

The French Capitulation ('*ahdname*) of 1604: A Re-evaluation and Critical Edition of an Ottoman Charter of Privileges

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1604'teki Fransız Kapitülasyonu ('ahdname): Bir Osmanlı İmtiyazının Yeniden Değerlendirilmesi ve Eleştirel Neşri

Öz ■ 1604'te Fransa'ya verilen kapitülasyon (*'ahdname-i hümayun*), yaygın bir biçimde erken modern Osmanlı-Fransız diplomasisi ya da ticari ilişkileri hakkındaki çalışmalar için bir temel olarak kullanılmamıştır. Orijinal belgenin yokluğunda, araştırmacılar diğer mevcut Osmanlıca nüshalara, fakat çoğunlukla daha sorunlu ve hükmü kalmamış tercümelere dayanmıştır. Yeni keşfedilmiş ve tasdikli kopyaya dayanan bu makale çokça başvurulan bu imtiyaz belgesinin diplomatik bir analizini sunarak, her ne kadar pek çok yeni ve önemli maddeler barındırsa da, bu belgenin özelliklerinin çoğunun basitçe diğer 'ahdnamelerden üretildiğini iddia etmektedir. Makalenin ikinci kısmı, daha evvelki neşir ve çalışmalarda yer alan hataları düzeltmek amacıyla, belgenin, gerçekliği tespit edilmiş nüshanın bilinen diğer versiyonlarıyla kıyaslandığı, bir transliterasyonunu ve bir İngilizce tercümesini içermektedir.

Anahtar kelimeler: Osmanlı–Fransız münasebetleri, Akdeniz, diplomasi, tercüme, transliterasyon.

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Introduction

Ottoman-French diplomatic relations have made the topic of countless studies from the nineteenth-century to the present day, with the imperial capitulations (*‘ahdname-i hümayun*) – official charters through which the Porte regulated its relations with other entities – holding centre stage. However, unlike the series of capitulations granted to Venice or Poland-Lithuania, critical editions of French *‘ahdname* have only recently begun to be produced, despite the availability of Ottoman-Turkish texts of such documents issued between 1569 and 1740.¹ With few exceptions, Ottomanists and scholars of various other backgrounds relied predominantly on outdated translations that diverged significantly from the original texts, with mixed results. Making use of a recently surfaced authenticated copy, this paper will offer a critical analysis of the *‘ahdname* granted by Sultan Ahmed I (r. 1603-1617) to King Henry IV (r. 1589-1610) of France in 1604, widely considered to be a benchmark in Ottoman-European diplomacy.² While also exposing errors in both existing translations and other Ottoman-Turkish copies, it will highlight the crucial necessity of turning to texts as close as possible to the originals when producing historical investigations.

A novel source

The discovery of this document, as it often happens in research, occurred accidentally. In my search for the Ottoman-Turkish text of a *nişan* obtained by French ambassador François Savary de Brèves³ in 1604 or 1605, containing

- 1 While this article was under peer-review, a critical edition of the French *‘ahdname* of 1569 was published by Güneş İşıksel, “Les capitulations accordées à la nation française en 1569. Essai de contextualisation et édition critique”, *Turcica*, LIII (2022), pp. 137-73.
- 2 See, for example, François Alphonse Belin, *Des capitulations et des traités de la France en Orient* (Paris: Challamel Ainé, 1870), pp. 119-20 (“renouvellement radical de Brèves”, as opposed to the “simple renouvellement” of 1597, or just the “renouvellement de Nointel” of 1673); Basile Homsy, *Les Capitulations & la protection des chrétiens au Proche-Orient aux XVIe, XVIIe et XVIIIe siècles* (Harissa: Imprimerie St. Paul, 1956), p. 6, 9; Alexander H. de Groot, “The Historical Development of the Capitulatory Regime in the Ottoman Middle East from the Fifteenth to the Nineteenth Centuries”, *Oriente Moderno*, XXII (2003), pp. 596-8; Edhem Eldem, “Capitulations and Western Trade”, in Suraiya Faroqhi (ed.), *The Cambridge History of Turkey. Volume 3: The Later Ottoman Empire, 1603-1839* (Cambridge: Cambridge University Press, 2006), pp. 291-2 (dated in 1603).
- 3 A recent short bio-bibliography in Alastair Hamilton, “François Savary de Brèves”, in David Thomas and John Chesworth (eds.), *Christian-Muslim Relations. A Bibliographical History*, vol. 9 (Leiden-Boston: Brill, 2017), pp. 415–422.

privileges for the Franciscans in Jerusalem, I followed the scarce references left behind by Baron Ignace de Testa.⁴ In the third volume of his renowned collection of Ottoman diplomatic texts, where he published a French translation of what he called a *hatt-ı şerif*, the author mentioned that “une copie authentique de l’original de ce firman se trouve aux *Archives de l’Empire* à Paris” and instructed readers to consult an entry from the first volume of the series.⁵ In this previous reference, Testa mentioned that the oldest official Turkish document known to be held at that time in Paris was Süleyman’s letter of September 1528 to Francis I,⁶ held in what were then the French Imperial Archives, in the *Armoire de fer*, “où est gardé aussi le firman de 1604 en faveur des religieux de Jérusalem [...] lequel n’est toutefois qu’une copie authentique de l’original”. Thanks to the digitisation efforts of the *Archives nationales de France* (AnF), I quickly found a scanned reproduction of Süleyman’s letter,⁷ next to which a “Firman rendu par Achmet Ier, empereur des Turcs, en faveur des Chrétiens de ses États” was indeed mentioned.⁸ The latter

4 Belonging to a renowned family of dragomans, Ignace was in the service of Tuscany. See Groot, “Dragoman’s Careers: The Change of Status in Some Families Connected with the British and Dutch Embassies at Istanbul, 1785-1829”, in Alastair Hamilton, Alexander H. de Groot, Maurits H. van den Boogert (eds.), *Friends and Rivals in the East. Studies in Anglo-Dutch Relations in the Levant from the Seventeenth to the Early Nineteenth Century* (Leiden – Boston – Cologne: Brill, 2000), pp. 223-46.

5 Ignace de Testa, *Recueil des traités de la Porte Ottomane avec les puissances étrangères*, vol. 3 (Paris: Amyot, 1868), p. 313.

6 Süleyman’s previous letter of 1526 to Francis, in reply to the French King’s appeal for support, sent while being imprisoned in Spain after the Battle of Pavia, was only discovered somewhat recently, in 1994, and is currently kept in the Bibliothèque nationale de France (BnF), Division manuscrits, Supplément turc 1638. Annie Berthier, “Un document retrouvé: la première lettre de Soliman au Roi François 1er (1526)”, *Turcica*, XXVII (1995), pp. 263-6.

7 Archives nationales de France (AnF), AE/III/205 (https://www.siv.archives-nationales.culture.gouv.fr/siv/rechercheconsultation/consultation/ir/consultationIR.action;jsessionid=56A10A2558218F422DA32E229E755056?irId=FRAN_IR_055193&u-dId=A1_139&details=true&gotoArchivesNums=false&auSeinIR=true&fullText=firman&optionFullText=ET, accessed 23 March 2022). Translations were published in Ernest Charrière, *Négociations de la France dans le Levant*, vol. 1 (Paris: Imprimerie Nationale, 1848), pp. 129-32 and Testa, *Recueil des traités*, vol. 3, pp. 326-7.

8 The description found on the Archives nationales website (https://www.siv.archives-nationales.culture.gouv.fr/siv/rechercheconsultation/consultation/ir/consultationIR.action;jsessionid=56A10A2558218F422DA32E229E755056?irId=FRAN_IR_055193&u-dId=A1_140&details=true&gotoArchivesNums=false&auSeinIR=true&fullText=fir

document was, however, not digitised. Thus, my online investigations coming to end, I headed to Paris in search of this mysterious document.

Upon requesting the document for consultation at the AnF⁹ I was given a microfilm roll which contained copies of several Oriental documents, among which the sought-after “firman”. At first glance, Testa’s description proved to be only partially accurate: the document was indeed a copy authenticated by a *kadı*, and although it presented a *nişan* introductory formula, as found in the available French translations, the microfilm reproduction was considerably larger than the translated text. Moreover, its *datatio/tarih* read *evahir-ı Zi'l-hicce 1012* (20 – 29 May 1604), a date that Testa considered to be the correct one, even though the available manuscript translations bear the date of 1013 AH/February 1605.¹⁰ The microfilm reproduction was not the best one, making large parts of the text illegible, but I quickly realised that it was not the *nişan* granted in favour of the Franciscans in Jerusalem, but rather a copy of the famous French ‘*ahdname*’ of 1604.¹¹

Gaining access to the physical document was naturally the next step. As it turned out, it was in poor condition and waiting for restoration work in the conservation department of the AnF. Stéphanie Mailet-Marqué patiently responded to all of my queries and put me in touch with Éric Laforest, who was ever so kind to invite me to the restoration workshop. The document was rolled up in a scroll, enclosed in a piece of paper cut off from the very top of the document, that contained the *invocatio/d’avet* (*hü*). Upon unrolling, the document indeed proved to be very large, standing at roughly 430 cm in length and 39 cm in width.¹² It was made up of multiple pieces of thick Ottoman paper glued together, which presented considerable amounts of water damage, hence the illegible portions on the microfilm copy.

[man&optionFullText=ET](#), accessed 23 March 2021) is taken from *Inventaire sommaire et tableau méthodique des fonds conservés aux Archives nationales*, 1^{er} partie (Paris: Imprimerie nationale, 1871), p. 13.

9 AnF, AE/III/209.

10 BnF, Français 16171, ff. 172r–5v; BnF, Bibliothèque de l’Arsenal, Français 4769, ff. 295–9. For a more detailed discussion of this religious *nişan* given to the French in favour of Catholic clerics in Jerusalem see Radu Dipratu, *Regulating Non-Muslim Communities in the Seventeenth-Century Ottoman Empire: Catholics and Capitulations* (London – New York: Routledge, 2021), pp. 36-7, 161-3.

11 Testa must have confused the two documents, the ‘*ahdname*’ with the *nişan*, as his published version of the latter is almost entirely identical to the manuscript copies cited above.

12 The entry on the AnF website give the dimensions of 4 m x 39,5 cm.

The authentication formulas immediately stand out upon glancing at this copy of the 1604 *ahdname*. At the top of the document, in place of Sultan Ahmed I's cypher (*tuğra*), there is a diagonal inscription in vocalised Arabic, written in *nesih* script, which mentions that it is a copy transcribed from the original document.¹³ On the document's top righthand side, there is another inscription in Arabic, unvocalised and written in *nastalik* script, which mentions that the copy was made without any alterations from its original by Seyyid Mehmed Emin Efendi (Sun'izade), then military judge (*kazasker*) of Rumelia.¹⁴ Thanks to this second inscription, the copy may be dated between either May 1657 and April 1658, or 1660 and February 1662, when Emin Efendi held that position twice¹⁵ and was most likely produced in Istanbul where the *kazasker* held court. One may assume that since the *kazasker* authenticated this copy, it would have also been registered in the court registers,¹⁶ but unfortunately, it seems that this

13 "This is mentioned in its decision, it is a copy made after its original" (*hadhibi madhkûratun fî faşli-hâ şûratun manqulatun 'an 'aşli-hâ*). I thank Ioana Feodorov and Vanessa R. de Obaldía for aiding me with deciphering the Arabic inscriptions.

14 "This is a copy of the Sultan's noble and obeyed decree signed with the lofty, mighty, and imperial signature copied on its noble original without any alteration in words and meanings, may its commandments last until all wishes come true; written by the servant, wanting in God's benevolence, Sayyid Muhammad al-'Amîn, *kazasker* of Rumelia, the well-guarded and preserved by the Eternal; [God] forgive him" (*şûrat al-manshûr al-sharîf al-muţâ' al-sultânî al-muwaqqâ' bi-tawqî' al-rafi' al-manî al-khâqânî / nuqilat 'an 'aşlihâ al-'âlî min ghayr taghyîr fi-l-'alfâz wa-l-ma'ânî dâmat 'ahkâmuhu / madâr al-ḥuşul al-'amânî kataba-hu al-'abd al-faqîr 'ilâ al-lutf al-rabânî al-Sayyid Muḥammad al-'Amîn / al-qâđî li-'askar Rûmillî al-ma'mûra al-mahfûza bi-l-ḥafz al-şamadânîl 'afâ 'an-hu*).

15 Scholars do not agree on when exactly Emin Efendi's second tenure as *kazasker* began. The date of its conclusion is clearer, coinciding with his appointment as grand mufti (*şeyhül-İslam*) on 3 February 1662, a position which he held until 21 November the same year. See Kâtib Çelebi, *Takvimü't-tevarih* (İstanbul: Dâru't-tibât'ati'l-mâ'mûre, 1146/1733), p. 192; Mehmed Süreyya, *Sicill-i Osmanî*, vol. 2, yay. haz. Nuri Akbayar, eski yazıdan aktaran Seyit Ali Kahraman (İstanbul: Kültür Bakanlığı, Türkiye Ekonomik ve Toplumsal Tarih Vakfı, 1996), pp. 473-4; Tahsin Özcan, "Seyyid Mehmed Emin Efendi", *Türkiye Diyanet Vakfı İslam Ansiklopedisi (DİA)*, 2009, XXXVII, p. 69; Abdülkadir Altunsu, *Osmanlı Şeyhülislamları* (Ankara: Ayyıldız Matbaası, 1972) p. 92.

