

HOW FAR IS THE FAR EAST TO THE NEAR EAST?  
DYNAMICS OF JAPANESE-TURKISH RELATIONS  
BEFORE IT'S OFFICIAL BEGINNING \*

Emir KARAKAYA \*\*

ABSTRACT

*Japan and Turkey, are often recognized as two countries with friendly relations that are characterized by warmth and selflessness. Today, both countries have close cooperation but the current socio-political conditions between the two countries as well as the romanticized narratives of history overshadowed the complicated reality of the initial years of Japanese-Turkish relations. While we are approaching to the 100th anniversary of the Republic of Turkey and the 100th anniversary of the Turkish-Japanese relations, this study aims to comprehensively examine the unofficial years of the bilateral relations between 1873 and 1924, shedding light on the character of the initial years of it and elucidating the fundamental conditions that shaped these relations. In pursuit of this objective, this research relies on sources such as the Ottoman Archives, the Archives of the Japanese Ministry of Foreign Affairs, newspaper articles, and minutes from the Lausanne Conference. It demonstrates that the early stages of Turkish-Japanese relations were marked by two non-European empires struggling against 19th-century imperial powers, carefully evaluating each other's positions, evaluating the changing position and policies of each other within the international law and within the 19th-century global order by engaging in extensive political maneuvers and therefore preventing it to gain an official character. In this context, the study endeavors to present the early phases of Japanese-Turkish relations from an academic perspective, moving away from romanticized narratives.*

*Keywords*

*Ottoman-Japanese Relations, Nineteenth Century, Diplomacy, Imperialism, Extraterritoriality.*

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\*\* Ph.D. Student at University of Wisconsin-Madison, [ekarakaya@wisc.edu](mailto:ekarakaya@wisc.edu), (ORCID ID: 0000-0002-4439-2478).

## Introduction

History can be romanticized in many ways. Especially if two friendly countries shared a “tragedy”, this experience might blur the realistic features of the history of diplomatic relations between two states. One good example is the Japanese-Turkish relations. Japan and Turkey are thought to be two countries with friendly relations to the extent that it has been romanticized in popular culture as one that is characterized by overwhelming kindness and otherness. Although both nations indeed have great sympathy for the other and both governments cooperate on many issues this perception is nevertheless not realistic and certainly disregards the initial phases of bilateral relations even before it assumed an official character in 1924. This article aims to revisit the Ottoman-Japanese relations between 1873 and 1924 to establish the true character of early relations and lay out the main conditions that shaped it.

The Japanese-Turkish relations from 1873 onwards were discussed by scholars such as Selçuk Esenbel whose works focus on the early phase of the Turkish-Japanese relations and the comparative analysis of Japanese and Ottoman modernizations, and especially on the period she defines as the years of “twilight diplomacy” or the unofficial years of the bilateral relations.<sup>1</sup> Misawa Nobuo’s works focus on almost all aspects of Turkish-Japanese relations including but not limited to the Ertuğrul disaster and its aftermath, the relationship between Sultan Abdulhamid II and the Meiji Emperor, Japanese subjects living in the Ottoman Empire such as Shotaro Noda and Torajiro Yamada, Japanese Language education in the Ottoman Empire.<sup>2</sup> A.

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<sup>1</sup> For further reference see: Selçuk Esenbel, “Japanese Interest in the Ottoman Empire” *The Japanese and Europe Images Perceptions*, edited by Bert Erdstrom Surrey: Curzon Press Japan Library, 2000; Selçuk Esenbel, *The Rising Sun and the Turkish Crescent: New Perspectives on the History of Japanese Turkish Relations* Istanbul: Bogazici University Press, 2003; Selçuk Esenbel ed., *Japan, Turkey and the World of Islam: The Writings of Selçuk Esenbel. Vol. 3. Global oriental*, 2011.; Selçuk Esenbel, *Japon Modernleşmesi ve Osmanlı Japonya’nın Türk dünyası ve İslam Politikaları*. Istanbul: İletişim, 2012.

<sup>2</sup> For further reading see: Nobuo Misawa, “Relations Between Japan and the Ottoman Empire in the 19th Century Japanese Public Opinions About the Disaster of the Ottoman Battleship Ertuğrul (1890) (Culture and Communication, Middle East Studies from East Asia).” *Annals of Japan Association for Middle East Studies* 18, no. 2 (2003): 9–19. doi:10.24498/ajames.18.2\_9.

Merthan Dündar's works mostly focus on the bilateral relations in the late Ottoman and early republican era and especially the Türk-Tatar diaspora in Japan, Japan's Pan-Asianist Policies, and the Ottoman intellectuals and their perception of Japan.<sup>3</sup> Sinan Levent's works mostly focus on the official years of Turkish-Japanese years, especially in connection to Japanese Turanism and Japanese policies on the Turkic and Muslim peoples.<sup>4</sup> In addition to these scholars F. Şayan Ulusan Şahin<sup>5</sup> and Umut Arık<sup>6</sup> worked on the bilateral relations in a broader perspective. These scholars pointed out the complicated nature of bilateral relations from its initial years in the unofficial period up until the twentieth century, especially from the early to mid-twentieth century. One important shared conclusion that can be drawn from this

[https://www.jstage.jst.go.jp/article/ajames/18/2/18\\_KJ00004403945/\\_article/-char/ja/](https://www.jstage.jst.go.jp/article/ajames/18/2/18_KJ00004403945/_article/-char/ja/); Nobuo Misawa, Göknur Akçacadağ. 2008. "The First Japanese Language Education in the Ottoman Empire (1891-92): Shotaro NODA's Lectures in the Ottoman Military School." *Bulletin of the Faculty of Sociology, TOYO University* 46 (1): 219-48; Nobuo Misawa, 2010. "Abdülhamid Dönemi İçin Kritik Bir Teferruat: Japon Kaynakları Işığında Ertuğrul Faciası." *Düşünen Siyaset* 27: 179-94; Nobuo Misawa, "The First Japanese who resided in the Ottoman Empire." *Mediterranean World*, XXI (2012); Nobuo Misawa, "Sultan II. Abdülhamid ve Japonlar", in Melek Özyetgin ed., *Sultan II. Abdülhamid ve Osmanlı Modernleşmesi*, Cilt III, İstanbul: Yıldız Teknik Üniversitesi, 2022, 131-136

<sup>3</sup> For further reading see: Merthan A. Dündar, 2006. *Pan-İslâmizm'den Büyük Asyacılaşma: Osmanlı İmparatorluğu, Japonya ve Orta Asya*. İstanbul: Ötügen Neşriyat; Merthan A. Dündar, 2013. "On the Question of Prince Abdülkerim Effendi's Becoming the Emperor of Turkestan with Japan's Support." *Bilig* 66 (66): 79-92; Merthan A. Dündar, 2015. "Muhayyel Tarihe İtiraz: Ertuğrul Faciası, Yamada Torajiro ve Abdülhalim Noda Shotaro Üzerine." in *Doğu Asya'nın Politik Ekonomisi: Japonya, Çin ve Güney Kore'de Kalkınma, Siyaset ve Jeostrateji*, edited by K. Ali Akkemik, Sadık Ünay, Ergun Kocabıyık, and Meltem Aravi, 362-72. İstanbul: Boğaziçi Üniversitesi Yayınları; Merthan A. Dündar, 2015. "An Essay on the Effects of the Meiji Modernisation upon Turkish Intellectuals." *Journal of the Meiji Jingu Intercultural Institute* 14: 137-49; Merthan A. Dündar, 2016. *Rus Japon harbinden alınan maddi ve manevi dersler ve Japonların başarılarının sebepleri*. İstanbul: Gece Kitaplığı.

<sup>4</sup> For further reading see: Sinan Levent, in *Türkiye'de Japonya Çalışmaları Konferansı I*, ed. SelçukEsenbel, ErdarKüçükyalçın, Boğaziçi Üniversitesi Yayınevi, İstanbul, 341-360, 2012; Sinan Levent, 2015. *İkinci Dünya Savaşı Yolunda Japonya Cumhuriyet Gazetesi Üzerinden Türk Basınında Japonya İmajı 1933 1941*. İstanbul: Kitapdostu Yayınları; Sinan Levent, 2016. *Japon Turancılığı*. İstanbul: Tarih Vakfı Yurt Yayınları.

<sup>5</sup> F. Şayan, Ulusan Şahin. *Türk-Japon İlişkileri: (1876-1908)*. 1. baskı. Yayınlar Dairesi Başkanlığı kültür eserleri dizisi 315. Ankara: Kültür Bakanlığı, 2001.

