

WESTERN DIPLOMACY, CAPITULATIONS AND
OTTOMAN LAW IN THE MEDITERRANEAN
(16th–17th CENTURIES).
THE DIPLOMATIC SECTION OF
THE *MANUSCRIT TURC 130*
FROM THE BIBLIOTHÈQUE NATIONALE IN PARIS

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François Savary, Count and Seigneur de Brèves was the ambassador of King Henri IV of France to the Ottoman Court between 1591–1605. André Du Ryer de Malezair was appointed in 1623 as French vice-consul in Alexandria of Egypt, one of France's main and earliest trading harbor in the Levant. He remained in this office for three years.¹ Besides the diplomatic activity, the two above-mentioned personages were connected by the intellectual preoccupations. Both of them belong to the group of early Western Orientalists. The two French scholars and diplomats, François Savary de Brèves and André Du Ryer de Malezair, are also connected by an Ottoman manuscript of 278 folios, preserved at the Bibliothèque Nationale in Paris, Division Orientale (BNF, DO Turc 130).² On the folio 1 recto, one can read the following note: “*Mémoires de l'Ambassade de Monsieur de Brèves en Levant, très curieux et nécessaire à ceux qui sont employés pour le service du Roy à la Porte Ottomane. Du Ryer de Malezair.*”

Two particularities make from this manuscript a precious source for studying the Ottoman Mediterranean in late-sixteenth and early-seventeenth century.

First, it has to be pointed out the large spectrum of documents concerning the same topic, i.e., Western trade in the Mediterranean, and signed by various Ottoman dignitaries. The manuscript contains around 250 various documents,

¹ Alastair Hamilton, and Francis Richard, *André du Ryer and Oriental Studies in Seventeenth-Century France*, The Arcadian Library in association with the Oxford University Press, 2004.

² It has a Turkish bookbinding, by golden and embossed leather, 21.5×16 cm. This manuscript was presented shortly in: E. Blochet, *Catalogue des Manuscrits Turcs de la Bibliothèque Nationale*, Tome I: Ancien Fonds, Paris, Bibliothèque Nationale, 1932, 53–54; *Vers l'Orient*, ed. Annie Berthier, Francis Richard, Bibliothèque Nationale, Paris, 1983, 39; *Sources de l'Histoire du Proche-Orient et de l'Afrique du Nord dans les Archives et Bibliothèques françaises. II. Bibliothèque Nationale*, München – New York – London – Paris, 1984, 318–319 (by Annie Berthier).

issued from different chanceries in Istanbul: Imperial Charters, lettres-patentes, Imperial orders and letters (*nâme-i hümayûn*), reports of Grand Vizier and legal opinions of the Grand Mufti (*fetva*), letters of Ottoman high officials (such as *defterdar-başı*, *yeniçeri ağası*, etc.), translations of King Henri IV's letters, ambassador petitions to the Ottoman government, etc. Thus we have at our disposal a sufficient documentary base for drawing out a comprehensive picture of the Western trade and merchants in the Ottoman Mediterranean. On the other hand, it is necessary to emphasize that until now the known Ottoman sources on French trade in the Levant were far more abundant for the time after 1620 than any preceding period. But this manuscript enlightens documentary the last decade of the sixteenth and first years of the seventeenth century. Excepting some Imperial letters sent to the Kings of France before 1595, and few suggestive documents from the fifteenth and sixteenth centuries, the most documents were written between 1596 and 1602.³ Consequently, from the chronological point of view, this manuscript put at our disposal a great number of documents, issued in a very short period of time, which is a necessary premise to formulate statements and to come to right conclusions.

The structure and substance of the *Manuscrit Turc 130* are relevant for the initial intentions of François Savary de Brèves to write a guidebook for the ambassadors and consuls of France in the Ottoman Mediterranean.⁴ Considering the order of documents transcription, one can speak about the incipient design to organize this work in three sections: diplomatic section (chapter of *Capitulations*), juridical section (chapter of legal opinions) and administrative section (chapter of decrees).

THE DIPLOMATIC SECTION OF THE *MANUSCRIT TURC 130*. 'AHDNÂMES (CAPITULATIONS)

Imperial charter (*'ahdnâme-i hümayûn*) was the formula used in Ottoman chancery until the nineteenth century for calling all peace agreements by which the Porte regulated its peace relations, alliances, international trade or the condition of foreigners (called now by historians and jurists peace treaties, treaties of alliance, treaties of friendship, treaties of commerce, treaties of vassalage, etc.). The term *'ahdnâme* is composed by two words, the Arabic *'ahd* (pl. *'uhud*), which means oath, compact, covenant, and the Persian *nâme*, i.e., charter.⁵ The *'ahdnâme* was a

³ The first datable Imperial order was issued on 8–17 June 1596 (*evâsıt-ı Şevvâl* 1004) and the last decree was sent on 26 December 1601 – 4 January 1602 (*evâ'il-i Receb* 1010).

⁴ Viorel Panaite, *A French Ambassador in Istanbul, and his Turkish Manuscript on Western Merchants in the Ottoman Mediterranean (Late 16th and Early 17th Centuries)*. „Revue des Études Sud-Est Européennes”, Bucarest, XLII, 1–4, 2004, 117–132.

⁵ J. Schacht, 'Ahd', in *The Encyclopaedia of Islam/ Encyclopédie de l'Islam*, nouvelle édition, B. Lewis, Ch. Pellat, J. Schacht, Paris – Leyden: E.J. Brill, I–X, 1960–1999 (henceforward EI-2).

document which confirmed in writing the granting of “protection” (*aman*), and the existence of a “contractual pact” (*'ahd*, *'akd*, *'akd-ı 'ahd*, *sulh*) between sultans and an individual, a community, or a state.⁶ Even though the *'ahdnâmes* had the form of a unilateral document, their contents implied “contract and alliance” (*'akd ü-ittifak*) or “pact and agreement” (*'ahd ü-misak*).⁷

Besides the usual term *'ahdnâme*,⁸ in the eighteenth-century Ottoman manuscripts the terms *mu'ahede* (*mu'ahede-nâme*), *sulh* (*sulhnâme*)⁹ and *musalaha* (*musalaha-nâme*)¹⁰ started to be used more and more, alone or in combinations (*sulh mu'ahedesi*), for calling truces, peaces and treaties with European powers, like the Habsburg Empire and Russia, but also the entire manuscripts which collected these peace agreements.¹¹ According to Susan Skilliter, an *'ahdnâme* was an “unilateral treaty granted by the Sultan to the ruler of another state, which has to be renewed at the accession of each sovereign, and in which the privileges previously granted are recapitulated in every succeeding renewal”. She has quoted as argument the French ambassador, Gilles de Noailles, abbé de Lisle, who described the commercial privileges granted to France in 1569 as being a favorable command and not a treaty concluded between two sovereigns: “faicte pour lesdits marchands n'est qu'un commandement favorable et volontaire et non traicté de prince à prince, ny confirmée d'un costé et d'aultre pour estre réciproquement obligatoire”.¹²

Vol. I, 263; M. Fayda, M. S. Kütükoğlu, *'Ahdnâme*, in *Islam Ansiklopedisi*, I, Istanbul, 1992, 535–540. Dimitrie Cantemir defined the term *'ahdnâme* in the following words: “an Arabic Word compounded of *Ahd*, a Covenant or Condition, and *Namé*, a Letter. By this Name the Letters are signified which foreign Ambassadors, after a Peace obtained, procure from the Sultan, to their respective Princes, containing the Terms of the Peace (which the *Arabians* call *Mevad*) and ratified with the *Dura*, or Character of the Imperial Name” (Demetrius Cantemir, *The History of the Growth and Decay of the Othman Empire*, Translated by N. Tindal, London, 1734, 88, n. 35).

⁶ Inalcık, *'Ahd*, 263; Ongun Zarif, *Şehzade Ahmed'in yayalara verdiği ahitnâme*. “Tarih Vesikalari”, 2, 9, 1942).

⁷ In the 1604 *'ahdnâme* to France (Ahmed Feridun Bey, *Mecmu'a-i Münşe'at es-Selâtin*, Istanbul, 1264–1265/1848–1849, vol. II, 404); in the 1612 *'ahdnâme* to Holland (A.H. de Groot, *The Ottoman Empire and the Dutch Republic. A History of the Earliest Diplomatic Relations. 1610–1630*, Leiden-Istanbul, 1978, 246).

⁸ The manuscript *Ahd-nâme sûretleri* collected the peace agreements between 1673–1733/1084–1146 (Topkapı Sarayı Müzesi Kütüphanesi (TKSMK), H. 1636).

⁹ Since the fifteenth century, the word *sulh* constantly and generally designated a peace concluded with any foreign state (TKSMK, R. 1325: *risâle* on the conclusion of peace (*sulh*) with Habsburg Empire and Russia in 1739); TKSMK, E.H. 1438: *Rusya ile sulh*).

