

XI. ve XVIII. yüzyıllar

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XI. ve XVIII. yüzyıllar

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XI. ve XVIII. yüzyıllar

İSLAM-TÜRK MEDENİYETİ VE AVRUPA

Uluslararası Sempozyum

WESTERN DIPLOMACY, CAPITULATIONS AND OTTOMAN
LAW IN THE MEDITERRANEAN (16TH-17TH CENTURIES):
THE EVIDENCE OF AN OTTOMAN MANUSCRIPT FROM
THE BIBLIOTHEQUE NATIONALE IN PARIS

Viorel PANAITE*

Francois Savary, Count and Seigneur de Breves¹ was the ambassador of the King Henry IV of France to the Ottoman Court between 1591-1605.² Andre Du Ryer de Malezair³ 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 remain in this office for three years. 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.

Francois Savary de Breves is especially known as one of the first publisher of Ottoman texts in Europe (an attempt had been made in Rome in 1494). During his

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¹ Other noble ranks: marquis of Maulevrier, baron of Semur and Attais. Here are certain short biographies, which contain frequently wrong data on his life: Abbe d'Artigny, *Nouveaux memoires d'histoire, de critique et de litterature*, Paris, 1752, tome IV, art. LXIX, p. 345-375; *Biographie Universelle (Michaud) ancienne et moderne*. Nouvelle edition, Tome V, Paris, 1854, p. 502-3; G.H. Gailland, "Ambassade de M. de Breves a Rome." *Notices et extraits des manuscrits*, vol. VIII/2, Paris, 1804, p. 272-396; M. Grillon des Chapelles, *Esquisses biographiques du departement de l'Indre*, Paris, 1862, vol. II, p. 303-30; Baron Ernouf, "Savary de Breves. La question d'Orient au temps d'Henri IV." *Revue de France*, XXIII (1877), p. 104-16; Lanfranc de Panthou, "Un ambassadeur du temps de Henri IV." *Revue catholique de Normandie*, 1, 1891-1892, p. 97-112, 239-72; J.B. Derost, "Fr. Savary, comte de Breves." *Revue de Bourbonnais*, I, 1913-1914, pp. 199-201, 210-13; Jean-Marie Carre, *Voyageurs et ecrivains francais en Egypte*, vol I, Paris, 1956 p. 20-1; J.L. Bacque-Grammont, Sinan Kunalalp, Frederic Hitzel, *Representants permanents de la France en Turquie (1536-1991) et de la Turquie en France (1797-1991)*, Istanbul-Paris, 1991, p. 16; Isabelle Petitclerc, *Francois Savary de Breves, ambassadeur de Henry IV a Constantinople (1585-1605). Diplomatic francaise dans l'Empire ottoman et recherche orientaliste*, these de doctorat, Universite de Paris IV, 1988, ANRT, Lille, 1989 (unpublished work); Rene Pillorget, Suzanne Pillorget, *France baroque. France classique. 1589-1715. II. Dictionnaire*, Paris, 1995, p. 1079-80.

² Some historians have improperly indicated other periods of his embassy (1589-1607, in Eugene Plantet (ed.), *Correspondance des Beys de Tunis et des Consuls de France avec la Cour. 1577-1700*, vol. I, Paris, 1893, p. 5, n. 1)

³ On Andre Du Ryer de Malezair (written also Duryer) there are few information. The article published in 1855, still remains the best biographical study on Du Ryer, far superior to those from later biographical dictionaries (*Biographie Universelle (Michaud) ancienne et moderne*. Nouvelle edition, Tome XII, Paris, 1855, p. 123-4). See, also: *Dictionnaire de biographie Francaise*, publie sous la direction de Roman d'Amat, tome XII, Paris, 1970, p. 835). Alastair Hamilton and Francis Richard are preparing a book concerning Du Ryer's activity as consul and scholar. I would like to thank them for some information, kindly offered to me before publishing their work.

mission as ambassador in Rome, he founded a printing house with Arabic letters manufactured at his demand.⁴ When he left Rome in 1615, he brought the Arabic letters to France, and tried to found an Oriental printing house at the Lombard College. Here, he published the first book in Ottoman. It is about the Imperial charter of 1604 granted by the sultan Ahmed I to the king Henry IV.⁵ After Savary de Breves' death in 1628, these Arabic letters were used in the royal printing house in Paris.

Andre du Ryer's translation of *Qur'an*, published in 1647, became famous in Europe, being re-translated in Dutch, English, German, and published more times during the seventeenth and eighteenth centuries.⁶

But the two French scholars and diplomats, Francois Savary de Breves and Andre Du Ryer de Malezair, are also connected by an Ottoman manuscript of 278 folios, preserved at the Bibliotheque Nationale in Paris, Division Orientale (BNF, DO Turc 130).⁷ On the folio 1 recto, one can read the following note: "*Memoires de VAmbassade de Monsieur de Breves en Levant, tres curieux et necessaire a ceux qui sont employes pour le service du Roy a la Porte Ottomane. Du Ryer de Malezair.*"⁸

The Manuscrit Turc 130. Substance and Structure

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, issued from different chanceries in Istanbul: Imperial Charters, lettres-patentes, Imperial orders and letters (*nâme-i humâyûn*), reports of Grand Vizier and legal opinions of *seyh ill-Islam* (*fetva*), letters of Ottoman high officials (such as *defterdar-basi*, *yenigeri agasi* etc.), translations of the King Henry IV's letters, ambassador petitions to the Ottoman government etc. Thus we have at our disposal a sufficient documentary base for

⁴ On his activity of editor of Oriental texts, see: *Exposition Le livre et le Liban jusqu'd 1900*, Paris, 1982. He published at Rome: *Liber Psalmorum Davidis ex arabico idiomate in latinum translatus a Victorio Scialac Accurensi et Gabriele Sionita Edeniensi Maronitis in lucem editus* D.D. F.S. de B., Rome, 1614.

