor was the Commercial Code (*Ticaret kanunu*) translated into Greek from Ottoman Turkish but, as it is explicitly stated, from the official French translation including its notes. This may have been due to the fact that this code was almost identical with the French *Code de commerce*. The Greek version contained in the *Othōmanikoi kōdēkes* even in-

<sup>43</sup> We do not know where his knowledge of Ottoman Turkish actually came from.

<sup>44</sup> Féraud-Giraud, *De la juridiction française*, 1:266.

<sup>45</sup> See Gatteschi, *Manuale*, 259-270.

<sup>46</sup> See on this scholar, F. A. Belin. *Notice biographique et littéraire* (Constantinople: Imprimerie A. Zellich, 1875).

<sup>47</sup> See *Οθωμανικοί Κώδικες*, 429.

<sup>48</sup> It had originally been published in the *Journal asiatique*, "Sur la propriété foncière en pays musulman et spécialement en Turquie," *Journal asiatique* 5.17 (1861), 180-248.

<sup>49</sup> Cf. Aristarchi, *Législation ottomane*, vol. 1:72 n. 45: "Dans le texte de M. Belin se trouve le mot *seulement*, que nous avons remplacé par le mot *aussi* (voyez la traduction en grec moderne, insérée dans les *Codes Ottomans* de M. D. Nicolaidēs, pag. 434); p. 80 n. 69; translation of and comparison with the Greek version. Cf. p. 82 "Dans l'édition grecque....ce mot a été traduit par le terme παραχώρησις, c'est-à-dire *cession*." Belin had translated *fırağ* with "vente;" cf. 160 n. 180.

cludes the special appendix listing the differences between the French model and its Turkish version – curiously enough only in Greek.<sup>50</sup>

### *The Bulgarian Version of the Düstur (1871-1886)*

In 1871 already, a certain Christo S. Arnaudov (of whom almost nothing is known) published the first volume of his “Complete Collection of the State Laws, Regulations, Instructions, and High Orders of the Ottoman Empire” (*Pälno säbranie na dăržavnyte Zakoni, Ustavny, Nastavleniya i Vysoky Zapovedi na Osmanskata Imperia*) in Istanbul (“Tsarigrad”). This is a Bulgarian version of the *Düstur* destined for the editor’s Bulgarian compatriots (*edinorodci* = Greek *homogeneis*). It also includes texts of treaties with foreign powers and other texts not contained in the Ottoman *Düstur*.

The title and the preface says that it was “translated from Turkish” into “plain Bulgarian” with the help of some skilled collaborators.<sup>51</sup> But the work shows certain striking similarities with Nicolaides’s collection. The notes, for instance, are almost identical and even Arnaudov’s preface is mostly a literal translation of Nicolaides.

Two other volumes of this collection were published in Istanbul in 1872 and 1873, while the fourth and last volume only appeared after the end of Ottoman rule in Bulgaria in Sofia in 1886.

### *The Greek Version of the Mecelle*

Another pioneering Greek translation of an Ottoman Law code, several times referred to in the *Législation ottomane*,<sup>52</sup> is the Greek version of the Ottoman Civil Code, the *Mecelle*. It was published under the title *Nomikoi kanones etoi Astykos Kōdēx* (Νομικοί κανόνες ήτοι Αστυκός Κώδηξ) between 1873 and 1881. The translation of this highly complex text, in which Islamic legal traditions feature prominently, was a demanding task. It required abundant notes. The two translators were competent both in Ottoman Turkish and in their native language. Eminent figures of the Greek community, they were later promoted to the highest ranks available for non-Muslims in the Ottoman state.

The first translator, Constantine Photiades (d. 1897), was an outstanding Ottoman scholar, co-author of the first Greek-Turkish dictionary published in the Ottoman Empire (1860).<sup>53</sup> He taught history of Turkish literature at the prestigious

<sup>50</sup> *Οθωμανικοί Κώδικες*, 177-180.

<sup>51</sup> Arnaudov, *Pälno säbranie*, vol. 1, “Predislovie,” xii.

<sup>52</sup> Cf. Aristarchi, *Législation ottomane*, 6:197.

<sup>53</sup> *Lexikon Hellēnotourkikon*, (with A.Th. Phardys) (Istanbul: Typographeion Hē Anatolē, 1860). See Johann Strauss, “The *Millets* and the Ottoman Language. The Contribution of

“Great National School” and was also active within the Greek community. He was editor-in-chief of the Greek paper *Anatolikos Astēr* (“Eastern Star;” founded in 1861) and belonged to the founders of the prestigious “Greek Literary Society” (*Sylogos*), a learned society founded during the same period. Having been headmaster of Galatasaray *lycée* for one year (29 May 1873 to 26 May 1874), he was appointed governor of Samos (1874 – 1879).

Yanko (Ioannis) Vithynos<sup>54</sup> was also a graduate of the *Megalē tou Genous Scholē*. He made a career in government service: he became secretary of the governor of Crete (1868-1875), honorary professor at the University (*Darıülfünun*), professor at the Law School (*Mekteb-i hukuk*; 1882-1904), a judge at the *tribunal de première instance* in Istanbul, and director of criminal investigations at the Ministry of Justice. He also was a member of the elections assembly in 1901. He reached the peak of his career when he succeeded Alexander Mavroyéni as governor of Samos (1904-1906). With a perfect command of the Turkish language, he also published – in Turkish! – *inter alia* a popular commentary on the Commercial Code,<sup>55</sup> and articles in the Turkish press.

### *The Kanun-i esasi and its Translations*

After what has been said hitherto, it comes as no surprise that the *Kanun-i esasi*, promulgated at the end of December 1876, became almost immediately accessible to the various ethnic and linguistic communities of the Empire in their own languages. It was not only disseminated in its Turkish original, printed by both the State Press and private printing presses,<sup>56</sup> but also in the principal languages used in the Ottoman Empire.

These publications apparently occurred simultaneously. Translations into the various ethnic languages had probably been ready when the *Kanun-i esasi* was promulgated, since most of them also bear the date of 1876 on their cover page.

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Ottoman Greeks to Ottoman Letters (19<sup>th</sup>-20<sup>th</sup> Centuries),” *Die Welt des Islams* 35 (1995), 189-249; here: 224-226.

<sup>54</sup> Strauss, “The *Millets*,” 225-256.

<sup>55</sup> *Şerh-i Kanun-i ticaret* (Istanbul, 1296/1879 [2<sup>nd</sup> edition 1300/1884]).

<sup>56</sup> *Kanun-i esasi* (Istanbul: Matbaa-i amire 1292/1876); *Kanun-i esasi* (Istanbul: Hakikat Matbaası 1292). Although the First Constitutional Period in the Ottoman Empire was to end soon under Abdülhamid II, the text of the Constitution was regularly reprinted in the official yearbooks (*salmame*). In recent times, it has become available also in Latin script thanks to the collection published by Suna Kili and A. Şeref Gözübüyük, *Sened-i İttifaktan Günümüze Türk Anayasa Metinleri* (Ankara: Türkiye İş Bankası Kültür Yayınları), 31-44. 1st ed. 1957; several times reprinted.