¹⁰ TKSMK E.H. 1438, 165b-214a (on the treaties with Russia of 1791–1792).

¹¹ For instance, the manuscript *Sulh-name-i 'Amuca-zâde Hüseyin Pâşâ* related the negotiations for the peace of Karlowitz (TKSMK, R. 1311) or the manuscripts *Suver-i mekâtib-i musalaha Nemçe* and *Esnâyi musalahada tevâriid eden mekâtib* included also the treaty of Passarowitz (Pasarofça) of 1131/1719 (TKSMK, R. 1946, R. 1953).

¹² Report of May 1577 (E. Charrière, *Négociations de la France dans le Levant ou correspondances, mémoires et actes diplomatiques des ambassadeurs de France à Constantinople...*,

Capitulations is a notion which gave birth to controversy. The medieval chanceries issued many kind of internal or external documents (*Capitularium*, *Capitulatio*) which had a common feature, i.e., structure on chapters. Actually, the term *Capitulations* originated in the words *caput* or *capitulum* (pl. *capitula*), which in Latin means chapter, paragraph.¹³ Therefore, only due to their arrangement on articles, and not to other reasons, the peace agreements were also named *Capitulations* in Western Europe.¹⁴

The Ottoman texts of *'ahdnâmes* included a succession of peace and trade "conditions" (sing. *şart*; pl. *şartlar*, *şurut*, *şera'it*) or "problems" (*hususlar*). The beginning of articles was marked by the conjunction "and" (*ve*) until the end of the seventeenth century, when it started to be counted like in Western chanceries. Considering the *'ahdnâmes* granted by sultans as treaties, the Europeans called them with an autochthonous concept, i.e., *Capitulations*. As argument one can invoke that in sixteenth and seventeenth-century Western translations of *'ahdnâmes*, the two words were considered similar. For instance, comparing the Ottoman text of commercial privileges granted to the English merchants in 1580 with the Italian translation of 5 April 1583, one can realize that the formula *'ahdnâme-i hümayûn* was translated *Imperiale Capitulatione*, and the whole document was entitled *Capitoli dati alla Regina d'Inghiltera*.¹⁵ Likewise, the Latin *Capitulationes*, the French *Capitulations*, the Italian *Capitulatione*, the German *Capitulation* etc. were Western terms used in translations of *'ahdnâmes* granted to France,¹⁶ Poland,¹⁷

à Venise, Raguse, Rome, Malte et Jerusalem, en Turquie, Perse, Géorgie, Crimée, Syrie, Égypte, etc., et dans les États de Tunis, d'Alger et de Maroc, Tome III, Paris, 1848–1860, 696; S. Skilliter, *William Harborne and the Trade with Turkey. 1578–1582. A Documentary Study of the First Anglo-Ottoman Relations*, Oxford University Press, London, 1979, 2–3, n. 9).

¹³ M (Fr.-Alphonse) Belin, *Des Capitulations et des traités de la France en Orient*, Paris, 1870 (Extrait du contemporain "Revue d'économie chrétienne", 1869), 9; Ignace de Testa, *Recueil des traités de la Porte Ottomane avec les puissances étrangères*, Vol. I, Paris, 1864, 6, n. 3; G. Péliissié du Rausas, *Le régime des capitulations dans l'Empire Ottoman*, 1^{re} édition, vol. I, Paris, 1902–1905, 1, n. 1; N. Sousa, *The Capitulatory Regime of Turkey. Its History, Origin and Nature*, Baltimore, 1933, 3; Z.Y. Hershlag, *Introduction to the Modern Economic History of the Middle East*, 2nd edition, Leiden, 1980, 44. Of course, the same origin have the Italian words *capitolo* (pl. *capitoli*), *capitolare*, *capitolato* or the French ones *chapitre*, *chapitrier*.

¹⁴ Besides *pactum* (in Italian *patto*, in French *pacte*). For details, see Belin, *Capitulations*, 7–17 (Chapitre Ier: Sens et signification du terme capitulations; son correspondant dans les chancelleries orientales). For example, *capitula* were called the Byzantine-Genoese treaty of 1304 or that concluded between Venice and Cyprus in 1328. These terms can be found also in Latin, French, Italian versions of eleventh-fourteenth century peace and commerce treaties between Christian states or cities and Muslim North African princes. In 1186, between Pisa and Tunis were negotiated and established "capitoli della pace". All these treaties were divided on "chapters": primo capitolo, secondo capitolo etc. (M.L. de Mas Latrie, *Traité de paix et de commerce et documents divers concernant les relations des Chrétiens avec les Arabes de l'Afrique septentrionale au Moyen Âge*, Paris, 1866, I, 28–30, 66–69, 283–284 etc).

¹⁵ Skilliter, *Harborne*, 86–89; 232–239.

¹⁶ They were included in seventeenth and eighteenth-century French miscellanies. For example, *Recueil de pièces officiels folio 2 recto, comprenant les capitulations ('ahdnâme-i şerif)...*

Habsburg Empire,¹⁸ or Russia.¹⁹ Translating the Ottoman texts, the Europeans organized their contents by articles or chapters (*capitula* in Latin; *capitoli*, *capituli* in Italian; *chapitres*, *articles* in French; *articles* in English). Considering that in the Western chancery any document structured by chapters could be called *Capitulation*, the same label was therefore applied to the Ottoman *'ahdnâmes*.²⁰ There were also other meanings of the concept *Capitulation* or its plural *Capitulations*, which were also adopted by Ottoman (*Kapitülasyonlar*),²¹ e.g., the system of privileges granted to the foreign merchants in the Ottoman Empire,²² or a special treaty which regulated the position of foreigners inside the empire (beginning with the eighteenth century).²³

There are two opposing opinions concerning the legal and diplomatic characteristic of the *'ahdnâmes*, unilateral documents²⁴ or bilateral ones,²⁵ which

(Blochet, *Catalogue*, I, 53); "les hautes et heureuses Capitulations", "des anciennes Capitulations" (*Documente privitoare la istoria românilor culese de Eudoxiu de Hurmuzaki* (henceforward: *Hurmuzaki*), Bucureşti, 1893, Supl. I/1, doc. CXXIV: Henri III's letter to the grand vizier Sinan Paşa of 7 July 1582).

¹⁷ "Capitulazione tra sultan Selim Imperator de Turchi et Sigismondo Augusto Re di Polonia", for the 1568 *'ahdnâme* (*Hurmuzaki*, VIII, doc. CXCI); "Capitulations du Turc avec les Polonois", "les Capitulations de Pologne" (*Hurmuzaki*, Supl. I, vol. I, doc. CCLXVI, CCCVI (French letters of 1617 and 1623); "nostra eccelsa capitulatione", in an Italian translation of 1564 *'ahdnâme* (*Hurmuzaki*, VIII, doc. CXXXIII).

¹⁸ "die fridens capitulation", on the 1606 treaty, in a German letter of 16 March 1614 (*Hurmuzaki*, IV/1, doc. CCCCLXIV).

¹⁹ "capitulationes", on Ottoman-Russian treaty of 1711, in a Latin translation of an Ahmed III's ferman (*Hurmuzaki*, VI, doc. LVII).

²⁰ Other opinions: for I. de Testa, the notion *Capitulations* had been used in European diplomacy for calling proper treaties ("bilateral documents"), and could not apply to *'ahdnâmes* (seen as "unilateral documents"). In his opinion, the proposed synonym for *'ahdnâme* should be "lettres-patentes" (Testa, *Traités*, I, 6). S. Skilliter called the document of 1580 by which Murad III had granted commercial privileges to English merchants, "diploma (*berât*) incorporating the privileges" or "Imperial treaty letter" (Skilliter, *Harborne*, 86–89, 232–239).

²¹ By "capitulation" could be understood also an agreement between two enemies which stipulated that one would surrender to another. In Italian, *capitolare* means "to submit" and *capitulazione*, "surrender". From this outlook, certain scholars defined the *Capitulations* as documents confirming that the sultans, being forced by Western powers, gave up certain sovereign rights (Shotwell, "The Straits," 481–482; D'Avril, "Protection," I, 536).

²² Sousa, *Capitulatory Regime*, 2, n. 5; *Dictionar diplomatic*, Bucureşti, 1976, 167; Inalcık, 'İmtiyâzât', 1217.

²³ Péliissié du Rausas, *Capitulations*, I, 1, 28; H. Abi-Chahla, *L'Extinction des capitulations en Turquie et dans les régions arabes*, Paris, 1924, 123; Sousa, *Capitulatory Regime*, 3; H.J. Liebesny, 'The Development of Western Judicial Privileges.' *Law in the Middle East*, ed. M. Khadduri and H.J. Liebesny, Washington, 1955, 314; Reşat Ekrem, *Osmanlı Muahedeleri ve Kapitülasyonlar (1300–1920) ve Lozan Muahedesi (24 Temmuz 1923)*, Istanbul, 1934, 402.