<sup>6</sup> Umut Arık, *A Century of Turkish-Japanese Relations: A Special Partnership*. Japan-Turkey Friendship Centenary Program Committee, 1991.

existing literature is that Ottoman-Japanese and later Turkish-Japanese relations were part of a larger global diplomatic multi-state relations and impacted by contemporary conditions and events. However, how did both states use their existing information on interstate relations in the 19<sup>th</sup> century to determine their policies against each other? By making use of the existing literature, this article will bring together this ongoing discussion on Japanese-Turkish relations together with the analysis of primary sources and through the use of archival materials obtained from the Ottoman Archives, Archives of the Japanese Ministry of Foreign Affairs, Japanese National Diet Library, and the minutes of the Lausanne Conference, this article will seek an answer to this question and conclude that the initial stages of Japanese-Turkish relations involved two non-European empires struggling against the nineteenth century imperial powers and was characterized by the careful assessment of the other's position, masterfully executed political maneuvers to prevent losing ground in their quest to abolish extraterritoriality or become a major imperial power, and therefore dictated unofficial diplomacy. This article will also show that it is necessary to consider Japanese-Ottoman relations within a broader context of late 19<sup>th</sup>-century interstate relations and therefore avoid an isolated approach. Moreover, the Ottoman-Japanese relations demonstrated that the diplomatic history of the nineteenth century was not just a story where non-European powers were passive entities. The Japanese-Turkish relations from 1873 to 1924 show that both countries used the existing paradigms of international relations to improve their positions vis-à-vis each other as well as against the other non-European and European powers. Therefore, it can be said that this article aims to contextualize the early phases of Japanese-Turkish relations by distancing it from the romanticized narratives and revealing the agency of the Japanese and Ottoman empires within the nineteenth-century global order and reinstituting it on a broader scale of 19<sup>th</sup>-century interstate relations.

#### J a p a n ' s E f f o r t s T o E s t a b l i s h F o r m a l R e l a t i o n s W i t h T h e O t t o m a n E m p i r e

Fukuchi Genichirō was the Japanese official who contacted the Ottoman Empire for the first time in 1873 with the Buddhist monk Shimaji Mokurai

even though he could never get the chance to meet a state official.<sup>7</sup> The first stop of the duo was Greece. “Fukuchi met Greek Foreign Minister, who promised to assist them in their inquiries at the Greek Ministry of Justice.”<sup>8</sup> The news of their arrival was also getting attention in the Ottoman media. A brief note about the arrival of Fukuchi Genichirō in the state-owned newspaper *Takvîm-i Vekâyi* was published.<sup>9</sup> However, as Nakaoka Saneki also states, the Greek authorities were not so eager to help him, and as a result, Fukuchi decided to continue to the second stop: Istanbul. However, his timing could not be worse as he was unable to meet Foreign Minister Server Pasha since at that moment the Ottoman government was conducting negotiations with Russia.<sup>10</sup>

One issue about Fukuchi’s arrival in Istanbul is rather curious. As I have been looking for any mention of him or any Japanese official requesting to get an appointment with the Foreign Minister, or any news about his arrival in the newspapers, I was able to find no document, at least among the ones that were available to researchers, that is mentioning his name or any Japanese official or a monk in Istanbul. Looking into the Ottoman Archives, it was as if he never came to Istanbul.<sup>11</sup>

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<sup>7</sup> On February 6, 1873(or Meiji 6) the leader of the Iwakura Mission, the mission that was brought together to discuss treaty revisions with the Great Powers, Iwakura Tomomi officially announced that Fukuchi was appointed to study the legal institutions and realities of Egypt and the Ottoman Empire and that the mission is also departing from Paris. Ministry of Foreign Affairs 外務本省, 日本外交文書デジタルアーカイブ 条約改正関係第1巻, *Nihon gaikō bunsho dejitaruākaibu jōyaku kaisei kankei dai 1-kan* (Digital Archive of the Japanese Diplomatic Documents Treaty Revision Volume 1), 岩倉大使等ヨリ三条太政大臣等宛 Iwakura Taishi-tō Yori Sanjō Dajōdaijin-tō ate, (From Ambassador Iwakura Addressing to Prime Minister of the Imperial Government Sanjo), 明治六年二月六日(February 2, 1873).

<sup>8</sup> Saneki Nakaoka, “Japanese Research on the Mixed Courts of Egypt in the Earlier Part of the Meiji Period in Connection with the Revision of the 1858 Treaties,” *上智アジア学*, no. 6 (1988): 13.

<sup>9</sup> *Takvîm-i Vekâyi*, “Mevâdd-ı Hâriciye (Foreign News),” April 7, 1873 February 8, 1290(AH), accessed October 20, 2020 His name is not mentioned, he is referred as “the secretary of the Japanese ambassadors.”

<sup>10</sup> Nakaoka, *Ibid*, 13.

<sup>11</sup> Hopefully, with new documents opening to the access of researchers this can change and we can have a better understanding of Fukuchi’s contact with the Ottoman state.

Fukuchi wanted to continue his research even though he could not have an audience with the Foreign Minister but then the authorities of the Ottoman Empire warned him that it was forbidden by the state to have a look at the "laws and regulations" of the Commercial Mixed Tribunals of the Ottoman Empire.<sup>12</sup> Consequently, Fukuchi's stay in Istanbul was not going to produce the outcome he desired. After the way he was treated in Athens, he was not even taken into account by the Ottoman authorities. Later he would get help from the Russian Ambassador to Istanbul, Nikolay Ignatiev (1832-1908)<sup>13</sup>, and meet the Foreign Minister of Egypt at that time, Nubar Pasha<sup>14</sup>, which would lead him to his research on the Mixed Courts of Egypt.

Although this first encounter is quite valuable as it marks the beginning of what Selçuk Esenbel calls, twilight diplomacy<sup>15</sup> or the first chapter of Japanese-Turkish relations, this article will analyze the "attempts" of the Meiji government to establish formal relations with the Ottoman Empire. This analysis will be done with the help of documents obtained from the Ottoman Archives and Japanese Archives. The purpose of this article is to understand the complex nature of the nineteenth-century global order and its impact on non-European interstate relations.

Although the Ottoman-Japanese relations never gained an official status, there was unofficial contact and several official attempts to establish relations in the second half of the nineteenth century. This period, as Esenbel's coinage indicates, is characterized by the diplomatic "struggle" between Japan and the Ottoman Empire over the establishment of formal relations and the signing of a commercial treaty of an "unequal" or "equal" nature which will be seen through document analysis.

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<sup>12</sup> Nakaoka, *Ibid.*, 14.

<sup>13</sup> Nikolai Ignatiev served as the ambassador of Russian Empire in Istanbul from 1864 to 1877. Chisholm, Hugh, ed. (1911). "Ignatiev, Nicholas Pavlovich". *Encyclopædia Britannica*. Vol. 14 (11th ed.). Cambridge University Press., 292.

<sup>14</sup> Nubar Pasha is one of the influential people in Japan's first encounters with the Ottoman Empire and Egypt. He served both as a Foreign Minister and as a Prime Minister in Egypt. Chisholm, Hugh, ed. (1911). "Nubar Pasha". *Encyclopædia Britannica*. Vol. 19 (11th ed.). Cambridge University Press. 842-843.

<sup>15</sup> Selçuk Esenbel, *Japon Modernleşmesi ve Osmanlı: Japonya'nın Türk dünyası ve İslam Politikaları* (Istanbul: İletişim, 2012), 271-306.

Esenbel argues that extraterritoriality and the most favored nation clause characterized the relations between states that were not considered the "Great Powers" in the nineteenth century.<sup>16</sup> This was indeed the case for the Ottoman Empire and Japan. The Ottoman state was reluctant to establish formal relations with Japan under the conditions of the nineteenth century because of these limitations dictated on the non-European states by the nineteenth-century global order.

### **Before Dawn: The Arrival of Fukuchi Genichirō to Istanbul**

From Fukuchi's arrival in 1873 until the early twentieth century, Japan had requested to sign a commercial treaty with the Ottoman Empire several times by pointing out the fact that their subjects living in the Ottoman territories had no legal protection. As the course of the Japanese research on the Mixed Courts of Egypt suggests, the Meiji government was looking to the Ottoman Empire and Egypt as examples to learn from as they were dealing with the nineteenth-century global order and struggling to abolish extraterritoriality in their own country.

While acknowledging the imposition of an extraterritorial regime in the Ottoman Empire, Fukuchi blames the "despotic rule of the sultan".<sup>17</sup> However, it can be said that Fukuchi has missed the point that the initial grants to the foreign merchants were transformed into capitulatory treaties only towards the mid-nineteenth century and that it was not the despotic rule that mainly caused the problem, it was the legal understanding of the empire that necessitated to place foreign merchants in a legal framework in the first place and as the trade balance changed significantly it was extended by new agreements and got to a point where it started to cause great problems for the Ottomans especially in the legal system.<sup>18</sup> However, Fukuchi was not an isolated instance in his presumption that the Ottoman legal system was characterized by what Weber coined as qadi justice. This misconception combined with their educational and intellectual backgrounds shaped their

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<sup>16</sup> Esenbel, *Ibid*, 272-73.

<sup>17</sup> Nakaoka, *Ibid* 14.

<sup>18</sup> Edhem Eldem, "Capitulations and Western Trade," in *The Cambridge History of Turkey: The Later Ottoman Empire, 1603-1839*, ed. Suraiya Faroqhi, The Cambridge history of Turkey v. 3 (Cambridge, UK, New York: Cambridge University Press, 2006), 297.

understanding of how the Ottoman justice system functioned. Hence, it would be correct to say that Fukuchi and many other Japanese statesmen and intellectuals of the time were seeing the Ottomans through European lenses.