### *Translations Into Other Languages Published*

The author of this paper has come across the following separate publications on the Ottoman Empire (the list is not exhaustive):

#### *Western languages*

- The official French version: *Constitution ottomane promulguée le 7 Zilbidjé 1294 (11/23 décembre 1876)*, Constantinople, Typographie et Lithographie centrales, 1876, 29p. There is also another Istanbul print: *Constitution ottomane promulguée le 7 Zilbidjé 1294 (11/23 décembre 1876). Rescrit (Hatt) de S.M.I. le Sultan...* Constantinople, Loeffler [1876 ?], 20pp. This translation was made simultaneously by the Translation Office (*Terceme odası*) for transmission to the foreign ambassadors.<sup>57</sup> It is this version which was reprinted in several other works such as those by Ubicini,<sup>58</sup> Aristarchi Bey/Nicolaides, Schopoff<sup>59</sup>, etc.
- English versions: There must have also been English translations published in the Ottoman Empire. The *American Journal of International Law* published in 1908 the text of an English translation made in Istanbul at the time of the promulgation without specifying its source.<sup>60</sup>

#### *Minority languages*

- Greek version: Οθωμανικόν Σύνταγμα ανακηρυχθέν τη 7 Ζιλχίτζε 1293 (11/23 δεκεμβρίου 1876) *Othōmanikon Syntagma anakērychthen tē 7 Zilchitze 1293 (11/23 dekemvriou 1876)*, En Kōnstantinoupolei, Typographion “Vyzantidos,” 1876.
- Armenian version: *Sabmanadrut’iwin Ōsmanean Petut’ean*, Istanbul, “Masis,” 1877.<sup>61</sup>
- Armeno-Turkish version: *Kanunu esasi memaliki devleti osmaniye*, Istanbul, “La Turquie,” 1876.<sup>62</sup>

<sup>57</sup> “Il en a été fait simultanément, par les soins du ‘Bureau des interprètes’ (*terdjuman odacı*) de la Sublime Porte, une traduction en français qui a été communiquée aux ambassadeurs.” A. Ubicini, *La Constitution ottomane du 7 zilbidjé 1293 (23 décembre 1876) expliquée et annotée* (Paris: Catillon, 1877), 13.

<sup>58</sup> See preceding note.

<sup>59</sup> A. Schopoff, *Les réformes et la protection des chrétiens en Turquie, 1673-1904. Firmans, bérats, protocoles, traités, capitulations, conventions, arrangements, notes, circulaires, règlements, lois, mémoires, etc.* (Paris: Plon, 1904).

<sup>60</sup> “The Ottoman Constitution. Promulgated the 7th Zilbridje [sic] 1293 (11/23 December, 1876),” *American Journal of International Law*, Supplement, 2 (1908), 367-387.

<sup>61</sup> See *Haykakan matenagitut’iwn – Bibliographie arménienne*, (Venice, 1883), 593.

<sup>62</sup> Stepanian, *Hayataf Turk’eren grk’er*, (cited n. 17), p. 93 no. 423.

- Bulgarian version: *Otomanskata konstitutsiya*, provüzglasena na 7 zilhidže 1293 (11/23 dekemvrii 1876), “Hakikat” Press, Ist., 1876.
- Judaeo-Spanish version: *Konstitusyon del Imperio otomano proklamada el 7 zilhidje 1283 (7 Tevet 5637)*, Istanbul, De Castro Press, 5637 (1877).<sup>63</sup>
- Arabic version: *Tarjamat al-khatt ash-sharif as-sultānī wa l-Qānūn al-asāsī*, Istanbul, *Al-Jawā’ib* Press, 1293.<sup>64 65</sup>

As can be seen, most of them were printed by newspaper printing presses of; e.g.: the Bulgarian version (the same as the Turkish one) by the printing press of the paper *Hakikat*, the Greek version by that of *Vyzantis*, the Armenian version by that of *Masis*, the Armeno-Turkish by that of *La Turquie*, the Arabic by that of *Al-Jawā’ib*.

But these were not the only publications which made the text accessible for the Ottoman public. In fact there were other publications of the text in newspapers, for the non-Turkish speaking population especially in those *vilayet gazeteleri* which were also published in the local languages: As far as the Bulgarian version is concerned, we know that the text of the Constitution appeared in four different papers: In *Dunav/Tuna*, the official paper of the *vilayet* of the Danube, the model province created in 1864; in the Istanbul paper *Napredāk* (“Progress”); in *Iztočno Vreme*, a sort of Bulgarian edition of the *Levant Times*; and in *Zornitsa* (“Morning Star”), the paper published by the American Protestant missionaries.<sup>66</sup>

There must have also been a Serbian version available in the *vilayet* of Bosnia, where Serbian was the second official language.<sup>67</sup>

The Armenian version also appeared in the journal *Bazmavep* (“Polyhistore”) published by the Mekhitarist monks in Venice.<sup>68</sup>

An Arabic version appeared in the paper *Al-Jawā’ib* published in the Ottoman Capital.<sup>69</sup>

There was even a Persian version which appeared in the paper *Akhtar* from 17 January 1877 onwards.

<sup>63</sup> Abraham Yaari, *Catalogue of Judaeo-Spanish Books in the Jewish National and University Library, Jerusalem (Jerusalem, Univ. of Jerusalem Press, 1934) [Special Supplement to Kirjath Sepher vol. 10], 107, no. 835.*

<sup>64</sup> Cf. Fehmi Edhem Karatay, *İstanbul Üniversitesi Kütüphanesi Arapça Basmalar Alfabe Kataloğu* (Istanbul: İstanbul Üniversitesi Yayınları, 1953), 571.

<sup>65</sup> Bilingual edition 1297/1880: *Khatt humāyūn sharīf wa Qānūn asāsī turki wa ‘arabī* (Istanbul, 1293); 3rd edition, Impr. Al-Jawā’ib, 1297 (1880).

<sup>66</sup> See Manyo Stoyanov, *Bālgarska vāzroždenska knižnina*, 3 vols. (Sofia: Nauka i izkustvo, 1957-1959), 2:137.

<sup>67</sup> Unfortunately the translation published after the Second Constitutional Period in Istanbul (*Ustav Osmanskijog Carstva od 11/23 XII 1876 godine* (Istanbul, 1908); translated by Arsenije Zdravković), which may contain indications to clarify this point, was not accessible to me.

<sup>68</sup> See *Bazmavep* 35 (1877), 62-74.

<sup>69</sup> Reprinted in *Kanz ar-raghā’ib fi muntakhābāt al-Jawā’ib*, 6:4-26.

### *Terminology and Style of the Various Translations of the Kanun-i Esasi*

A study of the Ottoman *Kanun-i esasi* and its translations raises a number of questions. First, there are those concerning the Ottoman Turkish text.

- Was it just an adaptation of a text that had been originally drafted in French (like the *Islahat fermani*)?
- What is specifically “Ottoman” in this text?
- Does it contain specifically “Ottoman” terminology?

Other questions concern the translations into the various languages:

- On which text were they based: the Ottoman Turkish text or its French version?
- Is the influence of Ottoman Turkish apparent in any of these translations?

As far as we know, there exists no French draft of the Ottoman *Kanun-i esasi*. The official French version does not give the impression that the Ottoman text is a translation of it. The Ottoman text is Western in its spirit. What makes it to some extent exotic for Westerners is not its content but certain stylistic features, devices such as the use of honorific epithets (art. 81: *berat-i şerif*), of the deferential indirect style (*taraf-i padişahi* instead of *padişah tarafından*), etc.<sup>70</sup> A satisfactory translation into Western languages is difficult, if not impossible. Other characteristic features of the Ottoman text are the excessive use of Arabic terminology (there are only about ten Turkish terms to be found in the whole text), Persian *izafet* constructions, and the convoluted sentences typical of Ottoman chancery style.

The minority languages do not, in general, copy these features. One example is the stereotyped honorific epithet *seniy* (lit. “high, sublime, exalted, splendid”).<sup>71</sup> This adjective only occurs in *izafet* constructions – and exclusively in its feminine form! (*saltanat-i seniyye*, *irade-i seniyye*, *bükümet-i seniyye*, etc). In the Ottoman context it corresponds to “Imperial.” An expression like *irade-i seniyye* thus becomes in Judaeo-Spanish *Irade Imperial*, in Greek *Avtokratorikon Irade (diatagma)* (Αυτοκρατορικόν Ιραδέ (διάταγμα)) “Imperial *irade*, Imperial Order.” The same expression is rendered by *kayserakan hramanagir* “Imperial Order” or *kayserakan* [< *kayser* “Emperor” < Greek *καίσαρ* < Latin] *iradé* in Armenian. In the Bulgarian translation of the *Kanun-i esasi*, the expression *Imperatorski ukaz* is used (e.g. art. 27 et seq.) which might have applied as well to the Russian Tsar.<sup>72</sup>

<sup>70</sup> See Celia Kerslake, “La construction d’une langue nationale sortie d’un vernaculaire impérial enflé: la transformation stylistique et conceptuelle du turc ottoman,” in *Langues et Pouvoir de l’Afrique du Nord à l’Extrême-Orient*, ed. Salem Chaker (Aix-en-Provence: Edisud, 1998), 129-138; here: 130.