16 There are several known copies of *ahdnames* preserved in *sicils*: Galata 1453 (İlker Bulunur, "II. Mehmed Tarafından Galatalılara Verilen 1453 Ahidnâmesi ve Buna Yapılan Eklemler Hakkında Yeni Bilgiler", *Tarih Dergisi*, L/2 (2009), pp. 59-85); Dubrovnik 1513 (Ahmed Akgündüz, *Osmanlı Kanunnâmeleri ve Hukukî Tahlileri*, vol. 3 (İstanbul: Osmanlı Araştırmaları Vakfı, 1991), pp. 385-7); France 1673 (Oded Peri, *Christianity under Islam*

was not the case.¹⁷

If the copy of the French *'ahdname* of 1604 was produced during Emin Efendi's second term, then it may have been requested by Jean-François Roboli, a merchant who was acting as *chargé d'affaires* (or *tüccar vekili*, "merchants' representative", in Ottoman sources).¹⁸ He was tasked with this role in October 1660, after ambassador Jean de la Haye, seigneur de Vantelet (in office between 1639-1661) had been imprisoned in Yedikule because some French ships had run off with Egyptian supplies destined for the imperial palace.¹⁹ While Roboli was responsible for French affairs in the Ottoman Empire (until December 1665, when Denis de la Haye, the former ambassador's son, took office), a fire destroyed the embassy's chancery, along with some of its documents.²⁰ If the copy legalised by Emin Efendi was meant to counter this loss, a second original *'ahdname* (bearing the sultan's *tuğra*, as mentioned by the Arabic inscriptions found on the copy) must have been available.

in Jerusalem. The Question of the Holy Sites in Early Ottoman Times (Leiden – Boston – Cologne: Brill, 2001), p. 61, n. 30). Of interest to this present inquiry, the charter granted to Dubrovnik in 1513 is also preserved as a copy authenticated by a *kazasker* of Rumelia: Vesna Miović, *Dubrovačka republica u spisima osmanskih Sultana* (Dubrovnik: Državni Arhiv u Dubrovniku, 2005), p. 15 (facsimile).

17 I did not find any records of the French *'ahdname* in the court registers compiled during Emin Efendi's tenure: İSAM Kütüphanesi, İstanbul-Rumeli Kazaskerliği ve Sadareti sicilleri, 106-111 – of which the first volume was published as *İstanbul Kadı Sicilleri 50. Rumeli Sadâreti Mahkemesi 106 Numaralı Sicil (H. 1067-1069/M. 1656-1658)*, ed. Coşkun Yılmaz (İstanbul: İstanbul Büyükşehir Belediyesi, Kültür A.Ş., 2019).

18 Archivio di Stato di Venezia (ASV), Bailo a Costantinopoli, Carte turche, b. 252, d. 340, f. 20r (*hüccet* dated 14 *Rebi'l-evvel* 1072/ 6 November 1661): *Franca padişahı tüccar vekili olan Roboli Dergah-ı mu'allama 'arz-ı hal gönderüb*; Başbakanlık Osmanlı Arşivi (BOA), A.DVNS.MHM.d 94, p. 25, no. 107 (*ferman* dated *eva'il-i Muharrem* 1074/ 4 – 13 August 1663): *Franca padişahının Asitane-i sa'adetimde tüccar vekili olan Roboli Südde-i sa'adetime 'arz-ı hal gönderüb*.

19 Jean de la Haye had been previously detained, along with his son, at Edirne in 1659, after the Ottomans intercepted some of his enciphered correspondence with Venice. Both de la Hayes eventually departed back for France in July 1661. Jean-Louis Bacqué-Grammont, Sinan Kunalalp, Frédéric Hitzel, *Représentants permanents de la France en Turquie (1536-1991) et de la Turquie en France (1797-1991)* (İstanbul – Paris: The ISIS Press, 1991), pp. 19-21.

20 The date of this fire is not exactly known, but only that it occurred while Roboli was away. See Jean-Louis d'Usson, Marquis de Bonnac, *Mémoire historique sur l'ambassade de France à Constantinople*, ed. Charles Schefer (Paris: Ernest Leroux, 1894), p. 3; also mentioned in Bacqué-Grammont, Kunalalp, Hitzel, *Représentants permanents*, p. 21.

Indeed, it was not uncommon for the Ottoman imperial chancery to issue the same *'ahdname* in two original *tuğra*-bearing documents, precisely in case one of them would go missing. The French themselves were no strangers to such practices. For example, during negotiations for the renewal of the capitulations back in 1581, ambassador Germigny searched in vain for an original of the legendary agreement of 1536 between Süleyman I (r. 1520-1566) and Francis I (r. 1515-1547). Consequently, Germigny informed the king that he now requested and obtained two original *'ahdnames* in case one would go missing in the future: one to be kept at the embassy in Pera, one to be sent to France.²¹

Judging by the size of the copy legalised by Emin Efendi, standing at 430 cm x 39 cm and comprising more than 100 lines of elegant *divani* script, albeit without the lofty sultanic *tuğra*, it was most likely not intended to be a “working copy” (i.e. one to be used by consuls or merchants in practical situations),²² but rather to fulfil the ceremonious role of its original model. In contrast, a surviving copy of the previous French *'ahdname* of 1597, authenticated by a *kadı* in Egypt, stands more compact at 124 cm x 42 cm and employs a less sumptuous, although more legible *nesih* script over 70 lines of text.²³

Versions and translations

No original of the French *'ahdname* of 1604 is known to be preserved today. Nevertheless, three distinct versions of the Ottoman-Turkish text were available before this legalised copy was discovered.²⁴

21 Susan A. Skilliter, *William Harborne and the Trade with Turkey, 1578–1582: A Documentary Study of the First Anglo-Ottoman Relations* (Oxford-New York: Oxford University Press, 1977), p. 173; Viorel Panaite, “Western Diplomacy, Capitulations and Ottoman Law in the Mediterranean. 16th and 17th Centuries: The Diplomatic Section of the Manuscrit Turc 130 from the Bibliothèque Nationale in Paris”, Seyfi Kenan (ed.), *Erken Klasik Dönemden 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* (Istanbul: ISAM, 2010), p. 376.

22 For further discussions over multiple original *'ahdnames* and working copies see Viorel Panaite and Radu Dipratu, “A Forgotten Capitulation (*'ahdname*): The Commercial Privileges Granted by Sultan Ahmed I to Emperor Matthias in 1617”, *Revue des Études Sud-Est Européennes*, LVIII (2020), pp. 54-5.

23 BnF, Suppl. Turc 821. This copy was described by Panaite, “Western Diplomacy”, pp. 377–80.

24 The following discussion will not take into account copies of the French *'ahdname* of 1607, which, although reproducing the previous charter of 1604 in its entirety, also adds several

The earliest one, which predates the copy authenticated by Emin Efendi, was published by de Brèves in a bilingual Ottoman-French edition in 1615.²⁵ There are two known manuscript copies produced from this printed version: one of them, copied page for page, opens a manuscript compendia of various Ottoman documents (mainly pertaining to relations with Venice), and is preserved today in the *Bibliothèque nationale* in Paris;²⁶ the other one is kept in the Bodleian Library in Oxford, likewise in a compendium, and it appears to have been written by someone who was exercising their calligraphy skills (perhaps a dragoman in training?).²⁷ This version appears to be the most accurate to the now-lost original, but it still presents several differences when compared to Emin Efendi's legalised copy.

A second version of the *'ahdname* emerged around the middle of the seventeenth century, but this time in a narrative source, Katib Çelebi's *Fezleke-i Tarih*,²⁸ from where Mustafa Na'ima also reproduced it word by word at the turn of the next century.²⁹ These texts are much abridged versions of the original chancery

new clauses. These copies are preserved in BnF, Suppl. Turc 118, ff. 49-56, and Leiden University Library (LUU), Or. 1137 [1], ff. 2r-9v. The latter copy from LUU is cited as representing the text of 1604 throughout Maurits H. van den Boogert, *The Capitulations and the Ottoman Legal System. Qadis, Consuls and Berats in the 18th Century* (Leiden-Boston: Brill, 2005). Similarly, it is argued that it represents a copy of the 1604 charter drafted in 1607 or that the scribe mistook the Hijri dating, in Jan Schmidt, *Catalogue of Turkish Manuscripts in the Library of Leiden University and other Collections in the Netherlands* (Leiden: Legatum Warnerianum, 2000), p. 467. However, both the BnF and the LUU texts clearly contain the articles newly introduced in 1607 by ambassador Jean de Gontaut-Biron, Baron de Salignac (*Saligan vilayetinin baronı ve hakimi olan Covan Gonbod Biron*). For this often-ignored French *'ahdname* of 1607 see Dipratu, *Regulating*, pp. 39-40.

25 [François Savary de Brèves], *Fransa padişahı ile Al-i Osman padişahı mabeyininde mün'akid olan 'ahdnamedir ki zikr olunur! Articles du traicte fait en l'annee mil six cens quatre, entre Henri le Grand Roy de France, & de Navarre, et Sultan Amat Empereur des Turcs* (Paris: Imprimerie des langues Orientales, Arabique, Turquesque, Persique, &c., 1615). See also M. Türker Acaroğlu, "Dünyada Basılan İlk Türkçe Kitap", *Belleten*, L, 197 (1986), pp. 507-30.

26 BnF, Suppl. turc 123, ff. 2v-25r (pp. 2-58).

27 University of Oxford, Bodleian Library, Laud Or. 67, ff. 92r-97r. The library catalogue mentions that the manuscript was written before 1634 and bears a "European handwriting": Herman Ethé, *Catalogue of the Persian, Turkish, Hindūstānī and Pushṭū Manuscripts in the Bodleian Library*, vol. 2 (Oxford: Clarendon Press, 1930), p. 1169, doc. 2061.

28 Kâtib Çelebi, *Fezleke. Tahlil ve Metin I*, ed. Zeynep Aycibin, unpublished PhD thesis (Istanbul: Mimar Sinan Güzel Sanatlar Üniversitesi, 2007), pp. 571-2.

29 Na'imâ Mustafa Efendi, *Târih-i Na'imâ (Razvatül-Hüseyn fi hulâsati abbâri'l-hâfikayn)*, ed.

document, containing only summaries of the articles and completely omitting any other elements of Ottoman diplomatics, such as protocols, sanctions, or dispositions. While offering a general outline of the provisions of the *'ahdname*, these sources are less than ideal for scholarly inquiries.

Finally, a third Ottoman-Turkish version of the French *'ahdname* of 1604 was published from an unknown source in the expanded edition of Feridun Bey's collection of sultanic correspondence in the middle of the nineteenth century.³⁰ While presenting a much more faithful copy of the chancery document than the narrative sources, this version misses several passages and even a couple of articles entirely, thus making it unreliable too. However, it stands as testimony that its source was available for the editors in nineteenth-century Istanbul, whereas nowadays, there is no known copy of the 1604 French *'ahdname* in Ottoman archives or libraries.³¹

For the only critical translation produced so far of this *'ahdname*, François Alphonse Belin followed Feridun's version, which he compared with those presented by Katib Çelebi and Na'ima (which he noticed are identical and erroneously listed under the events of the year 1018 AH/ 1609-1610 AD),³² as well as

Mehmed İpşirli (Ankara: Türk Tarih Kurumu, 2007), pp. 378-80. An inaccurate English translation can be found in *Annals of the Turkish Empire, from 1591 to 1659 of the Christian Era*. By Naima, ed. Charles Fraser (London: Printed for the Oriental Translation Fund, 1832), pp. 392-3.

30 Ahmed Feridun Bey, *Mecmu'a-ı münşe'atü's-selatin*, 1st edition, vol. 2 (Istanbul: Darü't-tıbatı'l-'amire, 1264–1265/1848–1849), pp. 400-5; 2nd edition, vol. 2 (Istanbul: Takvimhane-i 'amire, 1274–1275/1858–1859), pp. 490-4. Of course, the French *'ahdname* of 1604 was not included in Feridun's original manuscript, since it appeared two decades after the author's death. For the sake of simplicity, this paper will still describe it as "Feridun's version".

31 At BOA, I only found copies of the *'ahdnames* of 1673 (BOA, A.DVNS.DVE.d 27/2, pp. 4-10) and 1740 (BOA, A.DVNS.DVE.d 29/4, pp. 1-32 and BOA, A.DVNS.NMH.d 7, pp. 572-582). Other copies of these later capitulations can be found in the Archives of Topkapı Palace. For an overview of *'ahdnames* preserved in Istanbul see Hans Theunissen, "Ottoman-Venetian Diplomats: The *'ahd-names*. The Historical Background and the Development of a Category of Political-Commercial Instruments together with an Annotated Edition of a Corpus of Relevant Documents", *Electronic Journal of Oriental Studies Utrecht*, 1/2 (1998), pp. 313-28. A copy of the 1581 *'ahdname* preserved in a manuscript of the Süleymaniye Library is mentioned by Skilliter, *William Harborne*, p. 273.