⁵ *Articles du traicte fait en l'annee mil six cens quatre, entre Henri le Grand, Roy de France, & deNavarre, et Sultan Amat Empereur des Turcs. Par l'entremise de Messire Francois Savary, Seigneur deBreves, Conseiller du Roy en ses Conseils d'Estat & Prive, lors ambassadeur pour sa Majeste a la Portedudit empereur*, A Paris. De l'Imprimerie de langues Orientales, Arabique, Turquesque, Persique, & c, MDCXV (1615), 24 folios.

⁶ *L'Alcoran de Mahomet, translate de l'arabe en françois, par le sieur Duryer, sieur de la GardeMalezair*, Paris, 1647; *The Alcoran... translated out of Arabique into French... and newly Englished...*, London, 1649; Amsterdam, 1770, 2 vols. Du Ryer's other translation was *Gulistan, ou l'Empire desRoses, compose par Saadi, prince despoetes turcs etpersans*, Paris, 1634.

⁷ It has a Turkish bookbinding, by golden and embossed leather, 21,5 x 16 cm. This manuscript was presented shortly in: E. Blochet, *Catalogue des Manuscrits Turcs de la Bibliotheque Nationale*, Tome I: *Ancien Fonds*, Paris, Bibliotheque Nationale, 1932, p. 53-4; *Vers l'Orient*, ed. Annie Berthier, Francis Richard, Bibliotheque Nationale, Paris, 1983, p. 39; *Sources de l'Histoire du Proche-Orient et de l'Afrique du Nord dans les Archives et Bibliotheques francaises. II. Bibliotheque Nationale, München-New York-London-Paris, 1984, 318-9* (by Annie Berthier).

⁸ On the same folio, one can read the following French note: "Le monde est un logement d'etrangers; seus la sont fous qui ne preparent les armes qui leur sont [necessaires] pour bien mourir". On the f.l.v, one can read: *França padishahin namesinin 'unvanidir islam-i padishahina*. Also an *invocatio* of the sultan Mehmed III.

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 1600 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 certain suggestive documents from the fifteenth and sixteenth centuries (see the Imperial Charter granted to the Genoese of Galata in 1453), the most documents were written between 1596 and 1602.

The first datable Imperial order was issued on 8-17 June 1596 (*evdsit-i şevvdl* 1004) and the last decree was sent on 26 December 1601 - 4 January 1602 (*evd'il-i Receb* 1010). Let us add that the Başbakanlık Osmanlı Arşivi in Istanbul preserved a register with Imperial orders of 1st June 1592 - 21st July 1597 (1 *Ramazan* 1001 - 2 *Zilhicce* 1005), which completes happily the information from the *Manuscript Turc 130*⁹

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

The Diplomatic Section of the Manuscript Turc 130. 'Ahdnames (Capitulations)

Capitulations formed the main legal base for the consuls' relation with the 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 (*'ahdndme-i humâyun*).¹⁰

Consequently, the first documents copied in the *Manuscript Turc 130* are the three Capitulations granted to the Kings of France in the second half of the sixteenth century. Here are: *'ahdndme-i serif* granted by the Sultan Selim II to the King Charles IX in 977/1569¹¹; *'ahdndme-i serif* granted by the Sultan Murad III to the King Henry III in

⁹ This register is entitled *Fransa elcisinin arzi uzerine Tunus, Sakiz, Misr, Halep, Trablus-Sam, Galata, Cezayir-i Garb, Rodos, Roma, Naksha, Sugla ve Istanbul'un beylerbeyi, muhafiz, kadi, bey vesd'ir umerasina gonderilen hukumlerin kayitlarini havi defter* (Bab-i Asafi, Divan Beylikci Kalemi, Diivel-Ecnebiye, nr. 901 = BOA, A.DVN.DVE, 901, 12 folios; *Bab-i Asafi Divan... Kalemleri. DefterKatalogu*. 880-1252, p. 15)

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

¹¹ BNF, DO, *Turc 130*, f. 2r-8r. Savary de Breves added an explanatory note: "it is the sultan Selim's Charter" (*Sultan Selim 'ahdnamesidir*). Also, he added certain words on the border, encircled other wordsetc.

989/1581¹²; 'ahdndme-i serif granted by the Sultan Mehmed III to the King Henry IV in 1005/1597.¹³

It must be emphasized the famous text of 1536 - considered long time as a corner stone of the capitulatory system - was not copied in the manuscript. This proves once again the preserved text never had any validity in law, being a treaty project between the King Francis I of France and the Sultan Suleyman the Magnificent. On the other hand, the *Capitulation* of 1604 is also missing, which is supplementary evidence that the manuscript had been finished before 1604, and during Savary de Breves' stay in Istanbul. Let us add that, in order to offer terms of comparison, in the third section of the manuscript were included other two Imperial Charters, i.e. the Imperial Charter of 1453 to Genoese (*Galata zimmilerin 'ahdndme-i humdyundur*), and the Imperial Charter of 1598 for Poland (*'ahdndme-i humdyun ki Leh kralina verilmistir*).