One of the most significant figures in this earliest encounter between the Ottoman Empire and Japan was Nubar Pasha, who was the Egyptian Foreign Minister at the time. Thanks to Fukuchi and Nubar's encounter, the Japanese research on the Mixed Courts of Egypt became one of the critical turning points in the informal years of Japanese-Turkish relations and for Japanese legal modernization. Fukuchi was not the only Japanese officer who conducted on-site research on the Egyptian mixed courts. Two years after Fukuchi's research, the first official attempt from the Meiji government, as Misawa Nobuo says, with the Ottoman Empire was signaling a period of diplomatic struggle.<sup>19</sup> Four years after Fukuchi's research, the new Meiji government ordered a British legal advisor, who was introduced to the Ottoman Ambassador to the British Empire by Terashima via a letter he sent to the Ambassador of Japan to Great Britain, Ueno Kagenori. In the letter Terashima stresses the need to establish relations with the Ottoman Empire and that he is sending a diplomat to study the legal institutions in Egypt.<sup>20</sup> This diplomat was John Richard Davidson who was hired by the Ministry of Technology and Industry as an advisor.<sup>21</sup> He also conducted research and presented two reports on the Mixed Courts of Egypt to the ministry, the first of which was stating some realities of the mixed courts, he conducted this research almost two years after its establishment. Later, Nubar Pasha would

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<sup>19</sup> Misawa, Nobuo. "Relations Between Japan and the Ottoman Empire in the 19th Century Japanese Public Opinions About the Disaster of the Ottoman Battleship Ertugrul (1890) (Culture and Communication, Middle East Studies from East Asia)." *Annals of Japan Association for Middle East Studies* 18, no. 2 (2003): 9–19. doi:10.24498/ajames.18.2\_9. [https://www.jstage.jst.go.jp/article/ajames/18/2/18\\_KJ00004403945/\\_article/-char/ja/./](https://www.jstage.jst.go.jp/article/ajames/18/2/18_KJ00004403945/_article/-char/ja/./), 10.

<sup>20</sup> Ministry of Foreign Affairs 外務本省, 日本外交文書デジタルアーカイブ第8巻, 土耳其国トノ通交ニ関スル件 Nihon gaikō bunsho dejitaruākaibu dai 8-kan, Toruko kuni to no tsūkō ni kansuru ken (Digital Archives of the Japanese Diplomatic Documents Vol.8, Regarding the Matters Concerning Friendly Relations with Turkey), July 12, 1875 (明治8年七月十二日).

<sup>21</sup> Pär Kristoffer Cassel, *Grounds of Judgment: Extraterritoriality and Imperial Power in Nineteenth-Century China and Japan*, Oxford studies in international history (Oxford, New York: Oxford University Press, 2012), 153.

also help the third Japanese official sent by the Meiji government to conduct research on the Mixed Courts of Egypt. This third research conducted in Egypt was carried out by Hasegawa Takeshi, who was the president of the Yokohama Court of First Instance<sup>22</sup> in 1882. He prepared an important report after his on-site research in Egypt with the help of Nubar Pasha and his suggestions in the report occupied an important place in the late nineteenth-century diplomatic and legal history of Japan since the main agenda was still to abolish extraterritoriality. For all three, the path the Ottomans took was not appropriate for Japan, and Japan was in a better position than the Ottoman Empire.

### **Meiji-Ottoman Efforts to Establish Formal Relations**

Renee Worringer argues that Ottoman-Japanese foreign relations have four phases. The first period was characterized by searching for guidance on their quest to abolish extraterritorial treaties which according to the author spans from the 1870s to 1880s. The second phase begins with the Ertuğrul disaster and ends with the Japanese victory in the Russo-Japanese War in 1905. While the third phase ended with the Young Turk Revolution of 1908, the last period ended in the 1910s as the author claims that Japan's interest faded away due to their preoccupation in East Asia.<sup>23</sup>

Based on Esenbel's "twilight diplomacy" and Worringer's four phases, it can be argued that the Meiji-Ottoman relations have been characterized by the individual considerations of both countries from the beginning. Although with the Young Turk Revolution, the Ottoman foreign policy had become more uncompromising as Worringer states, below we will see that the Ottomans have always had an uncompromising attitude towards the Japanese when it came to establishing formal relations with an unequal

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<sup>22</sup> Yokohama Court of First Instance was the district court in city. Originally it was known as Kanagawa District court. It was renamed in the year 1876 as Yokohama District court and later "classified as the Yokohama Court of First Instance" with the introduction of the Meiji Code of Criminal Procedure. It had jurisdiction "over major misdemeanors and felonies." Röhl, *History of law in Japan since 1868*, 695-96 ; "At Yokohama where foreigners lived, he had to engage himself in complicated negotiations involving Japan and foreign countries, as well as deal with the problem of the revision treaties." Nakaoka, *Ibid* 34.

<sup>23</sup> Worringer, Renée. *Ottomans Imagining Japan*. New York: Palgrave Macmillan US, 2014. <https://doi.org/10.1057/9781137384607>, 82-83.

treaty. Therefore, I suggest dividing the unofficial years of bilateral relations, or years of “twilight diplomacy”, into three periods, which tend to be more transparent and porous. The first period “first encounters” is characterized by the first encounter based on the Japanese research on the Mixed Courts of Egypt and as Worringer suggested, was a learning period that lasted from 1873 to 1882 as it was the end of the Japanese research on the Mixed Courts of Egypt and when adopting the mixed courts were finally rejected by the Meiji government.. The second period from 1879 to 1910-was characterized by the diplomatic strategy of “pushing for an official treaty” where both sides were willing to establish formal relations but were unwilling to compromise their positions and the third period from 1910 to 1924 where both sides recognized each other’s positions and protected the “status quo of unofficial relations” which ended with the outbreak of the Great War. This work argues that unofficial relations have always been characterized by careful assessment of the other, and this periodization only shows that both sides eventually recognized that the official relations would not be beneficial for both sides, as in the first period the Japanese learned that the Ottomans have already compromised their sovereignty and were no different from the Qing Empire, whereas, in the second period, the Ottomans realized that the real intention of the Meiji government was to obtain extraterritorial privileges from them. The third period was simply the indication of the recognition of this status quo.

Although the research on the Mixed Courts of Egypt was significant, the Meiji government’s only point of contact was not Nubar Pasha. The Meiji government, through consulates and embassies, asked the Sublime Porte and the Sultan to provide certain information, to grant protection to their subjects, and asked whether the Ottomans were willing to sign a commercial treaty with Japan to officialize their relations. In a letter sent by the Japanese ambassador in Paris to the Ottoman embassy dated May 17, 1879, a detailed analysis of which rights were given to the foreign subjects residing in the Ottoman Empire and which rights were not given to them was requested. The reason for this inquiry was stated by the Japanese government as “the preparation for the incoming negotiation for the revision of the unequal treaties”.<sup>24</sup>

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<sup>24</sup> BOA. HR.SYS.1922/32.1 (May 17, 1879)

The questionnaire is very detailed, and it shows the Japanese approach to the Ottoman Empire. The eight questions were as follows:

The first thing I would like to know is whether there are any limitations and regulations regarding the residency and traveling of the foreign subjects within the boundaries of the Ottoman Empire?

Second, is it possible for foreigners to purchase or own land or a house?

Third, are the foreigners paying taxes just as the Ottoman subjects do?

Fourth, is the criminal and civil law enforcement related to foreign subjects is regulated by the Ottoman Empire or foreign governments and especially is the inspection of the foreign newspapers under the export of banknotes article and trade and harboring and quarantine regulations enforced by the city police is regulated by the local government or do the foreign governments have the authority to interfere in these matters?

Fifth, as of today, foreigners are subjected to which laws and courts? How are these courts formed? Especially in the courts settling cases that occurred within the boundaries of the Ottoman Empire how do the courts are organized and what are the powers of these courts?

Sixth, what are the functions and duties of the mixed courts? How are the mixed courts formed? Which law do they practice?

Seventh, what are the privileges enjoyed by the consular courts?

Eighth, which treaty is practiced today and in which treaty is related to the points discussed above?<sup>25</sup>

The letter ends with the statement that the answer of the Ottoman government will be of great help for the negotiations that will be carried out in Japan with the treaty powers.

This questionnaire is significant as it demonstrates that the Meiji government indeed recognized the Ottoman struggles with the extraterritorial regime. Moreover, it gave the unofficial Ottoman-Japanese relations a unique character. One can claim that the Japanese thought, based

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<sup>25</sup> BOA. HR.SYS.1922/32.1 (May 17, 1879)

on this inquiry, the Ottomans could teach the Japanese how to struggle with the nineteenth-century global order.

Regardless of the answer Ottoman authorities would have given to the Japanese authorities, it also demonstrates the attitude of the Meiji government towards the Ottoman Empire, especially after the reports on the Mixed Courts of Egypt. The Ottoman Empire, for the Meiji government, is a useful guideline through which Japan would identify the mistakes it should not make. This attitude has transformed through the next few years as can be seen in the correspondences between the officials of the two countries some of which will be analyzed in the following pages.

