
IRCICA

IRCICA Journal

A Journal on Islamic History and Civilisation

VOLUME I ◉ ISSUE 2 ◉ FALL 2013

IRCICA JOURNAL

Volume I, Issue 2
Fall 2013
ISSN 2148-2772

Organisation of Islamic Cooperation
Research Centre for Islamic History, Art and Culture
IRCICA

General Information

IRCICA Journal is an interdisciplinary refereed journal of scholarship published by the Research Centre for Islamic History, Art and Culture (IRCICA), a cultural subsidiary of the Organisation of Islamic Cooperation, two times annually (Fall and Spring). *IRCICA Journal* publishes scholarly articles in English, French and Arabic (The official languages of the Centre).

The Editorial Office of the *IRCICA Journal* is based at the headquarters of the Research Centre for Islamic History, Art and Culture (IRCICA) in İstanbul.

IRCICA Journal publishes articles on all aspects of Islamic civilisation, such as the history of culture, art, science, philosophy, literature, traditional handicrafts and archaeology. *IRCICA Journal* aims to preserve the tangible and intangible heritage of Islamic civilisation, comprising of its written, architectural, cultural and artistic forms.

IRCICA Journal welcomes previously unpublished manuscripts on manifestations of Islamic civilisation in different regions within and outside the Muslim world including the Balkans, Caucasus, Central Asia, the Middle East, North and Sub-Saharan Africa, South and Southeast Asia. The intellectual outputs are hoped to serve the needs of researchers specializing in the fields of history, cultural studies, sociology, architecture, international relations and anthropology. *IRCICA Journal* considers all manuscripts on the strict condition that they have been submitted only to *IRCICA Journal*, that they have not been published already, nor are they under consideration for publication or in press elsewhere.

Design and Page Setting
Muhammed Nur Anbarlı

Printing and Binding
Karist Baskı Çözümleri

Conditions of Publication

Manuscripts submitted to IRCICA *Journal* should be original and should not be under consideration for publication in another journal at the time of submission. Articles submitted to IRCICA *Journal* for publication are subject to peer review.

Electronic submissions shall be directed to ircica@ircica.org as MS Word attachment files. The length of the articles as a rule should not exceed 10.000 words and should not be less than 4.000 words, not including footnotes.

Manuscripts should start with an abstract less than 300 words and shall be accompanied by five (5) keywords that represent the key concepts, approaches or works referred to in the texts.

References of the materials used in the articles should also be attached to the end of the articles. Surnames of the authors should be used before names.

Authors should provide a separate file concerning their current and recent academic and professional affiliations and major publications with the submitted articles. The short bio-information provided with articles should not exceed 300-words.

It is a condition of publication that authors assign the publication rights of their articles, including abstracts, to IRCICA *Journal*.

The views expressed by authors and reviews in IRCICA *Journal* do not reflect those of the editors or IRCICA as the publishing institution. The editorial policy of IRCICA *Journal* is to promote vibrant academic debate but avoid unnecessary controversy; as such the views of authors need not conform to those of the publisher.

Editorial Office Contacts

All business and editorial correspondence related to the journal should be sent to the following address

IRCICA *Journal*, Barbaros Bulvarı, Yıldız Sarayı, Yaveran Binası,
Beşiktaş 34865 İstanbul

e-Mail: ircica@ircica.org

Tel: +90 212 259 1742 Fax: +90 212 258 43 65

Contents

Editorial

The Research Centre for Islamic History, Art and Culture (IRCICA) as the cultural subsidiary of the Organisation of Islamic Cooperation (OIC), has initiated a major project to launch an international refereed journal to promote academic studies in the fields of Islamic history, civilization, arts and culture. It is with a great sense of satisfaction that we present the second issue of IRCICA Journal to the attention of the global academic community, following the positive reception shown to the inaugural issue. It has become crystal clear from the first issue that the *IRCICA Journal* will constitute a scholarly platform on which studies on various aspects of Islamic history and culture could flourish.

IRCICA Journal publishes scholarly articles on various aspects of Islamic civilisation such as archaeology and the history of culture, art, science, philosophy, literature and traditional handicrafts. The journal aims to explore the tangible and intangible aspects of Islamic heritage including its written, architectural and cultural forms. Although the journal has a truly global scope, key regions such as the Balkans, Caucasia, Central Asia, Middle East, North and Sub-Saharan Africa, South and Southeast Asia constitute its regional focus. Moreover, as our impressions of the first issue have confirmed, the journal will contribute to the promotion of original research on various aspects of Islamic civilisation. As a prestigious peer-reviewed academic journal accepting scholarly articles in English, French and Arabic, *IRCICA Journal* aims to become established as one of the most highly regarded journals in its respective fields.

As a well-established international research institution that has been in existence since the 1980s, IRCICA has been globally acknowledged as a vibrant centre specializing on the study of Islamic history, civilisation, arts and sciences. IRCICA also constitutes a locus for an extensive international network of scholars on its officially mandated subjects and disciplines. Over the course of three decades since its foundation, the Centre

has organized numerous symposia, congresses, exhibitions, competitions and published major reference books, albums and project reports in various languages.

The first issue of IRCICA *Journal* received an extremely positive and warm welcome from the global community of scholars specializing on Islamic history and civilization. Building on the strong morale and confidence provided to us by the inaugural issue, we prepared the second issue of the journal in line with the same high quality standards. In the second issue, we are pleased to present to the attention of the global community of researchers five scholarly articles three of which were written by renowned authors in English and two written by invaluable scholars in Arabic.

In the first article of this issue, Assoc.Prof. Gavin D. Brockett from Wilfrid Laurier University in Canada makes a crucial contribution to methodological debates on world history by exploring the ways through which Maghrib could be incorporated as a major axis into the study of world history. He states that new ways must be found to cast the Maghrib as a relevant region to broader writings on world history and argues that there is much to be learned from re-centering our perspective and viewing world history through the "lens" of the Maghrib. This substantive article is particularly important in terms of the editorial priorities of IRCICA *Journal* as it emphasizes the need to be inclusive in the narrative of world history and addresses those scholars specializing in subjects that are beyond the traditional fields of history in North American universities –including Canadian, American, European and Russian histories. We think that such inclusive approaches to the conception and narration of world history deserve special emphasis.

The second article of the issue by Prof. Jose Tomaz Castello Branco from the Catholic University of Portugal is predicated on a comparative study of Cordoba, Damascus and Istanbul as major centres of intercultural existence. Prof. Branco proposes what he calls an "Algarvian" perspective to the study of history and civilization in the Mediterranean. He stresses that this perspective

has multiple roots reaching to legacies that are simultaneously European and African; continental and maritime; and based upon the peaceful coexistance of Christian, Muslim and Jewish cultures. Prof. Branco cogently points out that Cordoba, Damascus and Istanbul represented model cities around the Mediterranean characterized by a culture of openness and hospitality towards mathematicians, astronomers, physicians, philosophers and all other types of scholars. In all these cities, there were very large Christian and Jewish communities who were given a considerable degree of autonomy and were allowed to keep their sacred rituals and religious places of worship. These non-Muslim communities had their own religious leaders as well as their judicial systems; they were also not excluded from occupying public offices within the administration. Prof. Branco rightly stresses that, despite the recently widening gap between its shores, there remains a close affinity between the various countries and peoples that inhabit the Mediterranean basin. It is an affinity of historical, cultural and religious roots compounded over two millennia of common history; and an affinity of different peoples across three continents who share a common heritage.

The third and last article in the English section of this issue is written by Prof. Vioral Panaite from Bucharest University in Romania. It is a major archival work focusing on frequent encounters between French merchants and Ottoman sailors in the Mediterranean in the 16th and 17th centuries and the application of Islamic law in disputed matters. The primary sources used for this study is attained through fieldwork at the Bibliotheque Nationale de France, Division Orientale by the author based upon a manuscript of 278 folios consisting of Ottoman documents of late-sixteenth and early-seventeenth centuries. The documents include crucial insights from the memoirs of two key individuals whose personal carriers intersected on the Ottoman Mediterranean, namely *Andre Du Ryer de Malezair and Francois Savary de Breves.* Francois Savary de Breves was the French Ambassador in İstanbul at the beginning of 17th century and had a decisive effect on the entire career of Andre Du Ryer de Malezair, a leading linguist and

intellectual of his time. Du Ryer was appointed as the French Vice-Consul General in Alexandria-Egypt in the 1620s and worked in Istanbul for French interests. But his fame came from his French translation of the *Holy Qur'an* which was published in 1647 and was reprinted and re-translated into Dutch, English and German during the seventeenth and eighteenth centuries. This substantive article mentions the juridical views of foreigners in Ottoman Islam; issues related with navigation and trading in the Ottoman Mediterranean; issues of commercial debate; and legal provisions issued against piracy.

In the Arabic section of the second issue, we have two substantial scholarly articles. The first article is written by Muhammed Arnaoud from the World Islamic Science and Education University in Amman/Jordan and focuses on the contributions of women to the social and cultural life in Yemen through charitable institutions and waqfs under the Rasulid State (616-858 H./1228-1454 M.). Prof. Arnaoud aptly shows that the leading rulers of the Rasulids attached great importance to science and scholars and hence constructed a number of large madrasas. They even established a registry to record the incomes and costs of charitable foundations for the first time in Islamic history. The fact that women openly contributed to public life and scholarly studies in Yemen through many waqfs showed their considerable wealth and affluence. The rulers of the Rasulids, as well as their wives and children have established many madrasas and waqfs for social purposes. Even the servants at the Rasulid Palace have joined these efforts in the general atmosphere of social cohesion. The article lists the names and major contributions of leading women personalities during the Rasulids who founded madrasas and waqfs to sponsor them starting from the wife of Shamsuddin Ali bin Rasul, the founder of the state, to the wife of Malik El Nasır (803-828 H./1401-1426 M.) who founded the last waqf under Rasulids.

The second article in the Arabic section of this issue is written by Dr. Asma Muhaibil from Algiers-2 University in Algeria and focuses on the pragmatic use of the idea and institution

of the Islamic Caliphate by Britain in India in the 19th century. Dr.Muhaibil emphasizes that the idea of Islamic caliphate gained importance in the Ottoman Empire during the 19th century and the perspective of pan-Islamism emerged with the purpose of protecting Ottoman lands against imperial domination. Therefore, the Ottoman Sultans frequently used the title of the Caliph of the Muslims in their relations towards the Muslims in Jawa, India, Russia, as well as Northern and Western Africa. The British thought that they could use their friendship with the Ottoman Sultan to galvanize their hegemony in Asia. Therefore they did not oppose the relationship between the Ottoman Sultan with the Muslims in British colonies and the powers that derive from these relations. This issue was particularly important for Britain in India. The British believed that the spiritual authority of the Sultan in this crucial colony will provide them a source of legitimacy and facilitate their existence in the sub-continent. Although they were aware that the Caliph of the Muslims could instigate an insurgency or revolt among the Muslim community, they did not prevent the activities of the Caliphate.

During the Crimean War (1853-56) the political influence of the British increased in the Ottoman capital and the British used this influence to request a fatwa from Sultan Abdulmecid (1839-1861) that invites Indian muslims to lay down their weapons and preserve stability. This fatwa became influential in curbing armed resistance against British forces and maintained British influence in the coming years. Dr. Muhaibil also stresses that Indian scholars accepted the invitation of Sultan Abdulaziz (1861-1876) as the Caliph of Muslims in the World in the second half of the 19th century, which made him the first Caliph on whose name a khutbah was recited in India. As the British turned a blind eye to this practice, it spread and gradually turned into a tradition in Ottoman lands.

In the light of the substantial contributions included in the second issue of IRCICA *Journal*, we would like to renew our invitation to distinguished members of global academic community from different disciplines and countries to send their scholarly

articles to IRCICA *Journal*. While presenting the second issue of IRCICA *Journal* to the attention of global academic community, we would like to take the opportunity to express our great pride and satisfaction our sincere hope is that the journal becomes one of the outstanding scholarly platforms for global studies on Islamic history and civilisation.

Halit Eren, Assoc. Prof.
Director General, IRCICA

Incorporating the Maghrib as an Axis in World History

Gavin D. Brockett*

The purpose of this article is to learn more about Maghrib history and explore ways to incorporate it into the narrative of world history that currently prevails in the North American academic environment. Specifically, we want to consider how we might cast the Maghrib as relevant to world history. More to the point, we want to suggest that there is much to be learned from re-centering our perspective and viewing world history through the "lens" of the Maghrib: this not only draws attention to a zone all too often ignored, but opens the way to considering how the Maghrib itself contributed to world history. Those who specialize in subjects that are beyond the traditional fields of history in North American universities —Canadian, American, European, and Russian history— are also expected to take responsibility for delivering courses in what we call "world history."

Needless to say, these demands are rather daunting: inevitably, one feels inadequate and under-prepared no matter how comprehensive an education one enjoyed as a graduate student. Although there are obvious and significant differences between the histories taught in Canadian and American universities, it is possible to make some generalizations about how history is taught in North America as a whole. What is important to grasp about the North American perspective is that the historical narrative concentrates on the constant westward movement of "explorers"

* Associate Professor and Coordinator of Muslim Studies, Wilfrid Laurier University, Ontario, Canada.

and the "opening up" —to use a phrase pregnant with meaning in Arabic— of a continent to the creative and determined designs of people who heralded from Western Europe. Although it is not really politically correct to cast it in these terms, this is very much a story of conquest and occupation, far more similar to other great human migrations in Eurasian history than most in North America realize. Without being disingenuous there is value in comparing the Arab conquest of North Africa in the 7th century and, 900 years later, the European occupation of the Americas. In each case there were pre-existing indigenous populations and religious traditions that posed a challenge to the conquering peoples: and in each case these were ostensibly replaced by what we commonly refer to as new "civilizations" when in fact indigenous cultures retained far more vitality than typically is recognized.

If conquest is one theme that North Africa and the Americas have in common, then another is rejection of European colonial control. Here the stark differences make for interesting observations: for in North America it was descendants of Europeans themselves —i.e. heirs to the conquerors— who sought independence from a European state (Great Britain); by contrast, in North Africa both the Arab and indigenous populations found themselves subject to a predominantly French imperialism that they were only able to reject at a much later time and with much greater difficulty. Thus, in both North Africa and in North America, there is a shared story of throwing off the bonds of European imperialism and establishing national independence.[1] Although we do not have in depth information about the Arabic historiographies of Morocco, Algeria or Tunisia, we have no doubt that their own histories are presented in much the same way as is history in North America:

[1] We are reminded of the Republican Turkish tendency to compare Mustafa Kemal Atatürk with the American General and first President, George Washington as they fought against Western imperialism. One wonders how much common ground might be found between the American War for Independence and those fought by peoples of North Africa in the twentieth century. Perhaps this was emphasized at the time, although such parallels have probably been obscured by more recent allegations of "American imperialism" in the Middle East.

from the perspective of two countries' manifest destinies, and in both cases the sense that these countries —yes, even Canada— have destinies of great importance to the rest of the world.

The irony, of course, is that in these regional or national narratives the rest of the world is largely ignored, presented mostly as an afterthought. Thus, according to the North American perspective, the histories of Asia, Africa and the Middle East are scarcely relevant.[2] Even in the case of European history, one cannot escape the sense that what we teach is important primarily as a precursor to what unfolded in North America: after all, the twentieth century has been labeled the "American century," and whether Americans care or not, Canadians like to associate themselves with this notion as well.

In recent decades, strong challenges to a "western-centric" history in North American academia have brought about considerable discomfort and revision of the prevailing narrative. One result has been the hiring of specialists in Asia, Africa, the Middle East and Latin America who are somehow expected to possess both a broad and specific knowledge very different from those who specialize in some seemingly minute aspect of Canadian or American history. Another result has been the design of world history courses to assuage the sense of guilt that characterizes historians: and it is in this vein that organizations such as the World History Association[3] have been established, and seemingly innumerable textbooks devoted to world history have been written by those committed to teaching courses that demand such broad coverage. We should also add that this world history approach has been fuelled by the development of Area Studies, particularly in the United States and in the Middle East, East Asia and Africa.[4] More recently, efforts

---

[2] In this case, Latin America fairs better in that its own history is more closely connected to that of North America by virtue of "European exploration" and its impact on indigenous populations.

[3] Established in 1982, this organization publishes the *Journal of World History*.

[4] On this see: *Open the Social Sciences: Report of the Gulbenkian Commission on the Restructuring of the Social Sciences,* Stanford: Stanford University Press, 1996.

have emerged to concentrate on regions defined along different lines such as Atlantic and Mediterranean studies.

Approaches to world history have changed considerably, and even in thinking about this, one is struck that among "western" historians there is near complete ignorance of the great traditions of universal histories pursued by Muslim historians long before this was common in "the West."[5] There is, perhaps, a need for more serious comparison here. Nevertheless, in the western tradition of world history, such great works as Arnold Toynbee's multi-volume *Study of History*[6] have been superseded by single volumes that attempt to capture all that is important. Some follow in Toynbee's footsteps and adopt more of a civilizational approach – here perhaps the best known is William McNeill's *World History*[7] - while more recently emphasis has been upon "connections" and "encounters" – that suggest far greater interaction and influence between peoples and regions previously thought to have been distinct.[8] Of course, no matter what paradigm an author adopts, it is impossible to give equal weight to all regions of the world, while one cannot help but perceive that a certain Euro-centrism continues to underwrite the enterprise: this is evident at the very least in the units and categories of analysis as well as the overall trends that are documented in the inexorable move towards a western-infused globalism.

This brings us to the question of "where does the Maghrib fit in the world historical narrative?" There are other narrative

---

[5] Here, the reference is to Rashid al Din's great *Compendium of Histories* (1247-1318), as well as many other Persian and Ottoman universal histories.

[6] Toynbee, *The Study of History* (1934-39).

[7] William H. McNeill, *A World History* 4th Edition, Oxford University Press, 1999. The first edition was published in 1967. See also: Paul Rich, "Civilizations in European and World History: A Reappraisal of the Ideas of Arnold Toynbee, Fernand Braudel and Marshall Hodgson," *The European Legacy,* Vol. 7, No. 3, 2002, pp. 331-42.

[8] For example: Jerry H. Bentley, *Old World Encounters: Cross-Cultural Contacts and Exchanges in Pre-Modern Times,* Oxford University Press, 1993. Edward H. Judge and John W. Langdon, *Connections a World History* Combined Volume, New York: Vango Books, 2009. Philip D. Curtin, *The World and the West: The European Challenge and the Overseas Response in the Age of Empire,* Cambridge University Press, 2000.

frameworks within which the Maghrib does play a significant part —most notably African and Mediterranean histories,[9] as well as accounts of Islamic history[10]— but when it comes to world history, the answer —which won't be surprising— is that the Maghrib is all but absent. The same would seem to be true in terms of Atlantic history —a state of affairs particularly surprising.[11] Indeed, this must be understood in the context of the concerns voiced by many historians of Africa that the continent as a whole receives minimal attention in narratives of world history.[12] To be sure, there is recognition of the origins of human history in East Africa and of the importance of North Africa to both the Roman Empire and the spread of Christianity; while the spread of Islam in both North and sub-Saharan Africa is duly noted. The two areas that receive the greatest attention are the place of Africa in the Atlantic slave trade, and then of course the impact of European colonialism. However, as the Africanist Eric Gilbert has commented:

> What is missing from the above list of African topics that show up in world history books is what we might call *l'Afrique profonde*. Africanists are uneasy with Africa represented in world history in part because they know that a big portion of Africa's huge and varied past is not captured by such a list.[13]

---

[9] With regards Mediterranean history, the most obvious is Fernand Braudel's *The Mediterranean and the Mediterranean World in the Age of Philip II.* Trans. Siân Reynolds. 2 Volumes, New York: Harper & Row, 1972.

[10] See Ira Lapidus, *A History of Islamic Societies,* Cambridge University Press, 1988.

[11] For a helpful overview of this field, see: Alison Games, "Atlantic History: Definitions, Challenges, and Opportunities," *AHR,* June 2006, pp. 741-57. Peter A. Coclanis, "Atlantic World or Atlantic/World?" *William and Mary Quarterly* 3rd Series Vol. 63, No. 4, October 2006, pp. 725-42.

