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SOCIETÀ PER GLI STUDI SUL MEDIO ORIENTE

TITOLO/TITLE: Vernacularising Law & Order in the Eastern Mediterranean (1791-1849)

PROPONENTE/I – PROPONENT/S: GIANLUCA PAROLIN & SEFER KORKMAZ

PANEL CONCEPT:

The American and French Revolutions reignited the debate on sovereignty, power (and its separation), representation, individual rights, and the rule of law in the political arena. In doing so, they also proposed new solutions in the form of codified Constitutions. American and French revolutionary ideas circulated globally and animated local debates; just like American English and French had to develop a new vocabulary to convey the new conceptions of liberal constitutionalism (often by revisiting existing vocabulary), so did all other languages.

In the Eastern Mediterranean, French revolutionary ideas (and their constitutional arrangements) made themselves physically present through French armies. It is the case of the Ionian islands, where French troops arrived right after the fall of the Republic of Venice (1797-1799). And of Egypt and Syria, where Napoleon himself led the troops (1798-1801). But news of French Constitutions had reached the shores of the Eastern Mediterranean well before French troops, and their influence stretched well beyond their military reach.

A complex network of concepts and ideas started developing in a fascinatingly intricate network of (apparently distant) languages, cultural elites, and political arrangements between the end of the 18th century and the middle of the 19th century where the Ottoman empire extended its sovereignty and suzerainty. These early vernacularisations laid the first foundations of new legal systems embracing legal positivism as their jurisprudential underpinning.

The panel intends to explore those spaces of hybridisation and contamination in the Eastern Mediterranean where law and order were vernacularised in their various forms. In doing so, the panel aims at bringing back into a shared conversation Modern Greek, Ottoman Turkish, Egyptian and Levantine Arabic.

The panel aims to move beyond the contentious debates that have persisted since the mid-1950s between Bernard Lewis and Ibrahim Abu-Lughod, later joined by Amy Ayalon, concerning the formulation of novel political terminologies in the Middle East. In doing so, it seeks to transcend discussions focused solely on cultural "encounters" or the Arab "rediscovery," viewing these through the wider lens of global shifts in legal philosophies. Furthermore, by incorporating Modern Greek perspectives into the discourse, the panel endeavours to de-essentialise the discussion and explore how the broader Eastern Mediterranean region, with its shared historical backdrop, has grappled with new models of law and governance.

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PAPERS:

Forms of Modernization in Conflict and Coexistence: The Notion of “Translation” among Ottoman Phanariot Dragomans in the Late 18th and Early 19th Centuries

Sefer Korkmaz

This paper delves into the role of Phanariot dragomans in the Ottoman Empire during the 18th and 19th centuries, specifically focusing on their translation activities and their impact on the reform movements in various areas. Beyond their official role as “translators” in the Ottoman administration, the dragomans of the *dīwān-ī hūmāyūn* exerted significant influence on Ottoman diplomacy and foreign policy, making valuable contributions to Ottoman culture through their translations of Western texts. (Aydın, 2007). They were fluent in many European languages in addition to Turkish and Arabic, making them indispensable elements of Ottoman diplomacy, and served as dragomans of the *dīwān-ī hūmāyūn* for 152 years. Possessing special powers and privileges far beyond those of ordinary state officials, the Phanariot dragomans increased their influence considerably (Pallis, 1964; Uzunçarşılıoğlu, 1937). At the end of the 18th and early 19th centuries, the Ottoman foreign service was literally besieged by the Greeks of Phanariot, and the Greeks monopolised the decisive instruments of Ottoman foreign policy, from the *terdjümāh* offices of the *dīwān* and embassy to the voivodships of Eflāk and Boghdān (Gelder, 1994; Sözen, 2000; Jusdanis, 2001). The Greek revolts of 1821 and the execution on 16 April 1821 of Constantine Mourouzi, a dragoman suspected of treason and his role in the revolt, ended the era of Phanariot dragomans. In conclusion, this contribution aims to unveil the notion of translation activities of the Phanariot dragomans, who played an essential role in the diplomatic relations of the Empire and Ottoman modernization.

Sefer Korkmaz holds a B.A. in Theology from Istanbul University. In 2019, he graduated from the Department of Islamic Law at Istanbul University after completing his M.A. thesis. As a Ph.D. candidate in the Islamic Law Program at Istanbul University, he is currently performing doctoral research on the application of computing technology to Islamic law at the Centre for Digital Humanities at Aga Khan University-ISMC in London under the supervision of Prof. Sarah Boven Savant, funded by The Scientific and Technological Research Council of Türkiye (TUBITAK). His interests include the legal history of Arab lands under Ottoman rule, legal manuscripts, and modern Islamic finance applications.