<sup>71</sup> *Seniy* is also used as a proper name.

<sup>72</sup> Cf. English *ukase* “an edict or decree having the force of law on proclamation, as in Tsarist Russia.”

The expression *Devlet-i aliyye* (lit. “the lofty empire”), the usual designation for the Ottoman State, did not often find its way into the written usage of Greek, Armenian and other languages at that period.<sup>73</sup> These languages preferred to follow the more sober French example (“Empire ottoman”): Greeks then speak of *Othōmanikē Epikrateia*<sup>74</sup> (Οθωμανική Επικράτεια), or *Othōmanikē Avtokratoria*<sup>75</sup> (Οθωμανική Αυτοκρατορία), Armenians of *Osmanean Têrut’iwen*, *Petut’iwen* or *Kaysrut’iwen*. In Judaeo-Spanish, *Imperio otomano* is used, in Bulgarian *Otomanskata Imperiya*. The use of the word “Turkey,” is unthinkable in official Ottoman usage, but fairly common in French<sup>76</sup> and also in minority languages (*Tourkia*, *T’urk’ia*, *Turt-siya*<sup>77</sup>, etc.) It occasionally even appears in texts said to be translated from Ottoman Turkish.

### *The Terms Used for “Constitution”*

An interesting case is the term used for “Constitution.” A term for this concept, which goes back to the 18<sup>th</sup> century, already existed in all the major languages of the Ottoman Empire. The term eventually adopted by the Muslim Turks for their Constitution was, interestingly enough, *Kanun-i esasi* “basic law,” which resembles rather the German *Grundgesetz*<sup>78</sup> than the French *constitution*. (At an earlier stage, the French term *konstitüsyon* occasionally occurs in Ottoman texts).

This choice did not have any influence on the terms used by the non-Muslim communities. The Ottoman term was adopted only in the translations into the two “Islamic” languages, Arabic (*al-qānūn al-asāsī*) and Persian (*qānūn-e asāsī*).

Some languages followed the French example such as Judaeo-Spanish *konstitusyon*.<sup>79</sup> The Bulgarian term, *konstitutsiya*, was adopted via Russian. In Serbian, the Slavonic term *ustav* (which means “statute” in Bulgarian) had been introduced. Greeks and Armenians had coined their terms on the basis of their own linguistic resources. The Greek word, σύνταγμα *syntagma*, was a calque of the French term *constitution*. A constitution was proclaimed in the Greek Kingdom on September 3,

<sup>73</sup> Turkish *devlet* (*devleti*, *tovleti*, etc.) for the “(Ottoman) state, government,” however, was well known and widely used in the spoken languages.

<sup>74</sup> Greek *epikratía* “state”

<sup>75</sup> < αυτοκράτωρ *avtokratōr* “emperor.”

<sup>76</sup> One of the principal French language papers published in Istanbul was the semi-official *La Turquie*.

<sup>77</sup> Name of a Bulgarian paper published in Istanbul for some time, probably a Bulgarian version of *La Turquie*.

<sup>78</sup> In Germany, where it is today the official term for the German Constitution, *Grundgesetz* became familiar after the Napoleonic wars. In the Prussian Constitution (*Verfassung*) of 1850, which seems to have influenced the Ottoman Constitution, also the term *Staatsgrundgesetz* occurs.

<sup>79</sup> This seems surprising insofar as Judaeo-Spanish translators do not generally shun Turkish terms. In other translations of law codes, e.g., the Ottoman term *kanunname* is used.: cf. *Kanun name de penas*.

1843 in the centre of Athens where the “*Sindagma Square*” is named after this event. The Armenians, though not having a state of their own, had been using the term *sabmanadrut'ïven* (*Sabmanatrov;ïvn*)<sup>80</sup>, which had become particularly popular thanks to their famous *millet* constitution. The term seems to have been introduced on that occasion.<sup>81</sup> A multilingual dictionary published by the Mekhitarists in Vienna in 1846 has under the entry “constitution” the following words: *ôrênk'* [“law”], *ôrênsdrut'ïven* [“legislation”], *hastatut'ïven* [“institution”], *\*kargadrut'ïven* [“regulation”] and proposes as Turkish equivalents *kanun, ayin, kanunname, töre*.<sup>82</sup>

As a matter of fact, the Constitution of the Ottoman Empire had been preceded by “constitutions” of various communities.<sup>83</sup> These may be termed “*millet*-constitutions” although these communities preferred to speak of themselves as “nations” (Armenian *azg*, Greek *ethnos*, Judaeo-Spanish *nasyon*, French *nation*, etc.).<sup>84</sup> The Ottoman authorities did not accept the term “constitution.” In the Ottoman Turkish versions of these “constitutions,” included in various editions of the *Düstur*, the terms *nizamname* or *nizamat* “regulations” were used.<sup>85</sup> The first of these “constitutions” was the so-called “Armenian Constitution” *Azgayin Sabmanadrut'ïven Hayoc' – Nizamname-i millet-i Ermeniyan* adopted in 1863.<sup>86</sup> It was followed by a Jewish “Constitution,” *Konstitusyon para la nasyon yisraelita de la Turkia* in 1865.<sup>87</sup> Less ambitious as far as the choice of their term was concerned, the Ottoman Greeks had called the reformed constitution of their *millet*, ratified by the Ottoman Government in 1863, *Genikoi/Ethnikoi Kanonismoï* (Γενικοί/Εθνικοί Κανονισμοί) “General

<sup>80</sup> From *sabman* “term, limit, stipulation” (a word of Persian origin; corresponds to Greek ὄρος); *sabmanel* “to regulate, stipulate.”

<sup>81</sup> See Anahide Ter Minassian, “Enjeux d’une politique de reconquête linguistique: les Arméniens dans l’Empire ottoman (1853-1914),” in *Langues et Pouvoir de l’Afrique du Nord à l’Extrême-Orient*, ed. Salem Chaker (Aix-en-Provence: Edisud, 1998), 155-167; here: 155.

<sup>82</sup> See *Nuovo dizionario italiano-francese-armeno-turco* (Vienna: Tipografia dei PP. Mekhitaristi, 1846), 238.

<sup>83</sup> See on these Roderic Davison, *Reform in the Ottoman Empire, 1856-1876* (Princeton: Princeton Univ. Press, 1963), 124-131.

<sup>84</sup> The term *millet* was not used in the languages of the Armenians, Greeks and Jews. On Greek and Armenian usage, see Johann Strauss, “Ottomanisme et ‘ottomanité’. Le témoignage linguistique,” in *Aspects of the Political Language in Turkey (19<sup>th</sup>-20<sup>th</sup> Centuries)*, ed. Hans-Lukas Kieser (Istanbul: Isis, 2002), 15-39; here: 24-35.

<sup>85</sup> Cf. also the *Polozhenie* “Statute” in the Russian Empire (1836) which allowed the Armenians a certain degree of self-government in ecclesiastical and educational matters.

<sup>86</sup> See the facsimile of the Armenian and Armeno-Turkish versions in the appendix of Vartan Artinian, *Osmanlı Devleti’nde Ermeni Anayasası’nın Doğuşu 1839-1863*, tr. Zülal Kılıç (Istanbul: Aras Yayıncılık, 2004). For an English translation see H.F.B. Lynch, *Armenia, Travel and Studies*, 2 vols. (London: Longmans, Green & Co., 1901), 2:445-467.

<sup>87</sup> Romero, *La creación literaria*, 202. Also see on this “constitution” (*Habambane nizamnamesi* in Turkish), Aron Rodrigue, “The Beginnings of Westernization and Community Reform among Istanbul’s Jewry, 1854-65,” in *The Jews of the Ottoman Empire*, ed. Avigdor Levy (Princeton: Darwin Press, 1994), 439-456, here: 452. The text was reprinted in 1913. See Hakhmakhane nizamnamesi – Estatuto organiko dela komunidad israelita promulgado en data del 23 de agosto de 1287 (Kostantinopla, Imprenteria Izak Gabay, Galata, 1913).