[12] But see Erik Gilbert and Jonathan T. Reynolds, *Africa in World History: From Prehistory to the Present*, 2nd edition, Pearson, 2008. See also R. Hunt Davis, "Teaching About the African Past in the Context of World History," *World History Connected* Vol. 2, No. 1, 2004. http://worldhistoryconnected.press.illinois.edu/2.1/davis.html.

[13] Erik Gilbert, "Putting Africa in World History and Vice Versa," *World History Connected,* Vol. 2, No. 1, 2004. http://worldhistoryconnected.press.illinois.edu/2.1/gilbert.html.

Here North Africa is a case in point: the moment at which North Africa really comes into focus in world histories would seem to be with the advent of European colonial occupation beginning in the 19th century. Prior to this, it hardly receives mention. It is the spread of the French empire that results in attention being drawn to the Maghrib.

As an addendum to the larger question of the Maghrib in world history, we should also point out that what we have found more surprising is the apparent lack of interest in the Maghrib among historians of the Ottoman Empire.[14] Despite the fact that it was an important zone of contention between the Ottoman, the Portuguese and the Hapsburg Spanish Empires – as Andrew Hess emphasized more than 30 years ago[15] – Ottomanists have preferred to concentrate on other frontiers: as a result we know a good deal about Ottoman involvement in Europe and the Balkans, as well as in Iraq, but precious little about the extent of its control over Algiers and Tunis, and the nature of its relationship with Morocco. Thus, Suraiya Faroqhi's *The Ottoman Empire and the World Around It* all but leaves out the Maghrib, while Jane Hathaway's *The Arab Lands Under Ottoman Rule, 1516-1800* really isn't much better.[16] Perhaps not surprisingly, the majority of attention to the Maghrib in Ottoman times would seem to have come from Maghribi scholars, a recent series of conferences organized by IRCICA and similar institutions would suggest.[17] However, even here there is much room for

---

[14] For early literature see Michael Brett, "Morocco and the Ottomans; The Sixteenth Century in North Africa," *Journal of African History,* No. 25, 1984, pp. 331-41.

[15] Andrew Hess, *The Forgotten Frontier: A History of the Sixteenth-Century Ibero-African Frontier,* University of Chicago Press, 1978.

[16] Suraiya Faroqhi, *The Ottoman Empire and the World Around It,* London: IB Tauris, 2006. Jane Hathaway, *The Arab Lands Under Ottoman Rule, 1516-1800,* New York: Pearson, 2008.

[17] Abderrahmane El Moudden, "The Idea of the Caliphate between Moroccans and Ottomans: Political and Symbolic Stakes in the 16th and 17th Century-Maghrib," *Studia Islamica,* No. 82, 1995, pp. 103-12. Abderrahman El Moudden, ed. *Le Maghreb à L'Époque Ottomane,* Casablanca: Faculté des Lettres de Rabat, 1995. Abderrahman

improvement: Michel Le Gall and Kenneth Perkins' recent collection of essays on Maghribi historiography is notable for the meager attention it devotes to the Maghrib during the Ottoman period from the fifteenth to nineteenth centuries.[18]

The Maghrib, therefore, deserves greater attention not only among Ottoman historians but also in the pages of world history. An initial question lies in how we approach the Maghrib as a unit of analysis. Prior to the rise of the modern nation-state, how did we clearly define the Maghrib?[19] Is it fair to talk about "Morocco," "Algeria" or "Tunisia" and to project these nations backwards in time – even if, as in the case of Tunisia and perhaps Morocco, there are good grounds to identify a long-standing cultural and political unity associated with a geographic region?[20] Is there an area called the Maghrib on which everyone agrees (here the question of whether or not to include Libya comes to the fore)?

It seems that there is good reason to utilize the Arabic term *Maghrib* and to accept the inherent ambiguity. And prior to the 20th century, it makes sense to avoid as much as possible the false sense of certainty that comes with the usage of national terminology that projects backwards the roots of nations where none really existed. Rather, the Maghrib constitutes a *zone* of interaction and contact: its "borders" are fluid, and it incorporates in it numerous

---

El Moudden and A. Benhadda, eds. *Les Ottomans et Le Monde Mediterraneen: Nouvelles Approches,* Casablanca: Faculté des Lettres de Rabat, 2003.

[18] Michel Le Gall and Kenneth Perkins, eds. *The Maghrib in Question: Essays in History and Historiography,* Texas: University of Texas Press, 1997. In this see the Abderrahmane El Moudden's, "The Eighteenth Century: A Poor Relation in the Historiography of Morocco," pp. 201-11.

[19] For a helpful treatment of the region from a historical perspective see: Edmund Burke III, "Towards a History of the Maghrib," *Middle Eastern Studies,* Vol. 11, No. 3, 1975, pp. 306-23. Michael Brett, "Problems in the Interpretation of the History of the Maghrib in the Light of Some Recent Publications," *The Journal of African History* Vol. 13, No. 3, 1972, pp. 489-506.

[20] Here, we note the cases for this interpretation for specific pre-histories of Morocco and Tunisia in C.R. Pennell, *Morocco from Empire to Independence,* Oxford: One World, 2003; and Kenneth J. Perkins, *A History of Modern Tunisia,* Cambridge: Cambridge University Press, 2004.

geographic features from the desert to the mountains to the coast. It was home to both urban and rural communities that experienced historical developments quite differently. Within this zone, we witness both multiple connections taking place, and distinct differences in the histories of regions. With regards the former, while Kenneth Perkins justifiably sees Tunisia as the "Crossroads of the Islamic and European Worlds,"[21] the Maghrib might rightly be presented as a zone in which not just "Islamic" and "European" worlds meet, but within which Atlantic and African histories also coincide. Surely, there is huge potential to develop a view of the Maghrib at the center of these multiple axes. With regards the latter, we note in the 16th century on the one hand specific Ottoman administrative arrangements established over Algiers and Tunis, but on the other, the relative independence of an emerging Moroccan empire based on Fez and Marrakesh.

Over the longue durée there have been many important moments that might be used to consider continuities and differences in world history from the alternative perspective of the Maghrib. One should think of the way in which the Roman Empire might be viewed from within Maghrib, and how there were many important developments in early Christian theology associated with this zone.[22] From a completely different angle, there are at least two famous Muslims who were rooted in the Maghrib but whose lives and works inevitably situate the Maghrib in a larger international context. On the one hand we have the Moroccan Ibn Batuta's (d. 1368) recorded travels throughout North Africa, the Middle East, and Asia[23] while, on the other, we have Ibn Khaldun (born in Tunis, 1332) who was less well traveled but whose theories of the rise and fall of dynastic states

---

[21] Kenneth J. Perkins, *Tunisia: Crossroads of the Islamic and European Worlds,* Boulder: Westview Press, 1986.

[22] Cyprian the Bishop of Carthage (d. 258) was influential, as was Augustine of Hippo (d. 430)

[23] Ross E. Dunn, *The Adventures of Ibn Batuta: A Muslim Traveler of the 14th Century*, Revised Edition, California: University of California Press, 2005.

remain popular among sociologists today.[24] The fourteenth century presented through their eyes would indeed offer a rich and stimulating perspective on the world.

We would like to conclude the study by briefly emphasizing the value of taking a Maghribi perspective on world history in the early modern period. There is ample information to further develop these themes in teaching world history from a Maghribi perspective. There are five themes that are particularly noteworthy:

1. The spread of empire and the changing realities of early modern dynasties.
2. Changing technologies and their influence on specific regions in world history.
3. The interaction between regional and world economies.
4. Religion, power and the state.
5. Interaction and connections between peoples in distant and distinct zones over the course of early modern world history.

1. The Spread of Empire

In the first instance, we would contend, that through the Maghrib we can develop a richer *understanding of empire*. Simply put, because the Maghrib is typically viewed as a frontier zone between the Habsburg and Ottoman Empires, it is hardly mentioned in the context of empire. Certainly in the age of the great "Gunpowder Empires" the Moroccan Sharifian Empires (Sa'di and Alawi) are rarely mentioned alongside those of the Ottomans, Safavids and Mughals.[25] Nonetheless, our own reading of Maghribi history suggests that looking at empire here offers a refreshing perspective. On the one hand, one cannot ignore

---

[24] Yves LaCoste, *Ibn Khaldun: The Birth of History and the Past of the Third World,* London: Verso, 1984.

[25] See, for instance, William McNeill's well known essay, "The Age of Gunpowder Empires, 1450-1800" in Michael Adas, ed. *Islamic and European Expansion: The Forging of a Global Order,* Philadelphia: Temple University Press, 1993, pp. 103-40.

the previous empires under the Almoravids (ca. 1100) and the Almohads (ca 1200) that united not only much of the Maghrib but also southern Spain and Portugal. On the other hand, we see two later successive empires in the Sa'dis (16th century) and Alawis (est. 1671) that well illustrate efforts to consolidate and expand empire (as in the 1591 defeat of the Songhai empire by al-Mansur), as well as the difficulties associated with succession and dynastic conflict. More to the point, it might be argued that the "Battle of the Three Kings" at Ksar el-Kebir in June 1578 was an influential moment in numerous histories: it resulted in the Spanish occupation of Portugal in 1580, and in Moroccan peace treaties with Spain, the Ottoman Empire and later England. Finally, it was in the wake of this that Spain turned its attention to the Americas while the Ottomans focused on Iran, thus leaving the Sa'dis to expand south and tackle issues of internal dissension.

2. Changing Technologies

If the Maghrib puts a refreshing perspective on the notion of empire, then another angle to be stressed is the role of technology in world history and its influence on the Maghrib. As the term "Gunpowder Empires" suggests, the sixteenth century was notable for the introduction of new military technologies that made possible the conquest of new territories and the consolidation of large bureaucratic states. However, as mentioned before, the Maghrib typically is seen as all but peripheral to these developments in the context of world history. However, Weston Cook Jr. has demonstrated clearly the importance of gunpowder to the emergence of the Moroccan empires in the Ottoman era.[26] At the same time, one might reasonably ask to what degree

[26] Weston F. Cook, Jr., *The Hundred Years War for Morocco: Gunpowder and the Military Revolution in the Early Modern Muslim World,* Boulder: Westview Press, 1994. For a similar comparison for a later period see Amira K. Bennison, "The 'New Order' and Islamic Order: The Introduction of the *Nizami* Army in the Western Maghrib and Its Legitimation, 1830-73," *IJMES,* No. 36, 2004, pp. 591-612.

technology enabled the Moroccans to hold off the Ottomans or whether technological limitations in fact kept the Ottomans from extending their control over the entire Maghrib.

Along rather different lines, the case of Morocco raises significant questions about the limitations of technology and reasons for its development and/or adoption. Here we must recall that a prominent explanation for the establishment of Spanish and Portuguese Atlantic empires has been their geographic location that spurred on developments in maritime technology.[27] However, in Morocco we see clearly that geography alone does not provide an explanation: the nature of the state, rivalry between states, and the economy are all factors that must be considered. Some would even argue that culture was a factor. Regardless of what one concludes, in the case of the Maghrib we have a very different experience of technology that, in the context of world history, results in very different trajectories in the early modern period.

3. Regional and World Economies

The economy is another area in which the Maghrib might be usefully used as a lens through which to view world history. Moroccan interest in the trans-Saharan trade routes clearly influenced efforts to expand empire in 1591, while the relationship of the Moroccan sugar trade is evident in the impact of the British turn towards Brazil in the late 16th century. If the economy connected Morocco with the larger world, then one must explore the role of piracy along the Mediterranean coast in the economies of the Maghrib. Similarly, questions arise as to the impact of the influx of precious metals from the Americas and the role of inflation – so often seen as a destabilizing factor in the Ottoman Empire.

---

[27] Stephen K. Sanderson, "East and West in the Development of the Modern World-System," *Itinerario* Vol. 22, No. 2, 1998. pp. 25-41.

4. Religion, Power and the State

Yet another topic worthy of focus is the relationship between religion, power and the state in the Maghrib. Already, the Maghrib has been the focus of intense interest on the part of anthropologists studying various manifestations of Islam: in this regard, we are fortunate in being able to understand reasonably well the variety of beliefs and practices that characterize Muslim society in the Maghrib.[28] Both in explanations of Islam as a world religion and of religion in general there is much to be gained from concentrating on the Maghrib as a focal point.

At the same time, religion and power in the Maghrib make for an important case study. Historians have stressed the undeniable importance of Sharifian descent and sufi allegiance to the development of political dynasties in the Maghrib: this makes for important points of comparison with the Ottoman and Safavid dynasties and their relative claims to legitimacy as Muslim sovereigns. At the same time, one might question the impact of millennial expectations in the Mediterranean in the late sixteenth and early seventeenth centuries and the way in which Moroccan sultans and religious elite used these to their advantages.

5. The Maghrib as a Zone of Contact and Interaction

Finally, there is much value in considering the connections between the Maghrib and other parts of the world. Of course, this can be viewed on the level of states as is most often the case, and we alluded to this already. However, we want to stress the Maghrib as a "zone" of contact, while at the same time looking beyond the state and considering connections that existed between the "common people" in very different parts of the world. This is

---

[28] For example: Clifford Geertz, *Islam Observed: Religious Development in Morocco and Indonesia,* London: Yale University Press, 1968. Lawrence Rosen, *The Culture of Islam: Changing Aspects of Contemporary Muslim Life,* Chicago: University of Chicago Press, 2002.

an area awaiting much research, but we are thinking partly in terms of Kenneth Pomeranz's emphasis on social history as world history.[29]

Historians often stress diplomatic contacts between early modern states,[30] but there has been very interesting research on the social level; such as Nabil Matar's *Turks, Moors and Englishmen*.[31] One should also look at the much more interesting yet less obvious connection between the Americas and the Maghrib. Here there is a most interesting essay by Paul Baepler on the "Barbary Captive Narrative in American Culture," in which the author stresses the various levels at which Americans and Maghribis interacted. He also suggests that American images of the Barbary pirate may have had significant influence on how Euro-Americans viewed and thus treated the indigenous populations of North America.[32]

Ultimately, this theme of contact and connections brings us to one of the prevailing paradigms in world history as it is written today. No doubt, there are many other works that provide a framework for exploring the variety of relationships that existed between the Maghrib and the wider world —here one cannot help but mention Natalie Zemon Davis' *Trickster Travels*[33]— and it seems that this is perhaps the most fruitful field if we are to present world history from the perspective of the Maghrib. For it is here, in the everyday experiences of women and men that

---

[29] Kenneth Pomeranz, "Social History and World History: From Daily Life to Patterns of Change," *Journal of World History,* Vol. 18, No. 1, 2007, pp. 69-98.

[30] Dahiru Yahya, *Morocco in the Sixteenth Century: Problems and Patterns in African Foreign Policy,* Bristol: Longman, 1981.

[31] Nabil Matar, *Turks, Moors and Englishmen in The Age of Discovery,* New York: Columbia University Press, 1999. Also see Ann Thomson, *Barbary and Enlightenment: European Attitudes Towards the Maghreb in the 18th Century,* Leiden: Brill, 1987.

[32] Paul Baepler, "The Barbary Captive Narrative in American Culture," *Early American Literature,* Vol. 39, No. 2, 2004, pp. 217-46. Also see Malini Johar Schueller, "Orientalizing American Studies," *American Quarterly,* Vol.60, No.2, 2008, pp.481-89.

[33] Natalie Zemon Davies, *Trickster Travels: A Sixteenth Century Muslim Between Worlds,* New York: Hill and Wang, 2006. Also, Linda Colley, *Captives: Britain, Empire and the World, 1600-1850,* London: Cape, 2004.

we find examples with which we ourselves might identify —and as we all know, it is this that makes history most valuable and interesting to students in the classroom— those same students whom we seek to inspire and whom we want to challenge to think about history in new and productive ways.

"Al-Andalus" and Recovering the Cultural Legacy of the Moorish Presence in the Iberian Peninsula

José Tomaz Castello Branco*

> *Civilizations no longer exist as separate entities in the way they once did. But modern societies still bear the strong stamp of history, and still identify with each other along cultural fault lines. Of these fault lines the one that generates the most discussion today runs between Islamic and Western societies.*
>
> UN Secretary General, Mr. Kofi Annan, June 28, 1999

> *No compulsion is there in religion.*
>
> Kur'an, Sura Baqara: 2: 256

Introduction

In a seemingly divided world, where the division between East and West, North and South, seems to be ever deepening, we would like to propose a new approach to the study of Islamic Civilization in the Mediterranean through an "Algarvian" perspective. This perspective, which we intuitively call Algarvian, comes from the Portuguese word "Algarve", The Algarve is the southernmost region of mainland Portugal. Its name comes directly from the Arabic al-Gharb (الغرب), which means "the West". So, this Algarvian perspective aims to be a perspective from the West, but a distinctive West.

Indeed, today's Portugal can unmistakably be identified with what is generally known as the West, being a secular Western style liberal democracy, a member of the European Union and NATO and deeply rooted in the history of Christendom. But Portugal

* Professor of Political Studies at the Catholic University of Portugal.

and the Portuguese people are the inheritors of a very long, rich and complex past, a multilayered history, interwoven by many, sometimes conflicting, influences. We have beautiful engravings registering the presence of human life in the Portuguese territory from as early as twenty thousand years ago. Celtic tribes began to inhabit the region in the 7th century BC. Greeks, Phoenicians and Carthaginians began exploring the country's mineral resources and establishing commercial outposts before the first Roman invasions in the 3rd century BC. With the Romans came Christianity, to which the following and successive hordes of barbarian invaders, coming from Northern and Eastern Europe, would convert. From the late 6th century the Visigoths would become the dominant tribe ruling over the entire Peninsula.

The next invasion was to come not from the North but from the South. In the year 711, taking advantage of dynastic conflicts among the Visigoths, a Moorish army led by Tariq bin Ziyad crossed the Mediterranean, launching an invasion that rapidly took control of almost all of the Iberian Peninsula. This was the beginning of a very extensive period of Muslim rule of almost eight centuries in the Iberian Peninsula. It lasted until 1492, the year of the fall of Granada.

For more than five centuries, over half a millennium, a large part of what is today mainland Portugal was under Muslim rule. Until the completion of the Portuguese *Reconquista* (Re-conquest) in the 13th century, the al-Gharb was a significant part of the al-Andalus, the name under which Muslim rule in the Iberian Peninsula became known. Curiously enough, from that time onwards, the Portuguese Kings held the title of King of Portugal and the Algarve, recognizing the specificity of the Southern part of their kingdom.

Since 1471, the conquest of the Moroccan coastal cities of Arzila and Tangiers led to a slight change in the title of the Portuguese King, for the word Algarve started to be written not in the singular but in the plural: "King of Portugal and the Algarves, here and beyond the sea in Africa". We would like to stress the importance of the plural here: apart from obviously emphasizing the Algarve's

distinctiveness from Portugal, it also reflects the understanding of the close affinity between this southern European territory and the new possessions in Africa. It also tells us something about Portugal's self-understanding.

When, in the 19th century, the French Napoleonic armies invaded Portugal and the royal family was forced to move to Brazil, the Portuguese Kingdom changed its designation to the United Kingdom of Portugal, Brazil and the Algarve. Eventually the French were defeated and the Portuguese King returned to Lisbon and to his old title, the King of Portugal and the Algarves. It was only after the republican revolution, just a hundred years ago, that the reference to the Algarve was discarded.

What all these show is both the importance and the distinctiveness of this region within Portugal. It also shows its persistence through time.

We believe that this apparently eccentric situation may help us in shedding some light on controversial contemporary times. This Algarvian perspective is both European and African, continental and maritime and, what is more important for us, it is based on both Christian and Muslim foundations. It is, if we may say so, a privileged point of view that allows Portugal to have an eastern perspective within the West and a western perspective within the East.

It is from this perspective that we would like to explore the historical legacy of the only European caliphate ever to exist, not only the city itself but, more specifically, its Cathedral and offspring.