32 Belin, *Des capitulations*, pp. 120-8.

the French translation offered by Testa. Nevertheless, the French scholar was apparently unaware neither of de Brèves' Ottoman-Turkish text nor was he familiar with the copy held in the AnF, thus having no other chancery document to compare with Feridun's version.

Belin's remarks on the various versions known to him best describe the conundrum surrounding the text of the French capitulation of 1604: "celle du baron de Testa inspire toute confiance, par suite des recherches consciencieuses du savant éditeur", the version published by de Brèves in 1628 "paraît être le document original français", while "Feridoun en a donné, de son côté, la version turque, d'ailleurs assez défectueuse et incorrecte en plusieurs endroits".³³ Apart from the fact that Testa was not the author of this translation (it originated from de Brèves' bilingual edition of 1615), there was, of course, no "original French document": the only original capitulations were the Ottoman-Turkish documents bearing the sultanic *tuğra* and issued by the Ottoman imperial chancery.³⁴ The French translations were merely informative material and did not have legal standing.³⁵ Therefore, Feridun's version is more reliable for historical scholarship, being the sole Ottoman-Turkish one. Even so, its many errors, some even observed by Belin, highlight the need for a new, critical edition of the French *'ahdname* of 1604, aided by the emergence of Emin Efendi's legalised copy.

33 Belin, p. 85.

34 A significant exception to this rule was applied to the peace agreements concluded with the Habsburgs beginning with 1606, when Ottoman *'ahdnames* were followed by similar Habsburg instruments, drafted in Latin. Dissimilarities between the two original documents, Ottoman and Habsburg, oftentimes prompted renegotiations and reissuing of charters. See Gustav Bayerle, "The Compromise of Zsitvatorok", *Archivum Ottomanicum*, VI (1980), pp. 7-8; Mahmut Halef Cevrioğlu, "The Peace Treaties of Gyarmat (1625) and Szöny (1627)", *Ege ve Balkan Araştırmaları Dergisi/ Journal of Aegean and Balkan Studies*, III/2 (2016), pp. 67-86; Mahmut Halef Cevrioğlu, "XVII. Yüzyılın İlk Yarısında Osmanlı-Habsburg Diplomatik İlişkileri ve Osmanlı Diplomasisi", PhD thesis (İzmir Kâtip Çelebi Üniversitesi, 2021).

35 Disputes over capitulatory provisions prompted Grand Viziers to ask for the original Ottoman-Turkish documents for inspection. See, for example, Venetian bailo Ottaviano Bon's dispatch of 27 April 1607 in *Calendar of State Papers Relating to English Affairs in the Archives of Venice, Volume 10, 1603-1607*, ed. Horatio F. Brown (London: Printed for Her Majesty's Stationary Office, 1900), p. 493, and Groot, *The Ottoman Empire and the Dutch Republic: A History of the Earliest Diplomatic Relations, 1610-1630* (Leiden: Nederlands Historisch-Archaeologisch Instituut, 1978), pp. 131, 139-40.

Translated versions of the French *'ahdname* of 1604 remained the principal sources used even in modern scholarly studies, despite the availability of the three versions of the Ottoman-Turkish texts mentioned above.³⁶ More troubling, such studies often do not resort to Belin's critical translation but to the more outdated ones found in treaty collections, such as those of Testa and Noradounghian, which themselves ultimately originated from the two distinct translations penned by de Brèves: the one included in the bilingual edition of 1615,³⁷ and the other in a volume containing the account of his travels and discourses, published by Jacques du Castel, in 1628.³⁸ Although the ambassador was well trained in Ottoman-Turkish, his translations³⁹ diverge considerably in several points from the original text and between themselves.

36 Géraud Poumarède, "Négociier près la Sublime Porte: jalons pour une nouvelle histoire des capitulations franco-ottomane", in Lucien Bély (ed.), *L'invention de la diplomatie. Moyen Age – Temps modernes* (Paris, Presses Universitaires de France), 1998, pp. 71-85; Jacques Lafon, "Les capitulations ottomanes: un droit para-colonial?", in Jacques Lafon, *Itinéraires de l'histoire du droit à la diplomatie culturelle et à l'histoire colonial* (Paris: Éditions de la Sorbonne, 2001), pp. 75-101; Karl-Heinz Ziegler, "The Peace Treaties of the Ottoman Empire with European Christian Powers", in Randall Lesaffer (ed.), *Peace Treaties and International Law in European History: From the Late Middle Ages to World War One* (Cambridge: Cambridge University Press, 2004), pp. 344-3; Fariba Zarinebaf, *Mediterranean Encounters: Trade and Pluralism in Early Modern Galata* (Oakland: University of California Press, 2018), pp. 114-5; Victor Simon, "La dignité impériale des rois de France en Orient: Titulatures et traductions dans la diplomatie franco-ottomane", *Journal of the History of International Law*, XXII (2020), pp. 147-63.

37 Also found in various manuscript copies such as BnF, Fr. 16171, ff. 189r-205v. It was reprinted in Jean Du Mont, *Corps universel diplomatique du droit des gens*, vol. 5, pt. II (Amsterdam – The Hague: P. Brunel, P. Husson et al., 1728), pp. 39-42; François-Emmanuel Guignard, Comte de Saint-Priest, *Mémoires sur l'ambassade de France en Turquie et sur le commerce des français dans le Levant*, ed. Charles Schefer (Paris: Ernest Leroux, 1877), pp. 415-30, and *Treaties, & c. between Turkey and the Foreign Powers. 1535–1855* (London: Foreign Office, 1855), p. 185-193.

38 "Traicte fait en l'année mil six cents quatre, entre Henry le Grand Roy de France & de Navare, Et Sultan Amat Empereur des Turcs", Jacques du Castel (ed.), *Relation des voyages de Monsieur de Brèves* (Paris: Nicolas Gasse, 1628), pp. 1-23. BnF, Fr. 16141, ff. 207r-223v. Reprinted in Testa, *Recueil des traités de la Porte Ottomane avec les puissances étrangères*, vol. 1, pp. 141-51, and Gabriel Effendi Noradounghian, *Recueil d'actes internationaux de l'Empire Ottoman*, vol.1 (Paris: Librairie Cotillon, 1897), pp. 93-102.

39 There is sound evidence to believe that de Brèves himself translated the capitulations obtained by him in 1597 and 1604, as one of the manuscripts kept at BnF mention "*Traduict/*

On the one hand, the two translations miss out on some provisions. For instance, art. XXXIII⁴⁰ (regarding the exemption from *harac* – one of the essential provisions of any *ahdname*, guaranteeing that foreign merchants would be treated as *müst'emin* and not as *zimmi*, indifferent to the time spent in the Ottoman Empire) is nowhere to be found in the French translations. Other translated articles only miss some provisions, such as the exemption from the *yasak kulu* tax in art. XIII, or the later part of art. XXXVIII, decreeing that Ottoman navy ships may not demand “gifts” or take “equipment, goods, beardless young boys, or anything else” by force from the French ships they encounter at sea.

On the other hand, the two translations tend to add elements that are not present in the Ottoman-Turkish text and thus alter its interpretation. To better illustrate this issue, some textual examples are needed. Take, for instance, art. XII, which is very straightforward in the Ottoman-Turkish text:

Apart from the merchandise that is unloaded to be sold, customs tax shall not be demanded for their merchandise intended to be carried off to another port, and nobody shall prevent its carrying off to another port.

The French translation of 1615 slightly expands this simple article:

Voulons & ordonnons, que les marchans François, & leurs vaisseaux qui viennent par nos ports, & havres, ne soient obligez de païer autre droict, que celui des marchandises qu'ilz desbarqueront, & qu'ilz les puissent aller vendre en quelle eschelle ilz voudront, & ou bon leur semblera sans aucun empeschement.

Subsequently, the translation of 1628 goes even further with explanations, completely changing the style expressed in Ottoman-Turkish:

Et par ce qui bien souvent iceux marchands, arrivans dans les ports des lieux de nostre obeïssance, avec leurs vaisseaux & marchandises, sont violentez & contraincts par les fermiers de nos gabelles, de descharger leurs marchandises, & les vendre, pour estre payez de nos droicts: nous declaronz & voulons que les-dicts

Traduction faictes par moy Breves” (Panaite, “Western Diplomacy”, p. 378, 381). For other translations autographed by de Brèves see BnF, Dupuy 429, ff. 87r-90v.

⁴⁰ The articles were not numbered or strictly divided in the Ottoman-Turkish text. The division of articles found throughout this paper is of my own making, based partially on de Brèves’ division and partially on those of modern scholars working on Ottoman *ahdnames*.

marchands arrivans, comme dict est, dans nos ports, s'ils ne trouvent à vendre leur marchandises avantageusement, & qu'ils les vueillent conduire autre part, qu'ils le puissent faire, sans aucun empeschement, n'y estre forcez de payer aucun droit, que de ce qu'ils auront vendu.

More unfortunate are instances where the translations added clauses not included in the Ottoman-Turkish texts. This is especially true for art. II, where a somewhat limited provision concerning the protection of foreign pilgrims and clerics in Jerusalem was expanded in translations to include “Bethlehem, & autres lieux de nostre obeïssance, pour y servir les Eglises qui s’y treuvent d’ancienneté basties”.⁴¹ To all these alterations, one may add a different order of territories presented in the sultan’s *unvan* (including a “Mer Rouge”, not found in the Ottoman texts), and one will surely conclude that a critical edition of the charter of privileges granted by Sultan Ahmed I to King Henry IV in the spring of 1604 is more than necessary. The newly surfaced copy authenticated by *kazasker* Emin Efendi, one of the highest-ranking legal and religious authorities of the Empire, must be considered the most faithful to the now-lost original and thus fills an important gap in our understanding of the ‘*ahdname*. Therefore, a short discussion on the structure and nature of the French ‘*ahdname* of 1604 is necessary.

Structure and nature of the French ‘*ahdname* of 1604

What led most seventeenth-century observers, as well as modern scholars to often describe this charter as being a treaty was the imperfect rendering of ‘*ahdname-i hümayun* as “capitulation et traicte de paix” throughout de Brèves’ translations. As such, it was suggested that this document represented a turning point in the evolution of Ottoman diplomacy, being superior to previous French ‘*ahdnames* or those granted other polities.⁴² However, a close examination of its contents reveals that, apart from an increased number of articles, the ‘*ahdname* of 1604 was designed to function exactly like a typical privilege-granting Ottoman charter.

41 This made some scholars assert that in 1604 the Porte recognized France as the sole protector of Catholics across the Ottoman Empire. For an analysis see Dipratu, *Regulating*, pp. 32-6.

42 Citing a French translation, Ziegler affirms that the charter of 1604 “is styled as ‘a peace treaty and capitulation’”, implying that previous ones had an inferior status since they were only “capitulations”. Furthermore, when discussing Habsburg ‘*ahdnames*, the same author states that “no real peace treaty was concluded in the entire sixteenth century between the Ottoman Empire and the Habsburg monarchs”. Ziegler, “The Peace Treaties,” pp. 343-5.

In general, the structure of Ottoman *'ahdnames* can best be described as containing an introductory protocol, followed by the main text (or context) drafted as a series of articles, continuing with dispositions and sanctions, and ending with a final protocol.⁴³ Based on differences found mainly in the introductory protocol, scholars have divided these documents into *name* and *nişan* (or *berat*) type *'ahdnames*, arguing that the first were drafted as imperial letters (*name-i hümayun*) and were usually granted to independent foreign heads of state, while the others were privilege-granting charters, more likely to be given to tributaries.⁴⁴ Additionally, transitions from *name* type to *nişan* type *'ahdnames* were interpreted as a shift from bilateral treaties to unilateral charters of privileges.⁴⁵ Generalisations remain, however, difficult to assert, as even the French *'ahdname* of 1604 does not perfectly fit such strict distinctions. While it is a *nişan* type *'ahdname* (easily distinguishable because of the *nişan* formula placed beneath the *tuğra*), it also contains elements typical of the *name* type, such as the long list of possessions in the sultan's *unvan* or the *inscriptiolelkab* of the French king (although it was not addressed to him, but to observing third parties). Moreover, it was granted to an independent head of state who was not paying any tribute to the Ottomans.⁴⁶

Nevertheless, both types of *'ahdnames* fulfilled the same purpose of regulating the Porte's relations with foreign polities or tributaries, oftentimes through a series of unilateral privileges granted by the sultan. Furthermore, and leaving their diplomatic aspects aside, *name* and *nişan* type *'ahdnames* had no precedence over

43 Theunissen, "Ottoman-Venetian Diplomacy", pp. 188-9; Dariusz Kołodziejczyk, *Ottoman-Polish Diplomatic Relations (15th–18th Century). An Annotated Edition of 'Ahdnames and Other Documents* (Leiden - Boston - Köln: Brill, 2000), pp. 8-34.