²⁴ des traités unilatéraux (Péliissié du Rausas, *Capitulations*, I, 13); unilateral declaration (Liebesny, 'Privileges', 319–320); lettres-patentes (Testa, *Traités*, I, 6; Belin, *Capitulations*, 115–116); unilateral charter of privileges (Skilliter, *Harborne*, 89).

²⁵ traités bilatéraux, conventions synallagmatiques (J.C. Aristide Gavillot, *Essai sur les droits des Européens en Turquie et en Egypte. Les Capitulations et la reforme judiciaire*, Paris, 1875, 7–9).

originated in defining official documents from the fifteenth to seventeenth centuries by modern juridical criteria or ignoring specificities of the Ottoman chancery. Also, certain historians and jurists have extended a particular case (for instance, certain *'ahdnâmes* granted to France or the nineteenth-century commerce treaties) to the whole system of the capitulatory regime. Moreover, sometimes the notions “unilateral” and “bilateral” or have been outlined by inconsistent criteria.

Al-Kalkaşandî, a famous scholar for his experience gained in the Mamluk chancery, classified the peace agreements in two categories, by their structure: a) unilateral agreements were those granted directly by a Muslim chancery, without attendance of the another ruler, who accepted them as a Muslim sovereign's favor; b) bilateral agreements were those elaborated in writing by both contractors. In the former case, the agreement included sometimes the Muslim sovereign's oath, taken after the non-Muslim ruler had done this when he received the text of pact. In the latter one, the agreement looked like *instrumentum reciprocum*, the two rulers' oaths being added to the negotiated text.²⁶ In the chapters dedicated to *muvâda'a*, a term translated “reciprocal truce” by Muhammad Hamidullah, the famous jurists ash-Shaybanî and as-Sarakhsî wrote as being ordinarily the existence of “two contractors.”²⁷ The attribute “unilateral” characterized the *'ahdnâmes* with commercial privileges, considering both form and contents. According to James Porter, the documents regulating the legal condition of English trade and merchants were only favors granted by Porte without any reciprocity of the Great Britain.²⁸ He considered the notions *Capitulation* and “treaty” as being antonyms, a conception affirmed mostly in the eighteenth century, when the term *Capitulations* was applied more to the field of trade and merchants.

In my view, the form and contents of the Imperial Charters depended, actually, by historical and geographical conditions

By an *'ahdnâme* the sultan was the only person who acknowledged the result of negotiations by formula “let's be known” (*ma'lum ola ki*)²⁹ and ordered the “clauses” of peace and trade agreement by formula the “illustrious sign commands” (*nişan-ı şerifi... hükmi oldur ki*).³⁰ For instance, in all *'ahdnâmes* which confirmed

²⁶ John Wansbrough, *The Safe-Conduct in the Muslim Chancery Practice*. BSOAS, XXXIV, 1, 1971, 25; Marius Canard, *Un traité entre Byzance et l'Egypte au XIII^e siècle et les relations de Michel Paléologue avec les sultans mamluks Baibers et Qalâ'un*. *Mélanges Gaudefroy-Demombynes*, Le Caire, 1937, 203–205.

²⁷ Muhammad ibn al-Hasan ach-Chaibânî (ash-Shaybani), *Le Grand Livre de la Conduite de l'Etat (Kitâb as-Siyar al-Kabîr)*. *Commenté par... as-Sarakhsî*. Traduit par M.Hamidullah, Tome III, Ankara, 1989–1991, 305–334.

²⁸ James Porter, *Observations. The State of the Turkey Trade from its Origin to the Present Time*, London, 1771, 362.

²⁹ In the *'ahdnâme* of 1525 granted to the Polish king (Archiwum Glowne Akt Dawnych. Warsaw (AGAD), *Archiwum Korone Warszawskie-Tureckie (AKW-Tureckie)*, k. 66, t. 19, no. 41).

³⁰ In the *'ahdnâme* of 1482 granted to Venice (Aldo Gallotta, *Il trattato turco-veneto del 12 gennaio 1482*. *Studia turcologica memoriae Alexii Bombaci dicata*, Napoli, 1982, 226). Also, in the

the establishing of peaceful relations in the sixteenth and seventeenth centuries with Poland, the sultans announced – before the stipulations – that he “gave and ordered this Imperial charter” (*işbu ‘ahdnâme-i hümayûnu verdüm ve buyurdum ki*).³¹ These formulas expressed a ‘one way will’, which, according to the criteria of diplomatics, characterized a document issued by a sovereign as being a unilateral one. The Italian or Latin translations of these texts prove the existence of a specific Western view, contrary to the Ottoman one. The Ottoman-Venetian treaties of the first half of the fifteenth century, preserved in Italian or Latin, were characterized by V.L. Ménage as “bilateral agreements.”³² Sixteenth and seventeenth-century Ottoman-Polish ‘ahdnâmes were perceived as bilateral treaties by Polish kings and named accordingly in Italian, Latin and French translations or in other documents: *Capitulatione tra sultan Selim Imperator de Turchi et Sigismondo Augusto Re di Polonia* (of 1568) or *Capitulations du Turc avec les Polonnois*.³³ Moreover, in the Ottoman text of certain ‘ahdnâmes, especially in *narratio*, sultan affirmed that the respective peace was concluded between two contractors. In 1483 Ottoman-Hungarian peace agreement, Bayezid II spoke about the “peace and friendship between us and king Mathias,” (*Matyaş kiral ile bizim aramızda musalaha ve dostluk*),³⁴ which was a frequent formula of ‘ahdnâmes. Sometimes in the Ottoman collection of documents (*münşe‘at*), the scribes suggested the bilateral feature of ‘ahdnâmes in the given titles or by certain notes written overhead the copied text.

By contents, certain ‘ahdnâmes was considered by historians and jurists as being “bilateral peace-settlements,” if they included clauses formulated in a counterpart manner, called sometimes “conditional privileges” or “reciprocal rights.”³⁵ These kind of articles were stipulated in the ‘ahdnâmes granted especially to states of the frontier zone, e.g., Venice, Hungary, Poland, the Habsburg Empire, Russia etc.

‘ahdnâmes of 1503, 1513, 1517, 1521, 1540 (M. Tayyib Gökbilgin, *Venedik devlet arşivindeki vesikalar külliyatında Kanunî Sultan devri belgeleri*. Belgeler, C.I., 1964, Sayı 2, 121; M.Tayyib Gökbilgin, *Venedik devlet arşivindeki Türkçe belgeler koleksiyonu ve bizimle ilgili diğer belgeler*. Belgeler, C. V-VIII, 1968–1971, Sayı 9–12, p. 42, 47, 50).

³¹ In the ‘ahdnâmes of 1553, 1577, 1591, 1598 (AGAD, *AKW-Tureckie*, k. 69, t. 172, no. 329; k. 71, t. 260, nr. 486; k. 71, t. 268, no. 498; k. 71, t. 280, no. 518).

³² V.L. Ménage, *On the Constituent Elements of Certain Sixteenth Century Ottoman Documents*. BSOAS, XLVIII, 2, 1985, 375-6.

³³ Hurmuzaki, VIII, doc. CXCI. A Latin copy preserved in Czartoryski Library in Krakow was entitled *Foedus inter Serenissimes Principes sultan Selimum Imperatorem Turcarum et Sigismundem Augustum Regem Poloniae...* (Czartoryski Library, IV 616, 115); Hurmuzaki, Supl. I/1, doc. CCLXVI, CCCVI (French letters from ambassadors in Istanbul to their Kings).

³⁴ Topkapı Sarayı Müzesi Arşivi (TKSMA), no. 5861; ANB, mf. Turkey, r. 4, fr. 312.

³⁵ For the Ottoman-Venetian treaties from 1419 to 1454 (Ménage, ‘Capitulation’, 375). J.A. Gavillot used the formula *paix réciproque* for the Ottoman-Venetian treaty of 1454 (Gavillot, *Capitulations*, 16–17); Liebesny, *Privileges*, 311; J.T. Shotwell, “A Short History of the Question of Constantinople and the Straits.” *International Conciliation* (New York), 180, November 1922, 483.

Taking into consideration the diplomatic form of the Ottoman texts and their translations following the prototype,³⁶ one can say that the *'ahdnâmes* granted to the Christian sovereigns throughout the fifteenth to seventeenth century had an obvious unilateral character.