Cordoba: Two Worlds Coming Together

When the Moorish armies conquered Cordoba it was already a great city, although not as great as it would later become. By the turn of the first millennium, Qurtuba (Cordoba), a city under Muslim rule, was considered to be the largest city in the world —demographically speaking it was at least twice as large as it is today, with somewhere between half a million and a million people. (London's population by that time is estimated

to be somewhere between 5. 000 and 40. 000). Its streets were paved and at night they were publicly lit. There were hundreds of bathhouses, hospitals, schools and libraries —the largest of which allegedly contained around four to five hundred thousand volumes— its catalog, stretching to forty-four large volumes, is a clear indication of the size of the library. Cordoba was not only the largest and most culturally sophisticated polity in Europe; it was the leading city of Medieval Europe.[1] According to the famous geographer Ibn Hawqal, who visited the city in 948:

> "[Cordoba] has no equal in the Maghrib, and hardly any in Egypt, Syria or Mesopotamia, for the size of its population, its extent, the space occupied by its markets, the cleanliness of its streets, the architecture of its mosques, the number of its baths and caravanserais".[2]

At its center there was the great Mosque, dominating the thousand other religious temples scattered around the city. This mosque tells us much about the Muslim presence in the Iberian Peninsula. It was built on the site of a previous Christian church dedicated to Saint Vincent —who is actually the patron saint of Lisbon. Born in Huesca, in what is today modern Spain, north of the city of Zaragoza, Saint Vincent was persecuted and put to death under the Roman Emperor Diocletian in 304, at the height of what became known as the Great Persecution —which was, actually the last and bloodiest era of persecution suffered by Christianity under the Roman Empire. It lasted from 303 to 311. Soon afterwards, his successor, Emperor Constantine, put an end to the persecutions by issuing the famous Edict of Milan (313), which asserted religious tolerance for Christians throughout the Empire. One may imagine that the Church, being dedicated to Saint Vincent, clearly stood as a symbolic beacon of hope for

---

[1] Jonathan Lyons, *The House of Wisdom: How the Arabs Transformed Western Civilization*, London, Bloomsbury, 2009, p. 148; Tamin Ansary, *Destiny Disrupted, A History of the World through Islamic Eyes*, New York: Public Affairs, 2009, p. 118.

[2] Ibn Hawqal, quoted in Richard Fletcher, *Moorish Spain*, New York, 1992, p. 65; Jonathan Lyons, *The House of Wisdom*, p. 148.

religious tolerance —a permanent reminder of what should be considered an absolute evil— especially among religious believers independently of the faith they profess —that no one should be killed for no other reason than his/her firm belief in God.

Later on, when the Moors established their capital in Cordoba – abandoning Toledo as the political centre of the Iberian Peninsula – they unsurprisingly wished to build their own great mosque. And they chose none other than the Church of Saint Vincent as the basis on which to build what would be the most important mosque in al-Andalus. The work on refashioning the place of worship started in 784, some 70 years after the conquest, under the rule of Abd al-Rahman I. He was the surviving grandson of the last Umayyad Caliph of Damascus, whose whole family had been assassinated in 750. Eventually Rahman managed to escape, with the help of his slave Bedr, and fled westwards toward the al-Andalus, which remained an Umayyad stronghold. In the course of his five-year journey he gathered a small army of Arab warriors, who remained Umayyad loyalists, as well as Berbers – his mother was of Berber descent. After imposing his authority over the entire al-Andalus, Rahman never claimed his grandfather's title of Caliph but instead would become known as "the Immigrant" or "The Falcon". It was for his descendants, at the height of Cordoba's splendor, some two centuries later, to reaffirm their claim as legitimate successors to the Caliphate of Damascus. Until that moment, these descendants of the Umayyads had longed to bestow upon Cordoba the dignity worthy of a successor to their cherished capital of Damascus and a splendor capable of rivaling the flourishing city of Bagdad, which was now the capital of the new Abbasid Caliphate. A grand new mosque had to be erected.

Even though they kept their political and military distance from the Abbasids in Baghdad they benefited immensely from the ever-growing flux of ideas and technologies that ran through the Muslim *Ummah* in the course of these two centuries. From advanced irrigation techniques (for example, in Portugal the name for a waterwheel is *nora* like the Arabic *naura* – in Spain they call it *noria.)*, to new agricultural species, like oranges, peaches and

cherries, al-Andalus blossomed. Cordoba stood at the centre of a large trading network connecting it through the Mediterranean to distant places from Northern Africa to distant Persia. It exchanged timber and metals for luxury goods of all sorts, from rich textiles to spices. And it became more and more civilized in terms of manners, adopting refinements such as the use of toothpaste, or the habit of eating meals in different courses.

Of no less importance was the openness that came with the mathematicians, astronomers, physicians, philosophers and all other types of scholars, who found in Cordoba the hospitable environment of a great broad-based capital. Indeed there were very large Christian and Jewish communities who were given a considerable degree of autonomy and were allowed to keep their sacred rituals and religious places of worship. These non-Muslim communities had their own religious leaders as well as their own judicial systems. And they were not excluded from occupying public offices within the Cordoban administration. It is not easy for us to recapture the social environment of those days, not only within the city walls of Cordoba, but even between different cities and kingdoms. One might suppose that there was no exchange between Muslim and Christian kingdoms. But there was.

It is worth recollecting a wonderful story from the late tenth century that clearly reflects this environment. It is the story of a Christian King who went to a Muslim city in search of medical treatment and was cured by a Jewish physician.

In the mid tenth century, King Sancho of Leon was deposed by his noblemen, allegedly because of his obesity. He then went into exile in al-Andalus, seeking for a cure for his malady. He was welcomed by Abd al-Rahman III as an honored guest and stayed in his palace during his treatment. In Cordoba there was a doctor with a great reputation, Hisdai Ibn Shaprut, who cured him, allowing Sancho to go back to Leon and reclaim his crown. This is an interesting and impressive story. But it becomes even more impressive if we get to know the Andalusian players.

Abd al-Rahman III (889/91-961) was a very powerful ruler. Succeeding to the Andalusian Emirate after pacifying the various

rebels within the Moorish Iberian Peninsula he declared himself Caliph in 929. In fact, he was the first Cordoban ruler to claim the title, reasserting the claim of his Umayyad ancestors and breaking all ties with the Fatimid Caliphate. It was under his rule that Cordoba reached the peak of its glory, becoming the leading intellectual centre in Europe and a serious rival to Damascus and Baghdad. This was also a unique period in terms of religious freedom and toleration.

Hisdai (915-970/990) was not only an excellent doctor but also a wealthy and enlightened man. He was also a friend, confidant and counselor to Abd al-Rahman. Though not bearing the title of vizier, Hisdai was actually the administrator in charge of Cordoba's foreign affairs. He maintained that position even after the caliph's death, continuing to serve under his son, al-Hakam II. But he was not a Muslim —he was a Jew. A very important member of the Jewish community, he was responsible for moving the centre of Jewish studies from the control of Baghdad to al-Andalus, and it was under his leadership that a proper Andalusian Jewish culture began to assert itself. Menahen ben Saruq and Dunash ben Labrat are two of the distinguished Jewish scholars who were invited to Cordoba by Hasdai. He made good use both of their diplomatic skills and of their prestige and influence in his advocacy for religious toleration both within and outside Cordoda. Indeed, one of the most important remaining documents from his diplomatic activity is a letter he sent to the Empress Helena of Byzantium in which he pleaded for the concession of religious liberty to the Jews of Byzantium —most probably on the same terms as they enjoyed in Cordoba. Tamin Ansary comments on this episode with a remarkable sense of humor:

> A Christian King received treatment from a Jewish Physician at the court of a Muslim ruler: there you have the story of Muslim Spain in a nutshell.[3]

---

[3] Tamin Ansary, *Destiny Disrupted, A History of the World through Islamic Eyes*, New York, p. 120.

Damascus: Holy Ground as Common Ground

Great as Cordoba may have been, it was not alone in the Muslim Mediterranean world. Indeed, one can easily find strong parallels between Cordoba and its predecessor, Damascus. It was the city that had been, until then, the most important Muslim centre in the Mediterranean.

Conquered in 636 in the early phase of the Muslim expansion under Khalid ibn al-Walid and less than a century earlier than Cordoba, Damascus would remain the political centre of the Muslim world and the capital of the Umayyad Caliphate for almost a century, from 661 to 751. This was an empire that stretched from the North African and later on South European Atlantic coast to the Western slopes of the Himalayas. In the middle of this imperial Muslim city stood a Church of tremendous importance to Christendom —the Church of Saint John the Baptist. The church was not only dedicated to Saint John the Baptist; it preserved (and presumably still preserves) one of the most prized relics for Christians: the Saint's head. One should bear in mind that both Christians and Muslims alike honor him as a prophet. In the Arabic tradition he is known as Yahya ibn Zakariyya. But there is one more connection between these two faiths. Within the walls of this great temple we can find the Minaret of Jesus. This is surely one of its most important of all minarets for it is believed by Muslims to be the place where Jesus is expected to appear at the end of the world.

Here, too, we find that there was also a long period (some 80 years) when the temple served two religions, the Muslim service taking place on Fridays and the Christian on Sundays.[4] According to some historians there are, in this region, several other examples of shared places of worship during the early era of Islamic rule. It is only natural that the Muslim caliphs wanted to

[4] See the interesting article by Christian C. Sahner, "A Glittering Crossroads" in *The Wall Street Journal*, 17th July 2010, online version at http: //online. wsj. com/article/SB10001424052748703571704575340833854939358. html.

replace this church with a mosque. The Great Mosque was built in less than a decade, starting in 706, with the help of two hundred skilled workers from Christian Byzantium —which may help to explain the Mosque's exquisite Byzantine style. Nonetheless, what we would like to point out here is that the Church was not taken by force, as spoils of war — but it was bought from its previous Christian owners. The same thing happened in Cordoba; both were imperial mosques. Both were built in predominantly Christian cities; both were built over Christian Churches; and both were built by the Umayyad – a dynasty closely connected with the Mediterranean.

Perhaps we can find here a connection between the proximity to the sea and the openness of a culture. Perhaps we can also trace here a special connection between a place of worship and religious toleration – or, at least, of a close connection between these two faiths: Islam and Christianity.

A very good and recent example of how these great places of worship can serve today as a symbol for concord between the Christian and the Muslim world is the visit paid by Pope John Paul II to the Great Mosque of Damascus in 2001. As far as we can tell it was the first time a Pope had ever visited a Mosque. What this visit showed us all is that a religious temple should never be seen as a sign of division between believers of different faiths but rather as a symbol of what different religions ultimately share: the devotion to something that transcends our earthly and transitory existence; the respect that believers, as God's creatures, ought to pay to their Creator.

This visit was inspirational and surely set an example, but there are many others. One of the most civilized examples, as far as we know, is the one set by Omar, the first Caliph. It constituted a model for toleration, for the peaceful coexistence among different peoples, set at the very beginning of the Caliphate expansion.

Soon after the conquest of Jerusalem, the Caliph went there in order to accept its surrender in person. As the story goes, he entered the Holy City riding on a donkey —very much like Jesus. The Christians of Jerusalem offered their church for him in which

to pray, but he refused. Allegedly, not because he found it unfit for a Muslim, but because of what we could today regard as a fundamentally civilizing principle of religious toleration.

> The Christians assumed that the Khalifa of Islam would want to perform the Muslim prayer in their most hallowed church as a token of his triumph, but Omar refused to set foot in it. 'If I do', he explained, 'some future Muslim will use it as on excuse to seize the building and turn it into a mosque, and that's not what we've come here to do. That's not the sort of things we Muslims do. Continue to live and worship as you please; just know that from now on we Muslims will be living among you, worshipping in our own way, and setting a better example. If you like what you see, join us. If not, so be it. Allah told us: no compulsion in religion.[5]

This is a remarkable example of religious toleration. Indeed, as a true believer, the Caliph was secure in his faith, and he believed that he and his fellow believers could set a better example. He was confident. He was not afraid. And so he pledged to leave the doors of his own place of worship open for others to enter.

Fortunately though, this first Caliph was not really an exception within the Muslim community he helped to build. In fact, we can find similar references within the first years of the Islamic era. Amr ibn al-As played a major part in the early expansion of Islam. He was not only a contemporary of the Prophet but actually one of his "companions" (*Sahaba*). He played a significant role in leading the conquest of Egypt in 640 —and it was in Egypt that he would commission the first Mosque to be erected in the African Continent.

> In Islam the old rule holds good that sacred places survive changes of religion. It was especially easy in cases where Christian sanctuaries were associated with Biblical personalities who were also recognized by Islam: e. g. the Church of St. John in Damascus and many other places in Palestine.[6]

---

[5] Tamin Ansary, *Destiny Disrupted*, p. 46.

[6] *First Encyclopaedia of Islam*, vol. V, Leiden 1997, p. 321.

Indeed, just as Jesus stated "In my Father's house there are many dwelling places", (John 14. 2) in this world there are many places of worship . Accordingly, places of worship should not be regarded as symbols of division, but of unity.

İstanbul: The Home of Wisdom

There is one last great place of worship that we would like to invite attention the Hagia Sophia in the imperial city of İstanbul. Its origins date back to the mid-fourth century. But it was under the Roman Emperor Justinian I in 532 that the magnificent structure that we know today began to be built. After the schism within the Christian Church, Hagia Sophia became the most important Cathedral in the Byzantine Empire until the conquest of Constantinople by the Turkish Ottoman Empire in 1453. After the conquest, the Cathedral of Saint Sophia was immediately converted into a mosque: the Ayasofya Mosque. In 1935, after the fall of the Ottomans and the rise of the Turkish Republic this religious place of worship was transformed into a museum. Like the two previous examples, this one too served both Christianity and Islam. It also served as the most important religious centre of an Empire —again an Empire whose central territories remained close to the Mediterranean. But this place of worship held something distinctive: its dedication.

Hagia Sophia is commonly understood as Saint Sophia. This would lead us to interpret this dedication as a common dedication to a saint, as in all other Christian churches. It could be so. But in its Latin translations it means *Sancta Sophia* or *Sancta Sapientia.* Now this new understanding of Sophia leads us not to the name of a person but to the idea of wisdom —the Greek *logos.* Indeed, this may well refer to the reason itself, to the original sense of the word *logos*— which in its most literal sense can simply mean "word". This takes us back to the beginning – actually it takes us back to the very beginning of St. John's Gospel: "In the beginning was the Word, and the Word was with God, and the Word was God". (John 1. 1) The Catholic Bible offers a very brief footnote

explaining the meaning of the word "Word":

> The Word (Greek logos): this term combines God's dynamic, creative word (Genesis), personified preexistent Wisdom as the instrument of God's creative activity (Proverbs), and the ultimate intelligibility of reality (Hellenistic philosophy).

The word here refers also to rationality —the very quality that gives us human beings a privileged place in God's creation. But "word" also means communion, communication. It is through the word that we communicate amongst ourselves; and it is through the Word that we can understand God's commandments. That is surely a very important part of the sacred Christian rite of the Holy Communion. As for Islam, the Word is paramount —for it was through words that the Prophet Mohammed communicated God's Word.

The Hagia Sophia can then be seen as a symbol of this distinctively human capacity for communicating and understanding. A holy ground devoted to the understanding of the Divine Wisdom of God. A symbol for the idea that faith and reason are not only not inescapably at odds with each other, but that they can be made complimentary.

In this respect, the name of al-Farabi (870-950) is of prime importance, for "he was the first philosopher who sought to confront, to relate and, as far as possible, to harmonize classical political philosophy with Islam". In fact, and, as Muhsin Mahdi rightly points out,

> the importance of Alfarabi's place in the history of political philosophy consists in his revival of the classical tradition and in making it intelligible within the new context provided by the revealed religions. (...) He was the founder of a tradition that looked to him and through him to Plato and Aristotle (...).[7]

Eventually though, it would be at the opposite end of the Mediterranean, in al-Andalus, that Muslim philosophers

---

7 Muhsin Mahdi, "Alfarabi", *History of Political Philosophy*, Chicago 1963, p. 206.

first began to move away from neo-Platonism towards a more rationalistic Aristotelian approach, paving the way for the reconciliation of religion and reason as two complementary pathways in the same quest: the discovery of the truth and the understanding of God's supreme creation: Mankind.

And it is on this note that we would like to go back to our starting point: Cordoba. Standing at the centre of the city's life, the great place of worship must have witnessed the emergence of the Cordoban philosophers' efforts to try and reconcile religion and reason —an effort, one should stress, that would turn out to be the mainstay of European rationalism; an effort supported by the endeavors of both Muslim and Jewish philosophers, like Ibn-Rushd and Maimonides. This is, most probably, the greatest contribution made by Cordoba to what we can call Mediterranean civilization.

It was most probably under the roof of this Mosque that the great philosopher Ibn-Rushd, one of the greatest minds of his age, began studying, questioning and discussing.[8] Known in the West as Averroes, "he was the brightest light of the cultural zenith that was achieved in Muslim Spain during the eleventh and twelfth centuries",[9] and justly celebrated as one of the most important and decisive contributors to the *renaissance* (re-birth) of Aristotle in Europe. As Edward Grant put it:

> Of all Islamic authors, Averroes was the one who most influenced the Aristotelian outlook of the Latin West. (...) In his commentaries, Averroes sought to purge Aristotelian thought of the Neo-platonic interpretations that had, in his view, distorted Aristotle`s true meaning. He was convinced that Aristotle had grasped as much

---

[8] Averroes belonged to a family of scholars. His father was a local *qadi* and his grandfather was the *imam* of the Cordoba Mosque. See: S. M. Ghazanfar, "The Dialogue of Civilisations: Medieval Social Thought, Latin-European Renaissance and Islamic Influences", *Encounters: Journal of inter-Cultural Perspectives,* v. 9/1, 2003, pp. 21-36.

[9] Howard R. Turner, *Science in Medieval Islam,* Austin: University of Texas Press, 1995, 2009, p. 20.

> truth about the world as was possible for a human being to do using demonstrative proof.[10]

Averroes benefited immensely from the mentorship of Ibn Tufayl, who was both philosopher and physician to the Almohad Sultan, Abu Yakub (1135-1184), a successor to Ibn Tumart, the founder of the Almohad dynasty of Caliphs who had followed the Almoravids. Although the Almohads would became known for surpassing the Almoravids in their religious conservatism, it was indeed Abu Yakub who sponsored Averroes' work on Aristotle, for which he eventually became known in the history of philosophy as "The Commentator". According to Averroes himself:

> Ibn Tufayl summoned me one day and told me: 'Today I hear the Prince of Believers [the Sultan Abu Yakub] complain of the difficulty of the expression of Aristotle and his translators, and mention the obscurity of his meaning, saying if someone would tackle those books it would be easier for people to grasp them.[11]

And he then declares: "This is what led me to summarize the books of the philosopher Aristotle".[12] Indeed, a new, clearer understanding of the great Greek philosopher was beginning to emerge, one that would both extricate it from the neo-Platonism of previous readings, like al-Ghazali's, and set in motion a proper Iberian philosophical tradition as opposed to that of the East, led by the commanding House of Wisdom in Baghdad. According to Etienne Gilson, rationalism was thus "born in Spain, in the mind of an Arabic philosopher, as a conscious reaction against the theology of the Arabian divines".[13] Let us just point out how

---

[10] Edward Grant, *The Foundations of Modern Science in the Middle Ages*, Cambridge, p. 30. Cfr. Ernest L. Fortin, "St. Thomas Aquinas", in Leo Strauss, pp. 248-275.

[11] Jonathan Lyons, *The House of Wisdom*, p. 181.

[12] Jonathan Lyons, *The House of Wisdom*, p. 181. V. Majid Fakhri "Introduction" in Ibrahim Y. Najjar, *Faith and Reason in Islam: Averroes' Exposition and Religious Arguments*, Oxford: 2001, p. 1.