44 Sándor Papp, "The System of Autonomous Muslim and Christian Communities, Churches, and States in the Ottoman Empire", in Gabor Kármán and Lavro Kunčević (eds.), *The European Tributary States of the Ottoman Empire in the Sixteenth and Seventeenth Centuries* (Leiden – Boston: Brill, 2013), pp. 378-80.

45 Theunissen, "Ottoman-Venetian Diplomacy", pp. 227-65; Kołodziejczyk, *Ottoman-Polish Diplomatic Relations*, pp. 75-6.

46 As one could argue that Venice, although independent, was paying tribute for its holding of Zakynthos, thus explaining its *nişan*-type *'ahdnames*. In fact, in the early seventeenth century, capitulations granted to all European polities, except those of the Holy Roman Empire, Polish-Lithuanian Commonwealth, and Dutch Republic, were drafted as *nişans*. However, they did not have the exact same structure. To give just one example, English *'ahdnames* up to 1622 did not contain any sultanic *unvan* and were addressed to English monarchs, beginning directly with the *inscriptiolelkab*.

the other: articles included in both types of “capitulations” had the same standing in day-to-day practice.

The bilateral or unilateral properties of a seventeenth-century Ottoman *‘ahdname* seem, however, to have not been determined by the content of the articles themselves, which were, more often than not, the product of intense negotiations between two sides. Capitulations issued to bordering polities (Venice, Poland-Lithuania, the Holy Roman Empire), with whom the Porte also waged war, naturally contained some bilateral clauses such as the exchange of captives or mutual trade.⁴⁷ Those issued to France (but also to England and the Dutch Republic) had no such features and exclusively contained clauses concerning the status of these foreign subjects and their privileges in the Ottoman Empire. For example, while the topic of French captives was a crucial element of the capitulations, de Brèves’ efforts to free Muslim captives⁴⁸ never became the subject of articles in the *‘ahdname*; neither was the issue of Ottoman merchants in France, as one would have expected from a proper bilateral treaty.

Instead, another criterion determining the bilateral or unilateral nature of an *‘ahdname* seems to be whether or not the Porte expected its charters to be ratified by the receiving party. In the seventeenth century, this was the case only for Poland-Lithuania and the Holy Roman Empire, whose sovereigns issued confirmatory documents of their own, in Latin.⁴⁹ For the more distant polities like France, the Porte did not await any ratification of their privilege-granting charters, nor did French kings feel the need to issue their own confirmations. Instead, both parties tacitly agreed that these *‘ahdnames* represented unilateral charters of privileges issued by the sultan to protect foreign subjects in the Ottoman realms.⁵⁰

47 In contrast to its predecessors, the Habsburg *‘ahdname* of 1617 omits all reciprocal clauses, as it was copied almost entirely from the Dutch charter of 1612. See Panaite and Dipratu, “A Forgotten Capitulation”.

48 Viorel Panaite, “Defending the Status of *müstəmin*: Ottoman State Bureaucrats’ Correspondence about French Merchants and ‘Coffee from Malta’ in Aleppo”, Johannes Zimmermann, Christoph Herzog and Raoul Motika (eds.), *Osmanische Welten: Quellen und Fallstudien. Festschrift für Michael Ursinus* (Bamberg: University of Bamberg Press, 2016), p. 479.

49 For the Polish case see Kołodziejczyk, *Ottoman-Polish Diplomatic Relations*, pp. 68-77. For the Habsburg case see Dipratu, *Regulating*, pp. 88-108.

50 One may argue that the purpose of drafting *‘ahdnames* as *nişans* was precisely to avoid the need for confirmations. However, *‘ahdnames* granted to Venice continued to be confirmed by the doge up to 1540, even though drafted as *nişans* since 1482, and only with

On the other hand, French kings were presented as almost equals to the Ottoman sultans, being called Padishahs in capitulations and other official documents, as opposed to *kral* (“King”) or *imperator*, employed for the Habsburg emperor, or *çar* for the Russian tsars in future capitulations of the late seventeenth and eighteenth centuries. In practice, however, this had no relevance, as the charters granted to a rival *kral* or *kraliçe* (“Queen”) of England could just as well contain stipulations that contradicted those granted to the Padishah of France.

Based on the available Ottoman-Turkish texts and especially the newly surfaced legalised copy of Emin Efendi, one may safely attempt a reconstruction of the diplomatic structure of the now-lost French original *ahdname* of 1604.

At the top of the document lies the *invocatio/da’vet*, evoking God: *hü* (or *hüve*, lit. “He”).⁵¹ Below, after a considerable amount of blank paper, must have stood the *tuğra* of Sultan Ahmed I, most likely richly illuminated,⁵² immediately

the document of 1567 it appears that the Ottomans no longer expected confirmations (Theunissen, “Ottoman-Venetian Diplomacy”, pp. 225-255). Another peculiarity is represented by the Dutch *ahdname* of 1612: although essentially being a compilation of French and English *ahdnames* and no confirmation was expected from the States General, it was not drafted as a *nişan* (nor were its renewals of 1634 and 1680). See the transliteration and translation of the Dutch *ahdname* of 1612 in Groot, *Ottoman Empire and Dutch Republic*, pp. 233-60.

51 Only the legalised copy contains a simple *hü*, the other texts miss this part altogether. However, it is plausible that the original document contained a longer *invocatio/da’vet*, like the capitulations granted to other European polities in the same year of 1604, such as Venice (ASV, Miscellanea documenti turchi, doc. 1145), or even the tributary Dubrovnik (Louvre, Département des Arts de l’Islam, MAO 2237; for an analysis of this charter, based on a copy, see Mladen Glavina, “An Overview of the Formation and Functioning of the Institute of Capitulations in the Ottoman Empire and the 1604 Dubrovnik Capitulation”, *Prilozi za orijentalnu filologiju/ Contributions to Oriental Philology*, LVIII (2008), pp. 139-66).

52 De Brèves’ printed version offers the only depiction of the *tuğra*, which is remarkably accurate albeit drawn in simple black ink as printing technology permitted at that time. All other known original *ahdnames* issued in 1604 display richly illuminated *tuğras*: apart from those of Venice and Dubrovnik quoted above see also that of England (British Library (BL), Cotton ms XIV 10). In this period, it seems that only the Habsburg *ahdnames* displayed a somewhat less decorated *tuğra*, drawn solely with golden ink (see the *ahdname* of 1610: Österreichisches Staatsarchiv, Haus-, Hof- und Staatsarchiv, Urkundenreihen (AT-OeStA/HHStA UR), Türkische Urkunden 4). The earliest known original French *ahdname*, dating from 1673, also bears an illuminated *tuğra* (Archives diplomatiques (AD), Traités et accords de la France, TRA16730010), but the one of 1569 seems to have had a simple golden

followed by the *nişan* formula. The main body of the document begins with a short *formula devotionis* that is part of a much longer *intitulatio/unvan*⁵³ where the sultan listed the most important territories over which he reigned, and his lineage, going back seven generations to Mehmed II. Since the *ahdname* was not addressed to a particular person but to observing third parties, the *inscriptio/elkab* and *salutatio/du'a* of King Henry IV do not appear as part of the introductory protocol, but rather in the main text (or context) of the document, as part of the *expositio-narratio/nakil-iblağ*: here, the text describes how ambassador de Brèves expressed his sovereign's desire to continue friendly diplomatic relations with the Porte, by requesting a renewal of the capitulations; the recently enthroned Ahmed I first confirmed the *ahdname* issued previously by his father (Mehmed III, in February 1597), quoting a general safe-conduct, and then proclaimed the granting of his own new charter.

What follows is a set of 41 articles (sg. *madde, şart*; pl. *mevad, şurut*) touching on commerce, French presence in the Ottoman Empire and their protection over non-treaty merchants (i.e. subjects whose sovereigns did not receive capitulations of their own). These articles, which form the *dispositio/hüküm*, are devised as commands to Ottoman local officials and are strictly unilateral: there are no provisions regarding the status of Ottoman subjects in France, or how would they trade or worship there. Then, the *sanctio/te'kid* decrees that as long as the French king maintains friendly relations with the Porte, so too would the sultan respect the provisions of this charter, to this end taking a solemn oath (*yemin*), which is usually considered to be a defining element of *ahdnames*.⁵⁴ It is followed by the

one, like the Venetian charter of 1567 after which it was modelled upon (see footnote 60, below).

53 Habsburg, Polish-Lithuanian and Dutch capitulations contained more elaborate *formulae devotionis*, placed above the *tuğra* and thus separated from the *intitulatio/unvan*. The first page of BnF Suppl. turc 123 contains such an elaborate *formula devotionis* before the title page of the French 1604 *ahdname*; however, it is unlikely that it was also present in the original document since the shorter formula is already present in the *intitulatio*. In fact, it seems that the norm for *nişan*-type *ahdnames* was to contain short *formulae devotionis* under the *tuğra*, along with the *intitulatio*. So far, the Venetian *ahdname* of 1573 appears to be the only *nişan*-type *ahdname* to bear a more elaborate *formula devotionis* above the *tuğra*. See Theunissen, "Ottoman-Venetian Diplomats", p. 490.

54 English *ahdnames* up to 1622 are known for not including an oath. However, they were on par with the oath-bearing capitulations of the French, with which they quarrelled over non-treaty merchants.

corroboratio, which refers to the *tuğra* (here designated through the Arabic *‘alamet*) as the document’s element of authenticity. Finally, the closing protocol contains the *datatio/tarih* and *locatio/mahall-ı tahrir*, which mention the date and place where the document was issued.

While historians have praised the innovative character of the *‘ahdname* of 1604, most of its comprising articles are, in fact, products of the previous charters, with only ten of the forty-one articles being newly introduced here, namely, articles II, VII, VIII, IX, XII, XIII, XV, XXI, XXII, XXVI. Additionally, the capitulation of 1604 brought amendments to the pre-existing articles I, III, XIV, XVII, XXV, XXXIV, XXXVIII, XLI. The following table provides a clearer exposition:

Article no.	Year introduced	Article no.	Year introduced
I	1581+	XXII	1604
II	1604	XXIII	1569
III	1597+	XXIV	1569
IV	1597	XXV	1569+
V	1597	XXVI	1604
VI	1597	XXVII	1569
VII	1604	XXVIII	1569
VIII	1604	XIX	1569
IX	1604	XXX	1569
X	1597	XXXI	1581
XI	1597	XXXII	1569
XII	1604	XXXIII	1569
XIII	1604	XXXIV	1569+
XIV	1597+	XXXV	1569
XV	1604	XXXVI	1569
XVI	1597	XXXVII	1569
XVII	1597+	XXXVIII	1569+
XVIII	1597	XXXIX	1569
XIX	1597	XL	1569
XX	1581	XLI	1569+
XXI	1604		

Having this in mind, a quick overview of the preceding French *'ahdnames* is necessary to understand better how the charter of 1604 came to be.⁵⁵

Evolution of French *'ahdnames* up to 1604

The first French *'ahdname* was obtained in 1569, and it represents the core over which future charters would be drafted.⁵⁶ Its primary scope appears to have been settling a dispute between Joseph Nasi (then Duke of Naxos) and French merchants in Alexandria,⁵⁷ and only afterwards did the text include 18 articles composed in a manner typical of *'ahdnames*. These articles would be included with only a few modifications in all subsequent French capitulations:⁵⁸ in the 1604 charter, they form articles XXIII through XLI, except for articles XXVI and XXXI, which are later additions.

The diplomatic parts of the charter of 1569 have raised issues concerning its nature, leading some scholars to affirm that it was not drafted as a “usual” *'ahdname*.⁵⁹ Although it is drafted as a *nişan* (or *berat*), like all subsequent French

55 For a similar comparison, see Reşat Ekrem Koçu, *Osmanlı Muahedeleri ve Kapitülâsionlar, 1300-1920 ve Lozan Muahedesi, 23 Temmuz 1923* (Istanbul: Muallim Ahmet Halit Kitaphanesi, 1934), pp. 410-25. I am grateful to Hasan Çolak for providing me with a copy of this work.

56 A copy in BnF, Turc 130, ff. 2r-8v. I intentionally left out the discussion over the supposed capitulation of 1536, as the available documents represent only the negotiations over a draft treaty and not a definitive *'ahdname*. See Dipratu, *Regulating*, pp. 28-9.

57 Gilles Veinstein “Les Capitulations Franco-Ottomanes de 1536 sont-elles encore controversables?”, in Vera Constantini and Markus Koller (eds.), *Living in the Ottoman Ecumenical Community. Essays in Honour of Suraiya Faroqhi* (Leiden – Boston: Brill, 2008), p. 76; Güneş Işıksel, *La diplomatie ottomane sous le règne de Selim II: paramètres et périmètres de l'Empire ottoman dans le troisième quart du XVIe siècle* (Paris-Louvain-Bristol: Peeters, 2016), p. 179.

58 They would be copied almost word for word also in the first English *'ahdname* of 1580 (Skilliter, *William Harborne*, pp. 90-1) and thus, also in the future *'ahdnames* granted to the Dutch Republic, in 1612, and Habsburgs, in 1617 (Panaite and Dipratu, “A Forgotten *'ahdname*”).

