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XVIII. YÜZYIL SONUNA KADAR

OSMANLILAR VE AVRUPA
SEYAHAT, KARŞILAŞMA ve ETKİLEŞİM

THE OTTOMANS AND EUROPE
TRAVEL, ENCOUNTER AND INTERACTION

FROM THE EARLY CLASSICAL PERIOD
UNTIL THE END OF THE 18TH CENTURY

EDİTÖR
SEYFİ KENAN



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ÖNSÖZ / PREFACE

New York'taki Dünya Ticaret Merkezi'ne 11 Eylül 2001 sabahında yapılan korkunç saldırının gerçekliğini ve yakıcılığını çok geçmeden Brooklyn'de hissetmiş, şaşkın bir şekilde sonuçlarını izlemiştim. Ertesi gün şahit olduğum, aracımın üzerindeki yanıkla karışık toz kalıntısını unutamam. Bu saldırı, New York'ta tanıdığım, çalışıp para kazanarak iyi bir üniversite eğitimi almak için çaba harcayan ve o gün sabahın erken saatlerinde işine giden bir Türk ailesinin kızını, bu kulelerden birinin en üst katında yakalamıştı. Ondan geriye kalan, binaların çöküşünden birkaç dakika önce telefonda bir arkadaşına bıraktığı birkaç cümle olmuştu.

11 Eylül'ün dünya ölçeğindeki sosyal, askerî, siyasî ve psikolojik yansımaları, aradan yaklaşık on yıl geçmesine rağmen hâlâ devam etmekte; uzun bir süre de edeceğe benzemektedir. XXI. yüzyılın başlarında, âdeta yüzyıl öncesine ait medeniyetler çatışması söylemlerinin tekrar hortladığını gözlemlemek mümkün. Elinizdeki çalışmada, farklı coğrafyalardan gelen yazarlarla birlikte, bu bulanık söylemler girdabına yakalanmadan, Doğu ile Batı, özellikle de Osmanlı ve Avrupa'nın çatışma alanlarından ziyade bu iki dünyanın bir araya geldiği, konuştuğu, alış-veriş yaptığı alanlar incelendi.

Başka kültürlerle herhangi bir şekilde karşılaşmadan, tanışmadan, alış-veriş yapmadan ya da yüzleşmeden, yaşamını sürdüren bir kültür ve medeniyete rastlamak mümkün değildir dersek, sanırım abartmış olmayız. Her kültürün başka bir kültürle karşılaşma, değiş-tokuş yapma veya yüzleşme anları, deneyimleri bir şekilde teşekkül etmiştir ya da üretilmiştir. Sözelimi asırlarca varlığını muhafaza eden İpekyolu, Doğu-Batı arasında çok erken dönemden itibaren hem emtia alış-verişi, hem de kültürel irtibatın derinlik kazanmasını sağlayan bir iletişim ve etkileşim ağı oluşturmuştur. Benzer şekilde tarihte, İslâm dünyası ile Avrupa arasında

da bu anlamda bir etkileşim ağının varlığı dikkat çekmektedir. Bu etkileşim ağının genellikle iki güzergâh üzerinde gerçekleştiği söylenebilir. Birincisi VIII. yüzyılda İberik yarımadası ile hemen sonrasında Sicilya, ikincisi ise XIV. yüzyılda Balkanlar'dır.

Farklı kültürlerden ve uzmanlık alanlarından gelen yazarların katkılarıyla kurulan bu kitap, özellikle bu ikinci karşılaşmayı, Osmanlılar ile Avrupa arasında yaşanan ilişkileri geniş biçimde ele almayı hedeflemiştir. Bu çerçevede, yüzleşme ve savaşlardan daha çok Osmanlılar'la Avrupalılar'ın birbirini keşfetmeye, tanımaya çalıştıkları, alış-veriş, değiş-tokuş yaptıkları alanlar, birbirini tasavvur biçimleri ve kaynakları disiplinlerarası bir anlayışla incelenmiştir. Bu arada en azından bir bölüm halinde Osmanlı öncesine, ilk karşılaşma dönemine değinmenin de konunun devamlılığını göstermek açısından uygun olacağı düşünülmüştür. Buna göre elinizdeki çalışma, Osmanlı öncesi dönemden başlayıp "eski düzen"den "yeni düzen"e geçiş arayışlarının yaşandığı, bir başka ifadeyle erken modern dönemin sonuna denk düştüğü III. Selim devrinin (1789-1807) ortalarına kadar gelmektedir.

Hangi bakış açısıyla yazılmış olursa olsun Avrupa tarihi üzerine yazılan pek çok çalışmada, Osmanlılar'la yaşanan ilişkilerin büyük ölçüde ihmal edildiği söylenebilir. Bu ilişkilere değinenler ise onları daha çok aradaki savaflara veya doğrudan savaflarla ilgili kimi konulara hasreder. Oysa Avrupa tarihini yazmak aynı zamanda Osmanlı tarihini de yazmak demektir ve bunun tersi de doğrudur. Bu iki dünyayı birbirinden ayırıştırarak anlamak mümkün değildir. Bu kitapta yer alan makaleler siyasetten sanata, iktisattan eğitime pek çok alanda, hem Türkler'in Avrupa tarihi açısından, hem de Avrupalılar'ın Türk tarihi açısından önemli bir parçası olduğunu ortaya koymaktadır.

Bu çalışmanın Türkçe metinlerinin son düzeltmeleri dolayısıyla – beş altı yıldır İSAM tarafından çıkarılan birçok kitap gibi – Cengiz Şeker'e yürekten gelen bir teşekkür borcu var. Aynı şekilde, kitapta yer alan İngilizce metinlerin çoğunun dil düzeltisinde özverili yardımlarından dolayı Zeynep Jane Louise Kandur'a ve bu eserin ortaya çıkmasında başından sonuna kadar yardımlarını gördüğüm İSAM çalışanlarına teşekkür ederim. Türkiye'de farklı dünyalardan gelen yazarlarla ortaklaşa

çalışma yapmanın zorluğunun üstesinden gelmemde her zaman yanımda gördüğüm ve bazan sıkı eleştirilerinden çok şey öğrendiğim eşim Fatma Yıldız'a ve kızım Lâmia'ya ayrı birer teşekkür borçluyum.

