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# EXPORTING ANTIQUITIES AND PROTECTING MONUMENTS

## BEGINNINGS OF OTTOMAN LEGISLATION ON THE PROTECTION OF ANCIENT HERITAGE AS RECORDED BY POLISH TRAVELERS

**Abstract:** In the 19th century, the number of European travelers visiting the Anatolian Peninsula and Constantinople was on the increase. The interest they took in the Greek-Roman past of these areas resulted in intensive digging of the ancient sites and led to the illegal exportation of monuments to Europe. In an attempt to stop this illegal practice, the authorities of the Ottoman Empire made efforts to implement modern law-making. Consequently, new legal acts were introduced in 1869, 1874, and 1884. These documents testify to the evolution in attitudes toward the protection and maintenance of heritage. Changes that occurred also involved the development of museology. The written accounts of Polish travelers provide an opportunity to trace how the legalities were (or were not) implemented and enforced. These testimonies offer, though in a somewhat sketchy manner, insight into the birth and growth of antiquities collection in the first Ottoman museum.

**Keywords:** Ottoman Empire, Troy, Ephesus, Constantinople, The Imperial Museum in Constantinople, Polish travelers, excavations, antiquity, legislation

In the 19th century the Anatolian Peninsula, along with Constantinople, the heart of the Ottoman Empire, was the destination of peregrinations for many European travelers.[1] They viewed the entire region as a place marked by the continuous evolution of ancient civilizations, while also being an integral part of European cultural heritage. Although Asia Minor had been the subject of interest since the 15th century,[2] the area began to receive intensified attention in the 18th century, which was influenced by the so-called "anticomania"—i.e., a social and cultural phenomenon present in Europe. As a result, the need for direct contact with ancient Greek artifacts emerged, prompting expeditions to countries around the Mediterranean Sea that were once inhabited by Greeks and Romans.[3]

Fascination with the Orient and the desire to pursue ancient cultures prompted representatives of various professions and nationalities to travel in search of the unknown, the exotic, and the ancient. Their remarkable expeditions and discoveries were commonly recorded in various testimonies. Poles were among the many travelers who ventured into the Anatolian Peninsula.[4] Like other Europeans, they admired the ancient monuments, copied and interpreted inscriptions, and documented and drew the monuments they discovered. The accounts of their travels include various observations on social and ethnographic issues, as well as the preservation and protection of cultural herit-

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1 After the conquest of Constantinople (1453), for political reasons, the territory of the Ottoman Empire was available only to a few. At first, diplomats and merchants (15th-18th centuries) enjoyed a privileged position role. Over time, travelling for Europeans of all professions became increasingly possible due to external factors, such as the establishment of political relations with Ottoman Empire, as well as internal factors such as the period of reform in the Empire itself aimed at preventing the gradual destabilization of the area (this period was known as Tanzimat and occurred between 1839-1876; see Shaw 2003, 19-23).

2 For more information concerning Cyriac of Ancona, one of the most famous representatives of this period, see Colin 1981.

3 As an example in the 18th century, the Society of Dilettanti was founded in the circles of the English aristocracy. This society organized a number of ventures to broaden knowledge of antiquity and also helped finance voyages to places where the works of Greek architects could be found. Greece was the first destination, although other areas colonized by the Greeks were included in the scope of interest, most notably Asia Minor, the Middle East, North Africa, or Magna Graecia (Rekowska 2013, 18). For more information about the Society of Dilettanti, see Redford 2008.

4 From the beginning of the 19th century, the Anatolian Peninsula, along with Constantinople, provided asylum for Poles, a place of involvement in public and military life, as well as contact with oriental culture and inspiration. Many Poles found themselves in Asia Minor after the lost uprisings of 1830 and 1863. Political realities made the situation of Poles in the Ottoman Empire significantly different from that of representatives of countries with imperial ambitions. The latter were supported by governmental institutions and conducted large-scale excavation works.