Another questionnaire was made by the Japanese envoy to the Russian Empire Sakimitsu Yanagihara(1850-1894) concerning the legal institutions and their functioning in the Ottoman Empire. The questions were regarding the independence of the courts, the use of torture, the penal and civil code, whether Europeans were subjected to the jurisdiction of Mixed courts, tariff rates, and the most favored nation clause. Şâkir Pasha(1838-1899)<sup>26</sup> answered Yanagihara's questions by stating that the "Turkish codex"<sup>27</sup> is used by the courts, that the penal punishments resemble that of the European countries and "include indemnities, detention, exile, imprisonment, and capital punishment."<sup>28</sup> Şâkir Pasha especially underlined in his answer that "traditional norms" or "precedents" were not applied in the penal courts, "judges and courts are independent and autonomous", and that "there are no mixed courts of law in Turkey. If there is a litigation between two foreigners the consular courts resolve it." However, he continued and said that things get different if one of the parties applies to the local court "the said court will have authority for legal proceedings. All conflicts between a Turk and a foreigner are, naturally, considered by the local courts."<sup>29</sup> The proceedings between Yanagihara and Şâkir Pasha demonstrated that the Japanese authorities were interested in the Ottoman legal institutions as they could be

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<sup>26</sup> Şâkir Pasha served as the ambassador of the Ottoman Empire in St. Petersburg between 1878-1889. Ali Karaca, "Şâkir Paşa", TDV İslâm Ansiklopedisi, <https://islamansiklopedisi.org.tr/sakir-pasa> (04.10.2023).

<sup>27</sup> Or *Mecelle-i Ahkâm-ı Adliye and the Ottoman Penal Code*.

<sup>28</sup> Umut Arık, *A Century of Turkish-Japanese Relations: A Special Partnership* (Japan-Turkey Friendship Centenary Program Committee, 1991), 20–21.

<sup>29</sup> Arık, *Ibid*, 21.

useful for the Japanese efforts to reform and modernize their legal institutions. This correspondence also shows that the Ottomans knew that the Japanese political elite viewed the Ottoman legal system as “traditional”, “arbitrary”, and “despotic” and gave their answer accordingly. Once again, it can be said that the idea of “arbitrary justice” of the Sultan was occupying the minds of the Meiji officials and the Ottomans replied by dismissing such claims by pointing out the fact that they indeed had a “European” style legal texts and that the Ottoman courts follow them.

Another document reveals a Japanese attempt to establish formal relations with the Ottoman Empire with a commercial treaty as early as 1879.<sup>30</sup> However, this request made through Alexander Caratheodhory Pasha(1833-1906)<sup>31</sup> by Aoki Shüzō(1844-1914), the Japanese envoy to Paris, was not accepted by the Sublime Porte. Japan demanded to sign a treaty of commerce and navigation that would put Japanese subjects under the protection of European law and once the formal relations were established and Japan could open an embassy in Istanbul, it would be revised. It is not hard to see why the Ottoman Empire was not returning the favor. The Sublime Porte could only accept the signing of a treaty with Japan if the subjects of both countries were guaranteed equal treatment. Although Yanagihara was eager to broker the negotiations to formalize Ottoman-Japanese relations, Naito Chishu stresses that the Meiji government, especially Foreign Minister Ueno Kagenori saw signing a treaty on equal conditions with the Ottoman Empire would cause a setback in their negotiations for the treaty visions with the European powers.<sup>32</sup>

One of the earliest and one of the most important delegations from Japan that visited the Ottoman Empire was that of Yoshida Masaharu(1852-1921)<sup>33</sup>

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<sup>30</sup> BOA. HR.SYS.819/26 (May 31, 1879)

<sup>31</sup> Alexander Caratheodori Pasha was a prominent Ottoman statesmen who served as the first non-Muslim Foreign Minister of the Ottoman Empire between 1885-1894. Sinan, Kuneralp,. (1999). *Son Dönem Osmanlı Erkan ve Ricali (1839 - 1922) Prosopografik Rehber*. ISIS Press.

<sup>32</sup> Arık, Ibid, 23

<sup>33</sup> “Compared to the focused intention of the Japanese who visited Ottoman Istanbul and Egypt earlier in 1873 to find out about the legal rights of Europeans under Consular courts, the Yoshida Mission, thus, had a more general agenda. This picturesque journey into the heartland of Persia was to be a *tanken*, an expedition to

who was sent by the Japanese Foreign Ministry.<sup>34</sup> He requested to learn about the conditions of trade, production, and industry in the Ottoman Empire as well as to have an audience with the Sultan<sup>35</sup> and this request was accepted.<sup>36</sup> In another correspondence, this time in the year 1881, the request to sign a treaty between Japan and the Ottoman Empire was repeated. This document starts with a reference to the Yoshida delegation. It states that “the delegation that recently visited and had the great honor to have an audience with his Great Highness and expressed their government’s intention to sign a commercial treaty with our exalted state...”<sup>37</sup> The continuing lines asked the Sultan his opinion in this matter as Yoshida did not have the authority to sign the treaty but was given the duty of initiating the process with the permission of the Sublime Porte.<sup>38</sup> In response, the Sultan ordered the Sublime Porte to see the conditions of the treaty proposed and act accordingly.<sup>39</sup> Therefore, it is clear that the Ottoman Empire did not reject the idea of signing a commercial treaty with Japan nor did it eliminate the possibility to establish formal relations between the two countries. However, one might argue that the Ottoman authorities approached this issue with caution. In the correspondences, the reference to the impossibility of signing a commercial treaty of an “unequal” nature with Japan is one of the striking aspects of this relationship. In a correspondence between the Japanese government and the Ottoman Ministry of Foreign Affairs, Japan assured the Sublime Porte that the Meiji government would follow the conditions set by the Treaty of Paris of 1856.<sup>40</sup> This meant that, initially Japan recognized, just as the other

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transmit the whole Muslim world’s state of affairs to Japan. This was the first official contact of the Meiji Japan with the sovereign governments in the region. It was also the first time that the Meiji Japanese travelled directly from Japan to the Middle East by sailing into the Persian Gulf, bordering today’s Iran and Iraq.” Selçuk Esenbel, “Shoes and Modern Civilization Between Racism and Imperialism: The 1880 Yoshida Masaharu Mission of Meiji Japan to Qajar Iran as Global History,” *Global Perspectives on Japan Japan’s Interaction with the Turkish and the Muslim World*, no. 2 (2020): 21.

<sup>34</sup> Esenbel, *Japon Modernleşmesi ve Osmanlı*, 274.

<sup>35</sup> BOA. HR.TO.525/14.1 (February 20, 1881)

<sup>36</sup> Esenbel, *Japon Modernleşmesi ve Osmanlı*, 274.

<sup>37</sup> BOA. İ.HR.283.17594/1 (March 28, 1881)

<sup>38</sup> BOA. İ.HR.283.17594/1 (March 28, 1881)

<sup>39</sup> BOA. İ.HR.283.17594/2 (March 28, 1881)

<sup>40</sup> BOA. HR.TO. 207.51/1 (January 1, 1887)

European powers, that the Ottoman Empire would no longer be a part of an extraterritorial treaty.

In another document dating 1892, the Sultan was notified that an official from Japan named Kiyora would like to have an audience with him and while making this request he stressed the necessity to have a treaty between the two states.<sup>41</sup> This person must be Count Kiyoura Keigo(1850-1942), who was returning to Japan from his visit to Europe and must have stopped in Istanbul to have an audience with the Sultan.<sup>42</sup>

It is certain that since the first contact, Japan repeatedly asked the Sublime Porte's opinion on signing a commercial treaty and therefore started official relations. The Sublime Porte and the Sultan were not indifferent to the idea of starting official relations with Japan and thus far this article has discussed many examples that verify this argument. However, the Ottomans were aware of the Japanese intentions and kept their firm position in declining their attempts to obtain what could be characterized as a "capitulation".

Despite all this tension, the efforts on both sides to give the bilateral relations an official character did not stop. A series of documents in the Ottoman Archives mentions the visit of Prince Komatsu(1846-1903) in October 1887, who was the highest-ranked Japanese authority who ever visited Istanbul during the era of *twilight diplomacy*.<sup>43</sup> This visit was not only important as it was Komatsu and his wife who visited Istanbul but also what it led to and how the subsequent events had a determining impact on the Ottoman-Japanese relations in the late nineteenth century. It was indeed an important milestone, as Esenbel also argues because this visit was promising a positive turn towards the establishment of the official relations between the two parties.<sup>44</sup> Sultan Abdulhamid II wanted to pay a return visit and send gifts to the Japanese emperor. However, according to Erol Mütercimler and Kemal Öke, the Sultan did not choose to send one of his *sehzaades* to Japan

<sup>41</sup> BOA. Y.PRK.ASK.78/71.1 (January 14, 1892)

<sup>42</sup> Ono, Shūzō, "『伯爵清浦奎吾傳』 明治二四年から明治三九年まで ("Hakushaku Kiyora Keigo Den" Meiji Nijuyonen Kara Meiji Sanjūkyūnen Made)," 慶應義塾大学日吉紀要. 社会科学 (Keiōgijuku daigaku Hiyoshi kiyō. Shakai kagaku), no. 24 (2013): 83–84, <https://ci.nii.ac.jp/naid/120005618101/en/>.