Bu “önsöz”ü, doğru bilgi verme sorumluluğunu ve ilmin ciddiyetini bir kez daha ve de irkilerek fark ettiğim bir öğrenme ânımla bitirmek istiyorum. Altı yıldır bir yandan yürüttüğüm İSAM Yayınları için *Kuruluş Dönemi Osmanlı Sultanları* kitabını hazırlayan Halil İnalçık hocamız, bitme aşamasında olan eserin nüshaları son düzeltmeler için kendisine birkaç defa gidip gelmesi üzerine, bu trafiğin epey uzun sürdüğünü ifade ederek gecikmeden dolayı özür dilemişti. Ben de ne yapacağımı bilemez bir halde, özre gerek olmadığını söyleyerek hemen konuyu kitabın bir sonraki aşamasına getirmiştım. Öyle ya, 94 yaşına gelmiş bu büyük tarihçi, hâlâ yazıp çiziyor ve yazdıklarında eklenecek, üzerinde titizlenecek, düzelterek hususlar olduğunu belirtiyorsa, bize düşen tek şey takdir ve hayranlıkla onun “bitti” diyeceği zamanı beklemekten ibaretti. Bir telefon görüşmesi sırasında, titizliği için anlayış gösterilmesini tekrar rica edince, kendisine “Hocam, bu çalışma titizliğiniz bize de geçti, emin olun!” dedim. Gülmeye başladı ve “Çok güzel!... bak sana bir anımı anlatabayım” dedi. Paul Wittek’in bir defasında kendisine “Bizim, bir uçağı tasarlayan, inşa eden bir mühendisten, teknisyenden aşağı kalır bir yanımız var mı?” diye sormuş. Hoca da “Bence hayır... biz de aynı derecede önemli ve hayatî bir iş yapıyoruz.” diye cevap vermiş. Wittek’in sorusuna verdiği cevabı naklettikten sonra, “Bir uçak mühendisi, bir kanadı yanlış hesaplırsa, bir teknisyen bir vidayı yerine takmayı unutursa bu iş nasıl ölümcül bir sonuç ortaya çıkarır bilirsin. Aynı şekilde bir eserde verilen yanlış bir bilgi de insanların zihinlerinde o kadar yanlış ve hayatî derecede tehlikeli sonuçlar doğurabilecek durumlar ortaya çıkarabilir, gerisini sen düşün artık!” diyerek sözlerini tamamladı.

Elinizdeki çalışma, gösterilen titizliğe rağmen hâlâ insanları gülümsetecek kimi yanlışlar içerebilirse de umarım ciddi hatalardan arınmıştır.

Seyfi Kenan
Üsküdar, 2010

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

VIOREL PANAITE*

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, one of France's main and earliest trading ports in the Levant. He remained in this office for three years.¹ In addition to diplomatic duties, the two above-mentioned men were preoccupied by intellectual pursuits. Both of them belonged 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, consisting of 278 folios, which is preserved at the Bibliothèque Nationale in Paris, Division Orientale (BNF, DO Turc 130).² On folio 1 recto, one

* Prof. Dr., University of Bucharest.

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

2 This has a Turkish binding, with gold coloured, embossed leather, measuring 21,5 x 16 cm. The manuscript was presented briefly in: E. Blochet, *Catalogue des Manuscrits Turcs de la Bibliothèque Nationale*, Tome I: *Ancien Fonds*, Paris: Bibliothèque Nationale, 1932, p. 53-54; *Vers l'Orient* (ed. Annie Berthier – Francis Richard), Paris: Bibliothèque Nationale, 1983, p. 39; *Sources de l'Histoire du*

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 characteristics of this manuscript make it a precious source for studying the Ottoman Mediterranean in the late sixteenth and early seventeenth century.

First, the large spectrum of documents concerning the same topic, i.e. Western trade in the Mediterranean, signed by various Ottoman dignitaries should be indicated. The manuscript contains around 250 documents, issued from different chanceries in Istanbul: Imperial Charters, lettres-patentes, Imperial orders and letters (*nâme-ı hümayûn*), reports of the grand vizier and the *fatwa* (legal opinions) of the grand mufti, letters from Ottoman high officials (such as *defterdar-başı*, *yeniçeri agası* etc.), translations of King Henri IV’s letters, petitions from ambassadors to the Ottoman government etc. Thus, we have at our disposal a sufficient documentary base to draw a comprehensive picture of 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 period after 1620 than for preceding periods. But this manuscript enlightens the last decade of the sixteenth and the first years of the seventeenth century with documentary evidence. Other than some Imperial letters that were sent to French kings before 1595, and a few important documents from the fifteenth and sixteenth centuries, most documents were written between 1596 and 1602.³ Consequently, from a chronological point of view, this manuscript puts at our disposal a great number of documents, issued over a very short period of time, which is a necessary premise for formulating hypotheses and for arriving at correct conclusions.

Proche-Orient et de l’Afrique du nord dans les archives et bibliothèques françaises II: Bibliothèque Nationale, München-New York-London-Paris: K. G. Saur, 1984, p. 318-319 (by Annie Berthier).

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-ı Receb 1010*).

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

The Diplomatic Section of the Manuscrit Turc 130.

‘Ahdnâmes (Capitulations)

An imperial charter (*‘ahdnâme-ı hümayûn*) was the formula used in the Ottoman chancery until the nineteenth century to refer to all peace agreements by which the Porte regulated its peaceful relations, alliances, international trade and the condition of foreigners (now called 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 document which confirmed in writing the granting of “protection” (*aman*), and the existence of a “contractual pact” (*‘ahd*, *‘akd*, *‘akd-ı ‘ahd*,

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 (RESEE)*, XLII/1-4 (2004), p. 117-132.

5 J. Schacht, “Ahd”, *Encyclopédie de l’Islam (EI²)*, nouvelle édition, Paris - Leiden: E. J. Brill, I-X, 1960-99, I, 263; M. Fayda – M. s. Kütükoğlu, “Ahidnâme”, *Türkiye Diyanet Vakfı İslâm Ansiklopedisi (DİA)*, İstanbul, 1988, I, 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, p. 88, n. 35).