age. Their insights prove that the changes over time were influenced not only by the political situation and the state of knowledge, but also by the growing awareness regarding the sensitive issue of exporting antiquities. Based on the records of well-known travelers (Edward Raczyński,[5] and Karol Lanckoroński,[6] whose accounts were separated by over half a century), as well as accounts offered by some less known ones (Marcin Czermiński,[7] Stanisław Jan Nepomucen Czarnowski,[8] Karol Antoni Niedziałkowski,[9] and Walery Wacław Wołodźko[10]), it is possible to follow the general steps that took place in the Ottoman Empire over the course of the 19th century with regard to the protection of ancient monuments.[11]

The period of the 19th century saw an increase in exploration activity. The presence of the English at Ephesus[12] and Halicarnassus,[13] or the Germans at Pergamon[14] and Troy,[15] are some examples of European excavation activity in Asia

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5 Edward Raczyński (1786-1845) – a patron of the arts, an art collector; took an active part in the social, political, and cultural life of Wielkopolska (Kieniewicz 1986, 629-632).

6 Karol Lanckoroński (1848-1933) – an art collector, involved in various activities for the preservation of monuments and archaeology; associated with the Department of Classical Archaeology in Vienna (Szemethy 2015, 19-21).

7 Marcin Czermiński (1860-1931) – a Jesuit, a missionary, and a hagiographer (Krzyszkowski 1938, 338-339).

8 Stanisław Jan Nepomucen Czarnowski (1847-1929) – a lawyer, a journalist, a historian of the press, a writer, and a member of many scientific societies (Świerkowski 1938, 237-238).

9 Karol Antoni Niedziałkowski (1846-1911) – a Catholic clergyman and a writer (Wiśniewski 1961, 191-202).

10 Walery Waclaw Wołodźko (1831-1904) – a writer, a political activist, an engineer; a participant in the January Uprising (1863). Worked in the Ottoman Empire, employed in the construction of roads and bridges (Reychman 1972, 54-55; Słabczyński and Słabczyński 1992, 338).

11 The interpretation of this and other accounts will be one of the elements of the doctoral thesis concerning antiquity in the testimonies of Polish travelers to Asia Minor that is underway. The thesis is being developed at the Doctoral School of Humanities, University of Warsaw, under the supervision of Professor Monika Rekowska.

12 For more information about Ephesus excavations led by John Turtle Wood, see Donkow 2004, 109-117.

13 For more information about Halicarnassus excavations led by Charles Thomas Newton, see Akurgal 2011, 248-251.

14 In the 1880s, Carl Humann owned the excavation site and sent an enormous volume of antiquities to the collection of classical antiquities (Antikensammlung) in Berlin (Shaw 2003, 108-110), including a number of reliefs originating from the Pergamon Altar.

15 Between 1870 and 1890, thanks to financial commitment, Heinrich Schliemann conducted excavations in Troy, during which the ruins of several ancient cities dating from the Bronze Age to the Roman period were unearthed. During his excavations, a very important group of objects made of gold and bronze, which he called the Treasure of Priam, was discovered (Easton 1998, 335-343).

Minor. These ventures resulted in abundant exports of antiquities to Europe and significant additions to museum collections.

The formation of rich museum collections included artifacts recovered from areas in which the rivalry between Britain and France[16] reflected the national and political interests of both countries. Public institutions were involved in enriching museum resources, as the size and wealth of such institutions contributed to international recognition. It is also worth mentioning that the British Museum's collection was mostly amassed thanks to individual travelers who donated their time and money to perform excavations, the largest of which was conducted between 1840 and 1880 (Challis 2008, 3-4, 19-20). Several explorers published narratives in which they provided a detailed account of their endeavors. Their testimonies include information on archeological discoveries, as well as the difficulties they encountered while exporting antiquities.

An account by Edward Raczyński;[17] a private individual with no ties to the politics of large empires, can demonstrate the easiness of these exploration activities. Raczyński followed the tracks outlined by earlier travelers to Asia Minor.[18] The choice of destination, however, was mostly influenced by the love for antiquity in which he was raised, as well as his knowledge of ancient sources and mythology. The search for Ilion was one of the main goals of his expedition. In the location he assumed to have been the ancient Troy, he conducted field research.[19] Raczyński mentioned the possibility of undertaking the excavation work, permission for which, probably generously paid, could be easily secured from the local authorities. In theory, the Sultan issued the firman,[20] which was the only document that provided a legal basis on which to allow excavations. Raczyński's testimony, however, shows that by bribing the local officials, it was possible to search for monuments without the authorities in Con-

16 The private initiative of travelers or diplomats, but under state auspices, was of key importance to British and French archaeological success (Hoock 2007, 53).