59 Skilliter, *William Harborne*, pp. 2-3, stated that it was a *berat*, implying that a typical *'ahdname* had to be of the *name* type. Veinstein, “Les Capitulations Franco-Ottomanes”, p.76, although disputing this claim, nonetheless agreed that “ce n'est pas un *ahdnâme* au sens strict puisqu'il ne comporte pas—à la différence des capitulations vénitienes ou polonaises, par exemple—l'énoncée du serment du sultan s'engageant à en respecter les clauses.” This pronouncement is even stranger since the BnF copy referenced by Veinstein does, in

capitulations, its introductory protocol begins directly with Selim II's *'unvan*, "I, who am the sultan of sultans" (*ben ki sultan-ı selatin*), it lacks any sort of *formula devotionis*, and contains a much shorter list of territories, comprising only of the Mediterranean and Black Seas, Rumelia, Anatolia and "Arabistan". However, these traits may be explained by the document being modelled, at least partially, upon the latest Venetian *'ahdname* (1567) from which it directly took several articles and which similarly had no *formula devotionis* and an even shorter *'unvan* that did not mention any territories at all.⁶⁰ The only feature that appears to be exceptional compared to other *'ahdnames* – French or otherwise – is the detailed account of the Joseph Nasi affair in the *narratio*, which would be dropped out of future instalments.

The following French *'ahdname*, issued in 1581, brought three new articles (nos. I, XX, and XXXI in the 1604 charter).⁶¹ The first two articles were added at the beginning of the text, before the eighteen articles of 1569, intending to assert French protection over foreign merchants in the Ottoman Empire. In its ruling over the Joseph Nasi affair in the *narratio* section, the previous charter had already touched upon the protection of Genoese, Sicilians, Anconitans and "others" (*gayri*). In the meantime, the English had obtained their very own first *'ahdname* (1580), and the French were keen on bringing them back under their authority. As such, the first article of the 1581 *'ahdname* decreed that, except for Venetians, all other foreign merchants should sail under the French banner, specifically listing those of Genoa, England, Portugal, Spain, Catalonia, Ancona, and Dubrovnik.⁶² The second article of 1581 also aimed at cementing French domination by record-

fact, include an oath, as does the translated version of *Articles accordez par le Grand Seigneur en faveur du Roy & de ses sujets* (Lyon: François Didier, 1570).

60 Another indirect piece of evidence for this affiliation is found in *Articles accordez*, which mentions that the original document had a golden *tuğra*, a feature also found on the Venetian charter of 1567 (in contrast, the subsequent Venetian capitulations, like the previous ones granted by Süleyman, had more richly illuminated *tuğras*): ASV, Miscellanea documenti turchi, doc. 793 (<http://asve.arianna4.cloud/patrimonio/a4f87115-1d1e-440a-b335-8db0d65167ec/793-25-06-1567> accessed 5 May 2022).

61 BnF, Turc 130, ff. 9r-16v.

62 This time, a series of factors determined the Porte to favour France over England. However, the latter would have its privileges reinstated in 1583, once William Harborne returned to Istanbul as an official ambassador appointed by Queen Elizabeth. Skilliter, *William Harborne*, pp. 170-5; Akdes Nimet Kurat, *Türk-İngiliz Münasebetlerinin Başlangıç ve Gelişmesi (1553-1610)* (Ankara: Türk Tarih Kurumu Basımevi, 1953), p. 56, 64.

ing that their ambassadors would have precedence over those of other kings, especially of Spain, when coming to audiences with the grand-vizier.⁶³ Lastly, the third new article of 1581 was added amidst the previous ones of 1569 and decreed the exemption of Frenchmen from collective responsibility in case of debts, or other charges.⁶⁴ The closing article was also modified by introducing the reference to the *'ahdname* Süleyman presumably granted to Francis I.

While the French *'ahdname* of 1581 did not amend its precursor with more articles, it nevertheless laid down a new diplomatic structure upon which future *'ahdnames* would be drafted: the insertion of a simple *formula devotionis* before a much expanded sultanic *'unvan* (which now included even the recent lands conquered in the Caucasus from the Safavids).

The *'ahdname* of 1597, the first of two to be obtained by de Brèves during his residency at the Porte, introduced a more extensive set of articles (nos. III-VI, X, XI, XIV, and XVI-XIX in the 1604 charter).⁶⁵ They tackled critical situations when French merchants sailed on *harbi* ships or when French vessels carried goods belonging to enemies of the Porte and other topics such as the trading of prohibited goods, taxation, piracy, or legal cases. Significantly, it recorded the removal of the English from the list of merchants required to sail under French tutelage. The diplomatic parts of this charter were mainly the same as those of the previous one, although now the *'unvan* contained a number of fortresses conquered during the then-ongoing war with the Habsburgs: Pápa, Veszprém, Várpalota, Győr (Yanık) and Eger, of which only the last would remain in Ottoman hands and thus mentioned in the subsequent *'ahdname*.

The *'ahdname* of 1604 showcases the continued efforts of Savary de Brèves to consolidate France's position in the Ottoman Mediterranean. Following the

63 This article originated in a previous *ferman* (Skilliter, *William Harborne*, p. 120) and must have been a consequence of Giovanni Margliani's embassy to Istanbul: Cristina Tejada Carrasco, "La embajada Margliani: encuentros y desencuentros entre el Imperio Otomano y España en la época de Felipe II (1578-1581)", PhD thesis (Universidad de Alcalá, 2017).

64 Since a similar article regarding debt was already implemented in 1569 (XXVII), its reiteration in 1581 may indicate that this was a problematic aspect, prone to abuses.

65 Apart from the already mentioned legalised copy of the 1597 charter, another copy is available in BnF, Turc 130, ff. 17v-25v. Despite increasing the number of articles by 50% from its predecessor, this *'ahdname* is often shelved or completely ignored by researchers. For example, although listed among the other French *'ahdnames*, the charter of 1597 is the only one not discussed by Zarinebaf, *Mediterranean Encounters*, pp. 105-15, 131-49.

direction set out in 1597, now there were more situations covered in which French ships and merchants were to be protected, especially when trading in grain (arts. VII-IX). Tax exemptions formed another important feature of the new *'ahdname* (arts. XII, XIII), as did the expanded privileges of French ambassadors and diplomats (arts. XXI, XXII). Ongoing customs, such as the pilgrimage to Jerusalem and the protection of clerics at the Holy Sepulchre, as well as coral fishing along the North-African shoreline (specifically naming Stora Bay, near modern-day Skikda, Algeria),⁶⁶ were for the first time recorded in an *'ahdname* (arts. II and XV).

A noteworthy supplement was added to the concluding article XLI, which enforced the provisions of the *'ahdname* upon Ottoman officials. Back in 1581, after searching in vain for the original charter of 1536, presumably more favourable to the French,⁶⁷ ambassador Germigny nonetheless insisted on adding a reference to this missing document. Thus, a clause in the *'ahdname* of 1581 stated that “it shall be proceeded according to the covenant-letter given by the late and deceased Sultan Süleyman Han (God’s mercy and pardon be upon him!)”. By 1604, de Brèves must have felt that this reference to a non-existing document was not enough to prevent abuses, and so he inserted the mention of the *'ahdnames* given by Ahmed I’s “other exalted forefathers”, that were of undeniable existence.⁶⁸

Interestingly, the *'ahdname* of 1604 also eliminated some previous provisions. Article XIII of the 1569 charter,⁶⁹ concerning the liberation of captives found

66 Paul Masson, *Histoire des établissements et du commerce français dans l’Afrique Barbaresque (1560-1793)* (Paris: Librairie Hachette, 1903), pp. 3-26.

67 The French obviously preferred the bilateral nature of the treaty negotiated between Jean de la Fôret and Ibrahim Pasha as representatives of two monarchs of equal standing, over the unilateral privilege-granting *'ahdname* of 1569. See Jean-Paul Laurent, “Les articles franco-ottomans de février 1536: la transmission de leur texte; leur caractère”, in Pierre Renouvin, Paul Bastid, Victor-Louis Tapié (eds.), *Ordonnances des rois de France. Règne de François 1er*, vol. VIII (Paris: Imprimerie nationale, 1963–1972), pp. 570-4. I am grateful to Viorel Panaite for providing me with a copy of this work.

68 In his later years, de Brèves replied to a memoir on the renewal of capitulations, stating that it was irrelevant to insist on observing the capitulations of Süleyman, since the only existing ones were those of Selim II, Murad III, Mehmed III, and Ahmed I. BnF, Fr. 16149, f. 490v. He also left some explanatory notes regarding the articles, although these too should be read with caution as he does not distinguish between those of 1597 and 1604: [de Brèves], “Notes sur quelques Articles du precedent Traicté”, in Jacques du Castel (ed.), *Relation des voyages de Monsieur de Brèves* (Paris: Nicolas Gasse, 1628), pp. 24-34.

69 According to the division of articles implemented in the published edition *Articles accordez*.

in Anatolia and Rumelia (identical to the one introduced in Venetian charters beginning with 1521),⁷⁰ was removed entirely. The most probable explanation for this action is that, instead of facilitating the liberation of French captives, it may have actually hindered it. While this article was relevant to sixteenth-century Venetian affairs, when the Ottoman subjects sailing from the Porte's Rumelian and Anatolian coasts frequently attacked the Republic's galleys, during de Brèves' tenure, most Frenchmen fell victims to the corsairs of North Africa and were to be found as captives in Algiers, Tunis or Tripoli.⁷¹ Therefore, it appears that the ambassador tried to simplify the *'ahdname* to better suit present-day realities, as art. XXXII (already existing since 1569) was more comprehensive and left no room for geographic limitations, while art. XIV (introduced in 1597) specifically targeted North African corsairs. Similar simplifications were operated on arts. XXV, XXX, and XXXIII.



A careful reading of the *'ahdname* is therefore critical for any accurate historical evaluation. The new additions of 1604 certainly increased France's privileges, although they did not change the character or function of the charter, as they simply built upon the already existing layout. One should take great care in assessing the degree to which the French capitulation of 1604, or any other charter for that matter, introduced legal or diplomatic innovations. Apart from reiterating previous capitulations, its articles were often recording already existing provisions of imperial decrees (*fermans*) or sanctioned ongoing customs, as clearly mentioned several times throughout the text.⁷² Nevertheless, one may speak of legal developments brought by the capitulation in cases when it put

70 Theunissen, "Ottoman-Venetian Diplomats", pp. 426-7; Joshua M. White, *Piracy and Law in the Ottoman Mediterranean* (Stanford: Stanford University Press, 2017), pp. 118-9.

71 Viorel Panaite, "French Commerce, North African Piracy, and Ottoman Law in the Mediterranean (close-sixteenth and early-seventeenth century)", *Revue Roumaine d'Histoire* XLVI (2007), pp. 69-81.

72 A list of Ottoman documents left at the French embassy upon de Brèves' departure stands as further evidence that capitulation articles originated in *fermans*: BnF, Fr. 16146, f. 27r-51r. See, for example, the ones concerning the newly-introduced tax exemptions (ff. 27r-v, 48v), coral fishing in Stora Bay (f. 37r), the permission to fight off North-African corsairs without disturbing the diplomatic relations with the Porte (f. 39v), or the kidnapping of young boys from French ships (f. 47r).

into general practice provisions decreed through *fermans* addressed only to certain local officials.⁷³

Similarly, very few articles were exclusive to the French. In fact, one may speak of a trend through which certain privileges appeared in the charters of many of the Porte's trading partners roughly at the same time. For example, the exemption from the *kassabiye* and *refsiye* taxes, appearing for the first time in a French *'ahdname* in 1604, was already implemented in those granted to Dubrovnik (1595),⁷⁴ Poland-Lithuania (1597),⁷⁵ and England (1601),⁷⁶ while Venice would obtain such exemptions, along with an expanded article concerning the pilgrimage to Jerusalem and the Catholic friars stationed there in late 1604.⁷⁷ Moreover, a most-favoured nation's clause was present in many *'ahdnames*, meaning that even though a stipulation was not present in the charter of a certain polity, it would nevertheless be applied to its subjects, due to it being already awarded to another polity. As such, all articles of the Venetian capitulations would be valid for the French (art. XXXIX, therefore beginning with 1569), those of France and Venice would be valid for England (beginning with 1580),⁷⁸ while those of England and France would be later valid for the Dutch (beginning with 1612).⁷⁹

The text of 1604 remained the foundation on which France conducted activities in the Ottoman Empire until much-expanded capitulations were granted in 1673 and 1740.⁸⁰ Even then, before inserting new articles these two later texts would reiterate almost word for word the provisions of 1604. Doubled by Brèves'

73 Such as the command addressed to the *beylerbeyi* of Egypt prohibiting the taking of taxes on merchandise left aboard French ships and not sold (BnF, Fr. 16146, ff. 35v-36r), which would form art. XII.