<sup>43</sup> BOA. HR. MTV. 491/44 (September 10, 1887)

<sup>44</sup> Esenbel, *Japon Modernleşmesi ve Osmanlı*, 288.

unlike the Japanese emperor but rather sent naval officers so that it would not acquire the meaning of an “official mission”.<sup>45</sup> Considering the demands coming from the Japanese side for a commercial treaty and their “unacceptable conditions”, this can be interpreted as a cautious diplomatic move for the Ottomans. Another reason for this precaution was to not arouse suspicion in the Russian Empire about this visit.<sup>46</sup> The official preparations were made, and the Ertuğrul frigate set sail to its catastrophic end on July 14, 1889.<sup>47</sup> The reasons why Ertuğrul was sent on such a dangerous and long journey, to begin with, is not an issue to discuss here.<sup>48</sup>

The importance of the Ertuğrul disaster for the discussion of this article is that first, it enabled the Ottoman Empire to gather more information about Japan’s increasing influence in Southeast Asia, especially in Siam.<sup>49</sup> Looking closely at the treaty signed between Japan and Siam which officialized the Japanese-Siamese relations, it can be seen that a similar treaty, a treaty which would include extraterritorial rights given to Japan, was pursued between Japan and the Ottoman Empire too.<sup>50</sup> Not only did the Ottoman-Japanese ties grow stronger with its demise, but the voyage of the Ertuğrul frigate as well as the improving relationship between the Kingdom of Siam and the Ottoman Empire<sup>51</sup> verified the Sublime Porte that Japan’s intentions were obtaining extraterritorial rights, just as it did with the Kingdom of Siam.

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<sup>45</sup> Erol Mütercimler and Kemal Öke, *Ertuğrul Fırkateyni Faciası ve Türk-Japon Münasebetlerinin Başlangıcı* (İstanbul: Türk Dünyası Araştırmaları Vakfı, 1991), 6.

<sup>46</sup> F. Şayan Ulusan Şahin, *Türk-Japon İlişkileri: (1876-1908)*, 1. baskı, Yayınlar Dairesi Başkanlığı kültür eserleri dizisi 315 (Ankara: Kültür Bakanlığı, 2001), 29.

<sup>47</sup> Mütercimler and Öke, *Ibid*, 37.

<sup>48</sup> For a lengthy discussion based on reports and eyewitness accounts by Mütercimler and Öke on why Ertuğrul was the wrong choice for this journey please see: Mütercimler and Öke, *Ertuğrul Fırkateyni Faciası ve Türk-Japon Münasebetlerinin Başlangıcı*, 26–37; 106–111 and by Şayan Ulusan Şahin based on reports and proceedings obtained from the Ottoman Imperial archives how the chain of events led to the disaster Ulusan Şahin, *Ibid*, 34–46.

<sup>49</sup> İsmail Hakkı Kadı, and A. C. S. Peacock. *The Ottoman Empire and the Kingdom of Siam Through the Ages*. Bangkok: Institute of Asian Studies, 2017, 64–65.

<sup>50</sup> 『旧条約彙纂』第1巻 第2部,外務省条約局,昭和9. 国立国会図書館デジタルコレクション "Collection of Old Treaties" Volume 1, Part 2, Ministry of Foreign Affairs, Treaty Bureau, 1932. National Diet Library Digital Collection <https://dl.ndl.go.jp/pid/1449557> (参照 2023-09-22), 400-401

<sup>51</sup> Siam Belgeleri

Another importance of this disaster was that it led an important figure in the late nineteenth and early twentieth-century Ottoman–Japanese relations to Istanbul. One of the most important figures in this period of “twilight diplomacy” was Yamada Torajirō (1866 – 1957). Yamada remained one of the key actors in the unofficial relationship between the Ottoman Empire and Japan.<sup>52</sup> The first document in the Ottoman Imperial Archives mentioning Yamada is dated May 20, 1892.<sup>53</sup> He arrived in Istanbul in the year 1892 bringing the aid collected by the Japanese people for the families of the victims of the Ertuğrul disaster.<sup>54</sup> The Sultan was notified of his visit and his request to have an audience with Sultan Abdulhamid II as he brought presents from his home country as well:

Monsieur Yamada, the Japanese merchant, who will bring a depiction of a famous battle that took place 300 years ago in Japan and armors and a sword preserved in its scabbard ornate with gold and would like to present these gifts to your majesty and who also brings the aid money of approximately 20 liras collected for the victims of the Ertuğrul Frigate disaster.<sup>55</sup>

In another document in the archives mentioning his name was also dated 1892, Abdülhalim Nawado<sup>56</sup>, a Japanese Muslim who was residing in the Ottoman Empire, asked in a petition to the Sultan to extend his help to Yamada who in his words “does not speak the language, knows no one but

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<sup>52</sup> Selçuk Esenbel, “A Fin De Siècle Japanese Romantic in Istanbul: The Life of Yamada Torajiro and His Toruko Gakan,” in *Japan, Turkey and the World of Islam: The Writings of Selçuk Esenbel*, v. 3, ed. Selçuk Esenbel, <http://www.jstor.org/stable/619710>, v. 3:237.

<sup>53</sup> BOA. HR. İD. 2044/80. (May 20, 1892) “That the Ertuğrul frigate sank in Japanese waters. The leader of the memorial society of the victims Prince Komatsu’s rewarding with a medal and his assignment of a person named Yamada Torajirō who will be visiting Constantinople.”

<sup>54</sup> Esenbel, “A Fin de Siècle Japanese Romantic in Istanbul: The Life of Yamada Torajiro and his Toruko Gakan,” v. 3:241.

<sup>55</sup> BOA. Y.PRK.ASK.80/107.1 (April 6, 1892)

<sup>56</sup> Incorrect spelling in the original document. Abdülhalim Noda: Journalist Shōtarō Noda (1868-1904) brought the aid Money collected from the Japanese press for the victims of the Ertuğrul disaster stayed in Istanbul and adopted the Muslim name “Abdülhalim” . Ulusan Şahin, *Türk-Japon ilişkileri*, 95.

myself, and could not do his job because of all these difficulties"<sup>57</sup> We know thanks to Misawa that he was not able to speak French proficiently, and he was sent by the Japanese Naval Ministry on the hopes to establish commercial ties with the Ottoman Empire, unlike the Foreign Ministry who preferred to keep diplomatic relations unofficial.<sup>58</sup> The help was later extended to Yamada and he was placed under the protection of Sublime Porte throughout his stay in Istanbul.<sup>59</sup> Yamada was not only given the duty to take the aid money for the victims to Istanbul but also to help Japan establish formal relations with the Ottoman Empire.<sup>60</sup> He settled in Istanbul, established trade networks, and opened a shop in the city.<sup>61</sup> However, as Dündar argues, Yamada was not alone in his endeavor. He was with Nakamura Kenjiro and the shop was run by the Nakamura family and Nakamura served as an unofficial ambassador.<sup>62</sup> Interestingly, Yamada had another significance for the Ottoman-Japanese relations. Before obtaining the protection of the Sublime Porte, the Meiji government used this position of Yamada to obtain a commercial treaty of unequal nature with the Ottoman Empire.<sup>63</sup>

The Meiji government had already extended several other offers to the Ottoman government to establish formal relations by signing a commercial treaty before using Yamada as an excuse. The Japanese ambassador at Berlin notified on March 5, 1896, that he had the authority to negotiate a treaty between Japan and the Ottoman Empire, referring to the correspondence between the Japanese embassy in Berlin with the Ottoman Ministry of

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<sup>57</sup> BOA. Y.PRK.AZJ.21/116.1 (June 12, 1892)

<sup>58</sup> Nobuo Misawa, "The First Japanese who resided in the Ottoman Empire." *Mediterranean World*, XXI (2012).

<sup>59</sup> Esenbel, "A Fin de Siècle Japanese Romantic in Istanbul: The Life of Yamada Torajiro and his Toruko Gakan," v. 3:245.

<sup>60</sup> Esenbel, "A Fin de Siècle Japanese Romantic in Istanbul: The Life of Yamada Torajiro and his Toruko Gakan," v. 3:241.

<sup>61</sup> Esenbel, "A Fin de Siècle Japanese Romantic in Istanbul: The Life of Yamada Torajiro and his Toruko Gakan," v. 3:241-42.

<sup>62</sup> Merthan A. Dündar, 2015. "Muhayyel Tarihe İtiraz: Ertuğrul Faciası, Yamada Torajiro ve Abdülhalim Noda Shotaro Üzerine." in *Doğu Asya'nın Politik Ekonomisi: Japonya, Çin ve Güney Kore'de Kalkınma, Siyaset ve Jeostrateji*, edited by K. Ali Akkemik, Sadık Ünay, Ergun Kocabıyık, and Meltem Aravi, 362-72. İstanbul: Boğaziçi Üniversitesi Yayınları, 368.

<sup>63</sup> Esenbel, "A Fin de Siècle Japanese Romantic in Istanbul: The Life of Yamada Torajiro and his Toruko Gakan," v. 3:244-45.