17 Raczyński 1821.

18 Among these travelers, Banduri 1711 and Le Chevalier 1794 should be mentioned.

19 Raised with a love of antiquity, not only did travelers look for monuments within the Ottoman Empire for private or museum collections, but they also followed the sites described in the Iliad in search of mythical Troy. It was eventually discovered only in the 1870s by Heinrich Schliemann. French literature offered the guide for many of the expeditions (Reychman 1972, 10-20). Raczyński attempted to situate the location of the city according to the descriptions from the Iliad and foreign literature, leading the fieldwork, which he carefully described (Raczyński 1821, 116-143).

20 A royal edict at the constitutional level, known as a firman, was a mandate or proclamation issued by a ruler within the Islamic political system. In later times, such firman documents were collected and established as customary legal compendia.

stantinople knowing about it. It is worth adding that almost nothing is known about the material results of the exploration undertaken, as well as in general acquisition of antiquities during his journey.[21] Only once does Raczyński refer to the purchase made in the village of Bunarbashi, where he bought a bronze ancient ring allegedly dug up a few days before his arrival. He believed the ring was connected to Troy, and as such, he wanted to present it to his brother (Raczyński 1821, 135). The passage provides evidence for the existence of an illegal "antiquarian market". Locals would loot ancient sites to acquire artifacts for profitable trade. Foreigners were willing to pay substantial amounts of money for a well-presented trophy from a distant journey, especially when it could be combined with a mythological or historical plot. Such an approach was, at the time, rather the norm with regard to the Muslim inhabitants of the Empire and their attitude towards the Greco-Roman past. Raczynski, when describing his visit to Alexandria Troas[22] (Raczyński 1821, 113) or Constantinople (Raczyński 1821, 24-27), noticed it as indifferent or even dismissive. According to him, the locals rejected the ancient monuments because of their pagan character, which they deemed unworthy of remembrance, while they were eager to profit from their sale—even if it was not entirely legitimate.

As a result of the increasing export of antiquities to Europe (due to both reasons—excavations activity and illegal trade) in the second half of the 19th century, the need to introduce regulations to restrict or even ban the export of antiquities emerged in the Sublime Porte. Innumerable regulatory infractions led to increasingly specific regulations for the protection of monuments. This change constituted the Porte's response not only to the poorly controlled export of antiquities, but also to an evolving reflection on the protection of ancient heritage. Subsequent legal regulations on antiquity not only corrected the deficiencies of previous legislation, but also reflected the new values associated with the attitude toward antiquity at the time (Shaw 2003, 108).

The first Antiquities Act was issued in 1869.[23] It granted the seekers the right to preserve objects found in their own territory and allowed the trade of antiquities within the borders of the Ottoman Empire while prohibiting the export of recovered artifacts abroad. Violations of property rights led to another decree

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[21] According to Professor A. Łajtar's hypothesis, Raczyński's interest in antiquities may very likely have resulted in bringing an early Hellenistic decree from Tazos from his travels in Turkey. This artifact was later located in Rogalin—where Raczyński's family mansion was located (Łajtar 1994, 167-182).

[22] Turkish: Eski Stambul.

[23] "Before 1869, the legal status of antiquities was regulated only by Islamic jurisprudence" (Özel 2010, 178).

concluded in 1874.[24] The legal act proved insufficient, as the problem also resulted from the lack of proper execution of the existing solutions and the still unstoppable export of artefacts to Europe, where they constituted private collections and museums (Shaw 2003, 108-110). The export of antiquities resulted in growing discontent in both early Ottoman museum circles and public opinion.[25] In 1884, the Law on Antiquities was reviewed once again, and an improved version was passed in an attempt to rectify most of the neglects of the previous decrees. The new law sought to define the exact definition of "an antiquity" was, but primarily reaffirmed the principle that all artifacts are considered as belonging to the heritage of the Ottoman Empire (Shaw 2003, 110-125), i.e., the property of the sultan.[26]