[13] Etienne Gilson, *Reason and Revelation in the Middle Ages*, New York: Charles Scribner's Sons, 1948, p. 37. Majid Fakhri, *Averroes, Aquinas and the Rediscovery of*

odd this quote sounds to a modern European today: in the West we are commonly made to believe that rationalism is a byproduct of a different time and space. Indeed, according to the majority of western philosophy textbooks, rationalism springs from the minds of philosophers and scientists like Descartes, Hobbes and Newton, in countries like France and England, later on in the seventeenth century[14] —and not, of course, in what is always depicted as the conservative and backward lands of Southern Europe. These modern Europeans tend to forget that although people like Averroes or Maimonides may have professed the Muslim or Jewish faith they were European born philosophers. They cannot simply be ejected from European history. And, as we would like to maintain, they are a true inspiring seed of European rationalism. It is this tradition that would, later on, in the thirteenth century, inspire philosophers like Saint Thomas of Aquinas, who would remain for centuries to come the most authoritative philosopher within the Catholic Church. To be sure, Averroes unveils what would become a central tenet of the teachings of Saint Thomas and what's more, of the modern Western approach:

> that nothing should enter the texture of metaphysical knowledge save only rational and necessary demonstrations.[15]

As Lyons put it:

> Averroes's Herculean effort to fulfill the Sultan's commission bequeathed to Europe a thoroughly rationalist approach to philosophy that radically changed the landscape of Western thought. This puts Averroes almost five centuries ahead of Descartes (...).[16]

Aristotle in Western Europe, Washington DC: Georgetown University, 1997, p. 6; S. M. Ghazanfar, "The Dialogue of Civilisations", *op. cit.*

[14] V. Howard R. Turner, *Science in Medieval Islam, op. cit.*

[15] Etienne Gilson, *Reason and Revelation in the Middle Ages,* New York: Charles Scribner' Sons, 1948, p. 79; Majid Fakhri, *Averroes, Aquinas and the Rediscovery of Aristotle in Western Europe*, p. 6; S. M. Ghazanfar, "The Dialogue of Civilisations", *op. cit.*

[16] Jonathan Lyons, *The House of Wisdom, op. cit.*, p. 183.

The primary question addressed by Averroes was that of Eternity and Creation, both dealing with the issue of time and causality. The idea accepted by Muslims, Christians and Jews that the existing world was created at a specific moment in time from nothing is totally rejected in Averroes's reading of Aristotle. It is an idea that springs from an unacceptably literal reading of the Holy Scriptures and is inconsistent with the true nature of the Divine. For him, this literal reading undermines the possibility of a true understanding of the "poetical expression". The literal reading of "God created Heaven and Earth" (Genesis) defines the Creation as creation at a specific moment in time and implies that thereafter He would remain the specific and fundamental cause of every existence – and everything existent. If a ball of cotton burns at the proximity of fire it is because God so wishes – not because the burning is a necessary outcome of the heat produced by the fire. God commanded everything to the most minute of "particulars". To go against this view was to discredit the idea that God, and God alone, commanded the universe; it put in peril the notion of God's omnipotence and omniscience. And this was not only faulty – it was perilously close to heresy. That was the charge put forward by conservative philosophers like al-Gazali in his *Incoherence of Philosophers.*

On the other hand, Averroes developed the Aristotelian notion of an eternity set in motion by God - an eternity of time and matter, governed by unchanging universal laws that sprang from God's perfection. Indeed, what he proposes is to accept the understanding of causality as the path to primary knowledge.

> To deny the existence of efficient causes which are observed in sensible things is sophistry (...). Denial of cause implies denial of knowledge and denial of knowledge implies that nothing in the world can really be known.[17]

---

[17] Pervez Hoodboy, *Islam and Science: Religious Orthodoxy and the Battle for Rationality*, London and New Jersey; 1991, p. 114; S. M. Ghazanfar, "The Dialogue of Civilisations", *op. cit.*

This is a world-shattering idea, but it did not, by any means, endanger the revealed truth of religion. There was no contradiction between religion and Aristotle's natural philosophy. They were not competing truths. They were complementary. Two different paths leading to the same goal: truth.

Now the problem with groundbreaking ideas is that they tend to produce frightening shock waves. Al-Ghazali felt them coming earlier on after reading Avicenna (Ibn Sina). Saint Thomas may have tried to use his warnings in order to temper what he saw as the excesses of Averroism. According to Durant,

> Thomas Aquinas was led to write his 'Summas' to halt the threatened suffocation of Christian theology by Arabic interpretations of Aristotle (...) indeed, the industry of Aquinas was due not to love of Aristotle but to the fear of Averroes.[18]

In any case, these ideas had been thought, had been published, had been discussed. And when they started being discussed it was impossible to stop the process. From Averroes they passed on to Maimonides, they were translated by Michael Scots, and eventually reached the hospitable environment of another Mediterranean kingdom, that of Sicily under the rule of the Holy Roman Emperor Frederick, who became known in the Muslim world as "al-Emberor" and within Christendom as *stupor mundi*. He was the founder of the University of Naples, from where these ideas began be disseminated throughout Europe. Saint Thomas would be one of the first students in this University.

And, what is more: the assertion of the possibility of discovering the natural laws that rule the universe not only opened a long pathway to both philosophy and science: it opened a world for man to live freely.

---

[18] Will Durant, *The Story of Civilization: The Age of Faith*, New York, 1950, vol. IV, pp. 913, 954. S. M. Ghazanfar, "The Dialogue of Civilisations", *op. cit.*

Back to the Algarve

So let us get back to the Algarve and remind you of the peculiarity of there being no one Algarve, but Algarves in the plural. Read in the plural, "the Algarves" becomes a beautiful symbol of peaceful coexistence of different peoples following different faiths and together celebrating the rich diversity of God's earthly creation.

Unfortunately, the Mediterranean of today seems to be not as hospitable as it once was. It seems that we are witnessing an ever growing, though unreasonable, gap between its northern and southern shores. Notwithstanding, there remains a close affinity between the various countries and peoples that inhabit this beautiful Mediterranean basin. An affinity of historical, cultural, religious roots compounded over two millennia of common history; an affinity of different peoples across three continents who share a common heritage. Very much like today's İstanbul with the Bosphorus at its centre, a city that was once Byzantium and later Constantinople. But, just as the Bosphorus brings together the two sides of this great city, so the Mediterranean continues to bring together the innumerable cities that flourish on its shores. What stands in the middle of this Mediterranean civilization is water —and water is not only a primordial element of purity— it is the source of life.

There is, we believe, in this Mediterranean civilization an inner wisdom that we ought to revive – the wisdom that allows different peoples to live in together in peace – and, what is more, to prosper from that very difference. This was the example created by the al-Gharb.

It may be the case that the differences that we feel today may be exacerbated by cultures that are not essentially Mediterranean, both from the West and from the East. It is time for these Mediterranean cultures to return and to affirm their common heritage. And perhaps, through their example, those that stand more distant from this sea may also be tempted to learn the language of respect and compromise exemplified in this ancient communion.

East Encounters West: French Merchants and Islamic Law in the Ottoman Mediterranean (Late-Sixteenth and Early-Seventeenth Centuries)

Viorel Panaite*

1. Being a French Ambassador at the Ottoman Court

At the Bibliothèque Nationale de France, Division Orientale, there is a manuscript of 278 folios, with Ottoman documents of late-sixteenth and early-seventeenth century.[1] On the folio 1 recto, one can read the following note: "*Mémoires de l'Ambassade de Monsieur de Brèves en Levant, très curieux et nécessaire à ceux qui sont employés pour le service du Roy à la Porte Ottomane. Du Ryer de Malezair.*"[2] At the inception of the Study, it is necessary to identify two of above-mentioned personages, namely André Du Ryer de Malezair and François Savary de Brèves.[3]

---

* Professor in Islamic and Ottoman History, the University of Bucharest, Romania.

[1] This manuscript was found at the École des Hautes Études en Sciences Sociales, Centre d'histoire du domaine turc. We would like to thank Prof. Gilles Veinstein for his support.

[2] Bibliothèque Nationale de France, Division Orientale, Turc 130 (hereafter: BNF, DO, Turc 130). The *Manuscrit Turc 130* has a Turkish bookbinding in golden and embossed leather, 21. 5 *x* 16 cm. This manuscript was briefly quoted in: E. Blochet, *Catalogue des Manuscrits Turcs de la Bibliothèque Nationale*, Tome I: *Ancien Fonds*, Paris, Bibliothèque Nationale, 1932, pp. 53-4; *Vers l'Orient*, ed. Annie Berthier, Francis Richard, Bibliothèque Nationale, Paris, 1983, p. 39; *Sources de l'Histoire du Proche-Orient et de l'Afrique du Nord dans les Archives et Bibliothèques françaises. II. Bibliothèque Nationale*, München-New York-London-Paris, 1984, pp. 318-9 (by Annie Berthier).

[3] For a detailed description of the *Manuscrit Turc 130*, see also: Viorel Panaite, "A French Ambassador in İstanbul and his Turkish Manuscript on Western Merchants in the Ottoman Mediterranean (Late sixteenth and early seventeenth century)", *Revue des Études Sud-Est Européennes*, Académie Roumaine, Institut d'Études Sud-Est Européennes, Bucarest, XLII, 1-4, (2004), pp. 117-132.

André Du Ryer de Malezair[4] was born in Marcigny in Saône-et-Loire, probably in the last decade of the 16th century, and died in Malezair, probably in 1660. About the upbringing, youth and education of André du Ryer we have no information. His career began as a "gentilhomme ordinaire de la chambre du roi". The first record we have of his existence is in Paris shortly before 1616. He was there introduced to François Savary de Brèves, former French ambassador in İstanbul, who was to have a decisive effect on his entire career. Having singled him out as a promising linguist and a man of intelligence, Savary de Brèves dispatched Du Ryer to Egypt in order to study Ottoman and Arabic. In about 1621, Savary de Brèves recalled him to Paris and established that he had made adequate progress. Two years later, in 1623, Du Ryer was appointed French vice-consul in Alexandria in Egypt, one of France's main and earliest trading centres in the Levant, where consular representation had existed since the early 1550s. Du Ryer was dismissed from the consular office in Egypt in January 1626. Certain documents show that he left his office in Egypt before 1630, spent a period in İstanbul working for the interests of France and its merchants. He returned to France in the same year, 1630, where he was appointed "gentilhomme ordinaire de la chambre du roi". In 1630 Du Ryer published the first edition of his Ottoman grammar and also announced the preparation of an Ottoman-Latin dictionary, which was never to be published.[5] But his French translation of the *Qur'an*, published in 1647, became famous in Europe, being re-translated into Dutch, English and German, and published several more times during the seventeenth and eighteenth centuries.[6]

---

[4] Alastair Hamilton, Francis Richard, *André du Ryer and Oriental Studies in Seventeenth-Century France*, Oxford 2004.

[5] *Rudimenta grammatices linguae Turcicae, quibus ejus praecipuae difficultats ita explanantur, ut facile possint a quolibet superari, viam monstrante Andrea du Ryer*, Paris, excudebat A. Vitray, 1630 (BNF, DO Turc 202 (henceforward: Bibliothèque Nationale = BNF, Divison Orientale = DO).

[6] *L'Alcoran de Mahomet, translaté de l'arabe en françois, par le sieur Duryer, sieur de*

François Savary, Count and Seigneur de Brèves, was probably born in 1560 in Maulévrier of Bourbonnais, and died in Paris on 22nd April 1628. He received a good education, including history and politics. François Savary de Brèves occupied two diplomatic positions in the course of his career: representative of France to the Ottoman Court from 1591 to 1605[7] and French Ambassador to Rome from 1607 to 1615.[8] Up to now, the few pages on his diplomatic activity in the Ottoman Empire were exclusively based on non-Ottoman sources, e. g. the rich correspondence with King Henry IV,[9] the correspondence between King Henry IV and the Ottoman high dignitaries,[10] or the dispatches and reports of the English and Venetian envoys.[11] The documents of the *Manuscrit Turc 130* preserved in Paris are most enlightening on the "Turkish period" of Savary de Brèves' life.

---

la Garde Malezair, 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 des Roses, composé par Saadi, prince des poètes turcs et persans*, Paris, 1634.

[7] Some historians have improperly indicated other periods of his embassy (1589-1607, in Eugène 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)

[8] In 1615 he was recalled to France and appointed in 1618 as "governor" (teacher) of Jean-Baptiste Gaston, the only brother of the King Louis XIII (duke Gaston d'Anjou; Gaston d'Orléans).

[9] Jules Berger de Xivrey, *Recueil des lettres missives de Henri IV*, Paris, 1843-76 (in vols. IV-IX are included in Henry IV's letters to François Savary 1589-1606.

[10] The correspondence between M. de Brèves and the French officials or Municipalité de Marseille proves his effective support for French commerce in the Levant, and his fidelity in the service of King Henry IV ("son bon Roy") (Octave Teissier, *Inventaire des Archives Historique de la Chambre de Commerce de Marseille*, Marseille, 1878, p. 87).

[11] The dispatches of the English ambassadors offer an image of the diplomatic intrigues in which they were involved (on the Dutch case, see Klass Heeringa, *Bronnen tot de geschiedenis van den Levantschen handel*, 'S-Gravenhage, 1910). Reports of Venetian baylos were used as sources by A. L. Rowland in writing his study "England and Turkey: The Rise of Diplomatic and Commercial Relations". *Studies in English Commerce and Exploration in the Reign of Elizabeth*, Philadelphia, 1924, part I, pp. 154-69.

An obscure period of Savary de Brèves' career when he came to İstanbul is clarified in a certain document. In a report dated 23rd July 1593, the Venetian Ambassador Matheo Zane spoke of "upwards of nine years' residence", which means Savary de Brèves accompanied his uncle, Jacques Savary de Lancôme,[12] who had been appointed as ambassador to the Ottoman Court in 1585.

According to certain historians, the beginning of Savary de Brèves' embassy should officially start in 1589. Two objections may be made to this assertion. When Jacques Savary de Lancôme denied King Henry IV as his sovereign and started to defend the interests of the League and King Philip II of Spain at the Ottoman Court, he became, indeed, legally unrecognised in this office. As a result, in 1591, the Sultan Murad III and King Henry IV agreed to arrest Jacques Savary. In this episode an important role was played by François Savary de Brèves, who presented himself to Henry IV and the Ottoman high dignitaries as the best candidate for the office of French representative to the Ottoman Empire. The appointment of Savary de Brèves as French representative to the Ottoman Court was finally made, but- not, in any case, before 1591.[13] In September 1592 he received official instructions to continue the unfulfilled missions of the preceding ambassador,[14] and after that date King Henry IV referred to Savary de Brèves in official letters as his "resident" in the Ottoman Empire.[15] The

---

[12] *Calendar of State Papers and Manuscripts, relating to English Affairs, Existing in the Archives and Collections of Venice and in other Libraries of Northern Italy*, Vol. IX. 1592-1603, edited by Horatio F. Brown, London, 1897, doc. 189.

[13] In a letter of 1591 (up to 10th July) Henry IV announced the Grand Vizier Mehmed "en attendant l'expedition que nous entendons faire en bref d'un ambassadeur de notre part vers le Grand Seigneur" (Berger de Xivrey, *Recueil*, III, 428).

[14] "Instructions à Monsr de Brèves pour sa residence à Constantinople..." (BNF, Division Occidentale, Français 3463: *Recueil de copies de pieces*. See, also: Isabelle Petitclerc, *François de Brèves, Ambassadeur de France Constantinople*, thèse de doctorat, Université de Paris, 1988 (A.N.R.T. Lille, 1989, pp. 326-358).

[15] "A Monsr de Brèves, Gentilhomme de ma chambre, residant pour mon service à l'excelse Porte du Grand Seigneur" (Berger de Xivrey, *Recueil*, III, pp. 705-6, letter of 22 November 1592; pp. 709-11, letter of 21 December 1592).

official appointment as ambassador took place only in July 1593. As evidence of this one can point to the fact that it was only in the summer of 1593 that King Henry IV began to address his letters *À Monsr de Brèves, Gentilhomme de ma chambre, et mon ambassadeur a la Porte excelse du Grand Seigneur*.[16] Savary de Brèves was recalled from office in 1604, Jean de Gontaut Biron, baron de Salignac, being appointed in his place. Although he left İstanbul in May 1605,[17] Savary de Brèves continued to have —in different forms— connections with the Ottoman Empire.

In his position as French Ambassador to the Ottoman Court, François Savary de Brèves was responsible for several diplomatic achievements. Some of them —such as the renewal of the peace and commerce treaty with the Porte— were common to any ambassador in the sixteenth and seventeenth century. Others could be considered as outstanding diplomatic successes. Let us emphasize three of them:

First, one that deserves to be mentioned is his attempt to bring the town of Marseille under Henry IV's authority, via İstanbul. Considering the naval power of the Ottomans and the commercial interests of Marseille in the Levant, Savary de Brèves insisted that Sultan Murad III wrote to the habitants of Marseille, and threaten them with canceling their commercial privileges in the Ottoman Empire if they refused to recognize Henry IV as sovereign. The Sultan's letter of *evâ'il-i Ramazan* 1001 / 1-10 June 1593 is quoted only in the work of M. Antoine de Ruffi, *Histoire de la ville de Marseille*, published in 1642.[18] Unfortunately, the historians who dealt with the relations between the League and Henry IV have

---

[16] Berger de Xivrey, *Recueil*, IV, pp. 6-9. In a note to Henry IV's first letter to de Brèves of 22nd November 1592, Berger de Xivrey indicated that de Brèves received the title of ambassador "le 27 juillet suivant" (i. e. 27 July 1593) (Berger de Xivrey, *Recueil*, III, p. 705).

[17] Saint-Priest said M. de Brèves was recalled in 1606, and arrived in Paris after 10 months of travelling in the Levant and North Africa (Saint-Priest, *Mémoires*, p. 203).

[18] M. Antoine de Ruffi, *Histoire de la ville de Marseille...*, À Marseille, 1642 (2 ed. 1662), pp. 284-5.

ignored the role of the Ottoman Empire in the Marseille episode.[19]

Then, there is the question of *Capitulations*. The renewal of previous Imperial Charters was a common task of any French ambassador. Savary de Brèves stands out from those before him by negotiating and obtaining —in 1597 from Sultan Mehmed III and in 1604 from Sultan Ahmed I— the inclusion of many new commercial privileges as a guarantee against the abuses of the Ottoman provincial authorities.

On the other hand, during his mission in the Ottoman Empire, François Savary de Brèves fought strongly to neutralize the English diplomatic policy carried out against France, especially to preserve the old usage of protection over "non-treaty nations, " which was in danger of being lost in favor of England. For instance, the juridical condition of the Dutch merchants, as "protégés" of France, is abundantly illustrated by the Ottoman documents transcribed in the manuscript discussed here.[20]

It is necessary to point out two qualities of François Savary de Brèves, which would allow a better understanding of his distinguished diplomatic achievements. First, his spending so long a time in İstanbul (22 years, according to his own affirmation), gave Savary de Brèves the advantage of acquiring a very good command of the Ottoman language, as a result of which both the Western envoys and the Ottoman officials were quite amazed by his linguistic abilities. This proved an immense advantage in his diplomatic activity at the Ottoman Court.[21] As the Venetian Baylos Matheo Zane said in 1593, Savary de Brèves was not "under the

---

[19] For instance: Jules Michelet, *Oeuvres complètes, VIII: Guerres de Religion. La ligue et Henri IV*, Paris, 1980, pp. 271-464.

[20] For details, see: Viorel Panaite, "Two Juridical Opinions (*Fetvas*) from the Manuscrit Turc 130 (Bibliothèque Nationale, Paris) on the Western Non-Treaty Merchants in the Ottoman Mediterranean". In *Enjeux politiques, économiques et militaires en mer Noire (XIVe-XXIe siècles), études à la mémoire de Mihail Guboglu*. ed. Faruk Bilici, Ionel Cândea, Anca Popescu, Braïla, 2007, pp. 169-194.

[21] The Venetian baylos Marco Venier was amazed at the French Ambassador's ability to speak and read Turkish (*State Papers, Venice*, vol. IX, doc. 281: report of 19th May 1594).

necessity of employing interpreters in his intercourse with the Turks",[22] which proved to be a great advantage in his relationship with the Ottoman officials, to the detriment of other Western representatives. For instance, the French ambassador could draw up the statements in Ottoman faster than his rivals, and consequently could urge the Ottoman officials to act in favor of France.

Contemporary sources emphasized that Savary de Brèves was "in high favor with the Turks."[23] The Venetian reports mention some Ottoman personages with whom the French ambassador was on good terms or even intimate relations: "emirs and preachers;"[24] "a Mollah of the Mosque of Sultan Suleyman, (who was) a person of confidence;[25] "the Emir, the Mollah of Santa Sofia, who is his intimate";[26] "the Secretary of the Sultan…, a person of great weight".[27] One can easily realize that most of them belonged to the religious milieu in İstanbul. An explanation for these friendly relations was the French ambassador's action in securing the liberty of Muslim slaves, an activity very much appreciated at the Ottoman Court". He is in high favor with the

---

[22] *State Papers, Venice*, vol. IX, doc. 189: report of 23 July 1593.