'Ahdndme of 1569. The text of 1536 was only a treaty-project, un-ratified by the sultan. Indeed, the King Francois I of France would like to obtain for the French merchants in the Levant more advantageous commercial privileges than those from the *Capitulations* of 1528. In this respect, he sent Jean de la Foret to negotiate a real commercial treaty with the Grand Vizier Ibrahim Pasha. Unfortunately, the Grand Vizier was executed in March 1536, and the negotiated text could not be submitted to the sultan's ratification. Rincon's letters from Constantinople proved - Halil Inalcik said - that the text of 1536 remained only a project.¹⁴

The first authentic Capitulation was granted to a King of France in 1569. By the middle of the sixteenth century France came to occupy the position of Venice in the commerce with and into the Ottoman territories. This was determined by the Venetian-Ottoman hostility from the 60s and 70s, culminating with the war of 1569-1573.¹⁵

For this purpose, the King Charles IX dispatched a special envoy to the Ottoman Court in the person of Claude du Bourg.¹⁶ His mission was to obtain an official document similar with those granted to Venice, including commercial privileges for the French merchants in the Ottoman dominions.¹⁷ The granting of the Capitulation of 1569 was preceded by a correspondence between the two sovereigns. It was preserved the sultan's letter of evasit Rebi' ul-ahir 976 (1568, Oct. 11-20), sent one year before the 'ahdname of 1569.¹⁸

¹² BNF, DO, Turc 130, f. 9r-16v. Savary de Breves added an explanatory note: "it is the sultan Murad's Charter" (*Sultan Murad 'ahdnamesidir*). A French translation of this *Capitulation* was included in the manuscript «*Traicte et ambassades de Turquie*». *Recueil de pieces relatives a l'histoire des relations diplomatiques de la France avec le Levant, 1528-1640* (Bibliotheque d'Arsenal, Ms. 4767-4771, Tome I, f. 36-39).

¹³ BNF, DO, Turc 130, f. 17r-25v.

¹⁴ Charriere, *Negociations*, I, 293-4, art. 17, 389, 396-7, 423-4; Inalcik, art. Imtiyazat, in EI2, vol. V, 1213.

¹⁵ Inalcik, art. Imtiyazat, 1212; Joseph Billioud, archivist en chef de la Ville de Marseille, "Capitulations et histoire du commerce. A propos de l'etude de M. Gaston Zeller," in *Revue d'histoire moderne et contemporaine*, tome II, octobre-decembre 1955, pp. 312-5: "comme demens nouveaux qui, du temps de feu mon pere sultan Soliman, furent concedes aux ambassadeurs de l'empereur de France et ases consulz."

¹⁶ Seigneur de Guerines (seigneur de Guerrines).

¹⁷ Saint-Priest, *Memoires*, 191-2.

¹⁸ Letter of Selim II to Charles IX (BNF, DO, Supl. Turc 1294: "Lettre adreee par le sultan Selim II a Charles IX, Karlu. Diwani, date de Constantinople, de la seconde decade du mois de Rabi'second del'annee 976 de l'hegire (3-12 octobre 1568); un feuillet de 53,5 sur 33,5 cm, dans une reliure en demi-chagrin" (Blochet, Catalogue, II, p. 224).

In October 1569 (977 Rebi' ul-evvel) the Sultan Selim II granted an *'ahdname* to the King Charles IX of France. The most historians considered this text as being the first authentic Imperial Charter with commercial privileges granted to France. In a letter of 20 July 1569, Germigny informed the King that he had obtained two originals, contrary to the custom which implied the granting of an original text only. One of these original texts 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."¹⁹

Capitulation of 1581. In 1581, the ambassador at Constantinople was Jacques Germigny, baron de Gerboles (1579-1584). In a letter of Henry III to Murad III of 7 July 1582 was called *le Sieur de Germigny notre Conseiller et Ambassadeur, residant aupres de Vostre Hautesse*²⁰. 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 new *'ahdndme-i humdyun* is dated 1581 July 3-12 / 989 Cemazi'ul-ahir eva'il, and the original has not been found until now. Instead, more Ottoman copies were preserved. A copy of the Ottoman text was included later in the manuscript Turc 130 during Savary de Breves' mission at Constantinople. Outside of text, on the boundary, it is written "it is the Sultan Murad" s Charter" (*Sultan Murad 'ahdndmesidir*).²¹ The French translation of this Imperial Charter was copied more times in manuscripts from the seventeenth and eighteenth centuries. It was copied also in another manuscript from the Bibliotheque Nationale, in the part called *Recueil des traites faitz entre le roys de France et les Grandz Seigneurs, empereurs des Turcqz, et des sauf conduitz desdictz seigneurs empereurs et autres comandemens concedes en faveur des ubgetz du roy et nations estrangeres trafficquans ez portz, havres et pays de lew empire, soubz la protection et banriere de France*. Every documents is preceded by an 'advertissement' which explains the causes and purpose of its issuing. The French title of the *'ahdndme* of 1581 is *Confirmation faite par sultan Murat III du precedent sauf-conduit redige en forme de cappitulation, en 9891MDLXXXI. In Italien and French?*²²

Capitulation of 1597. The renewal of previous Imperial Charters was a common task of any French ambassador. Savary de Breves stands out from those before him by negotiating and obtaining - in 1597 from Mehmed III²³ and 1604²⁴ from Ahmed I - the

¹⁹ BNF, Division Occidentale, Fr. 16143, f. 132; Charrierere, *Negotiations*, IV, p. 65.

²⁰ Saint-Priest, *Memoires*, 197-9; *Hurmuzaki*, Supl. I/I, doc. CXX, p. 66.

²¹ BNF, DO, Turc 130, f. 9r-16v.