The Imperial Museum in Constantinople, whose collections were to manifest the political and cultural aspirations of the reformed country, was founded and established alongside the legal changes.[27] It should be noted that the museum was inspired by the model of Western museums from the very beginning. Those involved in its development were Europeans or had a strong exposure to European culture (Shaw 2003, 46). However, before the museum was opened in a purpose-built facility, the collections (which had been increasing over the years) had been kept in the church Hagia Irene and were later relocated to a pavilion called Tiled Kiosk (Turkish: Çinili Köşk), built by Mehmed II in the 15th century (Uslu 2017, 83-85). The construction of the new building was possible thanks to the efforts of Osman Hamdi Bey.[28] The evolution of the col-

[24] According to it, two-thirds of the monuments excavated or removed with official permission-belonged to the discoverer, whereas the remaining one-third was to be given to the state, which had priority in the selection of antiquities (Yildirim and Öztop 2019, 601).

[25] In light of the excavations (including H. Schliemann in Troy and C. Humann in Bergama and Pergamon), the idea that the antiquities discovered belonged to the Ottoman Empire began to take shape.

[26] According to the law, if antiquities were found on private land during construction works, half of the finds were owned by the owner of the land. In such a case, the Ottoman Empire could buy the artefacts or select the ones it was taking over (Atak 2020, 30).

[27] Unlike many European countries that collected trophies from their colonial conquests, the Ottoman Empire sought to maintain its territories by collectingand displaying artefacts from different regions in one central museum. Thus, the collection of antiquities found within the Ottoman Empire, exposed in the capital, was supposed to represent its unity (Shaw 2003, 149-150, 169-171).

[28] Osman Hamdi Bey (1842-1910), the first director of the Imperial Museum in Constantinople (for more information on the Imperial Museum, see Shaw 2003, 83-107), was an archaeologist, painter, and art expert, educated in both the Ottoman Empire and France. He was the initiator of the first archaeological research conducted by a Turkish team. He was also a pivotal figure in the development of the Western style of painting in the Empire (Shaw 2007, 257-258). Years of study in Paris, as well as his

lection[29] can be observed in several accounts of Polish travelers who visited Constantinople.

Walery Wacław Wołodźko seems to have been one of the first Polish travelers to see and describe the collection at Hagia Irene, where the remaining antiquities in Turkey were gathered[30] (Wołodźko 1874, 200). At the same time, he stated that the people of the Ottoman Empire had stopped destroying the antiquities on which the local residents were now making a profit, as a result of the interest foreign voyagers took in such objects.[31] He critically described the enforcement of the antiquities protection laws that had been introduced, admitting that little had changed in practice. The majority of the most valuable artifacts were taken by the Europeans long ago.

A dozen or so years later, Stanisław Jan Czarnowski confirmed the collection had relocated to the pavilion (1886).[32] He tied this decision to the rapidly increased number of monuments thanks to deliveries from all over the Empire, especially from Asia Minor. A collection had been organized, made available, and was free to the public. He pointed out:

> "(…) *The museum included more than 600 items at that time. It was formed from small beginnings collected in the courtyard of the old St. Irene Church [referred to as Hagia Irene] in the Old Castle. This collection, after being moved to Çinili Köşk, grew very quickly with numerous shipments from the provinces, particularly from Asia Minor. In 1882 the museum was systematically arranged and opened to the public* (...)" [translated by the author] (Czarnowski 1926, 11-12).

In the 1890s, antiquities were already displayed in two buildings—a pavilion and a new museum building, opened in 1891 to accommodate the ever-growing

fluency in French (he used it, for example, to correspond with his father or at home—both his wives were French), led him to adopt many Western values (Eldem 2022, 39-40).

[29] For more information about the locations of the Imperial Museum, see Shaw 2007, 277.

[30] Ahmed Fethi Pasha (1801-1858), Grand Master of the Artillery, is associated with the beginning of museology and a collection at Hagia Irene. He founded two collections in 1846: The Collection of Ancient Arms and the Collection of Antiquities (Eldem 2011, 314). However, new research on the subject seems to disprove hypotheses that he actually played such a large part in the creation of the museum. For more information on the origins of the creation of the museum at Hagia Irene see Eldem 2019, 262-266.