[23] *State Papers, Venice*, vol. IX, doc. 189 (July 23, 1593 - Matheo Zane, Venitian Ambassador in Constantinople, to the Doge and Senate).

[24] "… the Emirs and preachers with whom he is on good terms"; through them M. de Brèves "urges the dispatch of a fleet to France. He is endeavoring to secure such orders before the arrival of Cicala's brother to negotiate for a truce with Spain" (*State Papers, Venice*, vol. IX, doc. 189: Matheo Zane's report of 23 July 1593 to the Doge and Senate).

[25] "a Mollah of the Mosque of Sultan Suleiman, a person of confidence with whom he had acquaintance owing to the fact that he had purchased the freedom of one of the Mollah's relations, who was held prisoner in Malta" (*State Papers. Venice*, vol. IX, doc. 79: Matheo Zante's report of 30 May 1592 to the Doge and Senate).

[26] He told this to Savary de Brèves - who, in his turn, related it to the Venetian baylos - who was summoned to the Seraglio, where he had a long conversation with the Sultan on the subject of the armament (*State Papers, Venice*, vol. IX, doc. 190: Matheo Zante's report of 24 July 1593).

[27] *State Papers, Venice*, vol. IX, doc. 113: Matheo Zane's report of 14 November 1592.

Turks —explained Matheo Zane— on account of his reputation as their benefactor, which he enjoys in consideration of the many Turks he has freed from servitude at the time of the quarrel over the church of San Francesco."[28] Yet he had less friendly relations with some Ottoman dignitaries. In 1593-1594, at the beginning of his mission, Savary de Brèves was on bad terms with the Grand Vizier, who used quite a violent language,[29] and Kaptan Pasha, who "did not recognize him as Ambassador".[30] Later, in 1599-1600, his controversy with the Grand Vizier Damad Ibrahim Pasha was well known in diplomatic circles, being mentioned in the diary of Master Thomas Dallam (1599-1600).[31] However, the good terms he enjoyed with many Ottoman dignitaries brought to Savary de Brèves both public and private advantages. He received the official support of the Ottoman Court for the appointment as ambassador by letters of recommendation sent to Henry IV.[32] Moreover, thanks to his interventions for the release of Muslims kept in captivity in France or Malta, the Sultan granted him - for instance in 1592 - a privilege for the free export of wheat.[33] Generally, one can say Savary de Brèves succeeded in preserving the previous

---

[28] *State Papers, Venice*, vol. IX, doc. 189: Matheo Zane's report of 23 July 1593.

[29] In 1593, Savary de Brèves refused to visit the Grand Vizir again on account of his violent language (*State Papers, Venice*, vol. IX, doc. 226: Matheo Zante's report of 26 October 1593)

[30] Also, there was enmity between Savary de Brèves and *Kaptan-Pasha* (and his brother Signor Carlo Cicala, considered "spy of the King of Spain"). Marco Venier wrote in 1594: "they use the same expressions; for example, the Kaptan when speaking of the French Ambassador said he did not recognize him as Ambassador, and was not aware that there was a King in France". (*State Papers, Venice*, vol. IX, doc. 273: report of 3 May 1594).

[31] *Early Voyages and Travels in the Levant. I. The Diary of Master Thomas Dallam, 1599-1600. II. Extracts from the Diaries of Dr. John Covel, 1670-1679. With Some Account of the Levant Company of Turkey Merchants.* ed. J. Theodore Bent, The Hakluyt Society, No. LXXXVII, London, 1893, pp. 80-81.

[32] *State Papers, Venice*, vol. IX, doc. 82: Matheo Zane's report of 13 June 1592.

[33] Consequently, he has hired ships which were to load in Greece (*State Papers. Venice*, vol. IX, doc. 89: Matheo Zane's report of 10 July 1592).

friendly relations between France and the Ottoman Empire and even in improving them in a period of English offensive in the Mediterranean.

François Savary de Brèves is especially well known as the first publisher of Ottoman texts in Europe (an attempt had already been made in Rome in 1494). During his mission as Ambassador in Rome, he founded a printing house with Arabic letters specially manufactured at his own demand.[34] When he left Rome in 1615, he brought the Arabic letters to France, where he tried to found an Oriental printing house at Lombard College. Here he published the first book in Ottoman. It was on the subject of the Imperial charter of 1604 granted by the Sultan Ahmed I to Henry IV.[35] After Savary de Brèves' death in 1628 these Arabic letters continued to be used in the royal printing house in Paris.

Savary de Brèves is also known from the accounts of his travel in the Levant and North Africa in 1605-1606 written by Jean-Baptiste Vivot de Banon, one of his secretaries, and published in 1628 by another secretary, Jacques du Castel. This publisher added to the above-mentioned travel accounts the French translation of the 1604 *Capitulation*, and three from the five *Discourses*[36] written earlier by Savary de Brèves. This book was entitled *Relation des voyages de Monsieur de Brèves, tant en Grèce, Terre Saincte et Aegypte qu'aux royaumes de Tunis et Alger. Ensemble, Un traicté faict l'an 1604 entre le roy Henry le Grand et l'empereur des Turcs. Et Trois*

---

[34] On his activity as editor of Oriental texts, see: *Exposition Le livre et le Liban jusqu'à 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.

[35] *Articles du traicté faict 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 François Savary, Seigneur de Breves, Conseiller du Roy en ses Conseils d'Estat & Privé, lors ambassadeur pour sa Majesté à la Porte dudit empereur*, A Paris, De l'Imprimerie de langues Orientales, Arabique, Turquesque, Persique, & c., MDCXV (1615), 24 folios.

[36] His five *Discourses* were included in the "Mémoires politiques et diplomatiques de François Savary de Brèves" of 34 folios, a manuscript of the seventeenth century preserved at BNF, Division occidentale, Français 18075).

discours dudit sieur, le tout recueilly par le S.D.C. (Jacques Du Castel), Paris, N. Gasse, 1628. It is by this posthumous work that François Savary de Brèves is now almost exclusively known.

To state in advance our conclusion, the *Manuscrit Turc 130* from the BN, Paris must become an integral part —even more substantially than what is known until now— of François Savary de Brèves's biography and bibliography.

2. Structuring an Ottoman Manuscript on the French Merchants in the Ottoman Mediterranean

Let us return to the Ottoman manuscript under discussion and an analysis of its structure and content. Two particular features make this manuscript a precious source for studying the Ottoman Mediterranean in the late-sixteenth and early-seventeenth centuries.

First, reference has to be made to 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 diverse documents, issued from different chancelleries in İstanbul: Imperial Charters, lettres-patentes, Imperial orders and letters (*name-i hümayun*), reports of the Grand Vizier and fetvas of the *şeyh ül-Islam* (*fetva*), letters of Ottoman high officials (such as *defterdar-başı*, *yeniçeri ağası* etc.), translations of Henry IV's letters, ambassadors' petitions to the Ottoman government etc. Thus we have at our disposal a sufficient documentary base for a comprehensive picture of Western trade and merchants in the Ottoman Mediterranean.

At the same time, 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 for any preceding period. But this manuscript sheds light on the last decade of the sixteenth and the first years of the seventeenth century. Except for some Imperial letters sent to the Kings of France before 1595 and certain documents from the fifteenth and sixteenth centuries (see the Imperial Charter granted to the Genoese of Galata in

1453), most of the documents were written between 1596 and 1602. The first datable Imperial order was issued on 8-17 June 1596 (*evâsıt-i Şevvâl* 1004); the last decree was issued on 26 December 1601 - 4 January 1602 (*evâ'il-i Receb* 1010). Consequently, from the chronological point of view, this manuscript puts 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 arrive at the right conclusions. Other features of this manuscript deserve notice.

This manuscript was not written in the manner of many manuscripts in which documents were transcribed by an anonymous copyist without noting the chronological, substantial or formal relevance between them. The blankfolios,[37] on which words are cancelled by a line, and the unusual manner of transcription proves the hesitations in the composition of this manuscript. As concerns the last aspect, one can say that the numbering of the folios is characteristic of any Ottoman manuscript but the documents were copied from the right to the left with the manuscript opening from folio 2r to folio 30v. The scribe (scribes) thus opened the manuscript from left to right and transcribed all Ottoman documents from the last folio (278r) to the folio 38v. This kind of transcription has made the categorizing of documents more difficult. Most documents were very carefully transcribed, each document being made to head the next page. It being the author's primary intention to make the texts accessible, he gave the minimum of annotations, mainly devoted to the documents, diplomatic aspect and content. To certain documents an informative annotation in French was added. This means that the author knew the content of the documents very well and did not transcribe them in a thoughtless manner. It is only the documents of the last 20 folios (276r-257bis r) that do not observe the above rules, being remarkably bad copies, undated and without the usual explanatory annotation. The above observations betray

[37] Excepting few pages (31r-37v; 235r-234v; 245v-250v), all folios were used.

the European origin of the author, and the fact that additional copyists probably contributed to its elaboration. The appearance of this manuscript indicates that it was written in at least two stages. It seems to have begun in a planned manner, abandoned for a while, and taken up again later.

The structure and content of the *Manuscrit Turc 130* are relevant for the initial intentions of Savary de Brèves in writing a guidebook for the ambassadors and consuls of France in the Ottoman Mediterranean. Considering the order of transcription, one can speak of an incipient structure of this work laid out in three sections: diplomatic section (chapter of Capitulations), juridical section (chapter of fetvas) and administrative section (chapter of decrees). Unfortunately, Savary de Brèves succeeded in clearly demarcating only the first two sections.

Diplomatic section.[38] The Capitulations formed one of the consuls' juridical bases in their relations with the Ottoman authorities. That is why the manuscript begins with the three Imperial Charters *('ahdname-i hümayun)* with commercial privileges for French merchants granted in the second half of the King Charles IX in 977/1569;[39] *'ahdname-i şerif* granted by the Sultan Murad III to King Henry III in 989/1581;[40] *'ahdname-i şerif* granted by the Sultan Mehmed III to Henry IV in 1005/1597.[41]

---

[38] For details, see: Viorel Panaite, "Western Diplomacy, Capitulations and Ottoman Law in the Mediterrenean (16th and 17th Centuries): The Diplomatic Section of the Manuscrit Turc 130 from the Bibliothèque Nationale in Paris", in Seyfi Kenan (ed.), *Erken Klasik Donemden XVIII. Yüzyıl Sonuna Kadar Osmanlılar ve Avrupa: Seyahat, Karşılaşma ve Etkileşim/ The Ottomans and Europe: Travel, Encounter and Interaction from the Early Classical Period until the End of the 18th Century*, İstanbul: ISAM Publications, 2010, pp. 357-387.

[39] BNF, DO, Turc 130, f. 2r-8r. Savary de Brèves added an explanatory note: "It is Sultan Selim's Charter" (*Sultan Selim 'ahdnamesidir)*. Also, he added certain words in the margin, encircled other words etc.

[40] BNF, DO, Turc 130, f. 9r-16v. Savary de Brèves added an explanatory note: "it is the sultan Murad's Charter" (*Sultan Murad 'ahdnamesidir)*.

[41] BNF, DO, Turc 130, f. 17r-25v. Savary de Brèves added an explanatory note: *Sultan Mehmed Han hazretlerinden inayet olunan 'ahdname-i hümayun suretidir*.

It must be emphasized that the famous text of 1536 —long considered to be the corner stone of the capitulatory system— was not copied in the manuscript. This proves once again that the surviving text never had any validity in law, being a treaty project between Francis I of France and Sultan Süleyman the Magnificent. Moreover, the *Capitulation* of 1604 is also missing, which is supplementary evidence that the manuscript had been finished before 1604 during Savary de Brèves' stay in İstanbul. Let us add that, in order to offer terms of comparison, in the third section of the manuscript were included another two Imperial Charters, i. e. the Imperial Charter of 1453 to the Genoese (*Galata zimmilerin 'ahdname-i hümayundur)*, and the Imperial Charter of 1598 for Poland *('ahdname-i hümayun ki Leh kıralına verilmistir).* Considering Savary de Breves' petitions and imperial orders to the local authorities, there is absolutely no doubt that most of the provisions laid down in the *Capitulations* were not observed in practice. That is why the French Ambassador continued his planned guidebook with juridical and administrative sections.

Juridical section.[42] Ottoman manuscripts with copies of the peace and commerce treaties granted to Christian sovereigns were frequently found in archives and libraries. An astonishing feature of Manuscript 130, and one can say that this is the only manuscript discovered up to now to be laid out in this manner, is the fact that the above-mentioned section on Imperial charters (*Capitulations)* is continued by a special section devoted to juridical opinions (*fetva)*.[43] Most of these are signed by the *şeyh ül-Islams* (grand muftis) from the Sa'adüddin family.[44]

---

[42] For details, see: Viorel Panaite, "Western Merchants and Ottoman Law. The Juridical Section of the Manuscript Turc 130 from the Bibliothéque Nationale in Paris". *Revue des Études Sud-Est Européennes*, Académie Roumaine, Institut d'Études Sud-Est Européennes, Bucarest, XLV, 1-4, 2007, pp. 45-62.

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

[44] During the embassy of Savary de Brèves in İstanbul there were two other *şeyh ül-Islam*, Bayramzâde Haci-Zekeriyyâ Efendi (1592-1593) and Sun' Ullâh Efendi

The ambassadors could request juridical opinions *(fetvas)* defining the juridical situation of Western merchants.[45] Taking into consideration that all juridical answers were favorable to the French commercial interests in the Ottoman Mediterranean, one can affirm that these fetvas were issued upon the request of Savary de Brèves, who had friendly relations with religious officials in İstanbul. In December 1602, the Venetian Secretary in London offered clear evidence in this respect, saying

> that in the dispatches of last December the English Ambassador at Constantinople enclosed a decree passed by the Turks and 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 was extremely unpopular.[46]

Having analyzed the signatures of the 22 juridical opinions transcribed in the *Manuscrit Turc 130*, we can conclude that Savary de Brèves succeeded in obtaining: four *fetvas* from the well-known annalist Hoca Sa'düddin Efendi, who was *şeyh ül-Islam* in 1598-1599 and who signed the *Ketebehü el-fakîr Sa'deddîn 'ufiye 'anhümâ*; fifteen *fetvas* from Mehmed Efendi (the son of Hoca Sa'düddin),

---

(1599-1601, 1603, 1604-6; 1606-8), but no *fetvas* signed by them were included in this manuscript (*Ilmiye Salnamesi. Osmanli Ilmiye Teskilâti ve Şeyhülislâmlar*, Matba'a-i Âmire, 1334/1916, edited in modern Turkish transliteration, Ankara, 1998, no. 23).

[45] The Venetian *baylos* asked for *fetvas* of this kind, which were preserved in the Archives of the Baylos in İstanbul (now *Archivio di Statto di Venezia*). The case of the Venetian *baylos* was emphasized in recent articles (Giustiniana Migliardi O'Riordan, "Présentation des Archive du Baile à Constantinople, " *Turcica*, 33, 2001, pp. 339-367; Dilek Desaive, "Les documents en ottoman des fonds des archives du Baile à Constantinople", *Turcica*, 33, 2001, pp. 369-377).

[46] "…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).

şeyh ül-Islam in 1601-1603 and 1608-1615 (he signed himself as *Ketebehü el-fakîr Mehmed bin Sa'deddîn 'ufiye 'anhümâ)*; a *fetva* from Mehmed Es'ad Efendi (another son of Hoca Sa'düddin), who was succesively *Anadolu Kadî'askeri* in 1010/1601-2, *Rumeli Kadı'askeri* in 1012/1603-4, and 1015/1606, *şeyh ül-Islam* in 1615-23 (he signed himself *Ketebehü el-fakîr Es'ad 'ufiye 'anhümâ);* a *fetva* from Bostanzâde Mehmet Efendi, *Şeyh ül-Islam* in 1589-1592; 1593-1598 (the signature *Ketebehü el-fakîr Mehmed 'ufiye 'anhümâ* probably belonged to him); a *fetva* from Ebu'l Meyâmin Mustafâ Efendi, *şeyh ül-Islam* in 1603-4; 1616 (the signature *Ketebehü el-fakîr Mustafa 'ufiye 'anhümâ* belonged to him).

The fetvas were deliberately copied after the diplomatic section of this manuscript to explain and legitimate - from the point of view of Islamic-Ottoman law - the commercial privileges and the juridical situation of Western merchants in the Ottoman Mediterranean. Analyzing the substance of these fetvas, one can realize the questions asked to the Hanafite imams (*bu mesele beyanõnda e'imme-i hanefiyeden cevab ne vecihledir ki* / "what answer is given to this question by the Hanafite imams") in connection with the articles of the Imperial Charter granted by the Sultan Mehmed III to Henry IV in 1597. The *şeyh ül-Islams* generally gave very short answers *(el-cevab)*, but in certain cases they were more detailed. In five fetvas the first question was continued by a supplementary one (*suret-i mezburede)*, which of course necessitated an additional answer.

Administrative and diplomatic section. The last part is a miscellaneous collection of more than 200 documents (for the most part Imperial decrees), having various chancery forms and authors, but a common content, i. e. the Western (especially, French) trade and merchants in the Ottoman Empire in the late-sixteenth and early-seventeenth centuries. They illustrate the practical aspects of commercial diplomacy at the Ottoman Court, and reveal the relations between by provincial authorities and 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

Imperial charters and new commercial privileges in the Ottoman Empire; the juridical condition of Western foreigners, especially of French merchants and French protégés; various aspects of Western trade in the Ottoman Mediterranean (prohibition on taxes from money (*gurush*) brought by foreign merchants, the merchants' right over their merchandise); navigation in the Ottoman Mediterranean (maritime powers, enemy ships / *harbî gemiler*); piracy and its consequences to international trade in the Mediterranean; Christian and Muslim captives, including the prohibition on the enslavement of Western merchants and the confiscation of their merchandise in Ottoman dominions; conflicts between the French communities and the local authorities, which generally involved avanias, i. e. arbitrary payments extorted from the community as a whole and taxes imposed in defiance of the old usage; responsibilities and rights of the French Ambassador in İstanbul and the French consuls in the main Ottoman harbors and towns, such as Alexandria, Aleppo, Antalya, Tunis, Algiers etc.; and powerful and executive relationship between the central authorities in İstanbul and provincial officials (punishment for non-observance of 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 solving 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; İstanbul and Galata; Gallipoli and the Bogaz fortresses; Avlonya (Vlora, Valona).

It is quite clear from the above that during his mission to the Ottoman Court (1591-1605), Savary de Brèves conceived this manuscript as a guidebook for the representatives of France in the Ottoman Mediterranean towns and ports. We can't yet establish to what extent this manuscript circulated inside and outside the Empire and how far it influenced the French diplomatic and consular milieu. It is, however, certain that one of the direct beneficiaries was André Du Ryer de Malezair, a

disciple of Savary de Brèves, who was appointed for a short time as French Consul in Egypt (1623-1626). Taking into consideration its structure, one can say that this manuscript is unique in its composition. Here then - apparently for the first time in a surviving Ottoman manuscript - we find clearly and undoubtedly the necessity of juridical legitimation of the stipulations from the peace agreements (*'ahdnames)* by fetvas (*fetvas)*. Regardless of their structure and form, the substance of the documents offer —also for the first time— a complex picture of Western trade and merchants (especially the French) in the Ottoman Mediterranean in the late sixteenth and early seventeenth centuries.

3. Juridical view of Foreigners (müste'min) in Ottoman Islam

According to certain historians and jurists, only the economic reasons, such as the acquisition of certain merchandise or the money from tax-collecting, determined the Muslim authorities to grant commercial privileges to the Western merchants.[47] This attitude towards foreigners had points in common with Roman and Byzantine law.