(or National) Ordinances”<sup>88</sup> (the Greek term κανονισμός *kanonismos* is generally used as an equivalent of Ottoman *nizamname*).

Apart from “*millet* constitutions,” there were also genuine constitutions of countries like Romania and Serbia, which nominally formed part of the Empire until 1878 although they were *de facto* independent even before. In official Ottoman Turkish nomenclature, these countries (and others) were known under the somewhat equivocal designation of “privileged provinces” (*eyalat-i mümtaze*). These nominally “Ottoman provinces” had not waited for the proclamation of the Ottoman *Kanun-i esasi* to promulgate their own constitutions. The Romanian Constitution (*Constituțiune*)<sup>89</sup> and the Serbian Constitution (*Ustav*; 1870) were promulgated ten and six years, respectively, prior to the Ottoman *Kanun-i esasi* (1870). The text of these constitutions was also included in some collections of laws and legal texts published in the Ottoman Empire. Nicolaides’s *Nomikoi Kōdēkes* contain Greek translations of both the Romanian and Serbian Constitution.

As far as the “Tunisian Constitution” of 1861 is concerned, it was then widely known also in Europe thanks to French translations. This text, which partially reproduced the *Hatt-i şerif* of Gülhane, is considered today as the first constitution of a Muslim state.<sup>90</sup> In contemporary Western sources, it is referred to as the “*Bıyuruldu* of the Bey of Tunis.”<sup>91</sup> A Turkish version of it appeared in the paper *Ceride-i havadis* (6 Ramazan/17 March 1861).<sup>92</sup>

### *Ottoman Terms of the Kanun-i Esasi and Their Rendering*

As indicated above, the original Ottoman terminology does not totally disappear in the translations. A number of Ottoman-Turkish terms even occur in the French version.

For instance, we find “*grand vezir*” (*passim*), which is not the term used in Turkish (Ottoman Turkish *sadr-i a’zam*; colloquial pron. *sadrizam*) but contains the

<sup>88</sup> See Γενικοί Κανονισμοί περί της διευθετήσεως των εκκλησιαστικών και εθνικών πραγμάτων των υπό του Οικονομικού Θρόνου διατελούντων ορθοδόξων χριστιανών υπηκόων Της Αυτού Μεγαλειότητος του Σουλτάνου (Istanbul, 1862). For a French translation see George Young, *Corps de droit ottoman*, 7 vols. (Oxford: Clarendon Press, 1905-1906), 2:21-34.

<sup>89</sup> *Constituțiune din 1 Iulie 1866*. See on this constitution and its terminology, P. Lindenbauer, M. Metzeltin, H. Wochele, “Der Zivilisationswortschatz im südosteuropäischen Raum 1840-1870: Der rumänische Verfassungswortschatz,” in ‘Herrschaft’ und ‘Staat’. *Untersuchungen zum Zivilisationswortschatz im südosteuropäischen Raum 1840-1870. Eine erste Bilanz*, ed. Radoslav Katičić (Vienna: Verl. d. Österr. Akad. d. Wiss., 2004), 271-322.

<sup>90</sup> See art. “Dustūr I – Tunisia,” in *Encyclopaedia of Islam*, New Edition (Leiden-London: Brill, 1965), 2:638-640 and *ibid.*, “Dustūr II – Turkey” (B. Lewis).

<sup>91</sup> Cf. Féraud-Giraud, *De la juridiction*, 1:283 “Bouyouurldi publié par le Bey de Tunis” 1861 (after I. de Testa, *Recueil des traités de la Porte ottomane avec les puissances étrangères* (Paris, 1864), 1:436).

<sup>92</sup> Cf. Gatteschi, *Manuale*, 270.

element “*vezir*” (Turkish *vezir*); and the untranslatable “*Cheikh-ul-islam*.” A number of titles and ranks – some of them only introduced after the *Tanzimat* Reforms – are used with an explanation, or a French synonym: this applies in particular to the names of the different administrative divisions like (art. 109) “province” (*vilâyet*), “district” (*sandjak*) and “canton” (*caza*); cf. also “*dairè*” (art. 71: “circonscription électorale”); and the offices of “*vali*,” “*mutessarif*,” “*caïmacam*.” It should be stressed that these terms were introduced, according to the *communis opinio*, as equivalents of the respective French terms during the Reform of the *vilayets*.

Other terms, like *iradèb* (“ordonnance;” Turkish *irade*), which have become obsolete today, were quite common at that time in the European press.<sup>93</sup> “*Chéri*” may sound ambiguous in French but the term, used in our context for Islamic law (Turkish: *şer’(i)*), is widely used in the legal literature at that time. The same applies to the term “fonds *vakouf*” (art. 48; “pious foundations,” Turkish *vakıf*), which did not sound exotic either. The term *Tanzimat*, which occurs in the speech of the Sultan, is treated as a singular (“Le *Tanzimat*”), a common usage at the time.<sup>94</sup>

More specific terms are extremely rare. An interesting case is (§ 24) *djérimé* “exaction under the form of fining” (Turkish: *cerime*, colloquially *cereme* < Arabic *jarîma* “crime, offence”), a somewhat unofficial “legal” term which had become, for obvious reasons, well known in the minority languages<sup>95</sup>. The term *angarya* “corvée” which occurs in the same article, is a Greek loanword in Turkish. It also used in the Greek (*αγγαρεία*) and Bulgarian (*angariya*) translations. It had to be replaced in Armenian (*taraparhak catayut’iwn* “unpaid service”), in Arabic (*subra*) and Persian (*bikār*). Cf.:

|                          |  |
|--------------------------|--|
| Ottoman:                 | § 24 <i>Müsadere ve angarya ve cerime memnudur.</i>  |
| French: <sup>96</sup>    | <i>La confiscation des biens, la corvée et le djérimé (exaction sous forme de pénalité pécuniaire) sont prohibés.</i>  |
| Greek: <sup>97</sup>     | Απαγορεύονται η δήμευσis της περιουσίας, η αγγαρεία και το Δζερεμέ (παράνομος Φορολογία υπό μορφήν χρηματικής ποινής). |
| Armenian: <sup>98</sup>  | <i>Goyic’ gruwumə, taraparhak catayut’iwnn u tugunk’i argilvac en.</i>   |
| Bulgarian: <sup>99</sup> | <i>Konfiskacijata na imotitě, angarijata i džeremeto (nasilstvennata globa) sŭ zapreteny.</i>                          |

<sup>93</sup> Cf. English *iradé*, “written decree of Sultan of Turkey.”

<sup>94</sup> Cf. Ed. Engelhardt’s classic, *La Turquie et le Tanzimat*, 2 vols. (Paris: Cotillon, 1882-1884).

<sup>95</sup> E.g. Modern Greek: τζερεμές *tzeremés*, “fine or cost of damage (incurred undeservedly);” Bulgarian: *džeremé*, “fine, penalty.”

<sup>96</sup> This and all following quotations from A. Ubicini, *La Constitution ottomane*.

<sup>97</sup> This and all following quotations from *Θωμανικόν Σύνταγμα ανακηρυχθέν τη 7 Ζιλχί-τζέ 1293 (11/23 δεκεμβρίου 1876)* (Istanbul: Typographie Byzantidos, 1876).

<sup>98</sup> This and all following quotations from *Bazmavēp* 35 (1877), 62-74.