74 For its reiteration in 1604 see Glavina, "An Overview", p. 157 (only for *refsiye*).

75 Kołodziejczyk, *Ottoman-Polish Diplomatic Relations*, p. 307, 312.

76 Kurat, *Türk-İngiliz Münasebetlerinin*, p. 272 (only for *kassabiye*).

77 Radu Dipratu, "The 'Imperial Signs' (*nişan-ı hümayun*): Framing Muslim-Christian Relations in the Seventeenth-Century Mediterranean", in Irina Vainovski-Mihai (ed.), *New Europe College "Ștefan Odobleja" Program 2018–2019 Yearbook* (Bucharest: NEC, 2020), pp. 117-8.

78 Skilliter, *William Harborne*, p. 89, 235.

79 Groot, *Ottoman Empire and Dutch Republic*, p. 242, 256. Venice, on the other hand, did not receive the most favoured nation's clause.

80 For the issuing of French *'ahdnames* between 1604 and 1673 see Dipratu, *Regulating*, pp. 38-45.

reputation as a master in Ottoman affairs, this would ensure an almost mythical status for the French *'ahdname* of 1604. As early as 1631, the legend superseded the historical facts, as the instructions laid down to ambassador Marcheville stated that French precedence over other ambassadors at the Porte was secured by de Brèves,⁸¹ whereas this feature was already recorded in the 1581 *'ahdname*, as mentioned earlier.

Providing an appropriate edition of the capitulation of 1604 is therefore mandatory for any future studies on Ottoman-French relations in the seventeenth century and is now facilitated by a source as close to the original document as possible: Emin Efendi's authenticated copy. It is hoped that the texts found in the following Appendices will aid both Ottomanists, as well as researchers specialising in other fields.

The French Capitulation ('ahdname) of 1604: A Re-evaluation and Critical Edition of an Ottoman Charter of Privileges

Abstract ■ The imperial capitulation (*'ahdname-i hümayun*) granted to France in 1604 has been widely used as a foundation for studies on early-modern Ottoman-French diplomacy and commercial relations. However, in the absence of an original document, scholars have depended upon existing Ottoman-Turkish copies, and mostly on problematic, outdated translations. Relying on a newly-surfaced authenticated copy of the document, this paper will conduct a diplomatic analysis of this often-cited charter of privileges, arguing that while it contained several important new articles, most of its features were reproduced from preceding *'ahdnames*. The second part of this paper contains a transliteration of the document, where the authenticated copy is compared with the other known versions, as well as an English translation, thus aiming to correct errors present in previous editions and studies.

Keywords: Ottoman-French relations, Mediterranean, diplomacy, translation, transliteration.

81 BnF, Fr. 7093, f. 94r-v.

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ASV, Miscellanea documenti turchi, doc. 793, 1145.
AT-OeStA/HHStA UR, Türkische Urkunden 4.
BL, Cotton ms XIV 10.
BnF, Bibliothèque de l'Arsenal, Français 4769.
BnF, Division manuscrits, Français 16146, 16149, 16171; Dupuy 429; Turc 130; Supplément turc 118, 123, 821, 1638.
BOA, A.DVNS.DVE.d 27/2, 29/4.
BOA, A.DVNS.MHM.d 94.
BOA, A.DVNS.NMH.d 7.
İSAM Kütüphanesi, İstanbul-Rumeli Kazaskerliği ve Sadareti sicilleri 106-111.
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Appendix 1 – Facsimile of the legalised copy of the French ‘ahdname of 1604 (AnF, AE/III/209)

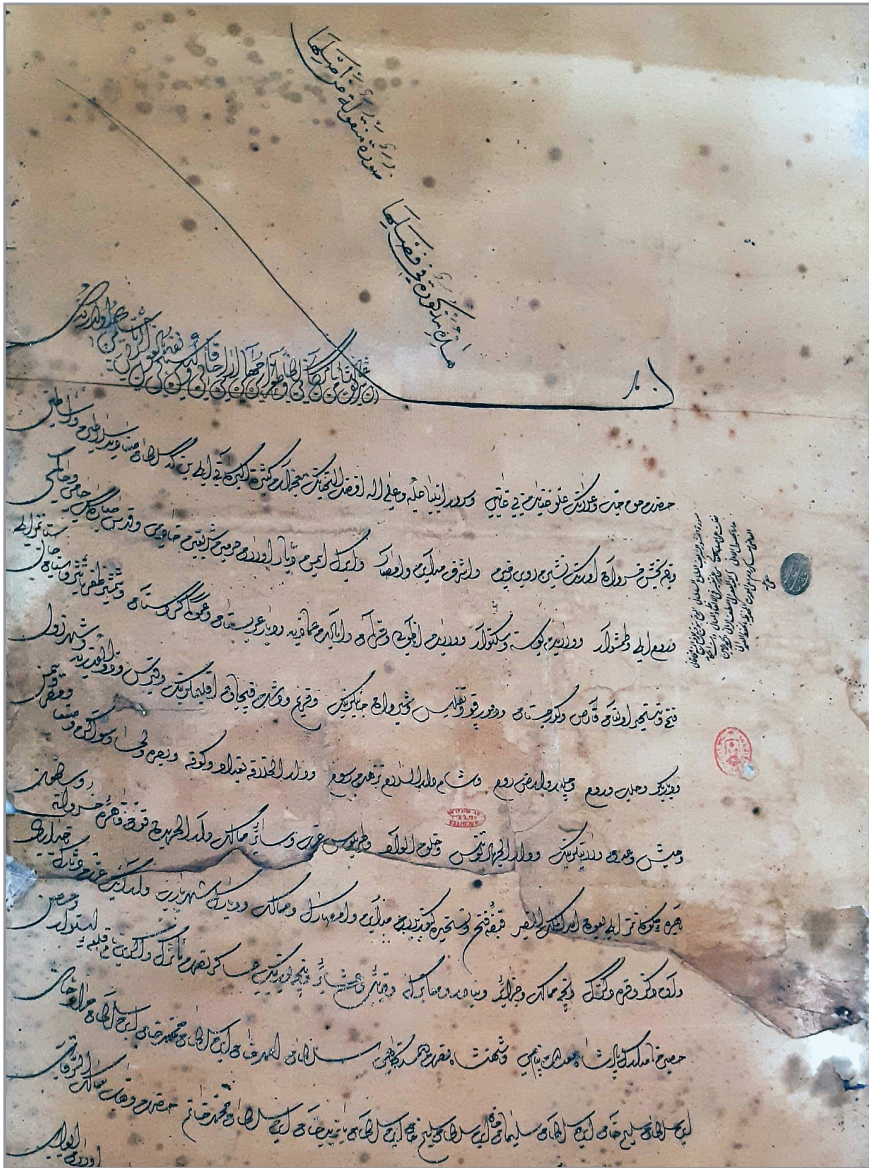


Plate 1, lines 1-10.

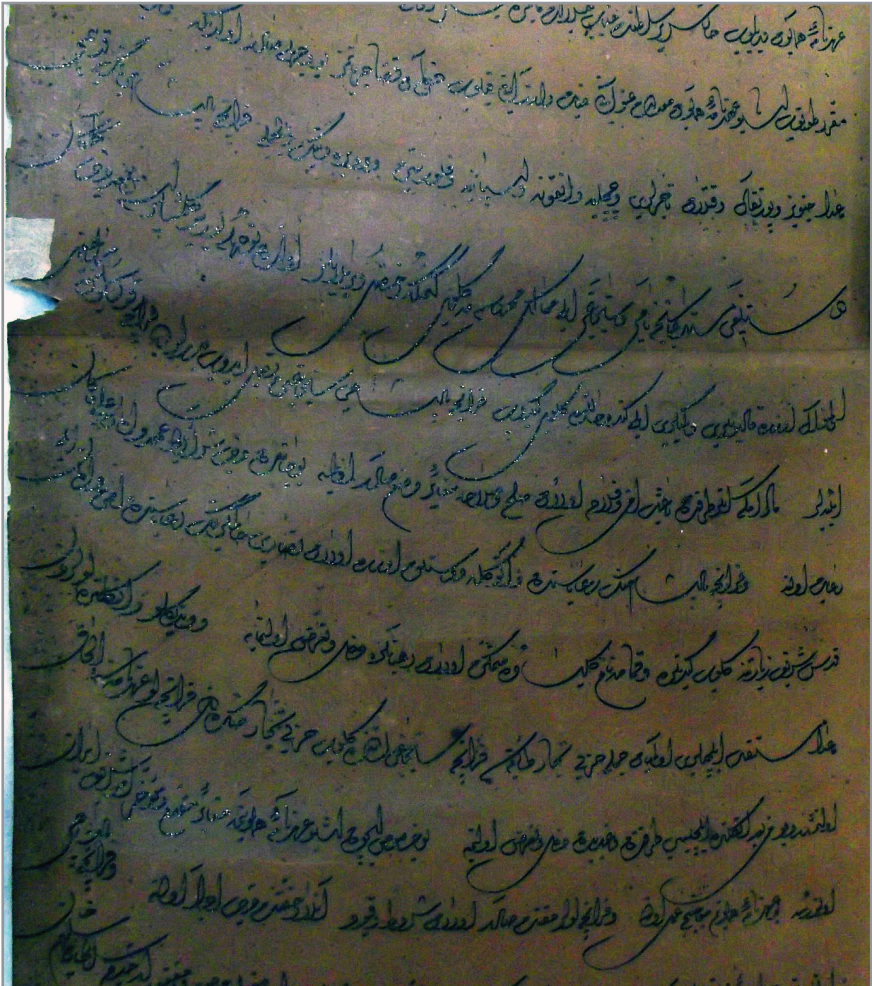


Plate 3, lines 21-29.

Handwritten Arabic script, likely a portion of the 1604 French Capitulation. The text is written in a cursive style on aged paper. The visible lines contain various clauses and names, including 'سلطان' (Sultan) and 'فرانسوا' (François). The script is dense and fills most of the page.

Plate 5, lines 42-52.

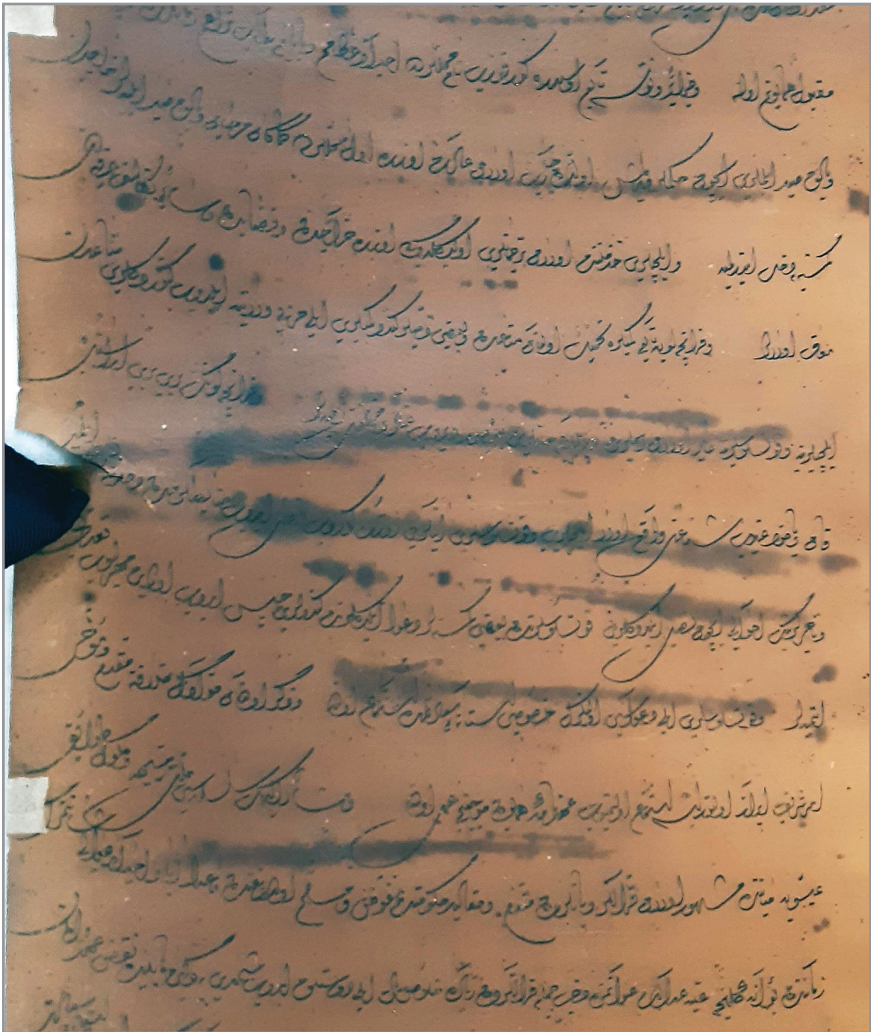


Plate 6, lines 53-62.

Handwritten text in Arabic script, likely a manuscript or document, showing lines 73-82. The text is written in dark ink on aged, yellowish paper. The script is dense and cursive, typical of classical Arabic calligraphy. The lines are arranged diagonally across the page, starting from the top left and moving towards the bottom right. The text appears to be a formal document or a letter, given the use of honorifics and the structured nature of the lines. The ink is dark, and the paper shows signs of age, including some discoloration and wear.