The juridical position of foreigners in Ottoman dominions was mainly defined by the Islamic holy law (*şeri'at)*, especially the branch called *siyer*, which generally described the lawful conduct of the Muslim community towards the non-Muslims), the peace and commerce agreements (in Turkish, *'ahdname*; in Western languages, *Capitulations)* and customary practices. In the Ottoman Empire, non-Muslims who had taken an oath of allegiance and had agreed to pay tribute to the Sultan were legally known as "treaty-people" (*ehl-i 'ahd* or *mu'ahidîn*). This term was derived from the Arab word *'ahd*, which denoted engagement, agreement, convention or oath. According to *shari'a* law there were two categories of "treaty-people": *müste'mins* (tolerated and protected

[47] John Gilissen, "Le statut des étrangers, à la lumière de l'histoire comparative", in *L'Étranger, première partie, Recueils de la Société Jean Bodin*, Bruxelles, 1958, pp. 5-57.

non-Muslim foreigners) and *zimmis* (non-Muslim Ottoman subjects).[48]

In the Ottoman epoch, the *Capitulations* granted to Western sovereigns implied a general safe-conduct for their subjects (envoys, merchants, travelers, etc.) From the perspective of the late eighteenth and nineteenth centuries, Western scholars, such as Mouradgea d'Ohsson, defined the foreigner in the Ottoman Empire in a manner closer to the European view than to the Islamic. The *müste'mins* were all Europeans who came into the Ottoman Empire for the sake of commerce, or who were established in the Ottoman towns.[49]

Coming back to the sixteenth century, the famous jurist Ibrahim al-Halebî (d. 1549) stated in a chapter devoted to foreigners: "Any enemy who enters our territories with a safe-conduct is known as a *müste'min*".[50] In the juridical opinions (*fetva)* issued by the *şeyh ül-Islam* or simple muftis, the foreigner was similarly defined:

> Zeyd enemy who [comes] from the House of war and enters into the House of Islam with safe-conduct" (*Zeyd harbî dar-i harb'dan amanla dar-ı Islam'a çıkub)*.[51]

From the fifteenth to the seventeenth century the concept of *müste'mins* was seldom used for foreign merchants in official documents, such as orders, law codes and treaties, being replaced by similar but ambiguous terms, such as "non-Muslim not a tribute-payer" (*haracgüzar olmayan gayrimüslim)* in 1476 and "non-Muslims (*gayrimüslimler)* who come from Venice and other

---

[48] A. Morabia, *La notion de Ğihad dans l'Islam medieval des origines à al-Gazali*, Paris, 1975, p. 290.

[49] Ignace Mouradgea d'Ohsson, *Tableau général de l'Empire Ottoman*, Paris, 1784, vol. I, p. 15.

[50] Ibrahim al-Halebî, *Şerh-i Mülteka el-Ebhur (Mevkufat)*, ed. Nedim Yılmaz, I, İstanbul, 1993, p. 336.

[51] M. Bianchi, "Recueil des Fetvas , écrit en turc et en arabe, par Hafiz Mohammed ben Ahmad ben Elcheich Moustafa Elkedousy," *Journal Asiatique*, 4 (1824), pp. 180-1.

countries" in 1484.[52] In the following centuries, foreign merchants were called by phrases specific to the *shari'a*: "non-Muslims who come from the house of war" in 1586; "non-Muslims of the house of war" in 1650; "the merchants' group from countries of non-Muslims" in 1734, and "the merchants of the house of war" (*dar ül-harb tüccarı*) in 1750-1751.[53]

Let's emphasize that in the fetvas of the manuscript Turc 130, the term *müste'minlik* is used to define the juridical condition of Western merchants during their stay in the Ottoman dominions. Here is an instance. A juridical opinion deals with the French carrying trade in the Mediterranean. The Grand Mufti underlines that the clause from the Imperial Charter protecting the French subjects in the Ottoman empire was actually a characteristic feature of the juridical status of foreigners in Islam (*ancak müste'minlik shartı tastîr olunmuş iken*), and not only a stipulation specific to the Ottoman-French relationship (*dost ile dost düşman ile düşman olmak shartı olmayub*).[54]

On the other hand, the term *Frank* (with its Ottoman variations *frenk*, *frenc*, *efrenc*, *firenk*, *pl. efrenciyâ*) was originally used to designate all non-Muslims, being the oldest concept used in the Mediterranean and Black Sea area for defining the Europeans who entered the House of Islam. The formula "the Frank who doesn't pay tribute" (*harac-güzar olmayan Firenk*) was used to designate the non-Muslims from the House of war who entered the House of Islam.[55] In the fifteenth and seventeenth centuries, *firenk* or

---

[52] R. Anhegger and H. İnalcik, *Kanunname-i Sultanî ber muceb-i örf-i Osmanî*, Ankara, 1956, doc. 53, doc. 56; M. Berindei, M. Kalus-Martin, G. Veinstein, "Actes de Murad III sur la région de Vidin et remarques sur les qânun ottomans, " *Südost-Forschungen* 35 (1976), p. 54.

[53] Ö. L. Barkan, *XV ve XVI-inci asırlarda Osmanlı İmparatorluğunda ziraî ekonominin hukukî ve malî esasları. Birinci Cilt: Kanunlar*, İstanbul, 1945, doc. 93; Valeriu Veliman, *Relaţiile româno-otomane (1711-1821). Documente turceşti*, Bucureşti, 1984, doc. 73, p. 122, 150.

[54] BNF, DO, Turc 130, f. 27r.

[55] Anhegger, İnalcık, *Kanunnâme* , doc. 53.

franks was used to designate the Western merchants, ship makers, ship captains, ship owners, travelers and adventurers in the Ottoman dominions.[56]

According to Bernard Lewis because the Europeans coming to the Ottoman Empire regarded themselves as Englishmen, Frenchmen, Venetians, Germans, Poles, etc. the Ottomans started to see them as different groups, but with a territorial and political identity rather than an ethnic or national one.[57] Thus, the foreign merchants were no longer called by imprecise juridical concepts (*non-Muslim, harbî, franks*) but by names indicating their country of origin: *Lehlü* (Poles), *Venediklü* (Venetians), *İngilterelü* (Englishmen), *Francalu* (Frenchmen), *Nederlandalu* (Dutchmen) and so on.

The status of the foreigner is better understood if it is compared with the juridical condition of non-Muslim Ottoman subjects (*zimmî*). The Hanefi jurist ash-Shaybani stated that a *müste'min* "does not enjoy the *zimmî* status because he is foreign".[58] Also, unlike a non-Muslim subject, the foreigner could only dwell in Ottoman territories for less than one year, being exempted from the poll tax; after one year in *dar al-Islam,* he became a *zimmî.* This *shari'a* rule, however, was not always observed in practice. A clause included in *Capitulations* regularly gave foreign merchants the privilege of remaining for an unlimited time in the Ottoman Empire without paying *cizye* and becoming the sultan's protected subject.

In practice, peaceful relationships with non-Muslims were crucial and various peace agreements were concluded between the sultans and European rulers. In Ottoman-Turkish language, they were called *'ahdnames* (in Western languages, *Capitulations*) and implied a general permission for access and guarantee of safety

---

[56] Anhegger, Inalcık, *Kanunnâme* , doc. 55.

[57] B. Lewis, *The Muslim Discovery of Europe*, London, 1982, p. 173.

[58] *The Islamic Law of Nations Shaybani's Siyar*, ed. M. Khadduri, Baltimore, 1966, p. 173.

(*aman*) for Western merchants, ambassadors or travelers entering and staying in the Ottoman dominions.[59]

As concerns the diplomatic model of the Imperial Charters (*'ahdnames*), by which the Ottomans regulated the foreigners' status in their dominions, nobody should ignore: a) the Venetian experience in the Levant; and b) the customary practices actually imposed on all who were in a position to grant or to receive commercial privileges. The main articles of the *Capitulations* concerning trade and merchants can be summarized in the following categories: safe access by land and sea; safety of their persons and properties; freedom and security of their trade; commercial and financial privileges; individual responsibility for debts and offences.[60]

4. Navigating and Trading in the Ottoman Mediterranean

The Ottoman juridical and diplomatic attitude towards French commercial navigation in the Mediterranean is illustrated in the *Manuscrit Turc 130* by the Imperial charters (*'ahdname*) of 1569, 1581 and 1597 and other juridical opinions (*fetva*). In accordance with these, the Ottoman authorities and subjects were forbidden to take Frenchmen captive, to confiscate their ships or to seize their merchandise. Despite the diplomatic prohibitions formulated in the Imperial Charters of 1569 and 1581, French subjects were still being made captive in Ottoman dominions in the last two decades

---

[59] For details, see: Viorel Panaite, *The Ottoman Law of War and Peace. The Ottoman Empire and Tribute Payers*, New York, 2000; Viorel Panaite, "Peace Agreements in Ottoman Legal and Diplomatic View. 15th – 17th Centuries", in *Pax Otomana. Studies in Memoriam Prof. Dr. Nejat Göyünç*, ed. Kemal Çiçek, Yeni Türkiye & Sota, Ankara & Haarlem, 2001, pp. 277-308.

[60] N. Sousa, *The Capitulatory Regime of Turkey. Its History, Origin and Nature*, Baltimore, 1933; H. J. Liebesny, "The Development of Western Judicial Privileges," in *Law in the Middle East*, ed. M. Khadduri and H. J. Liebesny, Washington, 1955, pp. 309-333; H. Inalcık and J. Wansborough, "Imtiyâzât", in *Encyclopaedia of Islam / Encyclopédie de l'Islam*. New Edition, tome III, pp. 1207-1225; Viorel Panaite, *Diplomație occidentală, comerț și drept otoman. Secolele XV-XVII (Western Diplomacy, Commerce and Ottoman Law. 15th to 17th Century)*, Editura Universității din București, 2004.

of the sixteenth century. As a consequence of these abuses, new stipulations on free traffic and safe navigation were included in the *'ahdnames* of 1597 and 1604 granted to Henry IV of France.[61]

One can distinguish more situations in which French subjects, considered 'beneficiaries of protection' (*müste'min*) during their stay in the Ottoman dominions, were made captive and their belongings and merchandise seized:

a) When the Frenchmen were navigating on their own vessels into and from Ottoman dominions.

b) When the Frenchmen were engaged with their ships in carrying 'enemy' merchandise (*harbî metâ'*). In this context, the Ottoman captains at sea invoked the following pretext for making them captive: "The merchandise loaded on a French ship belongs to the enemy" (*gemide olan metâ' harbînindir*).

c) When the Frenchmen were navigating on a ship (*harbî gemisi*) belonging to a Western power hostile to the Ottoman Empire. In this case, the Ottomans invoked the pretext: "You are sailing on enemy ships" (*harbî gemilerinde bulundunuz deyü*).

d) When the Frenchmen bought provisions from the well-protected dominions and carried them on to an enemy country. Sometimes, a Frenchman could be a member of the crew of a ship belonging to an Ottoman subject (Muslim or non-Muslim) involved in carrying forbidden merchandise. The pretext invoked by the Ottomans was: "You are buying and carrying on provisions to the enemy" (*düşmana zahîre alur gidersin*).

---

[61] In his *Note sur quelques articles des lettres-patentes du 20 mai 1604*, the French ambassador, François Savary de Brèves, emphasized these cases as the main reason for the granting of the Imperial Charter to Henry IV in 1604 (Ignace de Testa, *Recueil des traités de la Porte Ottomane avec les puissances étrangères*, Paris, 1864, vol. I, pp. 154-159; G. Pélissié du Rausas, *Le régime des capitulations dans l'Empire Ottoman*, Paris, 1902, vol. I, p. 136).

a) French Ships and Merchants in Captivity

The participants of an usual case at sea, which was not in the fetvas of the *Manuscrit Turc 130*, were Ottoman ships captains (with generic names, *Zeyd ü 'Amr ü Bekr re'isler)*. The victims were not 'enemy' merchants, ships or merchandise, but French ships with authorized merchandise belonging to French merchants who had already obtained the privilege to load merchandise from their country and other ports on their ships (*gemilerine metâ' tahmîl edüb)*, and to come to sell them in the Well-protected Dominions. Consequently, the Ottoman captains could not claim legitimacy for the seizure of the merchandise.

These attacks often took place near the Ottoman ports just before the arrival of a Western ship into a harbor. The Ottoman captains did not take the passengers captive nor did they seize the ship, but only seized the merchandise loaded on the ship. A complaint made by the merchant was difficult to prove, the taken merchandise being carried from abroad and not bought from the local market. When the Western merchant arrived in the port he would complain to the local officials. The only reaction of the Ottoman *re'is* was trivial, being actually a contra-accusation of piracy against the Western ship's captain. They would assert that in fact their ship was pillaged by the foreign merchants (*aña binâen gâret olundu)*, and not vice-versa.

All the circumstances were laid before the *şeyh ül-Islam* Mehmed bin Sa'adeddîn (1601-1603).[62] The question (*mesele)* here

[62] All juridical consultations quoted in this article were signed *Ketebehû el-fakîr Mehmed bin Sa'deddîn ufiye anhüma*. This signature belonged to Mehmed Efendi (Hoca Sa'adeddîn Efendizade), *şeyh ül-Islam* in 1601-1603 (for one year and five months), and between 1608-1615 (for seven years). He was one of the sons of the famous chronicler Sa'adeddîn, and was born in 1568. His signature can also be identified at the end of another fourteen *fetvas* (nos. 2, 3, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 16, 17) copied by Savary de Brèves in this manuscript (*İlmiye Salnamesi. Osmanlı İlmiye Teşkilâtı ve Şeyhülislâmlar*, Matba'a-i Âmire 1334 / 1916 (edition in modern Turkish transliteration), Ankara, 1998, no. 24; İ. H. Danişmend, *İzahlı Osmanlı Tarihi Kronolojisi*, Cilt 5, Türkiye Yayınevi, İstanbul, 1947-1948 (reprinted, 1971), pp. 118-9).

involved juridical punishment for the above captains,[63] according to the opinion of the Hanafi *imâms*. The general result was for them to have to reimburse the seized merchandise and to receive a very severe punishment (*aldukların redd ü ta'zir eşedd*). But, due to the fact that the action could be considered a violation of the peace (*'akd olunan sulhı naksa*), which had been concluded for the public affairs, the Ottoman captains might possibly be punished by life imprisonment (*habs-ı ebed*). Somebody from the group of Ottoman captains, who had pillaged the aforesaid merchandise, testifies against the declaration of Nikola and Mihâl, and makes a claim to the effect that "he was consequently pillaged". Is their testimony viable? If the answer to this question was negative it was not possible to hear the Ottoman captains' testimony against the declaration of the Western ship's captain and clerk.[64]

Another fetva of Mehmed bin Sa'adeddîn introduced other nuances and indicated a punishment by long imprisonment of the Ottoman ships' captains who had enslaved protected foreigners (*müste'min*) and seized their merchandise. Three Western merchants (*müste'min*), called generically *Mihâl, Nikola* and *Aleksi*, were navigating with their ships loaded with merchandise in the Well-protected Dominions. During their voyage at sea, they met three captains of Ottoman ships, called with generic names *Zeyd, 'Amr* and *Bekr*. Even if it was an accidentally happening or planned encounter, the result of the enqiry by the Grand Mufti was the same, that the Western ships and merchandise were seized and pillaged (*metâ'ların ahz ü gâret etmeğe*). The question here is whether this action was legally defensible or not?

According to the *şeyh ül-Islam* this kind of action was contrary to the Holy Law: 'it is not possible' (*olmazlar*). The situation became more complicated and grave if the three Ottoman captains failed to obey the Sultan's order and refused to return the

---

[63] On "The Fixed Penalties", see Colin Imber, *Ebu's-su'ud. The Islamic Juridical Tradition*, Stanford University Press, Stanford, California, 1997, pp. 89-94. Also, see Uriel Heyd, *Studies in Old Ottoman Criminal Law*, Oxford, 1973.

[64] BNF, DO, Turc 130, f. 27v (fetva 8 + 8a).

seized merchandise to the above-mentioned *müste'mins*. In this case, they had to be chastised by a severe punishment and long imprisonment (*ta'zîr şedîd ü habs-ı medîd*).[65]

b) "The Merchandise loaded on the Ship belongs to the enemy" (gemide olan metâ' harbînindir)

Carrying trade was an integral part of the maritime commerce. When a merchant did not have a ship of his own to transport his merchandise from one harbor to another, he could hire a ship by paying a sum of money to its owner. This payment was called *navlun* in Ottoman documents or *nolis* in Western ones.[66] The Dutch and English used the method of underbidding in competition with the French for the Mediterranean carrying trade.[67] Yet the French ships were engaged in the carrying trade more than the Dutch and English ones, because the provincial shipmasters relied on speed to escape from pirates and outdistance competition: 'their vessel were therefore more highly manned than those of any other nation, with only a third of the cargo space possessed by a Dutchman with the same size of crew.'[68]

In the Ottoman seas, this commercial navigation was very commonly practiced. *Harbî* merchants, like Spaniards, frequently used *müste'min* ships, like those belonging to the Venetian and French, for carrying their merchandise. The Western merchants also used ships belonging to Ottoman subjects (Muslims, Jews or Christians) and vice versa to carry on merchandise.

To legitimate the enslaving of Western merchants and robbing

---

[65] BNF, DO, Turc 130, f. 29r (fetva 13+13a).

[66] *Navlûn*, originally from the Greek *nol*, but it is an Arabic cultural borrowing. It means "freight duty" (Andreas Tietze and Henry & Renée Kahane, *The Lingua Franca in the Levant. Turkish Nautical Terms of Italian and Greek Origin*, University of Illinois Press, Urbana, 1958, p. 8, and no. 443, pp. 317-8).

[67] For Italy, the Dutch and English cargoes were usually landed at Leghorn.

[68] Sonia P. Anderson, *An English Consul in Turkey: Paul Rycaut at Smyrna. 1667-1678*. Oxford: Clarendon Press, 1989, p. 58.

their vessels, the Ottomans labeled as 'enemy' (*harbî*) the respective merchants, merchandise and ships. In 1609, the pirates of Sicily and Naples attacked Venetian ships, but confiscated only the merchandise "belonging to the Turks, Jews and others like them".[69]

In the Imperial Charter of 1597, a special article was included forbidding the confiscation of *harbî* merchandise which had been loaded onto the *müste'min* ships and carried to and from Ottoman ports.[70] As the abuse did not end at once a clause was introduced in the Imperial Charter of 1597. Moreover, cases appeared when not only was the enemy merchandise confiscated but the French vessels and sailors were also maltreated.

Besides, once the Western merchants who were navigating under the French banner obtained the same privileges as French subjects, the distinction between the two groups became more complicated. Merchandise that was loaded and carried on French ships after paying *navlun* could easily be confused with "enemy" merchandise. Moreover, protégés of the Western merchants, like the Dutch, could be involved in carrying trade with their ships, transporting *harbî* merchandise.

---

[69] From a memorandum of 11 August 1609, addressed to the Dodge of Venice by the *Cinque Savi alla Mercanzia* (cf. Alberto Tenenti, *Piracy and the Decline of Venice. 1580-1615*, translated from *Venezia e i corsari, 1580-1615*, Bari, 1961, with an introduction and glossary by Janet and Brian Pullan, Berkeley-Los Angeles: University of California Press, 1967, pp. 178-9, n. 21).

[70] "Que les marchandises qui seront chargés à *nollis* sur les vaisseaux François appartenantes aux ennemis de notre grande Porte ne puissent être prises sous couleur de dire qu'elles sont d'ennemis, puisqu'ainsi est notre vouloir" (BNF, Fonds français, no. 3653, f. 1r-6v). The *'ahdname* of 1597 was published in François Emmanuel Guignard, 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, pp. 398-410, with the title *Confirmation d'alliance avec le Grand Seigneur par Henry Quatre, 1597*". Les capitulations d'entre les Majestez de Henry quatriéme, Empereur de France et Sultan Mehemet, Empereur des Mousolmans; à présent régnant, renouvelées en l'année 1597, augmentées de plusieurs point très utiles et importants aux subjects du Roy trafficquant par cest Empire, par le soign et diligence du S. de Brèves, gentilhomme ordinaire de la Chambre du Roy, Conseiller en son conseil d'Estat et son ambasadeur pour près le Grand Seigneur".

In practice, when Muslim ships encountered the above-mentioned French vessels at sea, they would seize the merchandise, contrary to the Imperial Charter, invoking as an excuse that the merchandise on the ship belonged to an 'enemy' merchant *(gemide olan metâʿ harbînindir)*. The *Capitulations* of 1597 had already cancelled this argument, the respective article being exactly repeated in the fetva's text. It was stipulated in the Imperial Charter that the *harbî* merchants —after paying *navlun*— could load their merchandise onto the French ships, and nobody could cause trouble on the pretext that it was a matter of 'enemy' merchandise *(metâʿ harbînindir deyü bir ferd rencîde eylemiye)*. François Savary de Brèves complained of such an abuse to the Ottoman Court. Due to the French ambassador's friendly relation with the Ottoman *ulemas*, this question was brought to the Grand Mufti's attention. The *şeyh ül-Islam* was asked to explain whether this seizure was lawful according to the Imperial Charter and Islamic law *('ahdnâme-i hümâyûna muhâlif alub gâret şer'en câʿiz olur mı)*. Mehmed bin Saʿadeddin's answer *(el-cevâb)* was in the negative: "It is not possible". The seizure of "enemy" merchandise carried on French ships was strictly prohibited. Taking in consideration that the abuse extended from the *harbî* merchandise to the French sailors, merchants, ships and merchandise, an interrelated and supplementary fetva was added to the above-quoted one.