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

In addition to 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'ahedesî*), for referring to truces, peaces and treaties with European powers, like the Habsburg Empire or Russia; the entire manuscripts which brought together such peace agreements were also referred to by these titles.¹¹ According to Susan Skilliter, an *'ahdnâme* was a “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”. Skilliter quotes as evidence the French ambassador, Gilles de Noailles, the 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

6 Halil İnalçık, “İmtiyâzât”, *Eİ²*, III, 1208. There were *'ahdnâmes* issued for naming dignitaries or successors (Schacht, “Ahd”, I, 263; Zarif Ongun, “Şehzade Ahmed'in Yayalara Verdiği Ahitnâme”, *Tarih Vesikaları*, II/9 [1942], p. 166-167).

7 In the 1604 *'ahdnâme* to France (Ahmed Feridun Bey, *Mecmûa-ı Münşeâtü's-selâtîn*, İstanbul 1264-65 / 1848-49, 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, p. 246).

8 The manuscript *'Ahd-nâme sûretleri* was a collection of the peace agreements between 1673-1733/1084-1146 (Topkapı Palace Museum Library [TSMK], H. 1636).

9 Since the 15th century, the word *sulh* generally designates a peace concluded with any foreign state (TSMK, R. 1325: *risâle* on the conclusion of peace (*sulh*) with Habsburg Empire and Russia in 1739); TSMK, E.H. 1438: Rusya ile *sulh*).

10 TSMK, 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 (TSMK, R. 1311) or the manuscripts *Suver-ı mekâtib-ı musalaha Nemçe* and *Esnâyî musalahada tevârüd eden mekâtib* also included the treaty of Passarowitz (Pasarofça) of 1131/1719 (TSMK, R. 1946, R. 1953).

volontaire et non traicté de prince à prince, ny confirmée d'un costé et d'autre pour estre réciproquement obligatoire".¹²

The Ottoman texts of *'ahdnâmes* included a succession of peace and trade "conditions" (sing. *şart*; pl. *şartlar*, *şurut*, *şera'it*) or "problems" (*hususlar*). The beginnings of the articles were marked by the conjunction "and" (*ve*) until the end of the seventeenth century, when the articles started to be numbered as with Western chanceries. The *'ahdnâmes* granted by sultans as treaties were referred to with an autochthonous concept by the Europeans, i.e. *capitulations*. *Capitulations* is a term that can lead to confusion; the root of the word *Capitulations* originates from the root *caput* or *capitulum* (pl. *capitula*), which in Latin means chapter or paragraph.¹³ The medieval chanceries issued many internal or external documents (*Capitularium*, *Capitulatio*) that shared the common feature of being set out in chapters. Therefore, the peace agreements were known as *Capitulations* in Western Europe only due to this arrangement into articles, and for no other reason.¹⁴ As argument, one can invoke

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..., 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*, Paris 1848-60, III, 696; s. Skilliter, *William Harborne and the Trade with Turkey. 1578-1582. A Documentary Study of the First Anglo-Ottoman Relations*, London: Oxford University Press, 1979, p. 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), p. 9; Ignace de Testa, *Recueil des traités de la Porte Ottomane avec les puissances étrangères*, Paris 1864, I, 6, n. 3; G. Pélassié du Rausas, *Le régime des capitulations dans l'Empire Ottoman*, 1^{er} édition, Paris 1902-1905, I, 1, n. 1; N. Sousa, *The Capitulatory Regime of Turkey. Its History, Origin and Nature*, Baltimore 1933, p. 3; Z.Y. Hershlag, *Introduction to the Modern Economic History of the Middle East*, Leiden 1980, p. 44. Of course, words of the same are the Italian words *capitolo* (pl. *capitoli*), *capitolare*, *capitolato* or the French *chapitre*, *chapitrer*.

14 In addition *pactum* (in Italian *patto*, in French *pacte*). For details, see Belin, *Capitulations*, p. 7-17 (Chapitre I^{er}: Sens et signification du terme capitulations; son correspondant dans les chancelleries orientales). For example, the Byzantine-Genoese treaty of 1304 and that concluded between Venice and Cyprus in 1328 were referred to as *capitula*. These terms can be found also in Latin, French and Italian versions of 11th -14th century peace and commerce treaties between Christian states or cities and Muslim North African princes. In 1186, "capitoli

that in sixteenth and seventeenth-century Western translations of ‘*ahdnâmes*, the two words were considered to have the same meaning. 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 realizes that the formula ‘*ahdnâme-ı hümayûn* was translated as *Imperiale Capitulazione*, while the entire document is entitled *Capitoli dati alla Regina d’Inghiltera*.¹⁵ Likewise, the Latin term *capitulationes*, the French *capitulations*, the Italian *capitulazione*, the German *capitulation* etc. were Western terms used in translations of ‘*ahdnâmes* granted to France,¹⁶ Poland,¹⁷ the Habsburg Empire,¹⁸ or Russia.¹⁹ Translating the Ottoman texts, the Europeans organized their contents by articles or chapters (which, as stated above, were referred to as *capitula* in Latin, *capitoli*, *capituli* in Italian, *chapitres*, *articles* in French, and *articles* in English). As any document divided into chapters in the Western chancery could be called a *capitulation*, the same label was therefore applied

della pace” were negotiated and established between Pisa and Tunis. All these treaties were divided into “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*, p. 86-89, 232-239.

16 They were included in 17th and 18th-century French miscellanies. For example, *Recueil de pièces officiels folio 2 recto, comprenant les capitulations* (‘*ahdnâme-ı şerif*)... (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, *Suppl.*, 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 Polonnois”, “les Capitulations de Pologne” (*Hurmuzaki*, *Suppl.*, 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 dated 16 March 1614 (*Hurmuzaki*, IV/1, doc. CCCCLXIV).