²² BNF, Divison Occidentale in Paris, titled *Regeste de mes despeches faictes en ma charge deresidant pour les affaires et service du Roy prs le grand seigneur et de celles de sa mag.te receues enmadite charge, dont les mesmes prginaux sont attaches audict registre en leur ordre comme elles onteste escrites et receues durant les annee 1578 et 1579, que jay este en charge. Sebastien de Juye* (BNF, Division occidentale, Ancien Fonds Francais 3954, fol. 185r-193v). With the title *Confirmation faite parle sultan Murat III en 1581*, this *'ahdname* can be found in the manuscript *Memoires et documents divers: originaux et copies du XVIe et du XVIIe siecles sur la periode de 1520 a 1648*, preserved in Paris, at the Archives du Ministere des Affaires Etrangères (AMAE, Memoires et Documents, Turquie, Tome 2, fol.53-62). It was included in the annexes of Francois Emmanuel Guignard, Comte de Saint-Priest's Memoirs, who was Ambassador of France at the Ottoman Court between 1768-1784 (Saint-Priest, Francois Emmanuel Guignard, Comte de, *Memoires sur l'ambassade de France en Turquie et sur le commerce des Frangais dans le Levant, 1525-1770*, edition critique par Charles Schefer, Paris, 1877 (reprinted, Philo Press, Amsterdam, 1974), pp. 381-392).

²³ BNF, DO, Supl. Turc 821 (an official copy in Egypt); BNF, DO, Turc 130, f. 17r-25v. Savary deBreves precised in a bordering note that "is a copy of the Imperial Charter granted by His

inclusion of many new commercial privileges as a guarantee against the actual abuses of Ottoman provincial authorities.

In 1597, following the custom of treaty renewal when a new sovereign was enthroned, the Sultan Mehmed III renewed the commercial privileges to France, granted by his father. An original copy was preserved long time in Egypt. In text is mentioned the name of *Francisku Savary*.²⁵ In the Manuscript Turcl30 was included another copy if the Imperial Charter of 1597. Savary de Breves added the following explanatory note: 'This is the copy if the Imperial Charter granted from the Sultan Mehmed Han' (*Sultan Mehmmmed Han hazretlerinden inayet olunan 'ahdndme-i humdyun suretidir*).

Usually, the Imperial Chater granted in 1597 was ignored by those who were writing manuscripts during the 17th century on French trade in Levant. For instance, it is missing from the basic manuscript «*Traicte et ambassades de Turquie*». *Recueil de pieces relatives a Vhistoire des relations diplomatiques de la France avec le Levant. 1528-1640*.²⁶

Capitulation of 1604. In 1601, the Ottomans initiated negotiations with Henry IV, for renewing the old alliance and to obtain the French support for the Dutch against Spain. In this respect, Mehmed III dispatched at the French Court his doctor, who was at origin from Marseille. Savary de Breves took advantage of this 'good disposition' of the Porte for obtaining the punishment of the Pasha of Tunis, who had tolerated the piracy in the Barbary, and the Pasha of Algiers, who ruined the Bastion of France.²⁷

On 20 May 1604 (1012 Zilhicce 20), Ahmed I renewed the *Capitulations* granted by his father, Mehmed III, to the King Henry IV of France. Francois Savary de Breves, as ambassador to the Ottoman Court, had mediated the issuing of this peace and commerce treaty, which was usually done at the enthronement of a new sultan.

No Ottoman original was preserved. Instead, more Ottoman copies and French translations were included in various manuscripts of the seventeenth and eighteenth centuries. This text became more famous than others Capitulations because of its publishing in an Ottoman-French version by Savary de Breves in 1615. Its title is *ARTICLES DV TRAICTE FAICT EN VANNEE Mil six cens quatre, entre HENRI le*

Excellency, the Sultan Mehmed Khan" {*Sultan Mehmmmed Han hazretlerinden indyet olunan 'ahdndme-i humdyensuretidir*).

²⁴ A rare edition of this Imperial Charter, with texts in Ottoman and French was published by Savary de Breves in 1615: *Articles du traictefaict en l'annee mil six cens quatre, entre Henri le Grand, Roy de France, & de Navarre, et Sultan Amat Empereur des Turcs. Par l'entremise de Messire Francois Savary, Seigneur de Breves, Conseiller du Roy en ses Conseils d'Etat & Prive, lors ambassadeur pour saMajeste a la Porte dudit empereur, A Paris, De l'Imprimerie de langues Orientales, Arabique, Turquesque, Persique, & c, MDCXV (1615), 24 folios, (included alos in the manuscript *Traictez et ambassades de Turquie*», Bibliotheque d'Arsenal, Ms. 4767-477, tome III, f. 299-322). The 1604 treaty was frequently copied in French manuscripts of the seventeenth century (Bibliotheque d'Arsenal, Ms.4767-4771, *Traictez et ambassades de Turquie*». *Recueil de pieces relatives a l'histoire des relations diplomatiques de la France avec le Levant. 1528-1640*, Tome I, f. 77-84).*

²⁵ On its verso is written (thanks to Brigitte Marino): *surdt al-amr al-'ilyyi al-sdn wa al-'ilyyi al-'unwdn ayyada-hu al-lah subhdna-hu ild inqirdad al-zamdn nuqilat (?naqaltu) 'an-hu bi-gayr tagyir bi-idnal-'abd al-haqir 'Abd al-Ra 'uf b. Muhammad al-'Arabi al-qddi li-al-lah al-'izz (wa) al-nasr mahrusaMisr 'afd 'an-humd*.

²⁶ Tome I-V (Bibliotheque d'Arsenal, Ms. 4767-4771).

²⁷ H. Pigeonneau, *Histoire du commerce de la France*. Vol. 2, Paris, 1897 (reprinted at New York, 1970), 321-2.