[31] Wołodźko 1874.

[32] Czarnowski 1926.

collection.[33] Karol Antoni Niedziałkowski in autumn of 1894[34] described the part of the collection left in the pavilion, as well as the new building and its exposition of artifacts from new excavations undertaken across the Ottoman Empire (Niedziałkowski 1898, 45-46). It is worth noting that the traveler mentions in his account one of the most renowned ancient monuments attributed to Alexander the Great, discovered during the excavations by Osman Hamdi Bey:[35]

> "(…) *The pearl of this kiosk [a traditional architectural structure], or perhaps of the whole museum, is a perfectly preserved, splendid sarcophagus of white marble, the sides of which are covered with a relief showing the battles of Alexander of Macedon.* (…)" [translated by the author] (Niedziałkowski 1898, 45).

Despite efforts to centralize the collections and display them in one main museum, local lapidaries still existed in other towns. This is confirmed by Niedziałkowski, who visited in Izmir a collection of monuments from Ephesus in the Greek Orthodox Church (Niedziałkowski 1898, 133). The descriptions probably refer to Saint Voukolos Church,[36] where the Izmir Archaeological Museum[37] was later officially opened.

Finally, several Polish sources mirrored a shift in legal attitudes to heritage protection and, consequently the development of scientific archaeology. First of all, Karol Lanckoroński's writings[38] provide evidence of the effectiveness of the law introduced for the extent and manner of excavation. The purpose and knowledge of Lanckoroński's expedition stemmed from studies and a close relationship with the Viennese academic community. One of the most direct inspirations for his expedition to the Ottoman Empire was provided by earlier research by Otto Benndorf, the later founder and director of the Austrian Archaeological Institute at Athens. Lanckoroński was a member of the committee financially supporting his excavations in Asia Minor, for which he donated

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[33] For more information on Antiquities Collections in the Imperial Museum, see Shaw 2003, 149-171.

[34] Niedziałkowski 1898.

[35] Archaeological exploration of a royal necropolis located in Ayaa (near Sidon, Lebanon) in 1887, led by Osman Hamdi Bey and Yervant Voskan, resulted in the discovery of many splendid monuments, including the sarcophagus, still on display in the Istanbul Archaeological Museum (for more information about excavations, see Osman and Reinach 1892).

[36] For more information, see Merrillees 2017, 128.

[37] The Izmir Archaeological Museum was founded in 1924 and opened only in 1927 (Akurgal 2011, 123).

[38] Lanckoroński 1890.

a large sum of money. After Benndorf's discoveries,[39] Lanckoroński decided to organize[40] a research expedition[41] at his own cost (Szemethy 2015, 19-22). The primary purpose of his scientific voyage was to study and describe the ancient remains in Pamphylia and Pisidia[42] (Ostrowski 1998, 69). The results of this venture were published in a book, originally in German then—immediately after—translated into Polish and French,[43] and were also reported in press and scientific lectures (Szemethy 2015, 30-32).

The permissions described by Lanckoroński sketch the reality of the 1880s in terms of documenting archaeological work. He also described cooperation with local authorities and their assistance during the progressing research. The author emphasized the prohibition on the illegal purchase and export of antiquities. The members of the expedition were obliged to donate all objects found to the authorities of the Ottoman Empire, while Lanckoroński was permitted to make plaster casts of the sculptures (Lanckoroński 1890, 2). On the other hand, however, even a traveler as educated and aware of the importance of heritage preservation was tempted to seize the opportunity to take new artifacts for his private collection. This is evidenced by the story of a marble sarcophagus brought from the mountains of Cilicia (Szemethy 2015, 31), which—along with other monuments—was exhibited in Vienna in 1885[44] (Śliwa 2013, 434). This shows that monument regulations were not always observed and it was possible to circumvent them to one's advantage.

A different picture of changes emerges from the account[45] of Martin Czermiński, who—in May 1899, during his missionary activities—visited Smyrna and Ephesus.[46] In his travel accounts, expressions of interest in ethnography,

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[39] In 1881-82, he excavated the so-called "Heroon of Trysa" in Lycia and transported many monuments to the Kunsthistorisches Museum in Vienna (Haggis and Antonaccio 2015, 92). For more information about excavations, see Szemethy 2005.