19 “*capitulationes*”, on Ottoman-Russian treaty of 1711, in a Latin translation of a firman from Ahmed III (*Hurmuzaki*, VI, doc. LVII).

to the Ottoman *'ahdnâmes*.²⁰ There were also other meanings of the concept *capitulation* or its plural *capitulations*, a term also adopted by the Ottomans (*Kapitülasyonlar*),²¹ e.g. the system of privileges granted to foreign merchants in the Ottoman Empire,²² or a special treaty which regulated the position of foreigners inside the empire (beginning from 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 originated when defining official documents from the fif-

20 For other opinions, see: I. de Testa states that *Capitulations* had been used in European diplomacy for calling treaties proper (“bilateral documents”), and could not be applied 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 granted commercial privileges to English merchants a “diploma (*berât*) incorporating the privileges” or “Imperial treaty letter” (Skilliter, *Harborne*, p. 86-89, 232-239).

21 By “capitulation” we can also understand an agreement between two enemies which stipulated that one would surrender to another. In Italian, *capitolare* means “to submit” and *capitolazione*, “surrender”. Understanding the word from this perspective, certain scholars have defined *Capitulations* as documents that confirm that the sultans were forced by Western powers to give up certain sovereign rights (J. T. Shotwell, “A Short History of the Question of Constantinople and the Straits”, *International Conciliation* (New York), 180, November 1922, p. 481-482; A. d’Arl, “Protection des Chrétiens dans le Levant (I), in *Revue d’histoire diplomatique* (Paris), XIV, 1900, 536).

22 Sousa, *Capitulatory Regime*, p. 2, n. 5; *Dictionar diplomatic*, București 1976, p. 167; İnalçık, “İmtiyâzât”, III, 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, p. 123; Sousa, *Capitulatory Regime*, p. 3; H.J. Liebesny, “The Development of Western Judicial Privileges”, *Law in the Middle East* (ed. M. Khadduri – H. J. Liebesny), Washington 1955, p. 314; Reşat Ekrem, *Osmanlı Muahedeleri ve Kapitülasyonlar (1300-1920) ve Lozan Muahedesi (24 Temmuz 1923)*, İstanbul 1934, p. 402.

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

25 traités bilatéraux, conventions synallagmatiques (J.C.Aristide Gavillot, *Essai sur les droits des Européens en Turquie et en Égypte: Les capitulations et la réforme judiciaire*, Paris: E. Dentu, 1875, p. 7-9).

teenth to seventeenth centuries by modern juridical criteria or ignoring the 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 entire system of the capitulatory regime. Moreover, sometimes the notions of “unilateral” and “bilateral” have been outlined by inconsistent criteria.

Al-Kalkaşandî, a famous scholar with experience gained in the Mamluk chancery, classified the peace agreements according to their structure in two categories: a) unilateral agreements were those granted directly by a Muslim chancery, without attendance of another ruler, and were accepted as a favor from the Muslim sovereign; b) bilateral agreements were those elaborated in writing by both contractors. In the former case, the agreement sometimes included the Muslim sovereign’s oath, taken after the non-Muslim ruler had sworn an oath on reception of the text of the pact. In the latter, the agreement appears as an *instrumentum reciprocum*, with the oaths of both rulers being added to the negotiated text.²⁶ In the chapters dedicated to *muvâda‘a*, a term which has been translated as “reciprocal truce” by Muhammad Hamidullah, the famous jurists ash-Shaybanî and as-Sarakhsî were recorded as being “two contractors.”²⁷ The attribute “unilateral” characterized the *‘ahdnâmes* with commercial privileges, both in terms of form and content. According to James Porter, the documents regulating the legal condition of English trade and merchants were only favors granted by the Porte without any reciprocity from Great Britain.²⁸ He considered the notions *capitulation* and “treaty” as antonyms, a conception that was common in

26 John Wansbrough, “The Safe-Conduct in the Muslim Chancery Practice”, *BSOAS*, XXXIV/1 (1971), p. 25; Marius Canard, “Un traité entre Byzance et l’Egypte au XIIIe siècle et les relations de Michel Paléologue avec les sultans mamluks Baibers et Qalâ’un” *Mélanges Gaudefroy-Demombynes*, Le Caire 1937, p. 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), Ankara 1989-91, III, 305-334.

28 James Porter, *Observations. The State of the Turkey Trade from its Origin to the Present Time*, London: Printed for J. Nourse, 1771, p. 362.

the eighteenth century, when the term *capitulations* was applied more in the field of trade and merchants.

In my view, the form and contents of the imperial charters were dependent, actually, on historical and geographical conditions.

In an *'ahdnâme*, the sultan was the only person who acknowledged the result of negotiations with the formula “let it be known” (*ma'lum ola ki*),²⁹ ordering the “clauses” of peace and trade agreements with the formula the “illustrious sign commands” (*nişan-ı şerifi... hükmü oldur ki*).³⁰ For instance, in all *'ahdnâmes* which confirmed the establishment of peaceful relations with Poland in the sixteenth and seventeenth centuries, the sultan of the time would announce - 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 diplomacy, characterized a document that had been issued by a sovereign as being unilateral. The Italian or Latin translations of these texts prove the existence of a specific Western view that is contrary to the Ottoman one. The Ottoman – Venetian treaties of the first half of the fifteenth century, preserved in Italian and 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 were referred to thus in Italian, Latin and French translations or in other documents: for example, *Capitulazione*

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 *'ahdnâmes* of 1503, 1513, 1517, 1521, 1540 (M. Tayyib Gökbilgin, “Venedik Devlet Arşivindeki Vesikalar Külliyyatında Kanunî Sultan Devri Belgeleri”, *TTK Belgeler*, I/2 (1964), p. 121; M.Tayyib Gökbilgin, “Venedik Devlet Arşivindeki Türkçe Belgeler Koleksiyonu ve Bizimle İlgili Diğer Belgeler”, *TTK Belgeler*, V-VIII/9-12 [1968-71], 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), p. 375-376.

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*, the sultan affirmed that the respective peace had been concluded between the two contractors. In the 1483 Ottoman-Hungarian peace agreement, Bayezid II spoke of 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 titles or with certain notes that were written at the top of the copied text.

In relation to contents, certain *'ahdnâmes* were considered by historians and jurists to be “bilateral peace-settlements” if they included clauses formulated in a counterpart manner, sometimes referred to as “conditional privileges” or “reciprocal rights.”³⁵ These kind of articles in particular were stipulated in the *'ahdnâmes* that were granted to states of the frontier zone, e.g. Venice, Hungary, Poland, the Habsburg Empire, Russia etc.