*Grand Roy de France, & de Navarre, Et Sultan Amat Empereur des Turcs. Par Ventremise de Messire François Sauary, Seigneur de Breues, Conseiller du Roy en ses Conseil d'Etat & Priue, lors Ambassadeur pour sa Maieste a la Porte dudit Empereur.*²⁸

Imperial charter (*'ahdndme-i humdyuri*) was the term 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 *'ahdndme* is composed by two words, the Arabic *'and* (pi. *'uhud*), which means oath, compact, covenant, and the Persian *name*, i.e. charter.²⁹ The *'ahdndme* was a document which confirmed in writing the granting of "protection" (*aman*), and the existence of a "contractual pact" (*'and*, *'akd*, *'akd-i 'and*, *sulh*) between sultans and an individ, a community, or a state.³⁰ Even though the *'ahdndmes* had the form of an unilateral document, their contents implied "contract and alliance" (*'akd ii-ittifak*) or "pact and agreement" (*'and ii-misak*).³¹

Besides the usual term *'ahdndme*,³² in the eighteenth-century Ottoman manuscripts the terms *mu'ahede* (*mu'ahede-ndme*), *sulh* (*sulhndme*)³³ and *musalaha* (*musalaha-ndme*)³⁴ started to be used more and more, alone or in combinations (*sulh mu'ahedesi*), for calling peaces and treaties concluded with European powers, like the Habsburg Empire and Russia, but also the entire manuscripts which collected these peace agreements.³⁵

²⁸ A Paris: De l'Imprimerie des langues Orientales, Arabique, Turquesque, Persique, &c. Par Estienne Paulin, rue de Cannes, College des Lombards. MDCXV. This published text can be also found in the *Traictez et ambassades de Turquie. Recueil de pieces relatives l'histoire des relations diplomatiques dela France avec le Levant. 1528-1640*. Tome III, fol. 299-322, preserved in Paris, at the Bibliotheque d'Arsenal, Mss. 4769.

²⁹ J. Schacht, "Ahd," *EI-2*, I, 263; M. Fayda, M. S. Kutukoglu, "Ahdname," *IA*, I, 535-40. Dimitrie Cantemir defined the term *'ahdname* in the following words: "an *Arabian* Word compounded of *Ahd*, a *Covenant* or *Condition*, and *Name*, 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*" (Cantemir, *Othman History*, 88, n. 35).

³⁰ Inalcik, "Imtiyazat," 1208. There were *'ahdndmes* issued for naming dignitaries or successors (Schacht, "Ahd," 263; Ongun Zarif, "şehzade Ahmed'in yayalara verdigi ahitname." *Tarih Vesikalari*, 2, 9, 1942). See the above-mentioned examples of *'ahdndmes* granted to religious communities, monastires, cities.

³¹ In the 1604 *'ahdname* to France (Feridun, *Mttmse'at*, II, 404); in the 1612 *'ahdname* to Holland (Groot, *OEDR*, 246).

³² The manuscript *'Ahd-ndme suretleri* collected the peace agreements between 1673-1733/1084-1146 (TKSMKH. 1636).

³³ Since the fifteenth century, the word *sulh* constantly and generally designated a peace concluded with any foreign state (TKSMK R. 1325: *risdle* on the conclusion of peace (*sulh*) with Habsburg Empire and Russia in 1739); TKSMK E.H. 1438: *Rusya He sulh*).

³⁴ TKSMK E.H. 1438, 165b-214a (on the treaties with Russia of 1791-1792)

³⁵ The manuscript *Sulh-name-i 'Amuca-zdde Huseyn Pdsd* related the negotiations for the peace of Karlowitz (TKSMK R. 1311). The manuscripts *Suver-i mekdtib-i musalaha Nemce* and *Esndyimusalhdhada tevdrud eden mekdtib* included also the treaty of Passarowitz (Pasarofca) of 1131/1719

(TKSMK R. 1946, R. 1953). The manuscript *Mu'ahedat-i humdyun <mecmuasi>. 975-1200 Osmanh devleti He Nemge ve sair devletler arasinda 'akd olunan bazi muahedeler* gathered the treaties with the Habsburg Empire, Russia and other states concluded between the years 975-

Capitulations is a notion which gave birth to controversy. The medieval chanceries issued many kinds 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* (pi. *capitula*), which in Latin means chapter, paragraph.³⁶ Therefore, only due to their arrangement on articles, and not to other reasons, the peace agreements were also named *Capitulations* in Western Europe.³⁷

The Ottoman texts of *'ahdndmes* included a succession of peace and trade "conditions" (sing, *sart*; pi. *sartlar, surut, sera'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 *'ahdndmes* granted by sultans as treaties, the Europeans called them with an autochthonous concept, i.e. *Capitulations*. As an argument one can invoke that in sixteenth and seventeenth-century Western translations of *'ahdndmes*, 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 *'ahdndme-i humdyun* was translated *Imperiale Capitulazione*, and the whole document was entitled *Capitoli dati alia Regina d'Inghiltera*.³⁸ Likewise, the Latin *Capitulaciones*, the French *Capitulations*, the Italian *Capitulazione*, the German *Capitulation* etc. were Western terms used in translations of *'ahdndmes* granted to France,³⁹ Poland,⁴⁰ Habsburg Empire,⁴¹ or Russia.⁴² 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

1200/1567-1796 (Belediye Kutuphanesi, Muallim Cevdet, K. 4; partially in DANIC, mf. Turcia, r. 53, fr. 894-1004). The manuscript *Risdle-i mu'dheddt* including the 1798 treaty with England and the secret treaty with Russia of 27 Receb 1213/1 January 1799 (TKSMK, fd. Bagdad 237; DANIC, mf. Turcia, r. 51, fr. 647-663).

³⁶ Belin, *Capitulations*, 9; Testa, *Traites*, I, 6, n. 3; Pelissie du Rausas, *Capitulations*, I, 1, n. 1; Sousa, *Capitulatory Regime*, 3; Hershlag, *Introduction*, 44. Of course, the same origin have the Italian words *capitolo* (pi. *capitoli*), *capitolare, capitolato* or the French ones *chapitre, chapitres*.