[40] He originally planned to visit various islands in search of antiquities to supplement his private collections.

[41] It is worth mentioning that one of the members of the expedition was engineer M. T. Górkiewicz, who participated in Schliemann's excavations at Troy. For more information about Górkiewicz, see Śliwa 2019; Szemethy 2014.

[42] He had originally planned to visit various islands in search of antiquities to add to his private collection but changed his mind (Szemethy 2015, 21-22).

[43] It was published in 1890 and 1892 in German under the title: *Städte Pamphyliens und Pisidiens*.

[44] For more information about the exhibition, see Falke 1885.

[45] Czermiński 1904.

[46] He made the journey to Ephesus in the company of Father Jung, a Lazarist of the Lyon congregation, because of his knowledge of the visited places. In addition, in the introduction of the book, he

as well as archeology (especially related to early Christianity) can be seen. The expedition was of double value for the author: the scientific value and the pilgrimage value. He decided to visit Ephesus with the intention of seeing both the ruins of ancient buildings and places associated with the Christian religion. In addition to his numerous descriptions of the antiquities he encountered, the author's account also highlights the current archeological work being conducted. Notably, he observed that the more valuable and smaller objects were being exported to Europe by the English.[47] Following legal changes, he notes that not even scientific research could be carried out without the Sultan's permission. Systematic excavations by Austrian[48] archeologists that occurred during his journeys were aimed at the scientific benefit, rather than the robbery of more valuable objects (Czermiński 1904, 97).

Increased interest in antiquities and the large-scale plundering by European travelers in the 19th century significantly influenced the birth and growth of legislation regarding antiquities in the Ottoman Empire, as well as the development of scientific exploration methods. The prohibition on the export of antiquities paralleled the development and creation of the first museum of antiquities in Constantinople. In various accounts of Polish travelers to Constantinople, the relocation of the collection, as well as its most audience-attracting elements, is observable. Thanks to the efforts of Osman Hamdi Bey, new acquisitions for the museum were made (Uslu 2017, 83). Not only did they enrich the collection, but, through catalogue publications (Mendel 1912-1914), the assortment was made available to the international research community (Shaw 2003, 109). Since the early 1890s, descriptions of archeological activities and their results began to be published regularly. Some, like the literary journal Servet-i Fünun, focused on brief archeological information from around the Empire, as well as on the reactions of local residents to accidental discoveries of monuments, which were immediately reported (Shaw 2003, 115-116). Such publications not only maintained public interest in monuments, but also helped to awaken sensitivity to heritage conservation issues and to create appropriate patterns for monument preservation.

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thanks Italian, American, and English archaeologists for their help during the trip and their expert support during the tour.

47 For more information about the Ephesus excavations led by John Turtle Wood, see Wood 1877 and Challis 2008, 114-135.

48 Since 1895, excavations in Ephesus have been led by Otto Benndorf, founder of the Austrian Archaeological Institute at Athens. For more information about Otto Benndorf, see Szemethy 2016, 280-281.

Unfortunately, despite the growing public awareness, travelers continued to unlawfully export important artifacts to Europe. Two factors, the value of the objects found and political relations,[49] determined whether the export was permitted. Authorities in Constantinople aimed to retain artifacts that would position the Ottoman Empire in the sphere of Western civilization. Hellenistic, Roman, and Byzantine monuments were seen as expressions of being part of European culture. Although the law on antiquities issued in 1884 prohibited the export of antiquities, it was often difficult to implement these regulations. The legal acts pertaining to the licensing of excavations were followed.

Regulations on the export and preservation of antiquities began to be fully executed only after the fall of the Empire in 1923. The proclamation of the Republic of Turkey officially ended the illegal procedures. Nevertheless, to this day, some rogue tourists attempt to illicitly export antiquities out of a "love" for antiquity or, rather, out of ignorance.

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[49] It was not uncommon for pieces of legislation to be disobeyed due to the personal decisions of Sultan Abdulhamid, influenced, for example, by his special close bonds with Prussian and Austrian monarchs (Shaw 2003, 114-125).

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