Foreign Affairs.<sup>64</sup> These correspondences were later used by the Ottoman Ministry of Foreign Affairs as a reference point. On the part of the Ottomans, there was certainly an effort to understand the Japanese efforts to persuade the Ottoman Empire into signing a commercial treaty, but the legal status of the Ottoman Empire was also dictating them to be cautious and stick to certain principles.

At this point, it is appropriate to note that this correspondence took place right towards the end of the First Sino-Japanese War. It seems that, with more confidence, the Meiji government tested the waters again with the Sublime Porte. In fact, the treaty of Shimonoseki meant that Japan secured an extraterritorial treaty from the Qing Empire, which gave them more incentive to secure another from the Ottomans.<sup>65</sup>

Later in 1899, the excuse the Japanese authorities used was Yamada. This time, the Japanese Foreign Minister wanted to convince the Sublime Porte to the advantage of signing an official treaty. The petition from the Japanese Ministry of Foreign Affairs is dated October 19, 1899, and can be translated as follows:

The petition from the Japanese Foreign Ministry asking for the legal protection of the Japanese merchant Monsieur Yamada, pointing out to the fact that there are no formal relations between the two countries, and he does not have legal protection.

*Translation*

Japanese merchant Monsieur Yamada who has been residing in Constantinople for many years has no legal protection as there is, unfortunately, no treaty or formal relationship between the two countries and because of this we do not have an embassy or a consulate in the country and as a result, he cannot obtain this legal protection from our government. Therefore, the request to extend

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<sup>64</sup> BOA. HR.İD.2096/3.1 (February 26, 1896)

<sup>65</sup> 大蔵省印刷局 [編] 『官報』 1895年05月31日, 日本マイクロ写真, 明治28年. 国立国会図書館デジタルコレクション (Ministry of Finance Printing Bureau [ed.] "Official Gazette" May 31, 1895, Japan Microphotography, Meiji 28. National Diet Library Digital Collection) <https://dl.ndl.go.jp/pid/2946849> (参照 2023-09-21)

your exalted protection to Yamada is respectfully submitted for your consideration.<sup>66</sup>

The Ottoman government's response to this request as well as the response to the request to sign a commercial treaty that would give extraterritorial privileges to the Japanese subjects reflects the Ottoman attitude towards these Japanese diplomatic tactics. According to Esenbel, the Japanese Foreign Ministry saw establishing relations with the Ottoman Empire on equal footing as a step back in their quest to become a European power according to the international law of the nineteenth-century global order.<sup>67</sup> As Esenbel argues, this "Great Game" the Meiji government was playing with the Ottoman government by using the legal status of Yamada Torajirō<sup>68</sup> was equally retaliated by the Ottoman Ministry of Foreign Affairs as they gave references to the 1856 Paris Treaty and stated that the Ottoman Empire is in no position to give extraterritorial privileges to a non-European power as Japan.<sup>69</sup> The full translation of the answer given by Said Halim Pasha(1865-1921)<sup>70</sup> to Aoki Shūzō reveals the characteristics of the relations between these two countries and how the Ottoman officials saw this *twilight diplomacy* should continue:

*This is the copy of the proceedings that will be made between the Ministry of Foreign Affairs and Japanese Foreign Ministry*

Monsieur Yamada, the merchant, and one of the Japanese residents in Constantinople, has submitted your proposal for the treaty with regard to the treatment of the subjects of both sides traveling and residing in the Ottoman Empire and Japan should get. It is of no doubt that we will give him the legal protection your

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<sup>66</sup> BOA. HR.İD.2096/9.1 (October 7, 1899)

<sup>67</sup> Selçuk Esenbel, ed., *Japan on the Silk Road: Encounters and Perspectives of Politics and Culture in Eurasia*, Brill's Japanese studies library volume 60 (Leiden, Boston: Brill, 2018), 88.

<sup>68</sup> Esenbel, "A Fin de Siècle Japanese Romantic in Istanbul: The Life of Yamada Torajiro and his Toruko Gakan," v. 3:243-44.

<sup>69</sup> Esenbel, *Japon Modernleşmesi ve Osmanlı*, 284.

<sup>70</sup> Grandson of Mehmed Ali Pasha of Egypt, prominent statesmen of the late Ottoman Empire who served as foreign minister and grand vizier among other duties. M. Hanefi Bostan, "SAİD HALİM PAŞA", TDV İslâm Ansiklopedisi, <https://islamansiklopedisi.org.tr/said-halim-pasa> (04.10.2023).

highness has asked for as we know that he was improving the trade between two sides, that he was introducing Muslims to the people of Japan and therefore establishing lasting bonds between two peoples with his continuous praise.

About the proposal for a treaty, I would like to state that the content of this draft implies the style of the old treaties (uhûd-ı atika) or the primeval treaties (mu'âhedât-i kadîme)<sup>71</sup> which in turn gives you the possibility of demanding similar treaties that are practiced, except for Serbia, Greece, and Montenegro, between the European countries and the Ottoman Empire. As your excellency might remember the point, the Sublime Port did not agree to your proposal in Berlin was clear, and as you were told by his highness the Sultan himself in his honorable presence, there will only be an agreement if the subjects of both sides would be treated equally. On the other hand, while Japan was able to get rewarded for its effort to abolish these treaties, it cannot demand or wish for their perpetuity within the Ottoman Empire. Especially, the Japanese government knows that our right to give these privileges to foreign governments has been revoked with the decision declared in the congress that took place in Paris, in the year 1856 except for a few countries and that it is not possible anymore according to the laws and regulations of the Ottoman Empire and that we certainly reject any foreign government's request in this regard. Therefore, when we notified your government about our decision it was accepted and acknowledged by the Japanese government and after a while, we were notified that you will no longer insist on this issue. Now that your excellency is in the Japanese Foreign Ministry, all the difficulties that would drive the negotiations to a dead end are out of our way and we have every right to hope that either the draft that was sent to your embassy in Berlin or the one that will be given to Monsieur Yamada will be accepted without difficulties. I will not hesitate to send these drafts to the consideration of your government after the necessary amendments that will erase the implications for signing a treaty in the style of the old treaties are made.

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<sup>71</sup> Basically, the unequal or capitulatory treaties

Hoping that you will understand my concerns, and agree with my feelings the first draft, Attachment A, and the amended version of your draft, Attachment B, will be sent to you. As I think that the signing of the treaty starting bilateral relations would benefit both countries and would lay the grounds successfully for a treaty of navigation and commerce, I also believe that the Sublime Porte would be willing to agree on the conditions of the amended version of your draft. I would like to assure you that I will be happy if the bilateral relations are established quickly, and I will do everything in my power to see this happening as soon as possible.<sup>72</sup>

This response is the key to understanding the attitude of the Ottoman Empire in their relations with Japan. The Ottoman Empire closed its doors to signing another “capitulatory treaty”. Its basis of legitimacy was the Paris Conference, the conference that accepted the Ottoman Empire as a European power. The only way to start official relations with Japan was, as Said Halim Pasha also stated clearly, if the subjects of both countries were to be treated equally on each other’s soil.<sup>73</sup> Japan, on the other hand, was finally able to abolish extraterritoriality in 1894 and would not consider signing an equal treaty with the Ottoman Empire. As Esenbel also argues, the nineteenth-century global order made it difficult for non-European countries to establish formal relations.<sup>74</sup> However, even after the abolishment of extraterritoriality, Japan did not want to consider itself as equal to the Ottoman Empire. The

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<sup>72</sup> BOA. Y.MTV.198/122.5 (January 29, 1900)

<sup>73</sup> Draft A suggests that until a treaty of commerce and navigation is signed the subjects of both countries would be able to travel and reside freely in the other country, and they would be under the legal protection of the respective government and they would be subjected to the same laws as the local population and except the goods whose imports and exports are prohibited or controlled by the local governments there will be free trade and they will have the right to navigate freely in the two country’s waters with the exception of certain inland waters and they will be subjected to the same laws and regulations in the ports. Also, both parties promise to open diplomatic missions in the other country. The treaty in this draft was determined to be renewed in three years. BOA. Y.MTV.198/122.4 (January 29, 1900);

Draft B was also promising equal treatment of the subjects of both countries and they would be subjected to European Law. The amended version of the Draft B underlines that there will be no extraterritorial privileges given to the other country. BOA. Y.MTV.198/122.3 (January 29, 1900)

<sup>74</sup> Esenbel, *Japon Modernleşmesi ve Osmanlı*, 282.

only way to maintain commercial and diplomatic relations between the two governments, therefore, was the continuation of the unofficial relations or the *twilight diplomacy*.