<sup>99</sup> This and all following quotations from Arnaudov, *Pälno säbranie*, 4:305.

|                                |   |
|--------------------------------|---|
| Judaeo-Spanish: <sup>100</sup> | <i>La konfiskasyon (zabt) de los bienes, la ungaria i la cerime son defendidas.</i> |
|--------------------------------|---|

As far as Ottoman ranks and titles are concerned, the translations into the minority languages largely follow French usage. Cf. (art. 27):

“His Majesty invests with the charge of Grand Vizier and that of Sheik-ul-Islam the persons whom his high confidence thinks proper to be called. The nomination of the other Ministers takes place by imperial Irade (order).”<sup>101</sup>

|                 |   |
|-----------------|---|
| Ottoman:        | <i>Mesned-i sudaret ve meşibat-i islamiyye taraf-i padişabiden emniyet buyurulan zatlara ihale buyurulduğu misillü sair vükelanın memuriyetleri dabi ba irade-i şabane icra olunur.</i>   |
| French:         | <i>Sa Majesté le Sultan investit de la charge de grand-vezir et de celle de cheikh-ul-islam, les personnages que sa haute confiance croit devoir y appeler. La nomination des autres ministres a lieu par iradèh (ordonnance) impérial.</i>   |
| Greek:          | <i>Η Α[υτού] Μ[εγαλειότης] ο Σουλτάνος (Soultanos) περιβάλλει το αξίωμα του Μεγάλου Βεζύρου (Megalou Vezyrrou) και το του Σεΐχ-ουλισλάμ (Seïchoul-Islam) εις πρόσωπα, άτινα θεωρεί άξια της Υψηλής Αυτού εμπιστοσύνης. Οι διορισμοί των άλλων υπουργών γίνονται δί' Αυτοκρατορικού Ιραδέ (Avtokratorikou Iradé) (διατάγματος)</i> |
| Armenian:       | <i>Vebap' [af]. Suldano [Sultanə] kə bardzrac' uné i paštón Mec epark'osi ew Šeyx-ıwł-islami ayn andzink' n, zoronk' aržani kə hamari ir bardzr vstabut' eanə. Miwos naxararnerə kaysyerukan bramanagrov (irade) k' anuannin.</i>   |
| Bulgarian:      | <i>Negovo Veličestvo Sultanät obliča v dostoinstvo na Velikiyi vezyr i na Šeyx-ul-İslyam, koito vysokoto mu dověrie mysli za dobro da prizove na težy dostoinstva. Naimenovanieto na drugytě ministry stava črez Imperatorskyi Ukaz.</i>  |
| Judaeo-Spanish: | <i>Su maestad el sultan investe de la funksiones de gran vizir i de šeb ul islam las personas ke su alta konfiensa eskože. Los otros ministros son nominados kon irade imperial.</i>  |

<sup>100</sup> This and all following quotations from *Konstitusyon del Imperio otomano proklamada el 7 zil-hidje 1283 (7 Tevet 5637)* (Konstantinopla: Estamparia De Castro en Galata, 5637 [1877]).

<sup>101</sup> *American Journal of International Law* 2 (1908), 370.

### *Replacement of Ottoman Turkish Terms*

Various ways are used to replace Ottoman Turkish terms. Bulgarian, for instance, adopts words from Church Slavonic or Russian, e.g. *oblast* for Ottoman *vilayet*. Languages like Greek or Armenian benefit from their classical variants: Greek draws on Classical Greek, or continues Byzantine usage; Armenian draws on the resources of Classical Armenian (*grabar*) whose model is the language of the texts produced in the Armenian “Golden Age,” the first six decades of the fifth century A.D.<sup>102</sup> Some terms are known from ancient Armenian history: *naxarar* “minister” (Ott. *nazır*), e.g., is an historical term denoting members of princely families who formed the upper class of the ancient Armenian feudal system. The second element in *Mec epark'os* “grand vizier” is an ancient loanword from Greek meaning “prefect, vizier.” (In Greek, *eparchos* [ἐπαρχος] “sous-préfet” is used in the Ottoman context as an equivalent for *vali* or *mutasarrıf*.) Only Judaeo-Spanish makes frequent use of the Turkish term which is quoted between brackets in the French version.

Terms used in the Greek version of the Ottoman Constitution for the Ottoman administrative divisions and governors introduced after the Provincial Reform Law are:

| Ottoman:                     | Greek:   |
|------------------------------|--|
| <i>vilayet</i>               | επαρχία <i>eparchia</i> (“eparchy”)                                    |
| <i>vali</i>                  | γενικός διοικητής <i>genikos dioikētēs</i> (valē) = gouverneur-général |
| <i>sancak</i> <sup>103</sup> | Διοίκησις <i>dioikēsis</i> <sup>104</sup> (“province”)                 |
| <i>kaza</i>                  | υποδιοίκησις <i>hypodioikēsis</i>                                      |

In the Greek translations of the Law of the *Vilayets* the following terms are used:<sup>105</sup>

| Ottoman:       | Greek:  |
|----------------|---|
| <i>vilayet</i> | Νομαρχία <i>nomarchia</i> “nomarchy” <sup>106</sup> |

<sup>102</sup> See on this issue, Johann Strauss, “Diglossie dans le domaine ottoman. Évolution et péri-péties d’une situation linguistique,” in *Oral et écrit dans le monde turco-ottoman*, ed. Nicolas Vatin [= *Revue du Monde Musulman et de la Méditerranée* nos. 75-76 (1995)], 221-255.

<sup>103</sup> Occurs only in the French translation whereas the Ottoman text has *livā* (art. 109).

<sup>104</sup> Cf. English *diocese*.

<sup>105</sup> Cf. Nicolaidēs, *Οθωμανικοί Κώδικες*, 72-88.

<sup>106</sup> Derived from Greek *nomos*, meaning a province or district.

|                   |   |
|-------------------|---|
| Ottoman:          | Greek:  |
| <i>vali</i>       | νομάρχης <i>nomarchēs</i> “nomarch, prefect of department” <sup>107</sup> |
| <i>sancak</i>     | επαρχία <i>eparchia</i> “eparchy”   |
| <i>mutasarrıf</i> | έπαρχος <i>eparchos</i>   |
| <i>kaza</i>       | δήμος <i>dēmos</i> <sup>108</sup> “municipality, borough”                 |

Similar terms were used in the Byzantine Empire and the same system of administrative divisions existed in the Greek Kingdom.

Terms used in the Armenian version of the Ottoman Constitution:

|                |                              |
|----------------|------------------------------|
| Ottoman:       | Armenian:                    |
| <i>vilayet</i> | <i>գառախ</i> (“province”)    |
| <i>vali</i>    | <i>կսակալ</i> (“governor”)   |
| <i>sancak</i>  | <i>նահանգ</i> (“province”)   |
| <i>kaza</i>    | <i>աշխատարան</i> (“borough”) |

|                |  |
|----------------|--|
| Ottoman:       | Bulgarian:                                   |
| <i>vilayet</i> | <i>област</i> (“province, region, district”) |
| <i>vali</i>    | <i>главен управител</i> (“governor-general”) |
| <i>sancak</i>  | <i>окръг</i> (“county, province, region”)    |
| <i>kaza</i>    | <i>околия</i> <sup>109</sup> (“district”)    |

Note: The *Vilayet* of the Danube was officially called in Bulgarian *Дунавска(та) област*, the “privileged provinces,” *eyalat-i mümtaze*, “*privilegirovanytë oblasti* (§§ 1; 7).

|                |                             |
|----------------|-----------------------------|
| Ottoman:       | Judaeo-Spanish :            |
| <i>vilayet</i> | <i>provinsiya (vilayet)</i> |

<sup>107</sup> Nomarchs had also been the title of the semi-feudal rulers of Ancient Egyptian provinces. Serving as provincial governors, they each held authority over one of the some forty *nomes* into which the country was divided.

<sup>108</sup> Also used for *müdirlik*.

<sup>109</sup> This last term does not exist in Russian.

|               |                                 |
|---------------|---------------------------------|
| Ottoman:      | Judaeo-Spanish :                |
| <i>vali</i>   | <i>governador de provinsiya</i> |
| <i>sancak</i> | <i>sancak</i>                   |
| <i>kaza</i>   | <i>kaza</i>                     |

Note: In Arabic and Persian, for Turkish *sancak* its Arabic synonym *liwāʿ* (pl. *al-wiyāʿ*) is used.