Plate 8, lines 73-82.

لقد سمعنا من تاج المملوك...
منه...
منه...
منه...
منه...
منه...
منه...
منه...
منه...
منه...
منه...
منه...
منه...
منه...
منه...

Plate 9, lines 83-92.

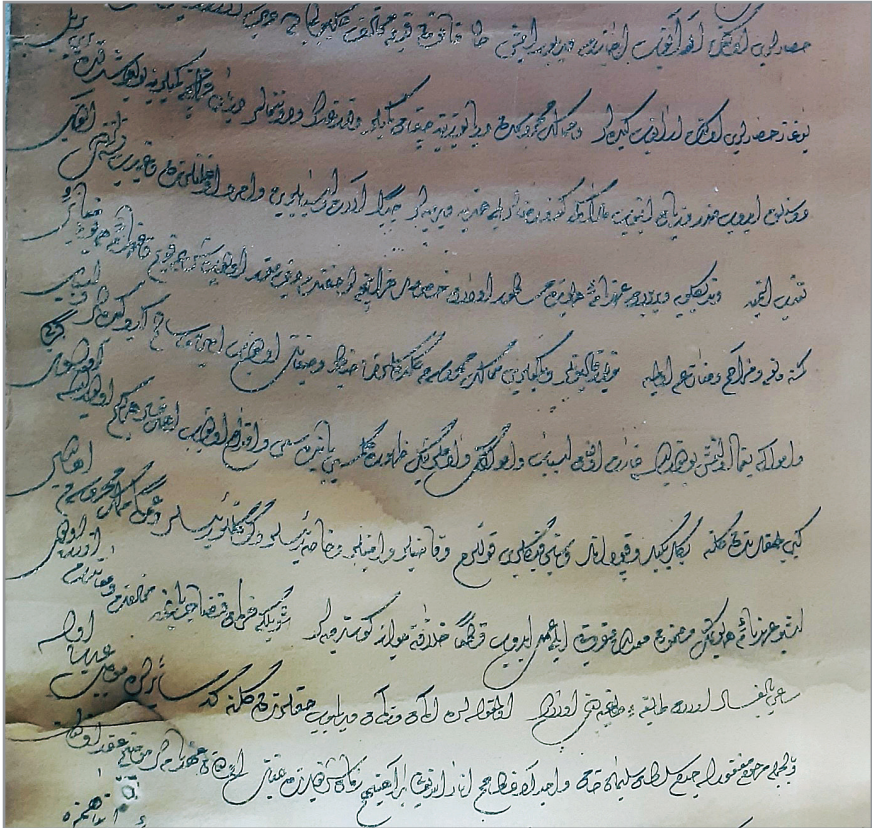


Plate 10, lines 93-101.

Appendix 2 – Transliteration of the French *'abdname of 1604*

The following text will compare the authenticated copy preserved in AnF, AE/III/209 with two other Ottoman-Turkish versions:

[de Brèves], *Fransa padişahı ile* = B;
Feridun Bey, pp. 400-5 = F.

The manuscripts versions of BnF, Suppl. turc 123 and Bodleian Library, Laud Or. 67 are not taken into account since they represent faithful copies of B, with only some minor scribal errors. The texts from Katib Çelebi and Na'ima are also ignored because they are mere summaries of the chancery document, and hence the differences are too many to list here.

hü⁸²

[missing *tuğra*]⁸³

nişan-ı şerif-i 'alışan-ı sami-mekan-ı sultani ve tuğra-yı cihan arayı hakanı ve git-isitani nüffize bi'l-'avni'r-rabbani hükmü oldur ki

1. hazret-i Hakk celle ve 'alanın⁸⁴ ulüvv-i 'inayet-i bi-gayeti ve server-i enbiya 'aleyhi ve 'ala alihi⁸⁵ efsalü't-tahiyyatın⁸⁶ mu'cizat-ı kesireti'l-berekati ile⁸⁷ ben ki sultan-ı sanadid-i selatin ve esatin⁸⁸

2. ve tac bahş-ı husrevani evrenk-nişin ruy-i zemin ve eşraf meda'in ü emsar ve ebrek⁸⁹ eymen diyar olan Haremeyn Şerifeyn hadimi ve Kudüs-ü Mübareğin hamı⁹⁰ ü hakimi

82 Missing in B, F.

83 Only in B: Şah Ahmed bin Mehmed Han el-muzaffer da'ima. Another *tuğra*, drawn somewhat clumsily, heads De Brèves' translation reprinted in Du Mont, p. 39. For the authentication formulas in Arabic see the previous footnotes 13 and 14.

84 B: 'ılanın.

85 Missing in F.

86 F: tahiyyat efendimizin.

87 F + mahall-ı tuğra-yı garra.

88 B + havakin.

89 B + ve.

90 F: haris.

3. ve Rum İli ve Temeşvar ve vilayet-i Bosna ve Sigetvar ve vilayet-i Anadolu ve Karaman⁹¹ ve eyalet-i ‘İmadiyye ve diyar-ı ‘Arabistan ve ‘umumen Kürdistan ve şimşir-i zafer-te’sir ve sinan-i can-sitanımız ile

4. feth ü teshir olunan Kars ve Gürcistan ve Demirkapu⁹² ve Tiflis ve Şirvan caniblerinin ve Kırım ve Deşt-i Kıpçak iklimlerinin ve Kıbrıs ve Zulkadriyye ve Şehrizar

5. ve Diyarbekir ve Haleb ve Rum⁹³ ve Çıldır ve Erzurum ve Şam-ı daru’s-salam nüzhet rüsum ve daru’l-hilafe-i Bağdad ve Kufe ve Basra ve Suvakin ve Sana’a⁹⁴ ve Mısır ve Yemen

6. ve Habeş ve ‘Aden vilayetlerinin ve daru’l-cihad Tunus ve Halku’l-vad ve Trablus-ı Garb ve sa’ir memalik daru’l-harbdan⁹⁵ kuvvet-i kahire-i husrevane ve satvet-i

7. bahire-i mülükanemiz ile bi ‘avnu’l-llahu’l-melikü’n-nasr kabza-ı feth⁹⁶ ü teshi getirilen meda’in ü emsar ve memalik ve diyarın şehriyari ve era’ik-i ‘izzet-disarın tacdarı

8. ve Ak Deniz ve Kara Denizin ve nice memalik ve ceza’ir ve benadir ve me’abirin⁹⁷ ve kaba’il ü aş’ir⁹⁸ ve niçe yüz bin ‘asakir-i nusret-me’asirin ve Eğri nam⁹⁹ kal’a-ı üstüvar ve¹⁰⁰ hısn-ı

9. hasin-i namdarın padişah-ı ma’adelet-penahı ve şahinşah nusret-destgahı sultan Ahmed Han ibn sultan Mehmed Han ibn sultan Murad Han

10. ibn sultan¹⁰¹ Selim Han ibn sultan Süleyman Han¹⁰² ibn sultan Selim Han ibn sultan Bayezid Han ibn sultan Mehmed Hanım hazret-i vehhab malikü’r-rikab

91 F + ve Dagestan ve ‘Arabistan.

92 F: Timurkapu.

93 Missing in F.

94 F: Sana’an.

95 F: daru’l-İslamdan.

96 Missing in F.

97 Missing in F.

98 F: aş’irin.

99 B, F + bir.

100 B, F: + bir.

101 Missing in F.

102 F stops at this point with listing Ahmed’s predecessors and continues with “cennetmekan firdevs aşyanım cenab-ı hazret-i rabu’l-erbab tenezzühetü’s-sıfatahu ‘an şevaibü’l-irtiyabın...”.

11. te'ala şana 'an¹⁰³ şeva'ibü'l-irtiyabın kemal-ı fazl bi-hesabı ile¹⁰⁴ melce'-i¹⁰⁵ şera'ifü'l-ensab ve me'va-yı havakin ulı'l-ahseb olan ebvab-ı¹⁰⁶

12. 'aliyet ül-i'tabımıza iftiharü'l-ümeraü'l-'azamu'l-'isevviye muhtaru'l-küberaü'l-fıham fi'l-milleti'l-mesihyye muslih-u masalihüt¹⁰⁷-ta'ife'n-nasraniyye sahib-i ezyalu'l-haşmet ve'l-vakar

13. sahib delaili'l¹⁰⁸-mecd ve'l-iftihar França¹⁰⁹ padişahı Ayrnik¹¹⁰ hutimet 'avakıbuhu bi'l-hayr kendünün mu'teber¹¹¹ ü makbullarından ve müdebbir beyz-adelerinden Asitane-i sa'adetimde

14. elçilik hizmetinde olan kıdvetü'l-ümera-i ül'milleti'l¹¹²-mesihyye Breve¹¹³ kal'asının valisi¹¹⁴ ve zabti olan Francişko¹¹⁵ Savary nam mu'teber elçisi Dergah-ı sa'adet

15. destgahımıza gelüb 'ahd-ı pişin ve devr-i dirinden ila haza'l-hin aba-ı kiram ve ecdad-ı 'azamımız enarallahu te'ala berahinhüm ile França padişahları mabeyininde¹¹⁶

16. mun'akid olan kadimi üslub merzi üzere dostluk kemakan mer'i olmak mümaileyh¹¹⁷ França padişahının kusva-yı amal ve aksa-yı ma-fi'l-bali¹¹⁸

103 F picks up from here.

104 F: hesabıyla bi'l-cümle.

105 F, B + selatin.

106 F + Südde-i.

107 F: cemahirüt.

108 Missing in F.

109 فرانسه, as does F; B: فرانسه.

110 ارتق; F: ارتق. Only B provides a more accurate أنریق ("Anrik"). Katib Çelebi and Na'ima render the French king's name as "Harikus" (Belin, *Capitulations*, p. 121, n. 4).

111 F, B: mukbil.

112 Missing in F.

113 بدون; F: بروه ("Budun"; the error was observed by Belin, *Capitulations*, p. 121, n. 5.).

114 B: maliki.

115 B: Francişko.

116 B: beyininde.

117 F: müşarunileyh.

118 B + olub; F: amal olub.

17. bundan akdem França padişahının elçilerine ve konsoloslarına ve tercümanlarına¹¹⁹ ve sa'ir re'ayalarına dahl u ta'arruz olunmıyub zıll-ı zalil ma'delet intimamızda

18. asude hal ve müreffehü'l-bal olalar deyü sa'idü'l-hayat¹²⁰ şehidü'l-memat merhum ü mağfurunleh babamız sultan Mehmed Han 'aleyhi'r-rahmet ve'r-rızvanın zaman sa'adet-makrunlarında¹²¹

19. 'ahdname-i hümayun¹²² verilüb hala serir-i saltanat¹²³ cenab-ı celaletme'abimize müyesser olmağıla ana göre müceddeden 'ahdname-i hümayun rica u iltimas olunmağın bendahi

20. mukarrer tutub işbu 'ahdname-i hümayun ma'delet 'unvanı¹²⁴ 'inayet ü erzanı kılub¹²⁵ ferman-ı kaza-cereyanımız bu vecihle sadr oldı ki [I] Venediklü¹²⁶ ve İngilterelülerden

21. ma'ada Ceneviz ve Portakal ve Katalan tacirleri ve Çiçiliye¹²⁷ ve Ankona ve İspanya ve Florentin ve Dobravenedik¹²⁸ ve bi'l-cümle França padişahının kadimi

22. dostlığı müsted'asınca namı ve sancağı ile Memalik-i Mahruseme gelüb gitmeğe ruhsat verilenler evvelden her nevecihle yürüyügelmişler ise min ba'd dahi kemakan

23. olminval üzere kalyonları ve gemileri ile kendü hallerinde gelüb gidüb França padişahı sancağını nasb edüb benderlerde França konsoloslarına müraca'at

24. eyleyeler madamki anlar tarafından ba'is-i emn ü felah olan sulh ü salaha mugayir¹²⁹ vaz' sadr olmya bu canibinden dahi şerait-i 'ahd u aman 'ala-makan

119 B, F + ve tacirlerine (as it appears also in 1597).

120 F + ve.

121 F: iktiranlarında.

122 F jumps directly to " 'ahdname-i hümayun rica olundukda itat olumağıla bendahi...".

123 B + ve evrenk-i hilafet.

124 F: 'adalet 'unvan.

125 F: kılınub.

126 F: Venedik.

127 F, B: Ciciliye.

128 F: ودين وكلي; Belin, *Capitulations*, p. 122, n. 2 presumed that a supposed "Dobravenedikli" was mistaken for "Vidin ve Kili".