Capitulations formed the main legal base of the relationship between Western representatives and Ottoman authorities. That is why a manuscript which should serve for defending the rights of the French merchants in the Ottoman Mediterranean, like this conceived by the French ambassador at the Ottoman Court, had to begin with copies of the Imperial Charters (*'ahdnâme-i hümâyûn*, *'ahdnâme-i şerif*).³⁷ Consequently, the first documents copied in the *Manuscrit Turc 130* are the *Capitulations* granted to the Kings of France in the second half of the sixteenth century. Here are: *'ahdnâme* granted by Sultan Selim II to King Charles IX in 977/1569; *'ahdnâme* granted by Sultan Murad III to King Henri III in 989/1581; and *'ahdnâme* granted by Sultan Mehmed III to King Henri IV in 1005/1597.³⁸ Together they compose what I have called the diplomatic section of the *Manuscrit Turc 130*, a manuscript conceived and structured by François Savary de Brèves.

Capitulation of 1569. The first French Imperial charter (*'ahdnâme-i hümâyûn*) copied in the diplomatic section of the *Manuscrit Turc 130* was granted by Sultan Selim II to King Charles IX in *evâ'il-i Cemazi' ül-evvel 977 / 12–21 October 1569*. Outside of text, the copyist – who can be Savary de Brèves himself – added the following explanatory note: “it is the Sultan Selim’s Charter” (*Sultan Selim 'ahdnâmesidir*).³⁹

The Ottoman original of this text was not found. Besides the above-mentioned copy, another one was preserved long time at the British Museum.⁴⁰

French translations of this Imperial Charter can be found in many manuscripts with diplomatic documents compiled throughout the seventeenth and eighteenth centuries. For instance, it was copied in a special section of a sixteenth-

³⁶ There were translations made in Western chancery which changed the original form of an Imperial Charter, from a unilateral form to a bilateral one (N. Iorga, *Privilegiul lui Mohammed al II-lea pentru Pera. 1-iu iunie 1453*. Excerpt from *Analele Academiei Române. Memoriile Sectiunii Istorice*, Bucureşti, II, tom XXXVI, 1913, 3–4).

³⁷ Usually, the French manuscripts that gathered information on treaties with and embassies to the Ottoman Empire included also the texts of 1528 and 1536. For instance, the manuscript *Traictiez et ambassades de Turquie*. *Recueil de pièces relatives à l'histoire des relations diplomatiques de la France avec le Levant. 1528-1640* begins with *Traité entre Soliman et les consuls des Catelans et François. 1528*, and *Traité que fit Jean de la Forest, ambassadeur de France, avec Soliman. 1535* (Bibliothèque d’Arsenal, ms. 4767–4771, tome I, f. 1–3, f. 10–13).

³⁸ BNF, DO, Turc 130, f. 2r–25v.

³⁹ BNF, DO, Turc 130, f. 2r–8r. Also, he added certain words on the border, encircled other words etc.

⁴⁰ British Museum, ms. or. 9053, f. 252–255 (cf. Inalcik, ‘Imtiyazat’, 1212)

century manuscript compiled by Sebastien Juyé, called *Recueil des traités faitz entre le roys de France et les Grandz Seigneurs, empereurs des Turcqz, et des sauf conduitz desdictz seigneurs empereurs et autres comandemens concedés en faveur des subgetz du roy et nations estrangeres trafficquans ez portz, havres et pays de leur empire, soubz la protection et baniere de France*. Every documents is preceded by an ‘advertissement’ that explains the causes and purpose of its issuing. In this manuscript, the 1569 *Capitulation* was called *Sauf conduit de sultan Selim obtenu par le Sr. du Bourg en l’an 1569*.⁴¹

Due to the importance of these commercial privileges for the legal condition of the French merchants in the Ottoman dominions, the Ottoman text was translated in French by Domenico Oliverson (Domenique Oliveri) and was published in 1570 with the title *Articles accordés par le Grand Seigneur en faveur du roy et de ses subiects à mesire Claude du Bourg, Chevalier, sieur de Guerine Conseiller du Roy et Tresorier de France, pour la liberté et seureté du trafficq, commerce et passage es pais et mers de Levant*.⁴²

Domenique Oliveri’s translation became the standard copy of the 1569 *Capitulation* included in seventeenth and eighteenth-century French manuscripts. For instance, one can be found in a seventeenth-century anthology of Ottoman treaties, titled *Traictez faitcs entre le Grand Seigneur et les roys de France, Potentants & Républiques de l’Europe, depuis le Regne du Roy François premier 1528 jusques à Louis XIII. 1634. Avec autre pièces et memoires servans à l’Histoire de Turquie*. The head annotation tried to suggest the bilateral character of this document by formula ‘treaty between Sultan Selim and King Charles IX’ (*traité entre Sultan Selim Empereur Grand Seigneur & Charles 9 Roy des François par l’entremise de Messire Claude du Bourg Ambassadeur pour le Roy en Levant au mois d’octobre l’année 1569*). After an *Advertissement ou Esclaircissement sur le Traité suivant*, the scribe copied all commercial privileges, titled them by a phrase recognizing that Selim III had granted them in an unilateral manner: *Articles*

⁴¹ The copyist added in black ink “qui est 35 ans apres la premier traité” (Regeste de mes despeches faitcs en ma charge de residant pour les affaires et service du Roy pas le grand seigneur et de celles de sa mag.te receues en madite charge, dont les mesmes originaux sont attaches audict registre en leur ordre comme elles ont este escrites et receues durant les annee 1578 et 1579, que jay este en charge. Sebastien de Juye) (BNF, Division Occidentale (henceforward: DOccid), Ancien Fonds Français 3954, f. 163r–169r).

⁴² À Tours. De l’imprimerie de Pierre Regnard, 1570. The printed text ends by indicating the translator: “Traduction faicte à l’original estant en langue arabicque, signé dudit Grand Seigneur, par Domenico Oliverson, soubssigné, touchement et interprète du Roy en ladicte langue. Ainsi signé, Domenico Oliverson” (reprinted edition in L.Cimber and F. Danjou, *Archives curieuses de l’histoire de France depuis Louis XI jusqu’à Louis XVIII*, 1^{re} série, tome 6, Paris, 1835, 383–393). This edition was bound later in the anthology *Traicte et ambassades de Turquie». Recueil de pièces relatives à l’histoire des relations diplomatiques de la France avec le Levant. 1528-1640* (Bibliothèque d’Arsenal, Ms. 4767–4771, tome I, f. 22–35).

*accordez par le Grand Turc aux François, pour la liberté du traficq en ses pais et Mers du Levant. À Messire Claude du Bourg Chevalier & Tresorier de France. Avec la Capitulation et mandemens de ses Ordonnances pour leur seureté au Tres Chretien Roy de France. Articles de la Capitulation faite en faveur du Roy à ses subiects par le Seign.r Grand Turc Sultan Selim fils de Sultan Soliman Roy.*⁴³

More titles for the same text illustrate actually dilemma over the diplomatic character of the document of 1569. Sébastien Juyé, the French resident at the Porte 1578–1579, characterized the text of 1569 as being a ‘safe-conduct in form of *Capitulation*’ (*sauf-conduit en forme de capitulation*).⁴⁴ Susan Skilliter quoted Juyé’s description for defining the text of 1569 as being an ‘unconventional document’: “the 1569 document... is not the usual form of an *ahdnâme*...; it is a *berât*, or deed of grant, and in it all the privileges granted to France are referred to briefly, confirmed, but not recapitulated, an affair concerning Joseph Nasi is regulated, and the twenty-two new privileges which Sultan orders on behalf of the French are listed”.⁴⁵

Venetian-Ottoman hostility from the 60s and 70s, culminating with the war of 1569–1573, was accelerating the process of occupation of the Venetian position in the commerce with and into the Ottoman dominions by France.⁴⁶ King Charles IX’s complain about the confiscation of merchandise from a French ship by the Ottoman local authorities in Alexandria. Selim II ordered an inquiry that proved

⁴³ At the end of the text one can find the date and the note: *Traduction faite à l’original estant en langue arabicque, signé dudit Grand Seigneur, par Domenico Oliveris, soubssigné, trouchement et interprète du Roy en ladicté langue. Ainsi signé, Dominique Oliveris (BNF, DOccid, Ancien Fonds Français 16141, f. 47v–58r)*. A similar version can be found at Bibliothèque d’Arsenal, being titled *Traité entre Sultan Selim Grand Seigneur et Charles IX Roy des français Par l’entremise de Messire Claude du Bourg ambassadeur pour le Roy en Levant au mois d’octobre l’année 1569*. First, it is written an *Advertissement ou Esclaircissement sur le Traité suivant*. And then *Articles accordez Par Le Grand Turc aux François, pour la liberté du traficq en ses pais et mers du Levant & à Messire Claude du Bourg Cheuer et Tresorier de France & Avec la Capitulation et mandement de ses ordonnance pour leur Seureté au très Christian Roy de France. Articles de la Capitulation faite en faveur du Roy, à ses subiects par le Seigneur grand Turc Sultan Selim fils de Sultan Soliman Roy* (Bibliothèque d’Arsenal, Ms. 4742, f. 42–55r). The same version with the same title was included in a manuscript from the Archives du Ministère des Affaires Étrangères It is titled *Traité entre le sultan et G.S. Sélim II et Charles IX, roi des Français, par l’entremise de Claude Du Bourg, ambassadeur pour le roi au Levant. Octobre 1569; Articles de la capitulation en faveur de roi Charles IX à ses sujets, par le grand turc sultan Sélim II, fils du sultan Soliman s.d.* (AMAE, Mémoires et Documents, Turquie, Tome 2, f. 43-52).

