

**Gábor Hamza, *Studies on Legal Relations between the Ottoman Empire / the Republic of Turkey and Hungary, Cyprus and Macedonia. Selected Essays in Hungarian, English, German and Turkish***

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**1.** This book contains a selection of essays in Hungarian, English, German and Turkish by Gábor Hamza, Professor at the Eötvös Loránd University dealing with legal relations in Southeast Europe from a legal historian's point of view. The foreword of the book is written by Kinga Hazai, co-editor of the book, and the author of the epilogue is János Hóvári, historian, turkologist and former ambassador of Hungary in Ankara. A dedication to the author of the volume is written by the late György Hazai, professor and turkologist.

**2.** Although the title of the book refers only to essays dealing with legal relations, quite a few other interesting topics are also dealt with. The connecting „bridge” between these topics is the „Turkish party”, as the reader can always find the Ottoman Empire / the Republic of Turkey on one side of the investigated (sometimes multilateral) legal relations. This link is especially appropriate as the Ottoman Empire / the Republic of Turkey always had a strong legal and political influence in the area, and its private law also developed considerably during the last two centuries.

The book is divided into five parts, which will now be reviewed briefly.

**3.** The first part deals with the development of private law in Cyprus from the fourth to the twenty first century. Throughout its history, the island was ruled by many states which obviously also had an influence on its legal system. Noteworthy is the period between 1878 and 1959. During the first half, until 1914, Cyprus belonged to the Ottoman Empire, and according to agreements between the Sublime Porte and Great Britain „the Sultan transferred the right of publishing laws and other regulations to

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the Queen of the United Kingdom and Ireland in the name of the British sovereign". During the second half, from 1914, Great Britain annexed Cyprus which eventually became independent in 1959 pursuant to the Treaty of Cyprus. In July 1974 the island split into two *de facto* states. The essays conclude with the accession of the Republic of Cyprus to the European Union in 2004 and with a brief review of its constitution.

Essays in the second part of the volume deal with the multiple relations between Islamic and Hungarian law. The author divides this „long-term story” into three periods, namely (1) from earliest times until the end of the thirteenth century; (2) from 1541 until 1687; and (3) from 1878 until 1918, and then he discusses the relationship between the Hungarian people, namely ethnicity and the Islam, from a legal-historical point of view. The most interesting period is undoubtedly the second one which deals with the history and legal system of Hungary under the Ottoman rule. Having dealt with the first and third periods, the author thereupon discusses and analyses the status of Muslims in Hungary and the (necessary) legal regulations regarding their presence in the country.

The third part of the book is an overview of the development and codification of private law of the Ottoman Empire / the Republic of Turkey during the nineteenth and twentieth centuries. A fundamental result of this process was the *Mecelle*, a compilation also containing Turkish private law. Thereafter important policies of this progress were reformed, gradually replacing this compilation which ended with the enactment of the Turkish Civil Code in 1926. This mainly reflected the influence of the French version of the Swiss Civil Code (*Schweizerisches Zivilgesetzbuch*). Furthermore, the reader can gain valuable information from this part about both the latest developments of Turkish private law during the twentieth century and the foundation of modern Turkish legal education.

The next part of the book, which contains an historical essay, deals with the so-called „Macedonian Question”. It provides invaluable knowledge, depicting the exciting political history, since the author does not only discuss historical facts, but (as far as possible) also reveals the underlying political motivations from a legal historian’s point of view. This historical-political-legal trio of the composition makes this fourth part of the book – which is divided into two chapters – invaluable.

A brief but sound analysis of the medieval grounds of this question follows thereupon. The first chapter focuses mainly on the events of the nineteenth century, for instance the Macedonian Revolution of 1875, the Russo-Turkish War of 1877-1878, and the activities of the Internal Macedonian Revolutionary Organization (VMRO). As a result of these events, the Ottoman Empire lost its influence in this area, and although these territories were *de iure* part of the Ottoman Empire, *de facto* it could not influence the settlement of affairs in the Balkans during the first decade of the twentieth century.

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In the second chapter, the author analyses the impact of the Revolution of Young Turks and other events preceding the First World War, as well as events during the interwar period and later developments of the post-World War II era. For instance, consequences of the demise of the Ottoman Empire, conflicts between the Kingdom of Serbs, Croats and Slovenes (after 1929 the Kingdom of Yugoslavia) and Bulgaria, and the declaration of independence of the Republic of Macedonia (or, as used in diplomatical phrasing, the former Yugoslav Republic of Macedonia) in 1991.

4. It might be surprising that a collection of essays focusing on legal relations between countries also deals exclusively with a section about a jurist, namely András Bertalan Schwarz (1886-1953). However, taking his life and scientific *œuvre* into consideration, it becomes clear that this book is the most obvious place to highlight his character and personality.

The selected essays of the author (a review of the outstanding scientific *œuvre* of Schwarz, excerpts of a lecture held by the author on the one hundredth anniversary of the birth of András Bertalan Schwarz) and the publication of a number of copies of interesting documents in connection with the jurist (*inter alia* two manuscripts of his scholarly curriculum, correspondence deserving particular interest, etc) is satisfactory from two views. First, they also focus on the importance of this section from a perspective of the history of science. Second, the reader gets a harmonic image about the *œuvre* and life of András Bertalan Schwarz regarding his role in Turkish legal education and the codification of private law in the Republic of Turkey. Thus the readers are reminded of this outstanding Hungarian jurist, born more than 130 years ago.

5. This book will be of interest to everyone doing research either regarding the history of the codification of private law in countries of Southeast Europe or the history of the nineteenth and twentieth century Balkan Peninsula. It also provides valuable information about the role of Islamic law in medieval as well as the modern history of Hungary, and – in conclusion – about András Bertalan Schwarz, former Hungarian professor of Roman law and private law at the Istanbul University.

As stated earlier, it is no easy task to enumerate all the important issues dealt with in this book. And it will also be difficult to list everyone who will be interested in this book. For this, and for acknowledging the importance of this book in the development of Turkish-Hungarian legal relations, I would like to join to János Hóvári who states as follows in the epilogue: „We hope that even more Turkish students will apply to law faculties at Hungarian Universities, and it would be wonderful to see Hungarian law students at Turkish universities. These students can be encouraged by this book and inspired by Prof Gábor Hamza’s research.”

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