Taking into consideration the diplomatic form of the Ottoman texts and their translations that are in keeping with 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.

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

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

35 For the Ottoman-Venetian treaties from 1419 to 1454 (Ménage, “Capitulation”, p. 375). J. A. Gavillot used the formula *paix réciproque* for the Ottoman-Venetian treaty of 1454 (Gavillot, *Capitulations*, p. 16-17); Liebesny, *Privileges*, p. 311; Shotwell, “The Strait”, p. 483.

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, ser. 2, tom XXXVI [1913], p. 3-4).

Such capitulations formed the main legal base for the relationship between Western representatives and the Ottoman authorities. It is for this reason that a manuscript which was to defend the rights of the French merchants in the Ottoman Mediterranean, as conceived by the French ambassador at the Ottoman Court, began with copies of Imperial Charters (*'ahdnâme-1 hümâyûn*, *'ahdnâme-1 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. These consist of the *'ahdnâme* granted by Sultan Selim II to King Charles IX in 977/1569, the *'ahdnâme* granted by Sultan Murad III to King Henri III in 989/1581 and the *'ahdnâme* granted by Sultan Mehmed III to King Henri IV in 1005/1597.³⁸ Together, they form what I call 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-1 hümâyûn*) copied in the diplomatic section of the *Manuscrit Turc 130* was granted by Sultan Selim II to King Charles IX in *evâ'il-1 Cemazi'ül-evvel 977 / 12-21 October 1569*. Outside of the text the copyist, who may have been Savary de Brèves himself, added the following explanatory note: "this is the Charter of Sultan Selim" (*Sultan Selim 'ahdname-sidir*).³⁹

The Ottoman original of this text cannot be found. In addition to the above-mentioned copy, another one has been preserved for a long time at the British Museum.⁴⁰

37 Usually, the French manuscripts that comprised information on treaties with embassies to the Ottoman Empire also included the texts of 1528 and 1536. For instance, the manuscript *Traictez 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)

French translations of this Imperial Charter can be found in many manuscripts that contain diplomatic documents compiled throughout the seventeenth and eighteenth centuries. For instance, the charter was copied in a special section of a sixteenth-century manuscript compiled by Sebastien Juyé, 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*. Every document is preceded by an *advertissement* which explains the causes and purpose of its being issued. In this manuscript, the 1569 *Capitulation* is called the *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 French merchants in Ottoman dominions, the Ottoman text was translated into French by Domenico Oliverisy (Domenique Oliveriy) and published in 1570 under the title of *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 païs et mers de Levant*.⁴²

41 The copist added in black ink “qui est 35 ans apres la premier traitté” (Regeste de mes despesches faictes en ma charge de residant pour les affaires et service du Roy prs 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 faite à l'original estant en langue arabicque, signé dudit Grand Seigneur, par Domenico Oliverisy, soubssigné, trouchement et interprète du Roy en ladicte langue. Ainsi signé, Domenico Oliverisy” (re-printed edition in L.Cimber – F. Danjou, *Archives curieuses de l'histoire de France depuis Louis XI jusqu'à Louis XVIII*, Ire série, Paris: Beauvais, 1835, VI, 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).

Dominique Olivery's translation became the standard copy of the 1569 *Capitulation* that was included in seventeenth and eighteenth-century French manuscripts. For instance, one copy can be found in a seventeenth-century anthology of Ottoman treaties, entitled *Traictez faicts 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 suggests the bilateral character of this document with the formula 'a 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, and headed them with a phrase recognizing that Selim III had granted them in an unilateral manner: *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 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

43 At the end of the text one can find the date and the note: "Traduction faicte à l'original estant en langue arabicque, signé dudit Grand Seigneur, par Domenico Olivery, soubssigné, trouchement et interprète du Roy en ladicte langue. Ainsi signé, Dominique Olivery" (BNF, DOccid, Ancien Fonds Français 16141, f. 47v-58r). A similar version can be found at Bibliothèque d'Arsenal, entitled *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 entitled *Traité entre le sultan et G.S. Sélim II et Charles IX, roi des Français, par l'entremise de Claude*

More titles for the same text actually illustrate the dilemma over the diplomatic character of the document in 1569. Sébastien Juyé, the French resident at the Porte from 1578-1579, characterized the text of 1569 as being a 'safe-conduct in form of a capitulation' (*sauf-conduit en forme de capitulation*).⁴⁴ Susan Skilliter quotes 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 in the 1560s and 1570s culminated in the war of 1569-1573; these relations accelerated the process of the French occupying the Venetian position in commerce, both within and without the Ottoman dominions.⁴⁶ King Charles IX's made a complaint about the confiscation of merchandise from a French ship by local Ottoman authorities in Alexandria. Selim II ordered an inquiry that proved that the French king was right. Consequently, the sultan commanded that no abuse be committed against French merchants. This episode has been exaggerated by historians as the reason for the granting of a *capitulation* in 1569.⁴⁷

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*, p. 3, n. 11. See also Le Comte de Saint – Priest, *Mémoires sur l'ambassade de France en Turquie et sur le Commerce des Français dans le Levant, 1525-1770* (ed. Charles Shaffer), Paris 1877, p. 19.

45 Skilliter, *Harborne*, p. 2-3.

46 İnalçık, "İmtiyâzât", III, 1212; Joseph Billioud, "Capitulations et histoire du commerce. À propos de l'étude de M. Gaston Zeller", *Revue d'Histoire Moderne et Contemporaine*, II (1955), p. 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."