#### AN EVALUATION OF THE NINETEENTH-CENTURY GLOBAL ORDER AND EARLY JAPANESE-TURKISH RELATIONS

Based on the documents discussed above, it can be argued that Japan and the Ottoman Empire had similar agendas when Fukuchi arrived in Istanbul and made the first contact between the Ottoman Empire and Japan. Both sides, as non-European and independent countries, aimed to abolish extraterritorial regimes and come on equal terms with the Western powers. To this end, Japan studied the legal, political, economic, and social institutions in the United States and Europe, thanks to the Iwakura Mission. The Iwakura Mission led Japan to research the Egyptian Mixed Courts. The Japanese research on the Egyptian Mixed Courts led the Meiji politicians to an important conclusion: without replacing the existing legal institutions and laws with the European ones, Japan's aim to abolish extraterritoriality and to come on equal terms with the Great Powers could not be realized. Especially after the late 1870s, Japan's policy was to Europeanize its institutions. During these years, the Meiji government wanted to establish official relations with the Ottoman Empire. However, Japan was not considering entering into a relationship with the Ottoman Empire on equal terms. This shows that the Meiji government was considering the Ottoman Empire in a category in which signing a treaty on equal terms would damage Japan's ambitions to become a European power. Japan wanted to sign a treaty according to the most favored nation clause with the Ottoman Empire<sup>75</sup>, but this was not

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<sup>75</sup> There was, however, a difference of opinion within the Meiji government. The military elite of the Meiji government such as Colonel Utsunomiya Taro(1861-1922) argued that Japan should establish official relations on equal terms with the Ottoman Empire as they were a natural ally against the major threat of Russia. For a detailed analysis of this nuanced approach among the Meiji elite see, Esenbel, Selçuk. "Fukushima Yasumasa and Utsunomiya Tarō on the Edge of the Silk Road: Pan-Asian Visions and the Network of Military Intelligence from the Ottoman and Qajar Realms into Central Asia." In *Japan on the Silk Road: Encounters and Perspectives of Politics and Culture in Eurasia*. Edited by Selçuk Esenbel, 87–117. Brill's Japanese studies library volume 60. Leiden, Boston: Brill, 2018.

possible for the Ottomans since they were considered a “European Country” after the Paris Treaty<sup>76</sup> and they used this to reject the proposal made by the Japanese diplomats.<sup>77</sup> As Habip Ünyılmaz argues, the Ottoman state masterfully used article 7 of the Paris Treaty of 1856 to claim its place among the European family of nations and prevent the imposition of new “capitulatory treaties”.<sup>78</sup> It could be argued that both Japan and the Ottoman Empire shared a common ground in addition to the kind of gifts exchanged between both sides, and that was struggling against the nineteenth-century global order based on international law and eagerness to abolish extraterritorial treaties. Umut Arık argues that the Japanese-Ottoman approach was due to common interests against Russian aggression.<sup>79</sup> Both sides could benefit from this friendship by uniting their forces against the Russian Empire. In addition to being at both edges of Asia, both empires shared similar concerns since the mid-nineteenth century.

However, things have changed towards the end of the nineteenth century. The Iwakura Mission and later the research on the Mixed Courts of Egypt was a crucial guideline for the Meiji government to pursue total Europeanization of their institutions. In order to reach this goal, the Meiji government was not willing to come on equal terms with the Ottoman Empire, an empire that once was powerful but still under the extraterritorial order since they saw it as an obstacle in Japan’s journey towards becoming a great power. The Iwakura Mission was an important experience, the one in which the prominent Meiji politicians got familiar with the nineteenth-

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<sup>76</sup> “Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, His Majesty the Emperor of Austria, His Majesty the Emperor of the French, His Majesty the King of Prussia, His Majesty the Emperor of All the Russias, and His Majesty the King of Sardinia, declare the Sublime Porte admitted to participate in the advantages of the Public Law and System (Concert) of Europe. Their Majesties engage, each on his part, to respect the Independence and the Territorial Integrity of the Ottoman Empire; Guarantee in common the strict observance of that engagement; and will, in consequence, consider any act tending to its violation as a question of general interest.” Treaty of Paris 1856, Article VII.

<sup>77</sup> Esenbel, *Japon Modernleşmesi ve Osmanlı*, 284.

<sup>78</sup> Habip Ünyılmaz, “Avrupa Uygarlık Eşiğinde Bâbiâli: 1856 Paris Andlaşması Temelinde Uluslararası Hukuk ve Osmanlı İmparatorluğu İlişisine Avrupalıların Gözüyle bir Bakış,” *İnönü Üniversitesi Hukuk Fakültesi Dergisi*, 2019, doi:10.21492/inuhfd.571998.

<sup>79</sup> Arık, *Ibid*, 26.

century global order. It was made clear to them that if Japan were to abolish extraterritorial treaties and become a part of the “family of nations” it had to abolish its former institutions and adopt European laws and legal institutions. The research on the Egyptian Mixed Courts was an important milestone for Japanese-Ottoman relations since it brought the two countries into contact. However, this contact was partly unsuccessful as it did not assume an official character. Fukuchi was not able to meet with any Ottoman official but his encounter with Nubar Pasha and his report on the Mixed Courts of Egypt helped the Meiji government to realize that “half measures” such as the introduction of mixed courts in Japan would not be the way to realize their ultimate goal: abolishing extraterritoriality. Not only that but also Fukuchi was one of the many Japanese intellectuals who regarded the Ottoman Empire “the same way” as they regarded the Qing Empire since the Treaty of Tianjin signed between Japan and China in 1871 was not a satisfying diplomatic success on the part of Japan as it was not quite an “unequal treaty”. The efforts of the Meiji government to revise the unequal treaties with the Western powers would be seriously harmed by this treaty. They came to understand that if they could not get a successful revision of the Treaty of Tianjin, the renegotiation of the treaties with the Great Powers was destined to fail.<sup>80</sup> The Ottoman Empire, in this regard, is no different than the once mighty Qing Empire. Therefore, the Meiji government’s position was to give the “most favored nation treatment” to the Ottoman subjects only in the matters of trade and therefore establishing extraterritorial jurisdiction on the Ottoman soils for their subjects.<sup>81</sup> This, as can be seen from the response of the Ottoman Foreign Minister, was not an acceptable offer for the Sublime Porte. Because of this difference of interests, Japan and the Ottoman Empire could never establish formal relations.

Later, however, Japan’s victory in the First Sino-Japanese War sealed the “unofficial” nature of Ottoman-Japanese relations. Japan was victorious over once the most powerful state in East Asia. Yamauchi Susumu argues that Japan’s actions during the First Sino-Japanese War as a “civilized state” were regarded as an important test.<sup>82</sup> The Anglo-Japanese treaty in 1894 that put

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<sup>80</sup> Cassel, *Ibid*, 13.

<sup>81</sup> Arik, *Ibid*, 46.

<sup>82</sup> Susumu Yamauchi, “Civilization and International Law in Japan During the Meiji Era (1868-1912),” *Hitotsubashi journal of law and politics* 24 (1996): 9–10.

an end to the extraterritorial treaty between Britain and Japan was an important source of legitimacy according to the author and the civilized conduct of the war by Japan would prove that Japan was indeed a civilized great power.<sup>83</sup> Thomas Erskine Holland's comments quoted by Yamauchi show that, in fact, Japan did successfully use the Sino-Japanese war to its advantage. Leaving the atrocities committed by the Japanese army in Port Arthur aside it "has conformed to the laws of war, both in her treatment of the enemy and in her relations to neutrals, in a manner worthy of the most civilized nations of Western Europe."<sup>84</sup> The question, therefore, is not whether Japan's victory over the Qing Empire impacted the abolishment of extraterritoriality in Japan. It was the application of international law during the war that counted.<sup>85</sup> Japan, who had already begun acting and conducting warfare in a "civilized" manner would not dare to sign an equal treaty with a "semi-civilized state". As a result of these developments, for the Meiji political elite signing a treaty on equal conditions with the Ottoman Empire would mean Japan taking a step back. This meant that Ottoman-Japanese relations would continue to be an "unofficial" one.

Japan's rise in the ranks of the hierarchy of civilizations meant that the Ottoman Empire would not be the only power to ally with against Russia, especially for Britain. After all, Japan was another power now with less conflicting interests and it was strong enough to help Britain to contain the Russian Empire. In addition to this, it is worth to mention that with the Anglo-Russian convention of 1907<sup>86</sup> there was a shift in British foreign policy.

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<sup>83</sup> Yamauchi, *Ibid*, 10.

<sup>84</sup> Yamauchi, *Ibid*, 11.

<sup>85</sup> Turan Kayaoglu argues that Japan was only able to achieve its sovereignty when it transformed its legal institutions and laws into more "civilized", Western style and the victory in the First Sino - Japanese War was not an important contributing factor in Japan's abolishment of extraterritorial treaties. Turan Kayaoglu, *Legal Imperialism: Sovereignty and Extraterritoriality in Japan, the Ottoman Empire, and China* (Cambridge, New York: Cambridge University Press, 2013), 69-70.

<sup>86</sup> Anglo-Russian Entente, (1907) pact in which Britain and Russia settled their colonial disputes in Persia, Afghanistan, and Tibet. It delineated spheres of influence in Persia, stipulated that neither country would interfere in Tibet's internal affairs, and recognized Britain's influence over Afghanistan. The agreement led to the formation of the Triple Entente. The Editors of Encyclopaedia Britannica,. "Anglo-Russian Entente." Encyclopaedia Britannica, February 9, 2009. <https://www.britannica.com/event/Anglo-Russian-Entente>.