³⁷ Besides *pactum* (in Italian *patto*, in French *pacte*). For details, see Belin, *Capitulations, I-YI {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 dellapace*". All these treaties were divided on "chapters": *primo capitolo, secondo capitolo* etc. (Mas-Latrie, *Traites*, I, 28-30, 66-9, 283-4 etc).

³⁸ Skilliter, *Harborne*, 86-9; 232-9.

³⁹ They were included in seventeenth and eighteenth-century French miscellanies. For example, *Recueil de pieces officiells folio 2 recto, comprenant les capitulations ('ahdndme-i serif)...* (Blochet, *Catalogue*, I, 53); "*les hautes et heureuses Capitulations*", "*des anciennes Capitulations*" (Hurmuzaki, *Documente*, Supl. I/I, doc. CXXIV: Henric III's letter to the grand vizier Sinan Pasa of 7 July 1582).

⁴⁰ "*Capitulacione tra sultan Selim Imperator de Turchi et Sigismondo Augusto Re di Polonia*", for the 1568 *'ahdndme* (Hurmuzaki, *Documente*, vol. VIII, doc. CXCI); "*Capitulations du Turc avec les Polonois*", "*les Capitulations de Pologne*" (Hurmuzaki, *Documente*, Supl. I, vol. I, doc. CCLXVI, CCCVI (French letters of 1617 and 1623); "*nostra eccelsa capitulacione*", in an Italian translation of 1564 *'ahdndme* (Hurmuzaki, *Documente*, VIII, doc. CXXXIII).

⁴¹ "*die fridens capitulation*", on the 1606 treaty, in a German letter of 16 March 1614 (Hurmuzaki, *Documente*, IV/1, doc. CCCCLXIV).

⁴² "*capitulaciones*", on Ottoman-Russian treaty of 1711, in a Latin translation of an Ahmed III's ferman (Hurmuzaki, *Documente*, vol. VI, doc. LVII).

chapters could be called *Capitulation*, the same label was therefore applied to the Ottoman *'ahdndmes*.⁴³ There were also other meanings of the concept *Capitulation* or its plural *Capitulations*, which were also adopted by Ottoman (*Kapitulasyonlar*),⁴⁴ e.g. the system of privileges granted to the foreign merchants in the Ottoman Empire,⁴⁵ or a special treaty which regulated the position of foreigners inside the empire (beginning with the eighteenth century).⁴⁶

There are two opposing opinions concerning the legal and diplomatic characteristic of the *'ahdndmes*, unilateral documents⁴⁷ or bilateral ones,⁴⁸ which 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 *'ahdndmes* 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-Kalkaşandi, 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.⁴⁹ In the chapters dedicated to *muvdda'a*, a term translated "reciprocal truce" by Muhammad Hamidullah, the famous jurists ash-Shaybani and as-Sarakhsi wrote as being ordinarily the existence of "two contractors."⁵⁰ The attribute "unilateral" characterized the *'ahdndmes* 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

⁴³ 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 *'ahdndmes* (seen as "unilateral documents"). In his opinion, the proposed synonym for *'ahdndme* should be "*lettres-patentes*" (Testa, *Traites*, I, 6). S. Skilliter called the document of 1580 by which Murad III had granted commercial privileges to English merchants, "diploma (*berdi*) incorporating the privileges" or "Imperial treaty letter" (Skilliter, *Harborne*, 86-9, 232-9).

⁴⁴ 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 *capitolazione*, "surrender". From this outlook, certain scholars defined the *Capitulations* as documents which confirmed that the sultans, being forced by Western powers, gave up certain sovereign rights (Shotwell, "The Straits," 481-2; D'Avril, "Protection," I, 536).

⁴⁵ Sousa, *Capitulatory Regime*, 2, n. 5; *Dictionar diplomatic*, Bucuresti, 1976, 167; Anghel, *Dreptconsular*, 45, n. 68; Panaitescu, "Route commerciale," 53; Sertoglu, *ROTA*, 164; Inalcik, "Intiyazat," 1217.

⁴⁶ Pelissie du Rausas, *Capitulations*, I, 1, 28; Abi-Chahla, *Capitulations*, 123; Sousa, *Capitulatory Regime*, 3; Liebesny, "Privileges," 314; Ekrem, *Kapitulasyonlar*, 402.

⁴⁷ *des traites unilateraux* (Pelissie du Rausas, *Capitulations*, I, 13); *unilateral declaration* (Liebesny, "Privileges," 319-20); *lettres-patentes* (Testa, *Traites*, I, 6; Belin, *Capitulations*, 115-6); *unilateral charter of privileges* (Skilliter, *Harborne*, 89).

⁴⁸ *traites bilateraux, conventions synallagmatiques* (Gavillot, *Capitulations*, 7-9).

⁴⁹ Wansborough, "Safe-Conduct," 25; Canard, "Un traite," 203-5.