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

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 du Bourg arrived in Constantinople in July 1569 with the mission to negotiate and obtain an official document similar to those granted to Venice, including commercial privileges for French merchants in Ottoman dominions.⁵⁰ Four months after his arrival at the Porte, du Bourg would succeed in obtaining the desired document. The French-Ottoman negotiations were accompanied by an official correspondence between the two sovereigns, of which some letters – such as the sultan’s letter of *evasit-ı Rebi’ ül-ahır* 976 (1568, October 11-20) – are still preserved.⁵¹

Historians and jurists, such as E. Charrière, G. Péliissié du Rausas, N. Sousa, Marcel Emerit, A.L. Horniker, who considered the treaty-project of 1536 to be actual, evaluated the document of 1569 as a renewal of

48 Between 1569-1571, La Triquerie became as chargé d’affaires for the interim, until François de Noailles’s arrival in Constantinople (Saint-Priest, *Mémoires*, p. 190-193; J. L. Bacqué-Grammont – s. Kunalalp – F. Hitzel, *Représentants permanents de la France en Turquie*, Istanbul: İsis Yayınları, 1991, p. 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 and treasurer. Being an intriguer, he had already tried to be appointed as ambassador at Constantinople in the place of Antoine de Pétremol (1561-1566). For this purpose, he even obtained instructions from Catherine de Médicis. He was accused of falsifying documents by the king (Saint-Priest, *Mémoires*, p. 190-193; H. de Bourg, “Mission diplomatique de Claude du Bourg,” *Revue d’histoire diplomatique*, Paris 1895, p. 186-224; Susan s. Skilliter, “Catherine de’ Medici’s Turkish Ladies-in-Waiting. A Dilemma in Franco-Ottoman Diplomatic Relations,” *Turcica*, VII [1975], p. 188-204; Michel Lesure, “Les relations franco-ottomanes à l’épreuve des guerres de religion [1560-1594],” *L’Empire ottoman, la République de Turquie et la France* [ed. Hâmit Batu – Jean-Louis Bacqué-Grammont], *Varia Turcica*, III (1986), p. 37-57; Bacqué-Grammont – Kunalalp – Hitzel, *Représentants permanents de la France en Turquie*, p. 11-12).

50 Saint-Priest, *Mémoires*, p. 191-192.

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

the earlier Ottoman-French peace agreement that had been concluded between François I and Süleyman the Magnificent.⁵²

Other historians, such as Nicolae Iorga, Gaston Zeller, Niels Steensgaard, Susan Skilliter and Halil İnalcık, consider this text to be the first authentic Imperial Charter with commercial privileges that was granted to France. Moreover, according to Halil İnalcık, this was the first time that a Western power benefited from the same level of commercial privileges as those that had been granted to Venice in the Ottoman dominions.⁵³ During a discussion 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 later 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 concludes 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

52 For instance: Arthur Leon Horniker, “William Harborne and the Beginning of Anglo-Turkish Diplomatic and Commercial Relations”, *The Journal of Modern History*, XIV/3 (1942), p. 289-316; H. du Bourg, “Missions diplomatiques de Claude du Bourg”, *Revue d’histoire diplomatique*, neuvième année (1895), p. 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), p. 127-132, in *Annales*, I (1964), p. 302-303.

53 “The first authentic Franco-Ottoman capitulations are those of 18 October 1569” (Halil İnalcık, *The Ottoman Empire. The Classical Age. 1300-1600* (Translated by Norman Itzkowitz – Colin Imber), London: Weidenfeld and Nicolson, 1973, p. 137).

54 Niels Steensgaard stated that Horniker was “apparently ...not aware of the existence of the French capitulations of 1569,” in his article about 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], p. 13-55).

We can conclude that the document of 1569 is the first authentic capitulation granted to a French king. In this respect, other evidence could be the famous missing text of 1536 - considered for long time to be the 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, un-ratified by Sultan Süleyman the Magnificent. Indeed, King François I of France wanted to obtain more advantageous commercial privileges for the French merchants in the Levant than those granted by the *Capitulation* of 1528. In this respect, he sent Jean de la Forêt to negotiate an actual commercial treaty with Grand Vizier Ibrahim Pasha. Unfortunately, the grand vizier was executed in March 1536, and the negotiated document could not be submitted for the ratification of the sultan. Rincon's letters from Constantinople proved – according to Halil İnalcık– 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 in Ottoman trade. The presence of French merchants extended beyond towns from Egypt and the Maghreb to other commercial centers in Anatolia and Syria. The Aegean Sea became safer and did not need to be avoided by French vessels any longer.⁵⁶

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

55 Charrière, *Négociations*, I, 293-294, art. 17, 389, 396-397, 423-424; İnalcık, “İmtiyâzât”, III, 1213.

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”, p. 130-131).

57 BNF, DO Turc 130, f. 9r-16v. The date is different in another Ottoman copy that is preserved in a contemporary document-collection: *evâ'il-ı Şevvâl* 989 / 29 Oct – 7 Nov 1581 in Istanbul, Süleymaniye Library, Esad Ef., Ms. 3345. Susan Skilliter strangely adopted the date of the contemporary French translation

This document is considered to be the second *Capitulation* granted to France by historians who evidently reject the validity of the 1536 text. Yet, let us remember that Murad III was enthroned in 1574, and a gap of seven years, until 1581, is a little too long if we take into consideration the custom of renewing a treaty on the occasion of the enthronement of new sultans or kings. According to this tradition, Murad III should have renewed 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 a new *'ahdname* first in 1574 and then again in 1581.⁵⁸

If the *Capitulation* of 1569 has been largely analyzed by historians in connection with the treaty-project of 1536, the French capitulation of 1581 has been discussed in relation to the advance of the English merchants on the Levantine commerce and analyzed in comparison with the English capitulation of 1580. An intensive correspondence took place between the French king and the Ottoman sultan⁵⁹ when an Imperial Charter was granted to England in 1580. Through the diplomatic efforts of William Harborne, the first English ambassador to the Porte, England obtained the Imperial Charter in *evâ'il-1 Rebi ül-ahır* 988 / 16-25 May 1580 from Murad III. It was a charter (*berât-1 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 trade”⁶⁰. This capitulation also

preserved by de Germigny, respectively, *evâ'il-1 Cemazi'ül-ahır* 989 / 3-12 July 1581 (Skilliter, *Harborne*, p. 273-274).