The question was formulated in the following manner. Besides the seizure of the *harbî* merchandise carried on the French ship, the Ottomans took captive the French *müste'mins* and confiscated their merchandise, which was in fact imported into and exported from the Well-protected Dominions and not into and from the Abode of War. To have a strong juridical justification, the Ottomans forced the French ship's captain and clerk to declare that their vessel belonged to an "enemy" *(gemi re'isine ü kâtibine ikrâh ile "harbînindir" dedürüb)*. The *şeyh ül-Islam* Mehmed bin Saʿadeddin was asked to explain what punishment should be given in accordance with the *şeriʿat* to those who had taken part in the above-mentioned seizure. *(gâret eyleyen kimesnelere şer'en ne lâzım olur)*. Actually, the question involves the juridical condition of the

French ships and sailors who made a carrying trade?

The Grand Mufti's answer (*el-cevâb*) implied, first, that the confiscated merchandise should be indemnified (*aldıkları redd olunub*) to the owners and second, that the Ottoman local authorities had to punish all Ottoman subjects guilty of the violation of the Imperial Charter and infringement of the peace agreement between the Sultan and the King of France (*'akd olunan sulhu* act against *nakza ve hilâf-ı 'ahdnâme-i hümâyûn 'amele cesâret edenin cezâsı*). In other words, neither a French ship nor a French crew could be confiscated while engaged in carrying trade on the Mediterranean.[71]

The above-mentioned fetva did not put an end to the abuse of the Ottoman ships' captains. That is why the prohibition on the encaptivation of Frenchmen and the seizure of their ships and merchandise when carrying trade would be re-affirmed in the new Imperial Charter, obtained by François Savary de Brèves in 1604. "When enemy merchants have loaded French ships with merchandise, paying *novlun*, nobody may maltreat the Frenchmen on the grounds that "the merchandise is *harbî*".[72]

c) "You are on enemy ships" (harbî gemilerinde bulundunuz deyü)

A stipulation from the Imperial Charter of 1597 had forbidden —for the first time in the series of French *'ahdnames*— to take French subjects captive and to confiscate their goods when they were found on an 'enemy' ship (*harbî gemisi*). Protection against captivity and confiscation was subject to the condition that the Western subjects should not be members of a pirate ship's crew (*kursân gemide fesad üzere*). In this case, they could be

---

[71] BNF, DO, Turc 130, f. 30r (fetva no. 16 + 16a).

[72] "Si des négociants *harbî* ont chargé, moyennant *nolis*, des marchandises sur navires français, les Français ne seront pas molestes, sous le prétexte 'que le marchandise est *harbi*" (Bibliothèque d'Arsenal, Ms. 4769 (Tome III), f. 299-322; Ahmed Feridun Bey, *Mecmu'a-ı Münşe'at es-Selâtin*, II, İstanbul, 1264-1265 / 1848-1849, pp. 400-405. This stipulation was also included in the *Capitulations* granted to England in 1601 and the Dutch Republic in 1612.

taken to custody, although they were *müste'mins* ('beneficiary of protection') from the Islamic point of view.[73]

The *Manuscrit Turc 130* contained a copy of a fetva legitimising the above-quoted stipulation issued by the *şeyh ül-Islam* Mehmed bin Sa'adeddin Efendi (1601-1603).[74] For a better understanding of this abstract juridical text, let us imagine that a French merchant was traveling for trade to Spain, which was an enemy of the Ottoman Empire at that time. There he sold his merchandise, bought more, loaded it onto a Spanish ship and sailed to an Italian port. According to the Islamic juridical view, this meant that the French subject had entered the House of War *(ticâret içün harbî vilâyetine dâhil olub)* and had then traveled to another country on an 'enemy' ship *(harbî gemi ile âher vilâyetine giderken)*. During the journey from Spain to Italy, the ship encountered —accidentally or not— some Muslim vessels *(ehl-i islâm gemileri rast geldükde)*. The Ottoman captain confiscated the merchandise loaded on the ship and took the respective French merchant captive, despite the fact that he was a *müste'min* and should have been be protected *(mâ-melekin gâret ve kendüsin esîr eylemeğe)*. What did the *shari'a* say in this respect? *(şer'en kâdir olurlar mı)*.

The answer given by the Grand Mufti was short and right to the point. 'It is not possible' *(olmazlar)*, blaming the Ottoman ships' captains who took captive the French traveling on an 'enemy' ship. Yet, a nuance was introduced when the question had been put. Being on an 'enemy' ship, the respective French should not be liable to cause injury to Muslims *(fesâd üzere değil iken)*, an allusion to the frequent cases when the Frenchmen, as well as other Western subjects, were members of pirate ships' crews.[75]

The generic case from the fetva of 1601-1603 was not an imaginary one. It was based on real cases of French subjects

---

[73] BNF, Fonds Français no. 3653, f. 1r-6v; Saint-Priest, *Mémoires*, p. 402.

[74] BNF, DO, Turc 130, f. 26r (fetva no. 3).

[75] *mâdâm ki kendü hallerinde ticâret üzere olub kursan gemisinde fesad üzere olmayalar* (Alexander H. de. Groot, *The Ottoman Empire and the Dutch Republic. A History of the Earliest Diplomatic Relations. 1610-1630*, Leiden-İstanbul, 1978, pp. 252-3).

taken captive by the Ottomans when they were found traveling on 'enemy' ships. As evidence, we shall quote a letter dispatched by Jacques de Vias, the French consul at Algiers, to the governors of Marseille. Let us emphasize that this letter was written on 29th September 1602 and the above-mentioned fetva was issued in 1601-1603, both being dated in the period when François Savary de Brèves was still ambassador at the Ottoman Court. The French consul related that the corsairs of Algiers captured a Spanish ship. On the ship there were also five Frenchmen, who were taken captive and were carried to Algiers, as were the entire crew and passengers. France had peaceful relations with both İstanbul and Algiers so, theoretically, the five Frenchmen should have been released. The French consul almost succeeded in obtaining their release but Murad Re'is and the Pasha of Algiers remembered that twenty Turks had been made captive in similar circumstances, being members of the crew of an Algerian pirate ship. They were still serving on Provencial galleons. The Algerian officials proposed an exchange of prisoners, threatening that in future all French travelers and merchants found on 'enemy' ships would be made captives. In his turn, Jacques de Vias advised the governors of Marseille to accept the Algerian officials' proposal. We do not know the end of was directly connected to the case described by the French consul at Algiers, although there is no explicit evidence to support this idea.[76]

The behaviour of the Ottoman ships captains determined the French ambassador at İstanbul to send more petitions to the Ottoman Court. As François Savary de Brèves would himself declare, he played a decisive role in ensuring the protection of Frenchmen traveling on an enemy ship.[77] Consequently, Ahmed I

---

[76] Chambre de commerce de Marseille, Serie AA. Art. 460, cf. Octave Teissier, *Inventaire des Archives Historique de la Chambre de Commerce de Marseille*, Marseille, 1878, pp. 197-8.

[77] "Et parce qu'il arrive que quelques sujets du Roi, par commodité de passage, s'embarquent sur des vaisseaux qui appartiennent aux ennemis du Grand Seigneur, qui par rencontre sont pris par les Turcs, j'ai fait ordonner par la Capitulation à

re-affirmed in the *'ahdname* granted to Henry IV - more strongly and clearly than in the Imperial Charter of February 1597 - the prohibition on the enslavement of French subjects, on the pretext: 'you are on enemy ships' *(harbî gemilerinde bulundunuz deyü)*.[78] The prohibition on the enslavement of Western *müste'mins* and the pillaging of their goods when trading or simply traveling on 'enemy' ships was generalized by the Sultan Ahmed I in the first decades of the seventeenth century. Consequently, this clause could also be found in the first *'ahdname* granted to the Dutch Republic in 1612.[79]

d) "You buy backprovisions and carry them on to the enemy" (düşmana zahîre alur gidersin)

Let us return to the Ottoman Mediterranen of the early-seventeenth century. French subjects were also involved in maritime commerce between the Ottoman dominions and Christian countries, or between two Mediterranean countries. Certain navigation routes passed inevitably through waters controlled by the Ottomans. When an Ottoman ship met such a vessel it might happen that the captain would confiscate the merchandise (cereals, especially), and took captive the crew and passengers. Sometimes, there might be French subjects among the passengers or crew on that vessel. To make them captive became a diplomatic and juridical problem. That is why Mehmed bin Sa'adeddin Efendi, *şeyh ül-Islam* in 1601-1603, was asked to give his fetva on the French carrying trade in the Mediterranean, explaining the juridical position of the French ships, merchants

---

l'article 10, qu'ils ne le soient pour l'advenir, ni leurs marchandises retenues, et que, s'il s'en trouve de ceste façon faits esclaves, qu'ils soient faits libres" *(Note sur quelques articles du précédent traité* in Testa, *Traités*, I, pp. 154-159; Pélissié du Rausas, *Capitulations*, I, pp. 140-141).

[78] Feridun, *Münşe'at*, I, pp. 400-405; Belin, *Capitulations*, p. 123: Testa, *Traités*, I, pp. 141-145.

[79] Groot, *Ottoman-Dutch*, p. 236.

and sailors who loaded and carried on 'enemy' merchandise between two *harbî* countries.[80]

In the question *(mesele)* was emphasized the ancient friendship between the King of France and the Sublime Porte *('Atebe-i 'ulyâlarıyla kadimdem dostluk üzere olan Franca kıralı)*. Accordingly, in the Imperial Charter concluded between the two sovereigns *(mâbeyinde müna'kid olan 'ahdnâme-i hümâyûnda musarrah olub)* it is explicitly stipulated that the subjects of the King of France may come into and leave the Well-protected Dominions *(Franca kıralı re'âyâsı Memâlik-i mahrûseye gelüb)*. No Ottoman official or subject may undertake any hostile action against them or cause damage when encountering their ships at sea *(deryâda gemilerine rast gelindükde bir ferd rencîde eylemiye)*.

It is useful to comment on the Grand Mufti`s remark in connection with the above privilege. This was not a simple stipulation that had been granted as a consequence of the alliance between the Sultan and the King of France, a normal alliance defined by the formula "be friend to the friend and enemy to the enemy" *(dost ile dost düşman ile düşman olmak şartı olmıyub)*. But safe access to the Ottoman dominions and seas, included as a privilege in the French Capitulations, became a rule of the *şeri'at*, being actually a "stipulation which characterized the status of foreigner" *(ancak müste'minlik şartı tastîr olunmuş)*. Having the juridical status of *müste'min*, a French subject would go to an enemy country *(harbî vilâyetine)* for trading and load wheat and other provisions on his ship *(buğday ve gayrı zahire tahmil edüb)*. He would then carry them to another enemy country. When he was sailing on the Ottoman seas he might happen to encounter a Muslim ship the captain of which might rob the ship and enslave the French merchant *(gemiyi girift ve kendüsin esîr etmek)* on the pretext that "you buy and carry provisions to the enemy" *(düşmana zahîre alur gidersin)*. Is this action permitted by the *şeri'at*? The answer *(el-cevâb)* was in the negative: it is not possible to act in

[80] BNF, DO, Turc 130, 27r (fetva 5).

the above-mentioned manner (*vech-i meşrûh üzere olıcak olmazlar).* Consequently, Mehmed bin Sa'adeddin Efendi considered the action of that captain illegal and indefensible.

In the French *'ahdnames* of 1569, 1581 and 1597 there was no distinct clause concerning the situation of the French merchants transporting cereals between two 'enemy' countries. That is why in the text of the above fetva the general article affirming the protection of the French ships in the Ottoman dominions and forbidding harassment by the Ottoman ships' captains was registered for the first time in 1569.[81] The prohibition on capturing the French merchants carrying on trade provisions between the Mediterranean states was confirmed – for the first time in the series of the French Imperial Charters - in a special clause of the 1604 *'ahdname.* Considering that the *jihad* mentality still regulated the relations of the Ottoman Empire with non-Muslims, the permission to transport merchandise, including cereals, to and from states of the House of War was indeed a real privilege.[82]

This is not a practice specific to the Ottomans only. According to prevailing European and Mediterranean custom, a state had the right to capture a ship of another state who supplied an enemy of the former. Moreover, one can find instances of French ships that captured neutral vessels transporting troops and provisions for the enemies of France. There is an example of this in 1597, when Genoa claimed that one of its ship was captured – on this petext- by French war vessels: "le bâtiment ayant été déclaré de bonne prise comme transportant des troupes ennemies de la France, et les marchandises en ayant été réparites entre les ayants droit".[83]

A special case arose in the situation when French subjects were hired as the crew of ships belonging to Ottoman non-

---

[81] BNF, Fonds Français no. 3653, f. 1r-6v; Saint-Priest, *Mémoires,* p. 402.

[82] Feridun, *Münşe'at*, I, pp. 400-405; M. Belin, *Des Capitulations et des traités de la France en Orient*, Paris, 1870, p. 123; Testa, *Traités,* I, pp. 141-145.

[83] Jules Berger de Xivrey (ed.), *Recueil des lettres missives de Henri IV.* Collection de Documents inédits sur l'histoire de France. Première Série. Histoire Politique. Paris: Imprimerie Royale / Impériale, Tome IV: 1593-1598, Paris, 1848, p. 1057.

Muslim subjects (*zimmî*), such as Jews, Armenians or Christians. Sometimes they were involved in taking contraband foodstuffs (*zahire*) from Ottoman dominions to enemy countries. When they were caught, they were severely punished, starting with the confiscation of merchandise. The French subjects who were found on these ships by the Ottoman authorities were frequently made captive. That is why Savary de Brèves complained to the Ottoman Court, asking that a new clause be included in the *'ahdname* of 1604 stipulating that no French subject should be enslaved even if they should be found on a *zimmî* ship transporting prohibited merchandise to a *harbî* country. A similar clause was registered in the *'ahdnames* granted to England and the Dutch Republic. If the Western subject could prove that he belonged to a nation that had been granted a "safe-conduct" (*aman*) then he would not be enslaved.[84]

At this point, a conclusion should be drawn. The *Manuscrit Turc 130* illustrates clearly and undoubtedly - apparently for the first time in a surviving Ottoman manuscript - the legitimization of clauses from the French *Capitulations* (*'ahdname*) by juridical opinions (*fetva*). These pages have thrown into relief the stipulations on French commercial navigation and carrying trade in the Mediterranean in the late sixteenth and early seventeenth centuries.[85]

---

[84] Feridun, *Münşe'at*, II, pp. 400-405; Belin, *Capitulations*, p. 123 ("Si l'un de nos sujets *zimmis* est pris, tandis qu'il porte à l'ennemi des vivres tirés de pays musulmans, les Français trouvés sur ce navire ne seront pas faits esclaves"). From the Dutch *'ahdname* of 1612: "Nor, when a protected subject (*zimmî*) is leaving our well-guarded dominions taking (contraband) foodstuffs and is seized, may the Dutchman in his company be made prisoner (*ve zimmîlerden biri memâlik-i mahrusemizden zahire alub giderken girift olundukda Nederlandalulerden bile olanlar cebren esîr olunmayalar*) (Groot, *Ottoman-Dutch*, p. 236-7 and 250).

[85] For details, see also: Viorel Panaite, "French Commercial Navigation and Ottoman Law in the Mediterranean according to the *Manuscrit Turc 130* (Bibliothèque Nationale de France)". *Revue des Études Sud-Est Européennes*, Académie Roumaine, Institut d'Études Sud-Est Européennes, Bucarest, XLVI, 1-4, 2008, pp. 253-268

5. French Merchants, North-African Piracy and Ottoman Law

"The Mediterranean – Alberto Tenenti said - was not exactly navigated by ships exchanging cheerful greetings at every encounter: to use a contemporary simile, it rather resembled a forest teeming with bandits".[86] In the late sixteenth and early seventeenth centuries, the privateers and corsairs were also a daily presence in the Mediterranean, making merchant shipping a dangerous profession. Actually, the last two decades of the sixteenth century represent the beginning of a new golden epoch in the history of piracy in the Mediterranean, an epoch which would last about one hundred years.

Historians disagreed on the consequences of piracy in the historical evolution of the Mediterranean. For instance, Alberto Tenenti emphasized the direct connection between piracy and the decline of Venetian navigation in the Levant.[87] Besides the human loss, the authorities of that time often evaluated the material damage caused by piracy. For the last decade of the sixteenth century, François Savary de Brèves, who was directly interested in the success of Marseille's commerce in the Levant, estimated an annual damage of 500,000 or 600,000 *écus*, caused by piracy alone.[88] On the other hand, certain Mediterranean communities compensated through piracy for the damage caused by the strong commerce of the European ports, especially the Italian. Visible evidence of this partial success was the continuous development of the North African towns (Algiers reached 100,000 inhabitants in the seventeenth century) in comparison with the economical

---

[86] Alberto Tenenti, *Piracy and the Decline of Venice. 1580-1615*, translated from *Venezia e i corsari, 1580-1615*, Bari, 1961, with an introduction and glossary, by Janet and Brian Pullan, University of California Press, Berkeley and Los Angeles, 1967, p. 29, 61.

[87] Tenenti, *Piracy. Venice*, p. 30.

[88] *Histoire du commerce de Marseille publiée par la Chambre de Commerce de Marseille*, sous la direction de Gaston Rambert, Tome III, *De 1480 à 1515* par Raymond Collier; *De 1515 à 1599* par Joseph Billioud, Paris, 1951, p. 549.

decline of traditional Mediterranean ports like Genoa, Venice or Barcelona.[89]

Piracy was not specific to any one community or race. The pirates could be of any ethnicity and religion. In the Mediterranean, Muslims and Christians practiced piracy alike. According to the *Lex mercatoria,* "a pirate is a sea-thief, or an enemy to human kind, who aims at enriching himself by maritime robberies, committed either by force, fraud or surprise, on merchants or other traders at sea". All are not equally bad, but even the best of them are offensive to the fair trader.[90] If one may make a distinction, one can say that a special appetite for robbery on the high seas were a characteristic of the renegades, who normally composed the crews of the pirate ships. The editor of Nicolas de Nicolay's *Les quatre premiers livres des navigations et pérégrinations orientales* illustrated the edition of 1568 with a 'typical renegade', who became so famous in the sixteenth century.[91] In Algiers, the renegades formed the majority of the pirates. Actually, the renegades were 'more (numerous) than the other inhabitants, the Moors, Turks and Jews of Algiers. ' According to Antonio de Sosa's description, who gave an extensive list of nations, in the second part of the sixteenth century there was "no Christian nation in the world from which there are no renegades in Algiers".[92]

---

[89] Maurice Aymard, "Chiourmes et galères dans la Méditerrannée au XVIe siècle". *Histoire économique et sociale du monde méditerranéen 1450-1650. Mélanges en l'honneur de Fernand Braudel,* Toulouse, 1973; Michel Fontenay, "L'Empire ottoman et le risque corsaire au XVIIe siècle". *Actes du IIe Colloque International d'histoire. Économies méditerranéennes, équilibres et intercommunications. XIIIe-XIXe siècles,* Athènes, 1985, pp. 429-459; Michel Fontenay, "La place de la course dans l'économie portuaire: l'example de Malte et des ports barbaresques". *Annales. Économies, Sociétés, Civilisations,* XLIII/6, 1988, pp. 1321-47; Philippe Hiély, *XVIIe siècle, âge d'or de la piraterie en Mediterranée*, vol. I-II, Marseille, 1996.

[90] Wyndham Beawes, *Lex mercatoria rediviva: or, the merchant's directory...* London, 1752, p. 257.

[91] See the illustrations to *Les Yurongnes* in Nicolas de Nicolay, *Les quatre premiers livres des navigations et pérégrinations orientales,* Lyon, 1568.