⁵⁰ Shaybani, *Kitdb as-Siyar*, III, 305-34.

reciprocity of the Great Britain.⁵¹ 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 *'ahdndme* the sultan was the only person who acknowledged the result of negotiations by formula "let's be known" (*ma'lum ola ki*)⁵² and ordered the "clauses" of peace and trade agreement by formula the "illustrious sign commands" (*nisan-i serifi... hiikmii oldur ki*).⁵³ For instance, in all *'ahdndmes* which confirmed 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" (*isbu 'ahdnâme-i humdyunu verdum ve buyurdum ki*).⁵⁴ 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 of the first half of the fifteenth century treaties, preserved in Italian or Latin, were characterized by V. L. Menage as "bilateral agreements."⁵⁵ Sixteenth and seventeenth-century Ottoman-Polish *'ahdndmes* 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*.⁵⁶ Moreover, in the Ottoman text of certain *'ahdndmes*, 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 the king Mathias," (*Matyas hral He bizim aramizda musalaha ve dostluk*)⁵⁷ which was a frequent formula of *'ahdndmes*. Sometimes in the Ottoman collection of documents (*munse'at*), the scribes suggested the bilateral feature of *'ahdndmes* in the given titles or by certain notes written overhead the copied text.⁵⁸

By contents, certain *'ahdndmes* 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."⁵⁹ These kind

⁵¹ Porter, *Observations*, 362.

⁵² In the *'ahdndme* 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).

⁵³ In the *'ahdndme* of 1482 granted to Venice (Gallotta, "Il trattato 1482," 226). Also, in the *'ahdndmes* of 1503, 1513, 1517, 1521, 1540 (Gokbilgin, "Belgeler I," 121; Gokbilgin, "Belgeler II," 42,47,50).

⁵⁴ In the *'ahdndmes* 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).

⁵⁵ Menage, "Capitulation," 375-6.-

⁵⁶ Hurmuzaki, *Documente*, 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, *Documente*, Supl. II, doc. CCLXVI, CCCVI (French letters from ambassadors in Istanbul to their Kings).

⁵⁷ TK SMA, no. 5861; DANIC, mf. Turkey, r. 4, fr. 312.

⁵⁸ In top of the 1480-1481 *'ahdndme* copy, the scribe wrote "with the Moldavian" (*ba Kara-Bogddn*) (Maxim, *TRIP*, 37).

⁵⁹ For the Ottoman-Venetian treaties from 1419 to 1454 (Menage, "Capitulation," 375). J. A. Gavillot used the formula *paix reciproque* for the Ottoman-Venetian treaty of 1454 (Gavillot, *Capitulations*, 16-7); Liebesny, *Privileges*, 311; Shotwell, "The Straits," 483.

of articles were stipulated in the *'ahdndmes* granted especially 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 following the prototype,⁶⁰ one can say that the *'ahdndmes* granted to the Christian sovereigns throughout the fifteenth to seventeenth century had an obvious unilateral character.

The Legal Section of the *Manuscript 130. Fetvas*

Ottoman manuscripts with copies of peace and commerce treaties granted to Christian sovereigns could be frequently found in archives and libraries. Astonishing to the Manuscript 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 chapter of Imperial charters (*Capitulations*) is continued by a special section of legal opinions (*fetva*).⁶¹ They are signed in majority by the *seyh ul-Islams* (grand muftis) from the Sa'adeddin family.⁶²

For defining the legal condition of Western merchants, the ambassadors could ask legal opinions (*fetvas*).⁶³ Taking into consideration that all legal answers are favorable to the French commercial interests in the Ottoman Mediterranean, one can affirm that these legal opinions were issued upon the request of Savary de Breves, who had friendly relations with religious officials in Istanbul. In December 1602, the Venetian secretary in London offers a clear evidence in this respect, saying "that in dispatches of December last the English Ambassador at Constantinople enclosed a decree passed by the Turks, drawn up by the Mufti on religious grounds at the instance of the French Ambassador, that English vessels shall always render an account of all goods brought and sold in Barbary and elsewhere within Turkish dominions; and the English Ambassador is charged to see the order carried out. This information is extremely disliked."⁶⁴

Analyzing the signatures of the 22 legal opinions which were transcribed in the manuscript Turc 130, we can precise that Savary de Breves succeeded to obtain: four *fetvas* from the well-known annalist Hoca Sa'adeddin Efendi, who was *seyh ill-Islam* in 1598-1599, and was signing *Ketebehii el-fakir Sa'deddin 'ufiye'anh*; fifteen *fetvas* from Mehmed Efendi (the son of Hoca Sa'aduddin), *sheyh al-Islam* in 1601-1603 and 1608-1615. His signature was *Ketebehii el-fakir Mehmed bin Sa'adeddin 'ufiye 'anhiima*; a

⁶⁰ There were translations made in Western chancery which changed the form, from unilateral to bilateral one (Iorga, "Privilegiul," 3-4).

⁶¹ BNF, DO, Turc 130, f. 26r-30v. Separate *fetvas* were transcribed on the folios 109r-111r, 276v.

⁶² During the embassy of Savary de Breves in Istanbul, there were other two *sheykh al-Islam*, Bayramzade Hacı-Zekeriyya Efendi (1592-1593) and Sun' Ullah Efendi (1599-1601, 1603, 1604-6; 1606-8), but no legal opinion signed by them was included in this manuscript (*Ilmiye Salnamesi. Osmanli Ilmiye Teskildti ve Sheyhulislamlar*, Matba'a-i Amire, 1334/1916, edition in modern Turkish transliteration, Ankara, 1998, no. 23).

⁶³ The Venetian asked this kind of *fetvas*, which were preserved in the Archives of Baylos in Istanbul (now *Archivio di Stato di Venezia*). The case of Venetian was emphasized in recent articles (Giustiniana Migliardi O'Riordan, "Presentation des Archives du Baile a Constantinople," *Turcica*, 33, 2001, pp. 339-367; Dilek Desai, "Les documents en ottoman des fonds des archives du Baile a Constantinople," *Turcica*, 33, 2001, pp. 369-377).