### *The Term for “Sultan”*

For the Ottoman ruler, the term “Sultan”<sup>110</sup> is used in the translations of the *Kanun-i esasi*. This was a relatively new phenomenon since traditionally Greeks had called their Ottoman ruler *basileus* in the Byzantine fashion,<sup>111</sup> whereas the Bulgarians spoke of the *tsar*.<sup>112</sup> In the Judaeo-Spanish version of the Constitution, the Ottoman sultan is called *sultan* (but spelt in the Hebrew fashion שולטן or שולט), but he is also referred to as *el rey* “the King” in more ancient documents.<sup>113</sup> The Ottoman term, *padişah*, only occurs once in the various translations since it is used – presumably for the sake of stylistic variety – even in the French translation.

Cf. art. 4: “His majesty the Sultan is [...] the sovereign and the Padishar [sic] of all the Ottomans”:<sup>114</sup>

|           |   |
|-----------|---|
| Ottoman:  | <i>Zat-i hazret-i padişahi...bilcümle tebaa-i osmaniyyenin hükümdar ve padişahıdır.</i>                   |
| French:   | <i>Sa Majesté le Sultan est...le Souverain et le Padichab de tous les Ottomans.</i>                       |
| Greek:    | <i>Η Α. Μ. ο Σουλτάνος [Soulтанos]...είναι δε ο κυρίαρχος και ΠΑΔΙΣΑΧ [PADISACH] πάντων των Οθωμανών.</i> |
| Armenian: | <i>Vehap'ar Sultann ...amen Ôsmanc'woc' vehapetn u PADIŞAHN ê.</i>  |
| Bulgarian | <i>Negovo Veličestvo Sultanăt... e vladětel' i Padişax na vsiçkیتě Ottomany.</i>                          |

<sup>110</sup> In Ottoman usage, this term is only used in connection with the name of the Sultan, e.g. *Fatih Sultan Mehmed*, *Valide Sultan*, etc. Otherwise, *padişah* is used.

<sup>111</sup> On Greek usage, see Johann Strauss, “The rise of non-Muslim historiography in the 18<sup>th</sup> century,” *Oriente Moderno* 1 (1999), 217-232.

<sup>112</sup> This term is preserved in the Bulgarian adjective *carski*, “imperial.”

<sup>113</sup> In the Judaeo-Spanish version of the Penal Code (*Kanun name de penas*; 1860) the Ottoman formula *suret-i hatt-i hümayun* is still translated by “Letras de nuestro sinyor *el rey*.”

<sup>114</sup> *American Journal of International Law*, vol. 2 (1908), 367.

The term “sultan” was also used in Arabic whereas the Persian word *padišah* had to be replaced by the Arabic *malik* in this article; cf.:

|          |  |
|----------|--|
| Arabic:  | <i>Inna ḥadrat as-sultān...wa burwa malik jamīʿ at-tabāʿa al-ʿuthmāniyya wa sultānubā.</i>   |
| Persian: | <i>Aʿlā-ḥazrat-e pādešābī ... pādešāb va ḥokmrān-e jomle-ye tabāʿe-ye ʿosmāniye hastand.</i> |

### Millet and Its Equivalents

The term, which seems to be so essential for the understanding of the Ottoman system and especially the status of non-Muslims, is totally absent in the translations. All languages use instead a word meaning “community” (Judaeo-Spanish *komunita*, Greek κοινότης *koinotēs*, Armenian *hasarakutʿēn*, Bulgarian *obština*, etc.), like the French version.<sup>115</sup> Cf.:

|            |  |
|------------|--|
| Ottoman:   | § 111: ... <i>ber kazada ber milletin bir cemaat meclisi bulunacak ve [...]</i><br><i>ber milletin müntehab efradından mürekkeb olacaktır</i>  |
| French:    | Il y aura dans chaque caza un Conseil afférent à chacune des différentes <b>Communautés</b> ....<br>Chaque conseil sera composé de membres élus par la <b>Communauté</b> qu’il représente...                         |
| Greek:     | Εν εκάστῳ καζά υπάρχουν συμβούλιον δι’εκάστην των διαφόρων κοινότητων [ <b>koinotētōn</b> ]...<br>έκαστον Συμβούλιον θέλει συγκροτείσθαι εκ μέλων εκλεγόμενων υπό της κοινότητος [ <b>koinotētos</b> ] ην εκπροσωπεί |
| Armenian:  | § 111: Awanac’ mēj ayl ew ayl <i>hasarakut’ēanc’</i> iwraḳ’ančiwriin verabereal xorhurd mə piti ǵətnui....<br>Iwraḳ’ančiwri xorhurd, ir nerkayac’uc’ac <b>hasarakutenēn</b> əntreal andamnerē piti balkanay...       |
| Bulgarian: | § 111: Šte ima v vsyaka okoliya po edin Sāvēt za vsyaka ot različnyte <b>obštiny</b> ...<br>vsěkoy Sāvēt šte sa sástavya ot členove izbrany ot <b>obštinata</b> , koyato predstavya                                  |

<sup>115</sup> It has to be said that also in the Ottoman text of the Constitution *cemaat* is used to designate a religious community. Cf. (art. 11): “[...] *cemaat-i muhtelifeye verilmiş olan imtiyazat-ı mezhebiyyenin kemakan cereyanı Devletin tabt-i himayetindedir*” – “the state...accords the religious privileges granted to the different communities.”

|                 |   |
|-----------------|---|
| Judaeo-Spanish: | En kada kaza avra un konsilio appartenente a kada una de la diversas komunitas.....kada konsilio sera kompuesto de miembros eskožidos de parte de la komunita ke el raprezenta. |
|-----------------|---|

Only Arabic and Persian retain the Ottoman term although Arabic *milla* was increasingly to become obsolete in the modern language.<sup>116</sup>

*A Comparison: Article 62 of the Ottoman Constitution in French, English, Greek, Armenian, Bulgarian, Judaeo-Spanish, Arabic and Persian*

Art. 62 of the English version concerning the Senate reads as follows:

“The rank of senator may be conferred on persons “en disponibilité,” having exercised the functions of minister, Governor-General, Commandant of Corps d’Armée, Judge, Ambassador or Minister Plenipotentiary, Patriarch, Grand Rabbi, General of Division of armies by land or sea, and generally on persons combining the requisite conditions.”

|           |  |
|-----------|--|
| Ottoman:  | <i>Bu memuriyetlere vükelalık ve valilik ve ordu müşirliği ve kazi’askerlik ve elçilik ve patriklik ve bahambaşılık memuriyetinde bulunmuş olan mazulünden ve berri ve babri ferikânından ve sıfat-i lazimeyi cami’ sair zevatdan münasibleri tayin olunur.</i>  |
| French:   | <i>La dignité de sénateur peut être conférée aux personnages en disponibilité ayant exercé les fonctions de ministre, gouverneur général, commandant de corps d’armée, <b>cazi-asker</b>, ambassadeur ou ministre plénipotentiaire, patriarche, <b>kbakham-bachi</b>, aux généraux de division des armées de terre et de mer, et, en général, aux personnes réunissant les conditions requises.</i>                                |
| Greek:    | <i>Το γερουσιαστικόν αξίωμα δύναται να απονεμηθή εις πρόσωπα εν διαθεσιμότητι, άτινα εχημάτησαν υπουργοί, γενικοί διοικηταί (βαλή <b>vuli</b>), αρχηγοί στρατωτικών σωμάτων, καζασκέραι [<b>kuzuskerai</b>] (άνώτατα δικασταί), πρέσβεις η πληρεξούσιοι υπουργοί, Πατριάρχοι η χαχαμπάσαι [<b>chachumpusai</b>] (μεγάλοι ραβίνοι), εις στρατηγούς και ναυαρχούς και εν γένει εις πρόσωπα κεκτημένα τας απαιτούμενας ιδιότητας.</i> |
| Armenian: | <i>Cerakuti andammak’ut’iwn krnay šnorhuil ayn anpaštón andzanc’; oronk’ varac en naxararut’eai paštón, kusakalut’iwn, zórbaniakac’ bra-manatarut’iwn, <b>kuzaskêrut’iwn</b>, despanut’iwn, patriark’ut’iwn, <b>xaxamaglxut’iwn</b>. Noyupês krnay šnorhuil covayin ew c’amak’ayin zórac’</i>  |