⁴⁴ BNF, DOccid, Fonds Français 3954, f. 152–193, reference at f. 163r, cf. Skilliter, *Harborne*, 3, n. 11. See also Saint-Priest, *Mémoires*, 197.

⁴⁵ Skilliter, *Harborne*, 2–3.

⁴⁶ Inalcık, ‘İmtiyazat’, 1212; Joseph Billioud, *Capitulations et histoire du commerce. À propos de l’étude de M. Gaston Zeller*, in *Revue d’histoire moderne et contemporaine*, tome II, octobre-décembre 1955, 312–315: “commedemens nouveaulx qui, du temps de feu mon père sultan Soliman, furent concédés aux ambassadeurs de l’empereur de France et à ses consulz.”

the French King was right. Consequently, the sultan commanded no abuse be committed against the French merchants. This episode was exaggeratedly considered by historians as being a cause of granting the *Capitulation* in 1569.⁴⁷

Between 1566–1569, the permanent ambassador to the Ottoman Court was Guillaume de Grandchamp.⁴⁸ His death obliged King Charles IX to dispatch a special envoy to the Ottoman Court in the person of Claude du Bourg.⁴⁹ He arrived in Constantinople in July 1569 with the mission to negotiate and obtain an official document similar with those granted to Venice, including commercial privileges for the French merchants in the Ottoman dominions.⁵⁰ In four months since his arrival at the Porte, he would succeed to obtain the desired document. The French-Ottoman negotiations was accompanied by an official correspondence between the two sovereigns, some letters – such as the sultan's letter of *evasıt-ı Rebi' ül-ahur* 976 (1568, October 11–20) – being preserved until now.⁵¹

The historians and jurists, such as E. Charrière, G. Péliissié du Rausas, N. Sousa, Marcel Emerit, A.L. Horniker, who considered as real the treaty-project of 1536 appreciated logically the document of 1569 as being a renewal of the precedent Ottoman-French peace agreement concluded between François I and Süleyman the Magnificent.⁵²

⁴⁷ Gaston Zeller, 'Une légende qui a la vie dure – les 'Capitulations' de 1535.' *Revue d'Histoire Moderne et Contemporaine* 1 (1955), 130–131.

⁴⁸ Between 1569–1571, La Triquerie assured the interim, as chargé d'affaires, until François de Noailles's arrival to Constantinople (Saint-Priest, *Mémoires*, 190–193; Bacqué-Grammont, Kunalalp, Hitzel, *Représentants permanents de la France en Turquie*, 11–12).

⁴⁹ Seigneur de Guérines. He lived between 1522–1580 and served three Kings, Henri II, François II and Charles IX, as counselor, secretary or treasurer. Being an intriguer, he had already tried to be appointed as ambassador at Constantinople in Antoine de Pétremol's place (1561–1566). For this purpose he even obtained instructions from Catherine de Médicis. He would be accused for falsifying documents by the King (Saint-Priest, *Mémoires*, 190-3; H. de Bourg, *Mission diplomatique de Claude du Bourg*, *Revue d'histoire diplomatique*, Paris, 1895, 186–224; Susan S. Skilliter, *Catherine de' Medici's Turkish ladies-in waiting. A dilemma in Franco-Ottoman diplomatic relations*, *Turcica*, VII, 1975, 188–204; Michel Lesure, *Les relations franco-ottomanes à l'épreuve des guerres de religion (1560–1594)*, dans *L'Empire ottoman, la République de Turquie et la France*, éd. Hâmit Batu et Jean-Louis Bacqué-Grammont, *Varia Turcica*, III, 1986, 37–57; Bacqué-Grammont, Kunalalp, Hitzel, *Représentants permanents de la France en Turquie*, 11–12).

⁵⁰ Saint-Priest, *Mémoires*, 191–192.

⁵¹ Letter of Selim II to Charles IX (BNF, DO, Supl. Turc 1294: "Lettre adresée par le sultan Sélim II à Charles IX, Karlu. Diwani, daté de Constantinople, de la seconde décade du mois de Rabi'second de l'année 976 de l'hégire (3–12 octobre 1568)" (Blochet, *Catalogue*, II, 224).

⁵² For instance: Arthur Leon Horniker, *William Harborne and the Beginning of Anglo-Turkish Diplomatic and Commercial Relations*. *The Journal of Modern History*, XIV (1942), no. 3, 289–316; H. du Bourg, *Missions diplomatiques de Claude du Bourg*. *Revue d'histoire diplomatique*, Neuvième année, 1895, Paris, 198; Marcel Emerit (M.E.), review of Gaston Zeller, *Une légende qui a la vie dure – les "Capitulations" de 1535*. *Revue d'histoire moderne et contemporaine*, I, 1955, 127–132, in *Annales*, 1964, no. 1, p. 302–303.

Other historians, such as Nicolae Iorga, Gaston Zeller, Niels Steensgaard, Susan Skilliter and Halil Inalcık, have considered this text as being the first authentic Imperial Charter with commercial privileges granted to France. Moreover, according to Halil Inalcık, it was for the first time when a Western power benefited of commercial privileges in the Ottoman dominions at the same level with those already granted to Venice.⁵³ Being in a scientific dispute with A.L. Horniker, Niels Steensgaard wrote: “Our present disagreement – may be reduced to the question: may we dismiss the capitulations of 1569 as irrelevant, or are they of fundamental importance to a discussion of ‘the jurisdiction of the covering flag’? I have no doubt that the latter is the correct alternative. Mr. Horniker still believes in the validity of the treaty of 1536. As no new evidence is offered, I can only repeat that I find the arguments of Iorga and Zeller – that the treaty was never concluded – convincing. This makes the capitulations of 1569 the first formal grant privileges to the French nation at governmental level and the legal basis of the French in Turkey...” Discussing the text of 1569, Steensgaard concluded that ‘this capitulation was not a simple renewal, as stated by Mr. Horniker: examination of the two texts shows that they are not identical, either in form or content’.⁵⁴

We conclude also that the document of 1569 is the first authentic *Capitulation* granted to a King of France. In this respect, another evidence is even the missing of the famous text of 1536 – considered long time as a corner stone of the capitulatory system – from the diplomatic section of the *Manuscrit 130*. The preserved text of 1536 never had any validity in law, being a treaty-project, unratified by the Sultan Süleyman the Magnificent. Indeed, King François I of France would like to obtain for the French merchants in the Levant more advantageous commercial privileges than those granted by the *Capitulation* of 1528. In this respect, he sent Jean de la Forêt to negotiate a real commercial treaty with the Grand Vizier Ibrahim Pasha. Unfortunately, the Grand Vizier was executed in March 1536, and the negotiated document could not be submitted to the sultan’s ratification. Rincon’s letters from Constantinople proved – Halil Inalcık said – that the text of 1536 remained only a project.⁵⁵

After 1569 the French trade with the Ottoman dominions intensified and diversified. Step by step, France would replace Venice as the main Western partner of the Ottoman trade. French merchants’ presence extended beyond towns from

⁵³ *The first authentic Franco-Ottoman capitulations are those of 18 October 1569* (Halil Inalcık, *The Ottoman Empire. The Classical Age. 1300–1600*, Translated by Norman Itzkowitz and Colin Imber, New York, Washington, 1973, 137).

⁵⁴ Niels Steensgaard accused Horniker that he “apparently is not aware of the existence of the French capitulations of 1569,” in his article on the beginning of Anglo-Turkish relations (Niels Steensgaard, *Consuls and Nations in the Levant from 1570 to 1650*.’ The Scandinavian Economic History Review, XV/1–2, 1967, 13–55).

⁵⁵ Charrière, *Negotiations*, I, 293–294, art. 17, 389, 396–397, 423-4; Inalcık, ‘İmtiyazat’, 1213.