⁶⁴ Then inside the Straits of Gibraltar, how can the English be endured, seeing that under the guise of merchants they plunder in the very vitals of foreign dominions all the shipping they find?" (*State papers. Venice*, vol. IX, doc. 1160: Report of 20 March 1603 of Giovanni Carlo Scaramelli, Venetian Secretary in England, to the Doge and Senate).

fetva from Mehmed Es'ad Efendi (another son of Hoca Sa'adeddin), who was succesively *Anadolu kadi'askeri* in 1010/1601-2, *Rumeli kadi'askeri* in 1012/1603-4, and 1015/1606, *seyh til-Islam* in 1615-23. His signature was *Ketebehti el-fakir Es'ad 'ufiye'anh*; a *fetva* from Bostanzade Mehmet Efendi, *seyh til-Islam* in 1589-1592; 1593-1598. The signature *Ketebehti el-fakir Mehmed 'ufiye 'anh* belonged probably to him; a *fetva* from Ebu'l Meyamin Mustafa Efendi, *seyh til-Islam* in 1603-4; 1616. The signature *Ketebehe el-fakir Mustafa 'ufiye 'anh* belonged probably to him.

Analyzing the substance of these legal opinions, one can realize the questions asked to the Hanafi imams (*bu mesele beyamnda e'imme-i hanefiyeden cevab ne vecihledir ki I* "in what manner is it answered for explaining of this question by the Hanafi imams") were connected with the articles of the Imperial Charter granted by the Sultan Mehmed III to the King Henry IV in 1597. The *seyh til-Islams* gave generally very short answers (*el-cevab*), but in certain cases they are more detailed. In five legal opinions the first question was continued by a supplementary one (*suret-i mezburede*), which of course imposed an additional answer.

The legal opinions of this manuscript were deliberately included by Savary de Breves after diplomatic section of his guidebook, to explain and legitimate - from the point of view of Islamic-Ottoman law - the commercial privileges and the juridical condition of Western merchants in the Ottoman Mediterranean.

The Administrative Section of the *Manuscrit Turc 13. Hukttms, Telhis, Arz-u hols, Nişan-i hümayun, Nâme-i httmtiyun*

The stipulations laid down in the *Capitulations* were not usually observed in practice. The French ambassadors submitted petitions to the Sultan and the Grand-Vizier, complaining of the Ottoman local authorities' abuses over the French merchants. The Sultans commanded by Imperial decrees to the governors-general (beylerbeyi) and local judges (kadi) to observe the rights granted to the foreigners in Imperial charters.

Copies of these documents should be included in a real guidebook for the French ambassadors, consuls and merchants in the Ottoman dominions. That is why Francois Savary de Breves planned to complete his hand-writing with documents reflecting the practical aspects of the French trade in the Mediterranean. In this way it was born the last part of the *Manuscrit Turc 130*, which is actually the largest of it.

It is about a miscellaneous collection of more than 200 documents (the most part being Imperial decrees), having various chancery forms and authors, but a common substance, i.e. the Western (especially, French) trade and merchants in the Ottoman Empire in late-sixteenth and early-seventeenth century.

They illustrate the practical aspects of commercial diplomacy at the Ottoman Court, and reveal the abuses of provincial authorities towards Western merchants. More precisely, the documents offer data on the following topics: Western ambassadors and their commercial diplomacy at the Ottoman Court; the procedure of granting of Imperial charters and new commercial privileges in the Ottoman Empire; the legal condition of Western foreigners, especially French and non-treaty merchants; various aspect of Western trade in the Ottoman Mediterranean (interdiction to take taxes from money (*guruş*) brought by foreign merchants, the merchants' right over their merchandise); navigation in the Ottoman Mediterranean (maritime powers, enemy ships / *harbt gemiler*); piracy and its consequences to the international trade in the Mediterranean;

Christian and Muslim captives, including the prohibition to enslave Western merchants and to confiscate their merchandise in Ottoman dominions; conflicts between the French communities and the local authorities, which generally involved *avanas*, i.e. arbitrary payments extorted from the community as a whole and taxes imposed against the old usage; responsibilities and rights of the French ambassador in Istanbul and the French consuls in the main Ottoman harbors and towns, such as Alexandria, Aleppo, Antalya, Tunis, Algiers etc. (the consulage of 2%); powerful and executive relationship between the central authorities in Istanbul and provincial officials (punishment for unobserving to the Imperial orders).

Considering the addressees of Imperial orders and ordinary letters, the main Mediterranean towns, harbors and regions mentioned in the manuscript, which have to be linked for completing the Ottoman Mediterranean puzzle are as follows: Egypt (*Misr*) and Alexandria (*Iskenderiyye*); Aleppo (*Haleb*); Algiers, Tunis and Tripoli of Lybia (*Trablus-u Garb*); Chio (*Sakiz*); Antalya; Istanbul and Galata; Gallipoli and Bogaz fortresses; Avlonya (Vlora, Valona).

It is quite clear from the above observations that during his mission to the Ottoman Court (1591-1605), Savary de Breves conceived this manuscript as a guidebook for the representatives of France in the Ottoman Mediterranean towns and ports. I can not establish yet how much this manuscript circulated inside and outside the empire, and influenced the French diplomatic and consular milieu. It is sure only that one of the direct beneficiary was Andre Du Ryer de Malezair, disciple of Savary de Breves, who was appointed for short time as consul of France in Egypt (1623-1626). Taking into consideration its structure, one can say this manuscript is a unique writing.

Here then - apparently for the first time in a surviving Ottoman manuscript - we find clearly and undoubtedly the necessity of legal legitimization of the stipulations from the peace agreements (*'ahdndmes*) by legal opinions (*fetvas*). Regardless its structure and form, the substance of the documents offers - also for the first time - a complex picture of the Western trade and merchants (especially the French ones) in the Ottoman Mediterranean at late-sixteenth and early-seventeenth century.