[92] Maria Antonia Garcés, *Cervantes in Algiers. A Captive's Tale,* Vanderbilt University Press, Nashville, 2002, p. 35.

There were various forms of sea-plunder, ranging from uninhibited piracy to licensed piracy.[93] Sometimes it was a piracy marked by extreme violence, in which the main aim was to rob the ships, and consequently people were killed without mercy. Yet, the most frequent type of piracy consisted of the robbery of the ship, the capture and sale of the crew. No ship could be sure that it would navigate safely in the Mediterranean. In October 1590, two Turkish galleys, on their way from Algiers to İstanbul, had come near the coast and had fallen into the hands of the Christians through a mutiny of the galley slaves led by a Genoese renegade.[94] In January 1591, the English captured a Catalan ship that, with all its crew and all its cargo, was sent to Barbary, where members of the crew were sold to the Turks and Moors as slaves.[95] Such examples are omnipresent in the contemporary sources. Four main groups of corsairs[96] were active in the Mediterranean: Uskoks,[97] the Knights of Malta,[98] North Europeans (English and Dutch) and Muslims of North Africa. In directly affecting French commerce

---

[93] Kenneth R. Andrews, *Elizabethan Privateering. English Privateering during the Spanish War. 1585-1603*, Cambridge At the University Press, 1964, p. 15.

[94] *Calendar of State Papers and Manuscripts, relating to English Affairs, Existing in the Archives and Collections of Venice and in other Libraries of Northern Italy*. Edited by Horatio F. Brown, Vol. VIII: 1581-1591. London, 1894, doc. 975, p. 507.

[95] Tomaso Contarini, the Venetian Ambassador in Spain, to the Doge and Senate (*State Papers. Venice*, vol. VIII, doc. 1003, p. 519).

[96] Pàl Fodor, "Piracy, Ransom Slavery and Trade. French participation in the liberation of Ottoman slaves from Malta during 1620s", *Turcica*, 33, 2001, pp. 119-34.

[97] Uskoks (South Slave refugees) were especially robbing in the Adriatic Sea. The Habsburgs and the Papal State them often to damage the Venetian and Ottoman commerce in the Dalmatian area (See, Kálmán Bend, "Les uscoques entre Venise, la Porte ottomane et la Hongrie". *Venezia e Ungheria nel contesto del barocco europeo*, Florence, 1979, pp. 399-408; Catherine Wendy Bracewell, *The Uskoks of Senj. Piracy, Banditry and Holy War in the Sixteenth Century-Adriatic*, Ithaca-London, 1992).

[98] See: Paul Cassar, "The Maltese corsairs and the Order of St. John of Jerusalem, " *Scientia* XXIX/1-2 (Malte, 1963), pp. 26-69; Peter Earle, *Corsairs of Malta and Barbary*, London, 1970; Michel Fontenay, "Corsaires de la fois ou rentiers du sol. Les Chevaliers de Malte dans le 'corso' méditerranéen au XVIIe siècle", *Revue d'histoire moderne et contemporaine*, XXXV, 1988, pp. 361-84.

in the Mediterranean, both North African and English piracy is illustrated by a number of official documents in the *Manuscrit Turc 130*. In this article, we shall try to evaluate more Imperial orders (*hüküm*) and a juridical opinion (*fetva*) concerning the plundering activity carried out by people from Algiers, Tunis and Tripoli of Libya (so-called the Barbary in Western sources), either humble subjects, captains of ships (*re'is*) or local high-officials (*hâkim*).

At the close of the sixteenth century, piracy was an everyday event on the seas in the vicinity of the North African (Barbary) coasts,[99] comprising ambushes and surprise attacks, of which numerous French merchant vessels were the usual victim. Both the regular navy and private ships were sent to plunder western commercial shipping and Christian territories. Even if ships sometimes operated individually, fleet operation was much more common for the Barbary corsairs.[100]

In 1593, Murad III allowed the Janissaries in Algiers to participate in privateering ventures, together with the local corsairs. Of course, ideologically, it was all about a fight against the non-Muslims. Practically, the Sultan responded to the request of the governor of Algiers, Şaban Paşa, which had been confronted with financial difficulties. He was promised that the corsairs would contribute a greater share of their booty to the provincial treasury. Actually, this permission encouraged frontiersmen to engage in private enterprise. In the last decade of the sixteenth century, the Sultans Murad III and then Mehmed III ordered the governors (*sancak-beyi*), corsairs and Janissaries in Algiers to obey their governor-general and to help in the collection of the taxes.

The central administration in İstanbul always made an attempt to control the Barbary corsairs, but it could not control the naval

---

[99] Laugier de Tassy, *Histoire des États barbaresques…*, Paris, 2 vols., 1757; Godfrey Fischer, *Barbary Legend. War, Trade and Piracy in North Africa, 1415-1830*, Oxford at the Clarendon Press, 1957.

[100] Earle, *Corsairs*, pp. 11-12; Christianne Villain-Gandossi, "Contribution à l'étude des relations diplomatiques et commerciales entre Venise et la Porte ottomane au XVIe siècle. Part 2". *Südost-Forschungen* XXVII, Munich, 1969, pp. 18-19.

border efficiently. This affected the Western trade and merchants in the Mediterranean. Being unable to eradicate piracy, the Ottomans implemented some defensive counter-measures ashore or close inshore against pirates' incursions, such as the patrol carried out by frigates on the coast in search of the elusive pirates.[101]

Piracy in the Mediterranean was not specific to humble people who tried to gain a subsistence on the sea. Piracy was also a form of enrichment used by certain Ottoman local authorities. In North Africa in particular they assisted the pirates by fitting out pirate ships. Moreover, they had middlemen, sometimes in the person of Jewish residents in Constantinople, for the sale of the plunder, from which Turkish officials took their share in profits.

Governors-general would fit out ships themselves, forming in this way a sort of navy, which was the equivalent of the regular navies of France or other Mediterranean states. On the other hand, the *beylerbeyis* from Barbary licensed private individuals to equip ships on their own account. The private pirates had to pay a share of their booty to the governors-general, normally one-eighth. Antonio de Sosa enumerates 32 captains (*re'is)* who lived in Algiers in 1581, of which ten were Turks and majority Christian renegades, especially Italians. These *re'is* owned private ships, built by both their own slaves and the common captives. After a successful expedition at sea, the *re'is* would give a great feast.[102] As a great many French subjects were enslaved, in the *'ahdnames* of 1569[103] and 1581 a clause was included concerning the prisoners from countries subject to France. Such prisoners had to be set free and their possessions restored without default, no matter who the governor-general it might be and the governor-

---

[101] Andrew C. Hess, *The Forgotten Frontier. A History of the Sixteenth-Century Ibero-African Frontier*. Chicago and London: The University of Chircago Press, 1978, pp. 109-110.

[102] Garcés, *Cervantes*, p. 37.

[103] Testa, *Traités*, I, pp. 91-96; Saint-Priest, *Mémoires*, pp. 385-393.

general dismissed and compensation paid for the stolen goods.[104] Following the most favored nation clause, a similar article was included in the English *Capitulation* of 1580.[105]

At the request of the Ambassador François Savary de Brèves, Sultan Mehmed III added a new clause in the *'ahdname* granted to Henry IV of France in February 1597. According to this new article, the pirates of Barbary were censured for having enslaved the French merchants and were ordered to set them at liberty. Moreover, stress was laid on the responsibility of the *beylerbeyis* of Algiers, Tunis and Tripoli of Libya for having tolerated or participated in piratical activities.[106]

François Savary de Brèves constantly sent petitions (*'arz*) to the Sublime Porte complaining of the piracy attacks against French commercial ships. As a result of these petitions, the Sultan issued more Imperial commands, reaffirming his protection of French vessels and merchants and his ban on any abuse against them. A register (*defter*) with Imperial commands dispatched between 1st June 1592 – 21st July 1597 (1 *Ramazan* 1001 - 2 *Zilhicce* 1005) to the governors, judges and other officials of Ottoman towns and provinces around the Mediterranean is preserved in the Başbakanlık Osmanlı Arşivi in İstanbul. Among them one can find *hüküms* addressed to the local authorities of Algiers, Tunis and Tripoli de Libya concerning piracy in North Africa.[107]

The documents from the *Manuscrit Turc 130* completed the information from the above-mentioned register. It concerns especially the *hüküms* of October 1597 and July 1598 addressed to the local authorities from North Africa.

---

[104] Saint-Priest, *Mémoires*, pp. 381-392.

[105] Richard Hakluyt, *The Principal Navigations, Voyages, Traffiques and Discoveries of the English Nation...*, vol. 3, London, 1598-1600, p. 60.

[106] BNF, Fonds Français no. 3653, f. 1r-6v; Saint-Priest, *Mémoires*, pp. 398-410.

[107] This register is entitled *Fransa elçisinin 'arzı üzerine Tunus, Sakız, Mısr, Halep, Trablus-Sam, Galata, Cezâyir-i Garb, Rodos, Roma, Nakşa, Suğla ve İstanbul'un beylerbeyi, muhafiz, kadı, bey ve sâ'ir ümerasına gönderilen hükümlerin kayıtlarını havi defter* (Bâb-i Asafi, Divan Beylikçi Kalemi, Düvel-Ecnebiye, no. 901, 12 folios; *Bâb-i Asâfi Divan... Kalemleri. Defter Kataloğu*. 880-1252, p. 15)

The first series of commands is dated from the third decade (*evahır)* of *Safer* 1006, but taking into consideration the French notes *Écrit le 10 octobre 1597*, one can affirm that these *hüküms* were actually issued on 28 Safer 1006. Invoking the commercial privileges granted by the Imperial Charter of February 1597, François Savary de Brèves complained to the Ottoman Court that the corsairs and pirates from the three centers of North Africa "had taken the French merchants prisoner and robbed their ships". As a result, the French merchants "abandoned commerce in the Well-protected dominions".[108]

Following the petitions submitted by the French Ambassador, Mehmed III dispatched more circulars to the local authorities of Algiers, Tunis and Tripoli of Libya, such as governors, judges, commanders of the Janissaries, captains and soldiers (*beylerbeyine ve kadısına ve hassa ü gönüllü re'islerine ve yeniçeriler ağasına ve yoldaşlarına).* The Sultan's commands confirmed strongly and undoubtedly that the French subjects were beneficiaries of protection and every Ottoman subject should protect them from harassment: "Henceforward, you must ensure that nobody harasses any French merchant in contravention of the Imperial letter" *(min ba'd nâme-i hümâyûna muhâlif Frâncaluları kimesneye rencide etdürülmeyüb beğâyet hazer eyleyesin).* At the same date, the Sultan dispatched an order to the captain Murad of Algiers (*Cezâyir-i Garb kapudânlarından Murâd re'is*) asking him not to take prisoners and rob merchants from Marseille in accordance with the friendly relations between the Sultan and the King of France. The latter directly informed the Sultan concerning these actions, which were contrary to the existing agreement between

---

[108] BNF, DO, Turc 130, f. 200r-199v (*Cezâyir beylerbeyisine emr-i şerif ki gemiler ile Franca pâdişâhı istedüğü yere gide. Ecrit le 10me octobre 1597);* f. 185v (*Tunis beğlerbeğisine hüküm* (above: *Cezâyir ve Trablusa bu minvâl üzere birer hüküm verilmişdir*; at the end: *Aus Bacha du Tunis Aus fins que il donna une galere Au motaferaga & aus hommes de l'ambassador de France pour les gider en Arger écrit le 10 octobre 1597*); f. 184r-183v (*Cezâyir kapudânlarından Murâd re'ise*); f. 183r-182r (*Trablus beylerbeyine ve kadısına hassa ve gönüllü re'islerine ve yeniçeriler ağasına ve yoldâşlarına. Tunis ve Ceza'ire bu minvâl üzere hükümler verilmişdir*).

them, but the Sultan had already dispatched commands to the governors-general of Algiers, Tunis and Tripoli of Libya.[109]

According to the *Manuscrit Turc 130*, another series of *hüküms* was dispatched from İstanbul to the local officials in North Africa on 5-14 July 1598 (*evâ'il-i Zilhicce* 1006). This month should be considered a turning point in the question of the French captives in the Mediterranean. In these orders, Mehmed III re-affirmed to the commanders, to the heads and lieutenants of foot-soldiers from Algiers, Tunis and Tripoli of Lybia *(Cezâyir ve Tunis ve Trâblus-u Garbda olan yeniçeriler ağalarına ve yâyâ-bâşılarına ve kethüdâlarına)* the prohibition on the practice of piracy against the Western merchants, who entered the Ottoman dominions legally.[110]

The most important of these was a general command, summarized in its heading as being an 'imperial order for punishing those who did not obey the Imperial command' *(emr-i pâdişâhıya itâ'at etmiyenlere siyâset olmak içün hükm-ü hümâyûn)*. In the text of this *hüküm*, the addressees were both the Ottoman governors-general, governors and ship captains (*beylerbeyi, beyi, kapudan, re'is)*, who captured French merchants, as well as the merchant protégés of France, and robbed them of their merchandise, contrary to the Imperial Charter granted to the King of France. Moreover, they were accused of failing to apply in practice the Imperial commands to release the French captives.[111]

Neither the Imperial Charter of February 1597 nor the Imperial commands *(hüküm)* dispatched in the summer and autumn of the same year put an end to the abuses committed by the local officials in Algiers, Tunis and Tripoli of Libya against French ships and merchants.

Consequently, François Savary de Brèves continued to complain to the Ottoman dignitaries in İstanbul. Moreover, this question

---

[109] BNF, DO, Turc 130, f. 184r-183v.

[110] BNF, DO, Turc 130, f. 140v-r (*Cezâyir ve Tunis ve Trablus-u Garbda olan yeniçeriler ağalarına ve yâyâ-bâşılarına ve kethüdalarına*).

[111] BNF, DO, Turc 130, f. 147v-146v (*Emr-i padişahıya ita'at etmiyenlere siyaset olmak içün hükm-ü hümayun)*

was submitted to the attention of the Grand Mufti, who was asked to express the Islamic juridical point of view on the piratical actions of local governors' against Frenchmen. This *fetva*, copied also in the *Manuscrit Turc 130*, was issued by Mehmed bin Sa'adüddin in 1601-1603, when he occupied for the first time the office of *şeyh ül-islam.*[112] He began the *fetva* by affirming that it was absolutely and lawfully necessary to act in accordance with the conditions and rules that had been included in the renewed Imperial Charter. In this way, it would be protected by the friendship of the King of France, who is a lasting and old friend of the grandfathers, with the Happy Padişah, the master of world (*cedd-i dostlukda sâbit kadem olan Franca kıralının dostluğun hıfz içün)*. In the first answer (*el-cevâb)*, Mehmed bin Sa'adüddin replied that the new clauses from the *'ahdnâme* should be explained to their addressees, such as the provincial officials.

In a related fetva, it was shown that, contrary to the Imperial Charter (*hilaf-ı 'ahdnâme-i hümâyûn)*, a local official —called Zeyd— gave his own galley to *levendat* and sent it to take part in piracy (*hükkamdan Zeyd kendü kadırgasın levendata verüb korsanlığa gönderüb)*. When one of the French ships had loaded merchandise with permission and protection from the Well-Protected Dominions and come back to the French country, Zeyd's galley came across and confiscated some merchandise from the French ship (*Franca vilâyetine giderken rast geldüklerinde niçe metâ'ların gâret eyleyüb)*. The problem *(mesele)* here was whether it a *hâkim* (a generic term for any local official), who participated

---

[112] This juridical consultation is signed *Ketebehû elfakîr Mehmed bin Sa'deddîn ufiye anhüma*. This signature belonged to Mehmed Efendi (Hoca Sa'adeddîn Efendizade), *şeyh ül-Islam* in 1601-1603 (for one year and five months), and between 1608-1615 (for seven years). He was one of the sons of the famous chronicler Sa'adeddîn, being born in 1568. His signature can also be identified at the end of other fourteen *fetvas* (nos. 2, 3, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 16, 17) copied by Savary de Brèves in this manuscript (*Ilmiye Salnamesi. Osmanlı Ilmiye Teşkilâtı ve Şeyhülislâmlar*, Matba'a-i Âmire 1334 / 1916 (edition in modern Turkish transliteration), Ankara, 1998, no. 24; I. H. Danişmend, *Izahlı Osmanlı Tarihi Kronolojisi*, Cilt 5, Türkiye Yayınevi, İstanbul, 1947-1948 (reprinted, 1971), pp. 118-9).

to or tolerated the piracy, personally or by lending his ship. The Ottoman local official should be liable to paying damages for the seized merchandise because his action was considered as being contrary to the pact with France. Of course, this punishment would be applied after it was concluded that Zeyd was, indeed, the person who had pillaged the French ship, after verification and an accurate estimate of what merchandise had been seized and deposited on his own ship.

The *şeyh ül-Islam* strongly censured the involvement of the Ottoman officials in piracy because they ought carefully to observe the clauses of the *Capitulations* granted to the King of France. In this respect, stress was laid on the article of the Imperial Charter of 1597 to the effect that "the goods and provisions confiscated contrary to the Imperial Charter be indemnified to the owner". Here, Mehmed bin Sa'adüddin has given the answer that the Sultan required, legitimising the punishment of the central government in İstanbul. When a governor failed to enforce an Imperial order demanding the return of pillaged goods he had to be removed from office *(hâkim-i zâlim mahall-ı hükûmetinden ref' olunmak lâzımdır)*.[113] The main reason invoked is that the action of the Ottoman official severely affected the peaceful relations between the Sultan and the King of France.[114]

The old clauses that had forbidden piracy against Frenchmen were also registered in the Imperial charter of 1604, but in an enlarged form. Confirming all anterior orders which had been issued by his predecessors, Sultan Ahmed I granted Henry IV the right to intervene directly against the Barbary pirates. This authorization was given as the Ottoman authorities hammered away at the problem of piracy, as is abundantly proved by documents from the *Manuscrit Turc 130*.[115]

---

[113] BNF, DO, Turc 130, f. 26v (fetva 2+2a).

[114] On "The Fixed Penalties", see Colin Imber, *Ebu's-su'ud. The Islamic Juridical Tradition,* Stanford University Press, Stanford, California, 1997, pp. 89-94. Also, see Uriel Heyd, *Studies in Old Ottoman Criminal Law*, Oxford, 1973.

[115] This final paragraph can be found in the variant published by Ignace de Testa

The Barbary corsairs directly affected Marseille commerce in the early seventeenth century. An extreme action took place in June 1604, when the Janissaries of Bône, supported by the Algerian galleys of Murad *re'is*, destroyed the French *Bastion*.[116] In this context, an unusual and dangerous diplomatic mission took place during François Savary de Brèves's return journey to France (1605-1606) concerning the inspection of the French consulates in the Levant, Egypt and North Africa. Moreover, having received an order from the Sultan, he asked the governors of Tunis and Algiers to set free all the enslaved Frenchmen, to restore all merchandise and ships pillaged and confiscated by the pirates, and to renounce the right to visit French ships in the Maghreb harbors. He succeeded in concluding a form of treaty with nine articles with the *Dey* of Tunis, but failed to do so in Algiers.[117]

Advice on the destruction of the pirates of North Africa continued to emerge from several directions after François Savary de Brèves had left İstanbul. The most authoritative recommandations addressed to the authorities in Paris came from the French ambassadors and consuls in the Ottoman dominions. Marseille had a prime interest in destroying Barbary piracy. Certain actions against Algiers were undertaken but they were insufficiently prepared. In practice, no European power was decisively involved in an attempt to eradicate North African piracy.[118]

(Testa, *Traités*, I, p. 146).

[116] Charles de la Roncière, *Histoire de la marine française. IV. En quête d'un empire colonial. Richelieu.* Paris, 1910, p. 365.

[117] *Relation des voyages de Monsieur de Brèves, tant en Grèce, Terre Saincte et Aegypte qu'aux royaumes de Tunis et Alger…* Le tout recueilly par le S.D.C. (Jacques Du Castel), Paris, 1628, pp. 305-353; Pierre Dan, *Histoire de la Barbarie et de ses corsaires…*, 2nd ed., Paris, 1649, p. 186; Marcel Emerit, "Brèves en Afrique du Nord", p. 297-314.

[118] *Cruel Martyre de la personne du très-valeureux capitaine M le Cte de La Richardière, mis a mort par les mains des Turcs…*, Paris, 1620.