58 Bibliothèque d'Arsenal, Ms. 4767-4771, Tome III, fol. 211-3.

59 Murad III's letter to Henri III, from *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*, p. 119-123, 249-251)

60 Horniker incorrectly indicated the year 1583 for this *Capitulation* (Horniker, “William Harborne”, p. 289-316). For text and comments see: Akdes Nimet Kurat, *Türk-İngiliz Münasabetlerinin Başlangıcı ve Gelişmesi (1553-1610)*, Ankara: Ankara Üniversitesi Dil ve Tarih-Coğrafya Fakültesi Yayınları, 1953, p. 182-186;

included the right for the English to navigate under their own colors.⁶¹ From the perspective of 1598, Jacques de Coquerel, the French consul of Cairo, wrote: ‘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 was not pleased with the freedom granted to the English and other Western merchants, and took diplomatic action. In this period, the French ambassador at Constantinople was Jacques Germigny, Baron de Germales (1579-1584).⁶³ He was able to renew the Imperial Charter of 1569, to which were added other articles concerning French trade and merchants in Ottoman dominions. The usual procedure implied searching for and carefully reading the earlier Imperial Charter of 1569, and the Imperial orders (*hüküms*) concerning French affairs which had been sent to Ottoman local authorities between 1569 and 1581. In this way, articles reflecting new practical circumstances that had arisen in relation to French trade and merchants in the Ottoman Mediterranean could be added to the earlier capitulation. Thus, a new capitulation was created. Germigny’s report of 10 June 1581 is relevant here: *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 touttesfoys, et ont promis (les pachas) de renouveler les modernes, qui sont ja minutees, avec aultres articles advantageous pour vostre service.*⁶⁴ In the

Necmi Ülker, “XVII. Yüzyılın İkinci Yarısında İzmir’deki İngiliz Tüccarına Dair Ticârî Problemlerle İlgili Belgeler”, *TTK Belgeler*, XIV/18 (1989-92), p. 306-308; Skilliter, *Harborne*, p. 86-89, 232-239 (English translation, Ottoman text, Contemporary Italian translation).

61 Skilliter, *Harborne*, p. 86-89, 232-236; İ. H. Uzunçarşılı, “On Dokuzuncu Asır Başlarına Kadar Türk-İngiliz Münâsebâtına Dair Vesikalar”, *TTK Belleten*, XIII/51 (1949), p. 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*, Paris: E. Plon, Nourrit et cie, 1910, IV, 364, n. 2).

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

64 BNF, DOccid, Fr. 16143, f. 125v; Charrière, *Négociations*, IV, 55, note 1; J.-P. Laurent, “Les articles franco-ottomans de février 1536: la transmission de leur texte,

French translation of the Imperial letter that accompanied 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 in response to the 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 dated 20 July 1581, Germigny informed the king that he had obtained two originals, contrary to the custom that only one original would be given. One of these originals was to be dispatched to the king, while the other would be preserved at the French embassy in Constantinople. The reason was clearly stated as: *pour ne retomber en l'inconvenient des precedentes cappitulations de Sultan Soliman qui ne se retrouvent*.⁶⁶ Yet, no original has been found. Rather, more Ottoman copies have been preserved. As I have already said, one of these was included in the *Manuscrit Turc 130*.⁶⁷

The French translation of the *'ahdname* of 1581 was copied again in seventeenth and eighteenth-century manuscripts, frequently being referred to as “Confirmation made by 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

leur caractère”, *Ordonnances des rois de France, Règne de François Ier, Tome huitième. Appendices, Index et Tables, 1536-1537*, Paris: Imprimerie Nationale, 1972, p. 548.

65 *Hurmuzaki*, Suppl. I/I, doc. CXII, CXXIV.

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

67 BNF, DO, Turc 130, f. 9r-16v.

68 *Mémoires et documents divers: originaux et copies du XVIe et du XVIIe 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, this text 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 banriere de France* (BNF, DOccid, Ancien Fonds Français

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 named: the Genoese, English, Portuguese, Spaniards, Catalans, Sicilians, Anconitans and Ragusans (*Ceneviz ve İngiltere ve Portokal ve Ispâniye ve Katâlan tâcirleri ve Ankona ve Dubrovnik*).⁷¹

Capitulation of 1597. The third French Imperial charter (*‘ahdnâme-i hümayûn*) copied in the diplomatic section of the *Manuscrit Turc 130* was granted by Sultan Mehmed III to King Henri IV on *evâ‘il-ı Receb 1005 / 18-27 February 1597*. On the outside of the text, one can read the following explanatory note: “this is a copy of the Imperial Charter granted by His Excellency, Sultan Mehmed Khan” (*Sultan Mehmed Han hazretlerinden inâyet olunan ‘ahdnâme-i hümayûn suretidir*).⁷²

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

3954, f. 185r-193v). It was included in the appendices of Saint-Priest’s *Memoirs*; Saint-Priest was ambassador of France at the Ottoman Court between 1768-1784 (Saint-Priest, *Mémoires*, p. 381-392).

70 Bibliothèque d’Arsenal, Ms. 4767-4771, tome I, f. 36-39.

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

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),

The Imperial Charter of 1597 has been unfairly ignored by those who compile manuscripts about 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 several manuscripts of the charter preserved at the Bibliothèque Nationale, Division Occidentale in Paris. In the manuscript *Recueil de lettres et de pièces originales*, François Savary clearly indicates that he is the author of this translation (*Traduict par Moy Breves*), and only the twelve articles that had been added to the earlier Imperial Charter of 1581 have been translated. The text is entitled *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 preceding and subsequent capitulations that were granted to France, in the appendixes of *Mémoires sur l'ambassade de France en Turquie et sur le commerce des Français dans le Levant*, which was written by François Emmanuel Guignard, the Comte de Saint-Priest and the ambassador of France at the Ottoman Court between 1768-1784.⁷⁶

fils de Sultan Mourad Khan III, fils de Sultan Sélim Khan II, fils de Sultan Soléïman 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*. I would like to thank 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.

76 Saint-Priest, *Mémoires*, p. 398-410.

In the copy made in Egypt *Francisku Savary* (François Savary, Seigneur de Brèves) is mentioned as the French ambassador who negotiated the text in 1597. The renewal of previous Imperial Charters was a common task for any French ambassador. Savary de Brèves stands out from those who came before him for negotiating and obtaining the inclusion of many new commercial privileges as a guarantee against actual abuses by Ottoman provincial authorities; the first was obtained from Mehmed III in 1597 and the second from Ahmed I in 1604. 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, the export of cereals, pirates from 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 legal opinions that were copied in the second section of this manuscript legitimized the addition of new clauses to the *'ahdname* in 1597. Also, many orders (*hüküms*) in the administrative section of the manuscript require the Ottoman local authorities to observe the stipulations of the French capitulation that was granted in 1597.