<sup>116</sup> For the meaning of “nation,” Arabic already used *umma* for Ottoman *millet*.

|                 |  |
|-----------------|--|
|                 | <i>fërikneru, ew ař basarak ayn andzanc' or pêtk' elac paymannern am-bořapês unin.</i>   |
| Bulgarian:      | <i>Senatorskoto dostoynstvo može da sa daje na lica, koito privremeno ne sũ na služba, no koito sũ ispãlňyavali službi kato Ministry, Glavny upraviteli (Valii), komandanty na voenny tãla, Kazaskeri, Poslannicy ili pãl-nomoštny Ministry, Patriarsy, Xaxamubašii, Devizionny generaly na su-xopũtnata i morskã voyska i, vãobšte, na lica koito sã edinyavat ve sebe si izyskvanytã usloviya.</i> |
| Judaeo-Spanish: | <i>Los senatores son nombrados por toda la vida. La dinyita (mansub) de senator puede ser dada a las personas ke no estan en funksiones ma ke fueron ministros, gobernadores de provinsias, komandantes de los ordis, kazi askier, ambařadores, patriarkas, xaxam [כחך] baři, los ferikes de la armadas de tierra i de mar, i en cenere las personas ke tienen las kualitas menesterozas.</i>        |

The elegant *French* translation has preserved two Ottoman terms, *cazi-asker* and *khakhambachi*. Whereas the first term indeed appears to be untranslatable, it is more difficult to explain why the “Grand Rabbi” is referred to here under his Turkish name (*khakhambachi*). Interestingly enough, all versions of the Ottoman Constitution use at least the first element, *habam*,<sup>117</sup> although equivalents exist in the respective languages (only Greek adds a synonym). The military grade of *miüşir* “marshal” is rendered by “commandant de corps d’armée.”

Clearly, the “contemporary English version” was also translated from the French version.

The *Greek* version follows the French translation. However, it sometimes adds synonyms, either the original Ottoman term (*vali*) when a Greek term is used, or Greek equivalents for Ottoman terms (*kazasker* and *habambaşı*). Cf.:

### *Terms Used for Administrative Functionaries*

| Ottoman:                     | Greek:  |
|------------------------------|---|
| <i>meclis-i ayan</i> (sénat) | γεροουσία <i>gerousia</i> (< <i>géros</i> “old;” cf. Latin <i>senes</i> ) |
| <i>elçi</i> (ambassadeur)    | πρέσβυς <i>presvys</i>  |
| <i>Vekil</i> (ministre)      | υπουργός <i>hypourgos</i>   |

<sup>117</sup> < Hebrew *hakham* “sage.” This term is not used for “rabbi” in Hebrew; the Ottoman term actually reflects Karaite usage.

|   |  |
|---|--|
| Ottoman:                                | Greek:   |
| <i>vali</i> (gouverneur général)        | γενικός διοικητής (βαλή) <i>genikos diokētēs (valē)</i>            |
| <i>Ferik</i> (général de division)      | στρατηγός <i>stratēgos</i>   |
| <i>Ordu müşiri</i> (commandant d'armée) | αρχηγός στραωτικών σωμάτων <i>archēgos stratiōtikōn sōmatōn</i>    |
| <i>kazasker</i>                         | καζασκέρης <i>kazaskerēs</i> (ανώτατος δικαστής ["Supreme Judge"]) |
| <i>babambaşı</i>                        | χαχαμπάσης <i>chachampasēs</i> (μεγάλος ραββίνος [Grand Rabbi]).   |

The *Armenian* version has taken into account the Ottoman text. It is the only version which does not contain the addition "...or Minister plenipotentiary," which features in the French version ("ambassadeur ou ministre plénipotentiaire") but not in the Ottoman Turkish original. There, only *elçilik* "quality and functions of an envoy" occurs. The Armenian version uses *despanut'ivēn* (from *despan* "ambassador"), which corresponds exactly to *elçilik*. Like the Turkish, the Armenian version also employs abstract nouns for the different functions (*kusakalut'ivēn*, *kazaskerut'ivēn*, *patriark'ut'ivēn*, *xaxamaglxut'ivēn*, etc.). Unlike the French translation, the Armenian translation has also preserved the Ottoman term *ferik* "General of division" even though there were corresponding Armenian terms.<sup>118</sup>

Otherwise, the translation is puristic. Even the Ottoman term *babambaşılık* is partially translated: Armenian *xaxamaglxut'ivēn* (from *xaxam* [< Turkish "rabbi"]<sup>119</sup> + *glux* "head" + suffix *-ut'ivēn*). Cf.:

|  |                                     |
|--|-------------------------------------|
| Ottoman:                               | Armenian:                           |
| <i>meclis-i ayan</i> (sénat)           | <i>cerakut</i> (< <i>cer</i> "old") |
| <i>mazul</i> (sans emploi, disponible) | <i>anpaštōn</i>                     |
| <i>elçi</i> (ambassadeur)              | <i>despan</i>                       |
| <i>vekil</i> (ministre)                | <i>naxarar</i>                      |
| <i>vali</i> (gouverneur général)       | <i>kusakal</i>                      |
| <i>ferik</i> (général de division)     | <i>ferik</i>                        |

<sup>118</sup> Mihran Apiguiian in his trilingual dictionary *Erek'lezuean əndardzak Baġaran taġkerēn – ħayerēn – gaġherēn*, Istanbul, 1888, gives *zōrabašni ħramanatar*.

<sup>119</sup> The Armenian word for rabbi is *rabbuni*.

|   |   |
|---|---|
| Ottoman:                                | Armenian:   |
| <i>ordu müşiri</i> (commandant d'armée) | <i>zôrabanakac' bramanatar</i> ( <i>zôrabanak</i><br>"corps d'armée" Turkish <i>kolordu</i> ) |

The Bulgarian version clearly indicates that it was not "translated from Turkish" ("prevedeno ot turski") as it is said on the title page of Arnaudov's collection. The translation corresponds exactly to the French version. It does contain the addition "...or Minister plenipotentiary" (Poslannicy ili pálnomoštny Ministry), which features only in the French (and Greek) versions (vide supra). The Ottoman terms contained in the text are the same as in the French version. There is, however, the Bulgarian term for "Governor-General" (*Glaven Upravitel*) to which is added the Turkish term (*vali*) between brackets like in the Greek version by which it may have been influenced.

Otherwise, ranks and titles appear in their Bulgarian equivalents. Cf.:

|  |                                 |
|--|---------------------------------|
| Ottoman  | Bulgarian                       |
| <i>vekil</i> (ministre)                          | <i>ministr</i>                  |
| <i>elçi</i> (ambassadeur)                        | <i>poslannik</i>                |
| <i>ordu müşiri</i> (commandant de corps d'armée) | <i>komandant na voenny tēla</i> |
| <i>ferik</i> (général de division)               | <i>devizionny general</i>       |

It should be noted that the Bulgarian terms are mostly identical with those existing in Russian.<sup>120</sup> Some of them (e.g. *komandant*) have become obsolete in the modern language.

|  |                                |
|--|--------------------------------|
| Ottoman  | Judaeo-Spanish:                |
| <i>vekil</i> (ministre)                          | <i>ministro</i>                |
| <i>elçi</i> (ambassadeur)                        | <i>ambašador</i>               |
| <i>ordu müşiri</i> (commandant de corps d'armée) | <i>komandante de los ordis</i> |
| <i>ferik</i> (général de division)               | <i>ferik</i>                   |

<sup>120</sup> I have not come across a Russian translation of the *Kanun-i esasi*. But it is highly probable that it existed.