Egypt and Maghreb to other commercial centers in Anatolia and Syria. The Aegean Sea became more safety and would not be avoided by the French vessels.⁵⁶

Capitulation of 1581. The second French Imperial charter ('*ahdnâme-i hümayûn*) copied in the diplomatic section of the *Manuscrit Turc 130* was granted by Sultan Murad III to King Henri III on *eva'il-i Ramazan 989* / 29 September – 8 October 1581. Outside of text, the copyist added the following explanatory note: "it is Sultan Murad's Charter" (*Sultan Murad 'ahdnâmesidir*).⁵⁷

This document was considered as being the second *Capitulation* granted to France by those historians who, evidently, rejected the validity of the 1536 text. Yet, let us remember that Murad III was enthroned in 1574, and the distance of seven years until 1581 is a little too long, if one takes into consideration the custom of treaty renewal on the occasion of new sultans or kings' enthronements. According to the above custom, Murad III should renew the '*ahdname* of 1569 earlier than 1581, although no historian has considered this possibility until now. In this context, an ignored text, called *Confirmation par sultan Amurath des capitulations par les roys de France. 1574*, from the anthology *Traicte et ambassades de Turquie». Recueil de pièces relatives à l'histoire des relations diplomatiques de la France avec le Levant. 1528–1640*, should be considered as evidence that Murad III granted for the first time a new '*ahdname* in 1574 and then in 1581.⁵⁸

If the *Capitulation* of 1569 was mostly analyzed by historians in connection with the treaty-project of 1536, the French *Capitulation* of 1581 was discussed in relation with the English merchants' advance on the Levantine commerce and analyzed comparatively with the English *Capitulation* of 1580. An intensive correspondence took place between the French king and the Ottoman sultan⁵⁹ in the circumstances of granting of an Imperial Charter to England in 1580. Through the diplomatic efforts of William Harborne, the first English ambassador to the Porte, England obtained the Imperial Charter of *eva'il-i Rebi ül-ahır 988* / 16–25 May 1580 from Murad III. It was a diploma (*berât-i hümayun*), "which gave the English the privilege of official representation at the Porte and placed English merchants on a footing of complete equality with the French with regard to privileges in the Levant

⁵⁶ "le commerce français s'acquiert une primauté de fait, appuyée sur la primauté de droit que lui confèrent les Capitulations de 1569" (Zeller, 'Capitulations', 130-1).

⁵⁷ BNF, DO Turc 130, f. 9r-16v. The date is different in another Ottoman copy preserved in a contemporary document-collection: *evâ'il-i Şevvâl 989/29* Oct. – 7 Nov. 1581 in Istanbul, Süleymaniye Kütüphanesi, Esad Ef. Ms. 3345. Susan Skilliter strangely adopted the date of the contemporary French translation preserved by de Germigny, respectively, *evâ'il-i Cemazi'ül-ahır 989/3*–12 July 1581 (Skilliter, *Harborne*, 273–274).

⁵⁸ Bibliothèque d'Arsenal, Ms. 4767–4771, Tome III, fol. 211–213.

⁵⁹ Murad III's letter to Henri III, from the last decade of *Cemazi ül-evvel 988/4*–13 July 1580 (three Ottoman copies in BOA, one of them in MD 43, 139–40, no. 250) was analyzed and published by Susan Skilliter (Skilliter, *Harborne*, 119–123, 249–251)

trade”⁶⁰. This *Capitulation* included also the right to navigate under their own color.⁶¹ From the perspective of the year 1598, Jacques de Coquerel, the French consul of Cairo, would write: ‘N’y a pas 18 ans que les Angloys ne pouvoyent négottier par cest empire que soubz la très puissante banière de France.’⁶²

France did not accept the emancipation of the English and other Western merchants and acted diplomatically. In that period, the French ambassador in Constantinople was Jacques Germigny, baron de Germales (1579–1584).⁶³ He succeeded to renew the Imperial Charter of 1569, to which were added other articles concerning the French trade and merchants in the Ottoman dominions. The usual procedure implied the looking for and reading carefully the precedent Imperial Charter of 1569, and the Imperial orders (*hüküms*) concerning the French affairs, sent to Ottoman local authorities between 1569 and 1581. In this way, articles reflecting new practical circumstances that had been arising in relation with the French trade and merchants in the Ottoman Mediterranean could be added to the precedent *Capitulation*. In this way a new *Capitulation* was born. In this respect, Germigny’s report of 10 June 1581 is relevant: *Les cappitulations anciennes de V.M. ont été diligemment cherchées tous ces divans passez parmy les registres de ceste Porte des anneés VCXXX jusques a XLV, non trouuees toutesfoys, et ont promis (les pachas) de renouveler les modernes, qui sont ja minutees, avec aultres articles avantageux pour vostre service.*⁶⁴ In the French translation of the Imperial letter accompanying the ‘*ahdname*, both being dated July 1581, Murad III said that “nous avons reconfirmé les hautes et heureuses Capitulations”, the text was appreciated as being “le renouvellement des Capitulations faites par les soins du Sieur Germigny” and was granted because the

⁶⁰ Horniker indicated wrongly the year 1583 for this *Capitulation* (Horniker, *Harborne*, 289–316). For text and comments see: Akdes Nimet Kurat, *Türk-İngiliz Münasabetlerinin Başlangıcı ve Gelişmesi (1553–1610)*, Ankara, 1953, 182–6; Necmi Ülker, *XVII. Yüzyılın İkinci Yarısında İzmir’deki İngiliz Tüccarına Dair Ticârî Problemlerle İlgili Belgeler*. Belgeler. Türk Tarih Belgeleri Dergisi, Cilt XIV, 1989–1992, Sayı 18, 306–8; Skilliter, *Harborne*, 86–89, 232–239 (English translation, Ottoman text, Contemporary Italian translation).

⁶¹ Skilliter, *Harborne*, 86–89, 232–236; I.H. Uzunçarşılı, *On dokuzuncu asır başlarına kadar Türk-İngiliz münasebâtına dair vesikalar*. Belleten, XIII, 51, 1949, 617–619; Richard Hakluyt, *The Principal Navigations, Voyages, Traffiques & Discoveries of the English Nation*, London, 1903–1905, V, 178–183.

⁶² Letter of 12 March 1598 (Ch. de la Roncière, *Histoire de la marine française*, IV, Paris, 1910, 364, n. 2).

⁶³ In April 1579, Germigny’s audience to Murad III took place (Saint-Priest, *Mémoires*, 197–199). In a letter of Henri III to Murad III of 7 July 1582 was called *le Sieur de Germigny notre Conseiller et Ambassadeur, residant auprès de Vostre Hautesse (Hurmuzaki, Supl. I/1, doc. CXX, 66)*.

⁶⁴ BNF, DOccid, Fr. 16143, f. 125v; Charrière, *Négotiations*, IV, 55, note 1; J.-P. Laurent, *Les articles franco-ottomans de février 1536: la transmission de leur texte, leur caractère. Ordonnances des rois de France, Règne de François Ier, Tome huitième. Appendices, Index et Tables, 1536–1537*. Paris: Imprimerie Nationale, 1972, 548.

written petition (*'arz-u hal*) and the oral request (*à bouche*) made by the French ambassador for the renewal of “des Anciennes Capitulations”.⁶⁵

In a letter of 20 July 1581, Germigny informed the King that he had obtained two originals, contrary to the custom that implied the granting of an original only. One of these originals would be dispatched to the King; the other will be preserved at the French embassy in Constantinople. The reason was exposed clearly: *pour ne retomber en l'inconvenient des precedentes cappitulations de Sultan Soliman qui ne se retrouvent*.⁶⁶ Yet, no original has been found until today. Instead, more Ottoman copies were preserved. As I have already said, one of them was included in the *Manuscrit Turc 130*.⁶⁷

The French translation of the *'ahdname* of 1581 was copied more times in seventeenth and eighteenth-century manuscripts, being frequently called “Confirmation made by the Sultan Murad III in 1581” (*Confirmation faite par le sultan Murat III en 1581*);⁶⁸ *Confirmation faicte par sultan Murat III du précédent sauf-conduit rédigé en forme de capitulation, en 989 / MDLXXXI. In Italien and French*.⁶⁹ A French translation of this *Capitulation* was also included in the above-mentioned manuscript *Traicte et ambassades de Turquie* from the Bibliothèque d' Arsenal.⁷⁰

An article stipulated that the English had to navigate, as before, under the French flag in the Ottoman seas. The eight European nations that used (*kadim ül-eyyamdan ila*) to navigate in the name and under the banner of the French King were exactly named: Genoese, English, Portuguese, Spaniards, Catalans, Sicilians, Anconitans and Ragusans (*Ceneviz ve Ingiltere ve Portokal ve Ispâniye ve Katâlan tâcirleri ve Ankona ve Dubrovnik*).⁷¹

Capitulation of 1597. The third French Imperial charter (*'ahdnâme-i hümâyûn*) copied in the diplomatic section of the *Manuscrit Turc 130* was granted by Sultan Mehmed III to King Henri IV on *evâ'il-i Receb* 1005 / 18–27 February 1597. Outside of text, one can read the following explanatory note: “it is a copy of

⁶⁵ *Hurmuzaki*, Supl. VI, doc. CXII, CXXIV.

⁶⁶ BNF, DOccid, Fr. 16143, f. 132; Charrierère, *Négotiations*, IV, 65.

⁶⁷ BNF, DO, Turc 130, f. 9r–16v.