Vernacularising International Law: Developing an Ottoman diplomatic modernity

Giorgio Ennas

With the quasi-inclusion in the Congress of Vienna and the process of internal reform that began during the sultanate of Mahmud II (1808-39), European international law was absorbed and vernacularised into a form proper to the government of the Sublime Porte, which involved jurists and diplomats of European, Greek, and Ottoman origin (Davison, 1999; Mardin, 2000; Ozavci, 2021). This contribution analyses the way in which in this period the Ottoman monarchy adopted elements of the European diplomatic practices. By examining diplomatic documents, it claims that, when the sultans were modernising bureaucratic praxis, the new Ottoman ministry of foreign affairs and diplomats voluntarily adopted French diplomatic language and a Euro-Ottoman “modern” genre of diplomatic writing. This evolution is particularly clear when we compare the language, structure and themes of the documents written by the Ottoman *chargé d'affaires* in Vienna Jean de/Yanko Mavroyeni Bey (1760-1841) in the 1810s with those he wrote in the 1830s (Šedivý, 2013; Ozavci, 2022). In this

way, it would be possible to identify the passage from the generation of Ottoman diplomats of Yusuf Ağa Efendi (1744-1824) to that one of Rüstem Pasha (1814-95).

Giorgio Ennas is post-doctoral fellow and adjunct professor at Franklin University Switzerland (FUS) in Lugano. In 2021, he obtained his PhD from the European University Institute (EUI) in Fiesole with a thesis on Italian-Ottoman diplomatic relations between 1856 and 1871. His fields of interest are the Ottoman Empire and the Risorgimento, global history, cultural history, the history of diplomacy and epidemics. His main publications include the article “Connecting the Two Seas: Negotiating an International Modus Vivendi - Italian and Ottoman Diplomacies in the Suez-Red Sea Area” (2022), and the volume Reports of Cesare Durando Italian Vice-Consul in Sarajevo (1863-1867) (2020).

‘That is to say..’: Early Trials of French Constitutionalism in Ottoman Lands.

Gianluca Parolin

The emergence of a lexicon for late 18th-century Constitutionalism in the Eastern Mediterranean involved diverse linguistic and cultural agents (Abu-el-Haj 1991, Römer 2008, Sariyannis 2013, 2019). Greek speakers, integral to the foreign and translation services of the Ottoman Empire until the onset of the Greek War of Independence (1821), played a pivotal role (Erdem 2005, Karabicak 2020, Darakcioglu 2023). Greek itself underwent a lexical evolution to articulate the principles of French revolutionary constitutionalism (Sfoini 2007, 2015). An initial rendition of the 1791 French constitution in Greek, published in the Viennese periodical *I Efimeris*, already exemplifies the complexities of this operation. However, this paper examines a subsequent text which was not merely intended as a translation but rather as a blueprint for the Balkan provinces of the Ottoman Empire post-insurrection: the New Civil Administration (Νέα Πολιτική Διοίκησης) authored by Rhigas Velestinlis (Pheraios, 1757-1798). While closely mirroring the structure of the 1793 French Constitution, the NCA incorporates intriguing adaptations for the envisioned 'Pan-Balkan Republic' (Stathis 1996, Woodhouse 1997, Lopez Villalba 2003). The paper investigates the challenges encountered in grappling with fundamental concepts such as ‘people’ and ‘representation’, with a particular focus on the 46 instances where the author provides supplementary elucidation prefaced by the phrase ‘that is to say..’ (ήγουν..). These instances, I argue, serve as valuable indicators of the areas where the Ottoman lexical and conceptual framework would be supplemented and expanded in the ensuing decades.

Gianluca Parolin is a comparative lawyer working on constitutional design, State-Islam relations, citizenship, shifting semiotics of law, and images of law in popular culture. – He holds a PhD in Public Law from the University of Turin, and is Professor of Law at the Aga Khan University in London, where he also leads the Governance Programme. – From 2008 to 2015 he taught constitutional law at Cairo University and the American University in Cairo. – He is the author of *Citizenship in the Arab World* (Amsterdam University Press, 2009), and is currently working on a new book on the law’s *imaginaire* in Egyptian television drama.

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Serena Tolino is associate professor of Islamic and Middle Eastern Studies at the University of Bern, where she also leads the project TraSIS: Trajectories of Slavery in Islamicate Societies. Three Concepts from Islamic Legal Sources, and the Starting Grant TraLL. Tracing Labour in Islamicate Legal Traditions, funded by the Swiss National Science Foundation. Before moving to Bern, she was an assistant professor at the University of Hamburg, a postdoc at the University of Zurich and a visiting fellow at the Program in Islamic Law at Harvard Law School. She studied in Naples, Halle and Cairo. Her main research interests include the history of gender, sexuality and LGBTQI+ rights in the Middle East, Islamic law, and the history of slavery in the Middle East.

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