A totally different picture appears in the two versions of the “Islamic languages.” Cf.:

|          |  |
|----------|--|
| Ottoman: | <i>hey'et-i ayan azalığı kayd-i bayat iledir.<br/>Bu memuriyetlere vükelalık ve valilik ve ordu müşirliği ve kazı'askerlik ve elçilik ve patriklik ve habambaşılık memuriyetinde bulunmuş olan mazulinden ve berri ve babri ferikânından ve sıfat-i lazimeyi cami' sair zevatdan münasibleri tayin olunur.</i>   |
| English: | <i>“The senators are nominated for life.<br/>The rank of senator may be conferred on persons “en disponibilité,” having exercised the functions of minister, Governor-General, Commandant of Corps d'Armée, Judge, Ambassador or Minister Plenipotentiary, Patriarch, Grand Rabbi, General of Division of armies by land or sea, and generally on persons combining the requisite conditions”</i>                          |
| French:  | <i>Les sénateurs sont nommés à vie.<br/>La dignité de sénateur peut être conférée aux personnages en disponibilité ayant exercé les fonctions de ministre, gouverneur général, commandant de corps d'armée, cazi-asker, ambassadeur ou ministre plénipotentiaire, patriarche, khakham-bachi, aux généraux de division des armées de terre et de mer, et, en général, aux personnes réunissant les conditions requises.</i> |
| Arabic:  | <i>'uḍwiyyat bay'at al-a'yān tabqā mā dāmat al-bayāt<br/>wa yata'ayyanu bi-hadhibi l-ma'muriyyāt dbawāt min ma'zūli l-wukalā'<br/>wa l-wulāt wa muširi l-mu'askarāt wa quḍāt al-askar wa s-sufarā' wa l-<br/>baṭārika wa ru'asā' al-khākhāmāt wa min furaqā' al-bariyya wa l-<br/>bahriyya wa min sā'ir adb-dhawāt al-jāmi'i š-šifāt al-lāzima.</i>  |
| Persian: | <i>a'zā'i-ye bey'at-e a'yān dā'emī va mādāma l-bayāt ast,<br/>wa barāye in ma'muriyat in mī tavānad kasānī ma'mūr bešavand ke dar<br/>kbedmat wa ma'muriyat-e vokalā'i va vāligārī va moširi-ye ordū va<br/>qāzi-askarī va ilcigarī va pātrikī va khākhāmbāšigārī būde va az<br/>ma'zūlān bāšand va az farīqān-e bahri va bari va az digar aškbāš ke<br/>owšāf-e lāzeme-ye in ma'muriyat rā jāme' and.</i>                 |

Here, we have the surprising phenomenon that the vocabulary of the three versions is almost identical. In the Arabic version only the Turkish and Persian words of the Ottoman text are different: *ordu müşirliği* becomes *muširi l-mu'askarāt* (Arabic *mu'askar* “camp”) and *elçilik* becomes *as-sufarā'* “the ambassadors.” *Habambaşılık* is rendered by *ru'asā' al-khākhāmāt* “heads of the khakhams.”

In the Persian text, even the above mentioned Turkish words are retained since *ordū* and *ilcī* are not unknown in Persian. A more complex case is *khākhāmbāšigārī*. The term *khākhām* is used today for “rabbi,” but this usage seems to be rela-

tively new. The word does not figure in the older dictionaries (Vullers, Steingass). The term *khākhāmbāshī* may have been adopted from Ottoman Turkish.<sup>121</sup>

### Conclusion

Throughout the 19<sup>th</sup> century, Ottoman legislation was made available to the minority groups through translations in their respective languages. It is therefore not surprising to find that the Constitution of 1876 (*Kanun-i esasi*), too, was published promptly in the minority languages.

A comparison of these translations, of which there is an impressive variety, reveals a number of conspicuous features. One can divide them into two groups: “Oriental-style” (or “Islamic”) and “Western-style” versions.

The “Oriental-style” versions use an almost exclusively Arabic terminology. This is the case of the Ottoman, the Persian and, of course, the Arabic version. The terminology of the three languages is almost identical. This is less surprising in the case of Persian since this language adopted as a model the new political terminology created by the Ottoman Turks (by drawing almost exclusively from the Arabic stock) in the wake of the *Tanzimat*. It is also Persian that has remained most faithful to Ottoman political terminology:<sup>122</sup> the term *qānūn-e asāsī* is still used in Persia today. The identical terminology is more surprising in the case of Arabic. This language had already started to differentiate itself more and more from Ottoman Turkish by developing its own terminology; this occurred not only in Egypt but even in the Arabic provinces under direct Ottoman rule (especially Syria and Lebanon).<sup>123</sup> One of the results was the adoption of *dustūr* for “Constitution.” This term had already replaced *al-qānūn al-asāsī* when the Ottoman Constitution was reintroduced in 1908. The fact that the Arab translators stuck slavishly to the words used in the Ottoman text is significant, but it is difficult to find a satisfactory explanation for this practice.

The “Western-style” versions present a more complex picture. Their terminology is variegated and reflects both foreign influences and national traditions – or even aspirations. Some of these versions were purist and used exclusively terms drawn

<sup>121</sup> It is not listed in Dehkhoda’s monumental dictionary but in S. Haïm, *New Persian-English Dictionary*, 2 vols. (Teheran: Farhang Moaser, 1960-1962), 1:687: *khākhāmbāshī* “a chief rabbi, a (Jewish) pontiff.”

<sup>122</sup> See Johann Strauss, “Turco-iranica: échanges linguistiques et littéraires irano-ottomans à l’époque des Tanzimat,” in *Contact des langues dans l’espace arabo-turco-persan I*. Actes du colloque organisé par l’INALCO (ERISM), l’Université de Téhéran et l’IFRI, ed. Taghi Azadarmaki, Christophe Balaÿ, and Michel Bozdémir (Teheran: Inst. Français de Recherche en Iran, 2005), 59-87.

<sup>123</sup> See Johann Strauss, “Mouvements de convergence et de divergence dans le développement d’un vocabulaire de civilisation des langues islamiques (turc-arabe-persan),” in *Contact de langues II: Les mots voyageurs et l’Orient*, ed. M. Bozdemir and Sonel Bosnalı (Istanbul: Boğaziçi Üniversitesi Yayınları, 2007), 87 – 127; here: 122-124.

from their own linguistic resources. Others relied on the terminology of foreign languages. But all of them have in common that they hardly use any term borrowed from Ottoman Turkish, or coined according to an Ottoman model. One has the impression that by 1876, the languages of the major communities had already established a nearly standardized system of rendering Ottoman terminology in their respective languages, thereby demonstrating their cultural independence. Written Greek and Armenian were highly puristic.<sup>124</sup> Even borrowings from French common in Ottoman Turkish (e.g. *komisyon*, *büdcce*) were not adopted by these languages. Turkish terms had to be avoided. When such terms had to be quoted, they were usually accompanied by a translation. (In Greek, Ottoman terms were also adapted to the rules of Greek morphology: *chattion* “hatt,” *firman-ion* “ferman,” *veration* “berat,” etc.). One may interpret this as an attempt of the language users to distance themselves from the language of the rulers. This is corroborated by the fact that most “Western-style” versions of the *Kanun-i esasi* tended to be translated from the French version rather than from Ottoman Turkish (though the Armenian – and perhaps the Judaeo-Spanish – version may have been checked against the original Ottoman text). In some instances, Greek may also have been the language of reference. For all of these languages, French was the model and the source of the terminology, either by direct borrowing or through calques.

The different versions of the *Kanun-i esasi* therefore also reflect religious, ideological and other divisions existing in the Ottoman Empire. There is a sharp dividing line between those communities using the same alphabet and/or sharing the same religion, and the others. For reasons that cannot be dealt with here, Ottoman Turkish, the composite language of the rulers, did not have a unifying effect. It was relatively successful in the case of Arabic as far as terminology was concerned. But it had little impact on the written and literary languages of the non-Muslim (and non-Turkophone) population and was unable to contribute significantly to their enrichment.

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<sup>124</sup> It has to be stressed that this purism did not exist in the spoken languages of these communities, where Turkish loanwords were a most common phenomenon.