⁶⁸ *Mémoires et documents divers: originaux et copies du XVI^e et du XVII^e siècles sur la période de 1520 à 1648* (Archives du Ministère des Affaires Étrangères (AMAE), Mémoires et Documents, Turquie, Tome 2, f. 53–62).

⁶⁹ Thus, it can be found in a special section of a manuscript from the Bibliothèque Nationale, called *Recueil des traités faictz entre le roys de France et les Grandz Seigneurs, empereurs des Turcqz, et des sauf conduitz desdictz seigneurs empereurs et autres comandemens concedés en faveur des subgetz du roy et nations estrangeres trafficquans ez portz, havres et pays de leur empire, soubz la protection et baniere de France* (BNF, DOccid, Ancien Fonds Français 3954, f. 185r–193v). It was included in the annexes of Saint-Priest's *Mémoires*, who was Ambassador of France at the Ottoman Court between 1768–1784 (Saint-Priest, *Mémoires*, 381–392).

⁷⁰ Bibliothèque d' Arsenal, Ms. 4767–4771, Tome I, f. 36–39.

⁷¹ See, also: Saint-Priest, *Mémoires*, 384; Skilliter, *Harborne*, 27.

the Imperial Charter granted by His Excellency, Sultan Mehmed Khan” (*Sultan Mehmed Han hazretlerinden inâyet olunan ‘ahdnâme-i hümmâyûn suretidir*).⁷²

The original of this *‘ahdname* was not found until today. An Ottoman copy made in Egypt is preserved in Bibliothèque Nationale in Paris. This version is actually a *nişân-i şerif*, including also the *invocatio*. On the right side an Arabic formula is written ending with the seal of the judge ‘Abd el-Ra’ouf ibn Mohammed el-‘Arabi. On this signature is indicated the year 997/1588–1589 probably the year when he was appointed in this office. It is possible that this Imperial Charter may also be translated into Arabic. On the back of this Ottoman copy of the *Capitulation* of 1597 was written *Firman turc de Mahomet III en faveur des François* and *Rouleau arabe*.⁷³

The Imperial Charter of 1597 was unfairly ignored by those who had been compiling manuscripts on the French trade in Levant. For instance, it is missing from the basic manuscript *Traicte et ambassades de Turquie. Recueil de pièces relatives à l’histoire des relations diplomatiques de la France avec le Levant. 1528–1640*.⁷⁴ Yet, one can find it in several manuscripts preserved at the Bibliothèque Nationale, Divison Occidentale in Paris. In the manuscript *Recueil de lettres et de pièces originales*, François Savary, who indicated clearly that he is the author of this translation (*Traduict par Moy Breves*), were translated only the twelve articles added to the precedent Imperial Charter of 1581. The text was titled *Traduction des Articles que les Sieur de Breves, Ambassadeur du Roy en Levant, a fait inserer dans les Cappitulations et Traictez de paix qui sont de longue memoire entre la Couronne de France et l’Empire Ottoman, accordez de Sultan Mehmet, l’an 1597*.⁷⁵ Later, the Imperial Charter of 1597 was included, together with the precedent and subsequent *Capitulations* granted to France, in the annexes of *Mémoires sur l’ambassade de France en Turquie et sur le commerce des Français*

⁷² BNF, DO, Turc 130, f. 17r–25v.

⁷³ BNF, DO, Supplément Turc 821. E. Blochet described this document as being “La copie, exécutée en pays arabe, vraisemblément en Égypte, du firman concédé par Sultan Mohammed Khan III (1003-1012 de l’hégire = 1595-1603), fils de Sultan Mourad Khan III, fils de Sultan Sélim Khan II, fils de Sultan Soleïman Khan II, fils de Sultan Bayezid Khan II, fils de Sultan Mahommed Khan II, fils de Sultan Mourad Khan II, sur les instances de l’ambassadeur de France, Savary de Brèves... L’original fut promulgué à Constantinople, dans la première décade du mois de Redjeb de l’année 1005 de l’hégire (18–27 février 1597); il a été traduit au Caire, sur les ordres du kadi ‘Abd el-Ra’ouf ibn Mohammed el-‘Arabi, dont le cachet a été imprimé sur la pièce, avec la date de l’année [9]97 de l’hégire (1588–1589). Neskhi, de l’extrême fin du XVIe siècle. Rouleau de 1,24 m sur 42 centimètres” (Blochet, *Catalogue*, II, 70). This is indeed confirmed by an Arabic text on the verso of document: *surât al-amr al-‘ilyyi al-sân wa al-‘ilyyi al-‘unwân ayyada-hu al-lâh subhâna-hu ilâ inqirâd al-zamân nuqilat (?naqaltu) ‘an-hu bi-gayr tagyîr bi-idn al-‘abd al-haqîr ‘Abd al-Ra’ûf b. Muhammad al-‘Arabî al-qâdî li-al-lâh al-‘izz (wa) al-nasr mahrûsa Misr ‘afâ ‘an-humâ*. Thanks to Brigitte Marino from CNRS for this transliteration.

⁷⁴ Bibliothèque d’Arsenal, Ms. 4767–4771, Tome I–V.

⁷⁵ BNF, DOccid, Ancien Fonds Français 3491, f. 83r–84r.

dans le Levant written by François Emmanuel Guignard, Comte de Saint-Priest, who was Ambassador of France at the Ottoman Court between 1768–1784.⁷⁶

In the copy made in Egypt is mentioned *Francisku Savary* (François Savary, Seigneur de Brèves) as being the French ambassador who had negotiated the text of 1597. The renewal of previous Imperial Charters was a common task of any French ambassador. Savary de Brèves stands out from those before him by negotiating and obtaining – in 1597 from Mehmed III and 1604 from Ahmed I – the inclusion of many new commercial privileges as a guarantee against the actual abuses of Ottoman provincial authorities. Being a time of friendly relations between France and the Ottoman Empire, the custom of treaty renewal on the occasion of a new sovereign's enthronement was observed by Sultan Mehmed III. New clauses on navigation, export of cereals, pirates of the North Africa and taxes were added.⁷⁷

The Imperial Charter of 1597 is actually the starting point of the legal and administrative sections of the *Manuscrit Turc 130*. The most legal opinions copied in the second section of this manuscript legitimated new clauses added to the 'ahdname of 1597. Also, many orders (*hüküms*) from the administrative section of the manuscript asked imperatively from the Ottoman local authorities to observe the stipulations of the French *Capitulation* granted in 1597.

Here are certain instances. First, it should be emphasized the Grand-Vizier's report (telhis) to Mehmed III concerning the new articles that would be added to the Imperial Charter of February 1597 (*Vezir a'zamın sa'adetlü padişâh hazretlerine etdüği telhisdir; 'ahdnâmeye ilhâk olunacak maddeler için; hatt-ı hümayûn nâme-i hümayûnuna katılsun; fait le 20eme fevrier 1597*).⁷⁸ On *evâhur-ı Zi'l-ka'de 1005/6–15.VII.1597*, Mehmed III commanded to the governor and defter of Egypt to respect all stipulations from the Imperial Charter granted to the King of France in February 1597 (*Mısır beylerbeyine ve defterdarına 'ahdnâme-i hümayunun cemi' şartların icra etmek için*).⁷⁹ More similar commands were sent from Constantinople to the governors, judges and soldiers of Tunis, Algiers and Tripoli of Libya on *evâhur-ı Safer 1006/2–11.X.1597*, asking them to observe the stipulations of the French 'ahdname, to abstain themselves from robbing and enslaving the French merchants and to set free the French captives. The content of this document is also expressed by short but explicit headline and final annotation: *Tunis beğlerbeğisine hüküm-ü 'ahdnâme ile 'amel olunmak için* (above: *Cezâyir ve Trablusa bu minval üzere hüküm verilmiştir. Au bacha de tunis pour la conservasion de la Capitulation le meme a été donne Au bacha d'argers & de tripoly écrit le 10me octobre 1597*).⁸⁰

⁷⁶ Saint-Priest, *Mémoires*, 398–410.

⁷⁷ Belin, 'Capitulations', 84-9; Inalcık, 'İmtiyazat', 1214.

⁷⁸ BNF, DO, Turc 130, f. 255v-r.

⁷⁹ BNF, DO, Turc 130, f. 241v.

⁸⁰ BNF, DO, Turc 130, f. 188r–187v. See, also, f. 189r–188v, 190r–189r, 200r–199v.

Capitulation of 1604. On *evâhür-i Zilhicce* 1012 / 20–29 May 1604, Ahmed I renewed the precedent French *'ahdname*. François Savary de Brèves, as ambassador to the Ottoman Court, had mediated the issuing of this document, which was usually done at the enthronement of a new sultan.