Although it was directly related and limited to Iran, Afghanistan, and Tibet, this convention led Britain to change its attitude towards the Ottomans as there was no longer a pressing need for an ally against Russia in the region.<sup>87</sup> Moreover, the Ottoman Empire was also under high geopolitical pressure in the second half of the nineteenth century. Britain sided with the Ottoman Empire during the Crimean War but the conflicting interests between Britain and the Ottoman Empire changed the direction of the British. As Esenbel also suggests, Britain was starting to have conflicting interests with the other possible ally against Russia, the Ottoman Empire, and with the Japanese victory over the Qing Empire in 1895, Japan started to become a close ally “to protect common interests of Britain and Japan.”<sup>88</sup> The Anglo-Japanese alliance became official at the beginning of the twentieth century in 1902 and Japan finally achieved the goal set by the Meiji political elite and became one of the great powers of the world. Taking all these into account, it is only natural for the Meiji government to refrain from signing a treaty with the Ottomans on equal conditions. The Ottoman Empire was only able to abolish extraterritoriality unilaterally after the advent of the First World War in 1914.<sup>89</sup>

### **Towards Lausanne: Persuasion by words or persuasion by deeds**

The Japanese-Turkish relations did not acquire an official character until 1924. This was due to the factors that were mentioned in this article such as Japan’s ambition to join the rank of “civilized nations”, the Ottoman determination not to concede a capitulation against Japan, and overall, the nineteenth-century global order which dictated non-European powers certain conditions, legal institutions, and diplomatic tools including extraterritorial treaties. By the time of the Lausanne Conference, Japan was a well-established imperial power in East Asia. The growing confidence of the Japanese Empire is reflected by the records of the dialogue between the Japanese and Turkish delegations. Baron Hayashi Gonsuke (1860 – 1939) argued in the Conference that Turkey needed to work on a solution to abolish

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<sup>87</sup> Rose Louise Greaves. “Some Aspects of the Anglo-Russian Convention and Its Working in Persia, 1907-14-I.” *Bulletin of the School of Oriental and African Studies, University of London* 31, no. 1 (1968): 69-91. <http://www.jstor.org/stable/612004>.

<sup>88</sup> Esenbel, *Japan Modernleşmesi ve Osmanlı*, 285-86.

<sup>89</sup> Şevket Pamuk, *Türkiye'nin 200 Yıllık İktisadi Tarihi: Büyüme, Kurumlar ve Bölüşüm*, Sixth Edition 2910 (İstanbul: Türkiye İş Bankası Kültür Yayınları, 2016), 164.

extraterritoriality in a few decades just like Japan. He completely disregarded the Ottoman experience and underestimated the capacity of the new Turkish Republic to modernize its laws and legal institutions. Hayashi's remarks during the Second Meeting of the Commission of Regime of Foreigners on December 28, 1922, indicate that indeed Japan thought that Turkey's independence would take time if it had to be complete:

Baron Hayashi was glad to see that France, Italy and Great Britain were approaching this matter in a spirit of sympathy for Turkey. He wished to say that Japan was perhaps one of the foremost among the Powers to sympathise with the desire of Turkey, because Japan had herself had a capitulatory regime like Turkey for a number of years. He would, however, like to point out for the kind consideration of Ismet Pasha that Japan had taken twenty years or more in order to prepare for herself a complete juridical system. It was only after hard work by Japan, lasting more than twenty years, that the Powers were able to agree to the Capitulations being brought to an end. In these circumstances he sympathised with the Powers and would like Ismet Pasha to sympathise with them too. It would take some considerable time and work to devise a new system which would be satisfactory both to the Powers and to Turkey; and it was the intention of Japan to contribute her full share to that work, with a view to complete Turkish independence being realised as soon as possible.<sup>90</sup>

Even in the Lausanne Conference, the Japanese statesmen would think that Turkey needed time to transform its institutions and only then it would be independent. This conversation that took place at the Lausanne Conference shows that the Japanese perception of the Ottoman Empire and now of Turkey was no different than the perception of European powers. On capitulations, Hayashi also stated later at the same meeting that "the Turkish delegation would be good enough to show Allies, not in words, but in deeds, that foreigners would be secure in coming into contact with Turkey" and insisted that Turkey would need time to gain the consent of the European

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<sup>90</sup> George Nathaniel of Curzon, *Lausanne Conference on Near Eastern Affairs 1922 -1923: Records of Proceedings and Draft Terms of Peace* ([Milton Keynes]: Gale Making of modern law, 2013), 470; 493.

powers to abolish extraterritoriality.<sup>91</sup> However, by the end of the conference, Japan signed the treaty, thereby giving an end to the thirty years of unofficial diplomacy between Japanese and Turkish states. A new chapter began in Lausanne for the Japanese-Turkish relations.

### C o n c l u s i o n

Turkish-Japanese relations, from 1873 onwards, have been romanticized as one that is characterized by kindness and unending friendship. Especially in popular culture, Turkish-Japanese relations have been portrayed outside of the realities of interstate relations in the nineteenth century. Indeed, two nations bonded together by helping each other in dire situations, including the February 2023 earthquakes that officially claimed tens of thousands of lives in Southeastern Anatolia. Also, one can argue that both Turkish and Japanese people mostly have a positive perception of the other nation. However, as has been discussed in this article, the Ottoman-Japanese relations were unofficial, and they did not become official because of the conflicting interests of both countries. As shown in the case of the treaty signed between Siam and Japan, or the Meiji politicians' assessment of the Ottoman position being similar to the Qing Empire as both have conceded unequal treaties to European powers, both sides watched the other closely and developed policies according to the other's activities in the broader diplomatic scene. As Worringer argues, "Attempts to forge an official Ottoman-Japanese alliance in the late nineteenth to early twentieth century were encouraged by statesmen and private citizens on both sides yet were hindered by everything from natural disasters to issues of realpolitik."<sup>92</sup> The three periods of the unofficial relations that have been discussed here demonstrated that in time both the Ottoman Empire and Japan accepted the other's uncompromising position. It was not until the Lausanne Conference in 1924 that both sides finally agreed to officialize relations on equal terms.

While the 100<sup>th</sup> anniversary of bilateral relations is approaching, it is important to understand the crucial factors that shaped the direction of Japanese-Turkish relations. It was always friendly, one might say, however, there were always reservations. Especially during the unofficial period, both

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<sup>91</sup> Curzon, *Ibid*, 493

<sup>92</sup> Worringer, *Ibid*, 79.

sides tried to use their position against the other as a tool to strengthen their position within the international order. Even when it gained an official character in Lausanne, it was under the shadow of the nineteenth-century global order. Baron Hayashi repeatedly articulated his suggestion that Turkey had to follow a path Japan followed, and still needed time. In his words, Japan and other members of the allies should be convinced by “deeds and not by words”.

The early stages of the Japanese-Turkish relations or the age of *twilight diplomacy* between 1873 to 1924 was one that was carried out by two non-European empires who struggled against the nineteenth-century imperial powers but took different turns and along the road carefully assessed each other's position protect their interests. The *twilight diplomacy*, after all, was carried out in the dark.

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“UZAK DOĞU YAKIN DOĞU’YA NE KADAR YAKIN? GAYRİRESMÎ DÖNEMDE  
JAPON-TÜRK İLİŞKİLERİNİN DİNAMİKLERİ”

Özet

Japonya ve Türkiye, sıklıkla samimiyet ve fedakarlıkla dolu dostane ilişkilere sahip iki ülke olarak anılmaktadır. Günümüzde iki ülke birçok alanda yakın iş birliği içerisinde. Ne var ki iki ülke ilişkilerini belirleyen mevcut sosyo-politik şartlar ve romantize edilmiş tarih anlatıları ikili ilişkilerin henüz resmîye dökülmediği dönemdeki karmaşık gerçekliği gölgede bırakmaktadır. Cumhuriyetin ve resmî Türk-Japon ilişkilerinin 100. Yılına yaklaştığımız bu günlerde elinizdeki makale, 1873 ile 1924 yılları arasındaki Türk-Japon ilişkilerinin gayri resmî dönemini detaylı bir şekilde inceleyerek, ikili ilişkilerin ilk yıllarındaki hüviyetini ve bu ilişkilerin şekillenmesine yol açan temel koşulları ortaya koymayı amaçlamaktadır. Bu amaç doğrultusunda, Osmanlı Arşivleri, Japon Dışişleri Bakanlığı Arşivleri, gazeteler ve Lozan Konferansı tutanakları gibi kaynaklardan faydalanılacaktır. Nihayetinde Türk-Japon ilişkilerinin başlangıç döneminin, 19. yüzyılın emperyal güçlerine karşı mücadele eden iki Avrupalı olmayan imparatorluğun, birbirlerini devamlı tartarak hareket ettiği ve siyasi manevraların ikili ilişkileri devamlı yön verdiği ve ikili ilişkilerin resmi bir hüviyet kazanmasını engellediği bir süreç olduğunu ortaya koymaktadır. Ayrıca iki taraf da diğerinin uluslararası hukuk ve 19. yüzyıl küresel düzendeki değişen konumlarını ve izlediği politikaları tartışmış ve birbirlerine buna göre tavır almıştır. Bu bağlamda bu çalışma, romantik anlatılardan uzaklaşarak Japon-Türk ilişkilerinin erken dönemini akademik bir perspektiften ele almaktadır.

Keywords

Osmanlı-Japon İlişkileri, Ondokuzuncu Yüzyıl, Diplomasi, Sömürgecilik, Dış dokunulmazlık.