Certain examples can be given here: first, it should be emphasized that the grand-vizier's report (*telhis*) to Mehmed III concerning the new articles was to be added to the Imperial Charter of February 1597 (*Vezir a'zamıñ sa'adetlü padişâh hazretlerine etdüği telhisdir; 'ahdnâmeye ilhâk olunacak maddeler için; hatt-ı hümayûn nâme-ı hümayûnuna katılsun; fait le 20eme fevrier 1597*).⁷⁸ On *evâhır-ı Zi'l-ka'de 1005 / 6-15.VII.1597*, Mehmed III ordered the governor and *defter* of Egypt to respect all stipulations from the Imperial Charter that had been granted to the king of France in February 1597 (*Mısır beylerbeyine ve defterdarına 'ahdnâme-ı hümayunun cemi' şartların icra etmek için*).⁷⁹ Similar commands were sent from İstanbul to the governors, judges and soldiers of Tunis, Algiers and Tripoli in Libya on *evâhır-ı Safer 1006 / 2-11.X.1597*, asking them to

77 Belin, "Capitulations", 84-89; İnalcık, "İmtiyâzât", III, 1214.

78 BNF, DO, Turc 130, f. 255v-r.

79 BNF, DO, Turc 130, f. 241v.

observe the stipulations of the French ‘*ahdname*, to abstain from robbing and enslaving French merchants and to set free French captives. The contents of this document are also expressed with a 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

Capitulation of 1604. On *evâhır-ı Zilhicce 1012 / 20-29 May 1604*, Ahmed I renewed the earlier French ‘*ahdname*. François Savary de Brèves, as ambassador to the Ottoman Court, mediated the issuing of this document, which usually occurred with 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 was finished before 1604. Yet, it deserves special attention, considering its relevance for French diplomacy and commerce in the Ottoman Mediterranean during François Savary de Brèves’ mission at Constantinople.⁸¹

No Ottoman original has been preserved in the public archives or libraries. Rather, Ottoman copies and French translations were included in various manuscripts from 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 earlier capitulations because it was published in an Ottoman-French version by Savary de Brèves in 1615. Its title is *Articles du tracté faict en l’anee mil six cens quatre, entre Henri le Grand Roy de France, & de Nauarre, 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*

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

⁸¹ The 1604 treaty was frequently copied in French manuscripts during 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.

sa Maiesté à la Porte dudit Empereur.⁸³ This Ottoman-French version was part of 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 given by the scribe, is *Fransa padişahı ile Al-ı Osmân padişâhı mabeyinde munakib olan 'ahdnâme-i hümayun zikr olunur*. The date in the French translation is clearly stated as: *le 20 May 1604*.⁸⁵

French translations of the 1604 capitulation were frequently included in seventeenth and eighteenth-century manuscripts. Under the title *Capitulation entre le grand roi Henri IV et le Sultan Ahmet Ier, empereur des Turcs. Mai 1604*, the capitulation was copied in the manuscript *Mémoires et documents divers: originaux et copies du XVIIe et du XVIIIe siècles sur la période de 1520 à 1648*, preserved at the Archives du Ministère des Affaires Étrangères.⁸⁶ Only twenty-two of the articles that had been added in 1604 to the earlier 'ahdname of 1597 were copied in a manuscript at the Bibliothèque Nationale du France, Division Occidentale. It is indicated that the French translation belongs to François Savary de Brèves (*Traduction faictes par Moy Breves*): *Production des Articles que le Sieur de Brèves, Ambassadeur du Roy en Levant a fait Inserer dans les Capitulations et traictez de paix qui sont de longue memoire entre la Couronne de France*

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 Ier, 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 Zihidjja de l'année 1022 de l'hégire (1-10 février 1614), mais il faut lire la date de 1012, les dix derniers jours de Zilhijdjja étant 20-29 mai 1604; les capitulations sont suivies d'une traduction en français" (Blochet, *Catalogue*, I, 222-3).

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

*et l'Empire Ottoman, maintenant renouvelés et jurés du sultan Amat.*⁸⁷ In another manuscript from the same library, the French translation is entitled *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 French trade in the Ottoman dominions during the seventeenth century, the two texts have been 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 published at other times, the earliest being the edition of 1619, under the title *Articles et capitulations faictes 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 Historians have usually quoted the editions included in the anthologies of Ottoman peace agreements, pub-

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. XVIIe siècle (BNF, DOccid, Ancien Fonds Français 4014, in the last part, the ninth, of this manuscript).

89 BNF, DOccid, Ancien Fonds Français 1914. Another French copy can be found in a 17th century manuscript entitled *Mélanges historiques*; 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*, Ire série, Paris 1837, XV, 407-422. It was also included in the annexes of Saint-Priest's *Memoirs* (Saint-Priest, *Mémoires*, p. 420-430).

lished by Gabriel Naradounghian and Ignace de Testa in the nineteenth century.⁹¹

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

Ottoman manuscripts with copies of peace and commercial treaties that have been granted to Christian sovereigns can frequently be found in archives and libraries. What is astonishing about the *Manuscrit Turc 130* - and one can say this is the sole manuscript to be structured in this manner which has been discovered to date - is the fact that the above-mentioned section of Imperial Charters (*‘ahdnames, Capitulations*) continues with a special section of legal opinions (*fetva*), legitimating - from the point of view of Islamic-Ottoman law - the commercial privileges granted to Western merchants,⁹² and then by an administrative section (*hüküms, telhis, arz-u hals, nişan-ı hümayûn, nâme-ı hümayûn* etc.),⁹³ which reflects the practical aspects of French trade in the Ottoman Mediterranean.

91 Gabriel Naradounghian, *Recueil d’actes internationaux de l’Empire Ottoman, I: 1300-1789*, Paris: F. Pichon, 1897, I, 93-103; Testa, *Traités*, 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 Panaite, “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.