The Imperial Charter of 1604 was not included in the *Manuscrit Turc 130*, which is an evidence that the manuscript had been finished before 1604. Yet, it deserves special attention, considering its relevance for the French diplomacy and commerce in the Ottoman Mediterranean during François Savary de Brèves' mission at Constantinople.⁸¹

No Ottoman original is preserved in the public archives and libraries. Instead, more Ottoman copies and French translations were included in various manuscripts of the seventeenth and eighteenth centuries. The Ottoman text of this *'ahdnâme* was included in the edition of Ahmed Feridun Bey's *münşe'at* published in the nineteenth century.⁸²

This text became more famous than the precedent *Capitulations* because of its publishing in an Ottoman-French version by Savary de Brèves in 1615. Its title is *Articles du tracté fait en l'année mil six cens quatre, entre Henri le Grand Roy de France, & de Navarre, Et Sultan Amat Empereur des Turcs. Par l'entremise de Messire François Sauary, Seigneur de Breues, Conseiller du Roy en ses Conseil d'Estat & Priuè, lors Ambassadeur pour sa Maiesté à la Porte dudit Empereur.*⁸³ This Ottoman-French published version was bound in the famous manuscript *Traictez et ambassades de Turquie. Recueil de pièces relatives l'histoire des relations diplomatiques de la France avec le Levant. 1528–1640.*⁸⁴ Later, this edition was copied in a seventeenth-century manuscript, titled, like other similar manuscripts, *Recueil de pièces officielles et instruments diplomatiques*. The Ottoman title of this *Capitulation*, as it was given by the scribe, is *Fransa padişahı ile Al-i Osmân padişâhı mabeyinde munakib olan 'ahdnâme-i hümayun zikr olunur*. The date in the French translation is clearly given: *le 20 May 1604.*⁸⁵

⁸¹ The 1604 treaty was frequently copied in French manuscripts of the seventeenth century (Bibliothèque d'Arsenal, Ms. 4767–4771, *Traictez et ambassades de Turquie». Recueil de pièces relatives à l'histoire des relations diplomatiques de la France avec le Levant. 1528–1640, Tome I, f. 77–84).*

⁸² Feridun, *Münşe'at*, II, 400–405.

⁸³ À Paris: De l'Imprimerie des langues Orientales, Arabique, Turquesque, Persique, &c. Par Estienne Paulin, rue de Carmes, College des Lombards. MDCXV.

⁸⁴ Bibliothèque d'Arsenal, Ms. 4769 (Tome III), f. 299–322.

⁸⁵ BNF, DO, Supplément turc 123, f. 2r–25r. Blochet's note: "le texte des capitulations conclues par l'entremise de l'ambassadeur Savary de Brèves, entre le sultan Ahmed I^{er}, fils du sultan Mohammed III, fils du sultan Mourad III, et Henri IV, roi de France, la copie de cet instrument, qui est divisée en quarante-deux articles, est datée de Constantinople, de la dernière décade du mois de Zihidjdja de l'année 1022 de l'hégire (1–10 février 1614), mais il faut lire la date de 1012, les dix derniers jours de Zilhidjdja étant 20–29 mai 1604; les capitulations sont suivies d'une traduction en français" (Blochet, *Catalogue*, I, 222–223).

French translations of the 1604 *Capitulation* would be frequently included in seventeenth and eighteenth-century manuscripts. Under the title *Capitulation entre le grand roi Henri IV et le Sultan Ahmet I^{er}, empereur des Turcs. Mai 1604*, it was copied in the manuscript *Mémoires et documents divers: originaux et copies du XVI^e et du XVII^e siècles sur la période de 1520 à 1648*, preserved at the Archives du Ministère des Affaires Étrangères.⁸⁶ The only twenty-two articles added in 1604 to the precedent 'ahdname of 1597 were copied in a manuscript from the Bibliothèque Nationale du France, Division Occidentale. It is indicated that the French translation belongs to François Savary de Brèves (*Traduction faites par Moy Breves*): *Production des Articles que le Sieur de Brèves, Ambassadeur du Roy en Levant a fait Insérer dans les Capitulations et traitez de paix qui sont de longue memoire entre la Couronne de France et l'Empire Ottoman, maintenant renouvelés et jurés du sultan Amat*.⁸⁷ In other manuscript from the same library, the French translation is titled *Traduction de capitulation entre les Majestez de Henri III, empereur de France, et sultan Amat, empereur des mousulmans, à present regnant, renouvelée en l'année 1604 et augmentée de plusieurs articles très utiles et importantes aux sujets du roy trafficquans par cest empire, par le soin et diligence du Sr de Brèves, gentilhomme ordinaire de la chambre du roy, conseiller en son conseil d'Etat et son ambassadeur prez le Grand Seigneur*.⁸⁸ Considering the special significance of the 'ahdnames of 1604 and 1673 for the evolution of the French trade in the Ottoman dominions during the seventeenth century, the two texts are copied in a separate manuscript, where the document of 1604 is called *Traité du roy Henri le Grant avec l'empereur des Turcs, fait par l'entremise de monsieur de Brèves*.⁸⁹

The French translation of the Capitulation of 1604 was more times published, the earliest being the edition of 1619, under the title *Articles et capitulations faites entre le très-chrestien Roy de France et de Nauarre et l'Empereur de Turcs. Pour le bien et grand profit de toute la Chrestienté. Ensemble les beaux et grand Privileges donnez par toutes les terres de l'Empire Turc à la Nation Française*.⁹⁰

⁸⁶ This manuscript includes 54 documents on 422 folios (AMAE, Mémoires et Documents, Turquie, Tome 2, f. 152–164).

⁸⁷ *Recueil de lettres et de pièces originales* (BNF, DOccid, Ancien Fonds Français 3491, f. 85r–86r).

⁸⁸ *Recueil de copies de pièces, embrassant la période comprise entre Louis XI et Louis XIII*. Papier. XVII^e siècle (BNF, DOccid, Ancien Fonds Français 4014, in the last part, the ninth, of this manuscript).

⁸⁹ BNF, DOccid, Ancien Fonds Français 1914. Other French copy can be found in a manuscript of seventeenth century titled *Mélanges historiques*, where the document is called «Traité de paix et capitulation faite entre Acmet, empereur de Turcs, et Monsieur de Brèves» ambassadeur de Henri IV" (BN, DOccid, Nouvelle Acquisitions Françaises 21259, f. 162–186).

⁹⁰ Par l'entremise des Ambassadeurs de France, résidents à la Porte du grand Seigneur. A Paris: Chez Issac Menier, 1619. This edition was reprinted in Cimber, Danjou, *Archives curieuses*, I^{re} série, tome 15, Paris, 1837, 407–422. It was also included in the annexes of Saint-Priest's *Memoirs* (Saint-Priest, *Mémoires*, 420–430).

Historians have usually quoted the editions included in the anthologies of Ottoman peace agreement published by Gabriel Naradounghian and Ignace de Testa in the nineteenth century.⁹¹

In certain manuscripts and published versions mentioned above, the Imperial Charter of 1604 is followed by a text called ‘Notes on the certain stipulations from the precedent treaty’ (*Notes sur quelques Articles du precedent Traicté*). These explanatory notes show the real reasons for what François Savary de Brèves had asked the adding of new articles to the *Capitulation* of 1597 (*les causes qui m’ont obligé d’y faire adjouter tout plein de nouveaux Articles*). Being written by the French ambassador who had negotiated the obtaining of a new and augmented ‘*ahdname*, these notes are extremely significant for the Ottoman diplomacy and diplomatics in relation with the Westerners.

Ottoman manuscripts with copies of peace and commerce treaties granted to Christian sovereigns could be frequently found in archives and libraries. Astonishing to the *Manuscrit Turc 130* – and one can say this is the only manuscript structured in this manner, discovered up to now –, is the fact that the above-mentioned section of Imperial Charters (*‘ahdnames, Capitulations*) is continued by a special section of legal opinions (*fetva*), legitimating – from the point of view of Islamic-Ottoman law – the commercial privileges of Western merchants,⁹² and than by an administrative section (*hüküms, telhis, arz-u hals, nişan-ı hümayûn, nâme-i hümayûn, etc.*),⁹³ reflecting the practical aspects of the French trade in the Ottoman Mediterranean.

⁹¹ Gabriel Noradounghian, *Recueil d’actes internationaux de l’Empire Ottoman*, Vol. I: 1300–1789, Paris, 1897, I, 93–103; Testa, *Traité*s, I, 141–151.

⁹² BNF, DO, Turc 130, f. 26r–30v. Separate *fetvas* were transcribed on the folios 109r–111r, 276v. For this section, see Viorel Panait, *Western Merchants and Ottoman Law. The Legal Section of the Manuscrit Turc 130 from the Bibliothèque Nationale in Paris*. RESEE, XLV, 2007 (in print).

⁹³ We intend to write a book on the Western merchants in the Ottoman Mediterranean during the François Savary de Brèves’ time, having as a basic source the *Manuscrit Turc 130* from the Bibliothèque Nationale de France.