129 F, B + bir.

25. ri'ayet oluna [II] ve França padişahının re'ayasından ve¹³⁰ onunla dostluk üzere olan nasara hakiminin re'ayasından emn ü aman ile¹³¹

26. Kudüs-ü Şerif ziyaretine gelüb gidenlere¹³² ve Kumame nam kilisede mütemekkin olan ruhbanlara dahl u ta'arruz olunmaya [III] ve Venediklü ve İngilterelülerden

27. ma'ada müstakil elçileri olmıyan cümle harbi tuccar ta'ifesi França sancağı altında gelüb harbi tüccar sonradan¹³³ Françalı 'ahdnamesine ilhak

28. olunmuşdur deyü min ba'd İngiltere elçisi tarafından ve gayrıdan¹³⁴ dahl u ta'arruz olunmıya¹³⁵ bu husus için işbu 'ahdname-i hümayunuma mugayir-i mukaddem ü mu'ahhar¹³⁶ emr-i şerif ibraz

29. olunursa bu 'ahdname-i hümayunum mucibince 'amel oluna ve Françalular hakkında sadr olan¹³⁷ şurut u kuyud anlar hakkında dahi icra¹³⁸ oluna [IV] ve França padişahı

30. olanlar kadimden asitane-i sa'adetimiz ile dostluk üzere olub dostluğa haleb ü yerer vaz'ları¹³⁹ olmamağıla merhum u mağfurunleh ceddım sultan Selim Han¹⁴⁰

31. tabe serahü zamanında memnu' olan meta'dan penbe ve rişte-i penbe ve sahtıyan verile deyü hüküm-ü hümayun verilmiş imiş hala asitane-i sa'adetimize olan

32. kemal-i ihlas ü ihtisaslarına bina'en merhum u mağfurunleh babam tabe serahü zamanında memnu'atdan akçeleri ile balmımı ve gön verilüb bir ferd mani' olmıya deyü

130 Missing in B.

131 F: França padişahının re'ayasından olub emn ü aman ile Kudüs...

132 F: varub.

133 F: tüccardan sonra.

134 Missing in B; F: elçisinden ve gayrı taraftan.

135 B + ve.

136 F, B + bir tarikiyle.

137 F: hakkında olan.

138 F: ibraz.

139 Missing in F.

140 F: Süleyman.

33. ‘ahdnamede kayd olunmağın bendahi¹⁴¹ mukarrer tutdum [V] ve vilayetlerinden adamları ve tüccarı memalik-i mahrusemize getürdükleri guruşdan evvelden¹⁴² resm alınmamağıla hala dahi

34. taleb olunmaya¹⁴³ ve guruşları akçe kat¹⁴⁴ ederiz deyü hazinedarlar ve zarbhane eminleri¹⁴⁵ dahl eylemiye¹⁴⁶ [VI] ve França tüccarından ba’zı harbi gemilerine girüb

35. kendü hallerinde ticaret üzere iken harbi gemide bulundınız deyü kendülerin esir ve esbabların girift eylemek şer’-i şerife muhalif olmağın madamki kendü hallerinde

36. ticaret üzere olub korsan gemisinde fesad üzere olmyalar ol behane ile esbabları girift ve kendüleri esir olmya [VII] ve Françalulardan

37. biri¹⁴⁷ mülk gemisine harbi vilayetinden zahire tahmil edüb yine harbi vilayetine gideriken ehl-i İslam gemileri rast geldiklerinde düşmana zahire iledirsiz deyü

38. gemisin girift ve kendüsi esir eylemiyeler [VIII] ve zimmilerden¹⁴⁸ biri Memalik-i İslamiyyeden zahire alub gider iken girift olundukda Françaludan gemide olan

39. esir¹⁴⁹ olmya [IX] ve Françaludan biri ehl-i İslam gemilerinden ihtiyarlarıyla zahire satun alub harbi vilayetine alub gitmeyüb kendü vilayetine gider iken ehl-i İslam

40. gemilerinden¹⁵⁰ rast geldiklerinde zahireyi ahzdan sonra gemiyi girift ve içinde olanları esir eylemiyeler anın gibi Françalu esir bulunur ise ıtlak olunub

141 F + kemakan.

142 F: evvelde.

143 F: resm alınmağıla ve hala dahi taleb oluna. The erroneous “oluna” was also observed by Belin, *Capitulations*, p. 123, n. 1, who nevertheless accepted Feridun’s “alınmağıla”. Nevertheless, “alınmamağıla” is the correct form, as also verified by the *ahdname* of 1597.

144 F: akçe ederiz.

145 F + taraflarından.

146 F: olunmyalar.

147 Missing in F.

148 F: zimmelerinden.

149 B: acir.

150 B, F: gemileri.

41. esbabı verile [X] ve harbi tüccar ta'ifesin navlun ile bunların gemilerine meta' yükletdiklerinde meta' harbinindir deyü bir ferd¹⁵¹ rencide eylemiye¹⁵² [XI] ve müşarünileyh

42. França padişahının rızası üzere tacirleri vilayetlerinden getürdükleri ve alub gitdikleri meta'larından kadimden ne bahaya tutulub gümrük alını-

43. geldi ise girü¹⁵³ olminval üzere alub ziyade bahaya tutılmıya [XII] ve bey' için ihrac olunan meta'dan ma'ada ahar iskeleye iletmek istedikleri

44. meta'larından gümrük taleb olunmıya ve ahar iskeleye iletmeğe¹⁵⁴ mani' olmıyalar [XIII] ve hadis olan kassabiye ve reft ve bac ve yasak kulı resmi ve üçyüz akçeden¹⁵⁵

45. ziyade selametlik resmi taleb olunmıya [XIV]¹⁵⁶ Ceza'ir-i Garb¹⁵⁷ korsanları limanlarına vardıklarında ri'ayet olunub barut ve kurşun ve yelken ve sa'ir alat

46. verilüb lakin mezburlar França tüccarına rast geldiklerinde¹⁵⁸ esir ve malları garet ederler imiş merhum babam tabe serahü zamanında bi'd-defa'at tenbih olunub

47. mütenebbih olmıyub te'addi üzereler imiş¹⁵⁹ bu hususa dahi riza-yı hümayunum yokdur olmakule Françalı esir var ise itlak olunub malları bi-kusur verile

48. min ba'd mütenebbih olmıyan korsanların şena'at etdüğün¹⁶⁰ müşarünileyh name ile i'lam etdikde kangı beylerbeyi zamanında olur ise ol beylerbeyi ma'zul

49. olub garet olunan anlara¹⁶¹ ve sebep olanlara¹⁶² tazmin etdürile bu husus için defa'atla tenbih olunmuş iken mütenebbih olmadıkları ecelden emri şerife

151 F: Françalular.

152 F: olunmıya.

153 Missing in F.

154 F: iletmek.

155 F: akçe ve.

156 F + ve.

157 F: Cezayir-i Garbdan.

158 F + kendülerin.

159 B: üzere imişler.

160 F: "şena'at u fesadlarını", omits "etdüğün".

161 Sic! B: olunan alanlara.

162 F: garet olunan eşya anlara.

50. imtisal etmezler ise¹⁶³ anlar dahi França vilayetine vardıklarında França padişahı tarafından limanlarına¹⁶⁴ kabul etmiyüb fesadların def' için ta'ddi¹⁶⁵ eyledüğünde

51. 'akd olunan 'ahda hanel vermez deyü merhum babam tabe serahü zamanında verilen hüküm-ü şerifinin mazmunı kemakan mukarrer ola ve¹⁶⁶ bu babda müşarünileyhin¹⁶⁷ şükr¹⁶⁸ ü şikayeti

52. makbul-u hümayunum ola [XV] ve Ceza'ir ve Tunusa tabi' Ustura Körfüzi¹⁶⁹ nam¹⁷⁰ mahallerde¹⁷¹ ecdad-ı 'azamım ve babam¹⁷² tabe serahüm zamanında Françaluya¹⁷³ mercan

53. ve balık sayd eylemeleri için hükümler verilmiş evvelden cari olan 'adet üzere ol mahallerde kemakan mercan ve balık¹⁷⁴ sayd eyleyeler haricden

54. kimesneye dahl u ta'arruz etdirilmiye [XVI] ve elçileri hizmetinde olan tercümanları olıgeldüğü üzere haracdan ve kassabdan¹⁷⁵ ve sa'ir tekalif-i örfiyyeden

55. mu'af olalar [XVII]¹⁷⁶ Françaluya tabi' gemilere tahmil olunan meta'dan ve ba'zi zimmiler kendü gemileri ile harbi vilayetine iledüb getürdükleri meta'dan

56. elçilerine ve konsoloslarına 'aid olan resimleri ve baylac hakların¹⁷⁷ bi-kusur verüb 'inad u muhalefet eylemiyeler [XVIII] ve Françalunun biri biri arasında

57. kan ve-yahud gayrı şena'at vaki' ola¹⁷⁸ elçileri ve konsolosları ayinleri üzere görüb fasıl edüb zabitlerimden bir ferd dahl u ta'arruz eylemiye

163 F: 'adem imtisalları olursa.

164 B, F: kal'alarına ve limanlarına.

165 B, F: takayyüd.

166 F: "olub", omits "ve".

167 B: mümaileyhin.

168 Belin, *Capitulations*, p. 124, n. 5 proposed "şekv".

169 B, F: اسنور كورفری

170 Missing in B, F.

171 F + ve gayrı mahallerde.

172 F: babam ve ecdadımız.

173 F: Françalular.

174 B: balık ve mercan.

175 Sic! F: kassablıktan.

176 F + ve.

177 F: resimlerin ve bacların, ommits hakların.

178 Sic! F, B: olunursa.

58. [XIX] ve tacirlerinin ahvalı için nasb eyledikleri konsoloslarından ba'zı kimesneler da'va etdiklerinde kendüleri habs edüb evlerini mühürleyüb te'addi

59. etmiyeler ve konsolosları ile da'vaları olunların hususı Asitane-i Sa'adetimde istima' oluna ve zikr olunan¹⁷⁹ mevaddın hilafına mukaddem ü muahhar

60. emr-i şerif ibraz olunur ise istima' olunmıyub 'ahdname-i hümayun mucibince 'amel oluna [XX] ve müşarünileyhin silsile-i nesebi millet-i mesihkiye ve müluk-u tava'if-i

61. 'iseviyye mabeyninde meşhur olan krallar ve banlardan mukaddem ve makalid-i hükümetde müfevvez u müsellemler olduğundan ma'ada aba u ecdad-ı 'avali-şanıamızın

62. zamanından bu ana gelince¹⁸⁰ 'Atebe-i 'adalet-unvanımıza¹⁸¹ dahi cümle krallardan ziyade hulus-u bal ile dostluk edüb şimdiye değin mabeyinde¹⁸² nakz-ı 'ahd u aman¹⁸³

63. ve neks-i misak u iman vaki' olmıyub Südde-i sa'adetimize¹⁸⁴ kemal-ı ihlas ile ihtisasda sabit kadem ve rasih dem olıgeldüğü¹⁸⁵ ecilden Asitane-i sa'adet-

64. -aşıyanımızda mukim olan França elçileri divan-ı bülend-eyvanımıza geldiklerinde vüzera-i 'azamımıza ve müşiran-ı zevi'l-ihiramıza vardıklarında

65. İspanya ve sa'ir kralların elçilerinin üzerlerine kadimden olıgeldüğü üzere takaddüm ü tasaddur eyleyeler [XXI] ve hedaya ve libasları ve me'külat ve meşrubatları

66. mühimmi için akçeleri ile getürdükleri nesnelere gümrük ve bac taleb olunmıya [XXII] ve benderlerde olan baylosları dahi İspanya ve sa'ir kralların

67. bayloslarına Asitane-i sa'adetimde cari olduğu üzere takaddüm ü tasaddur eyleyeler [XXIII]¹⁸⁶ ve Françaluların kendü malları ile ve sa'ir esbabları ile gelüb

179 F: "mezkurlar" and omits "ve".

180 F: meşhur olalar ve aba u ecdadımız zamanından bu ana gelince...

181 F: bünyanımıza.

182 B + asla.

183 Missing in F.

184 F: sa'adet-me'abımıza.

185 F: oldıkları.

186 F completely omits articles XXI and XXII.

68. gidüb kalyonları ve sa'ir gemileri cemi' zamanda iskelelere ve limanlara¹⁸⁷ ve sa'ir Memalik-i Mahrusemize istiman ile emn ü aman¹⁸⁸ üzere gelüb gidüb anın gibi

69. deryada furtuna müzayaka verüb gemilere mu'avenet lazım oldukda ol mahalde¹⁸⁹ hazır bulunan eğer hassa gemiler halkıdır ve eğer gayrıdır mu'avenet ü muzaheret

70. eyleyeler ve kalyonlarının serdarı ve rü'esanın muhtarı kapudanların ka'im-makamı ri'ayetinin ihtimamı hususunda¹⁹⁰ dakika fevt olunmayub

71. ve akçeleriyle zad u zevadeleri hususunda¹⁹¹ sa'y u ikdam eyleyeler [XXIV] ve¹⁹² şiddet-i rüzgar ile deniz gemilerin karaya atar ise beyler¹⁹³ ve kazılar ve gayrılar

72. mu'avenet edüb kurtılan esbab u emval girü kendülere verilüb dahl olunmıya [XXV] ve bi'l-cümle eğer¹⁹⁴ karada ve eğer deryada¹⁹⁵ kendü halinde yürüyen

73. Françalulara ve França padişahı bayrağı ile emn ü amanüzere gelüb giden tüccar ta'ifesine ve mukaddema harbilerden olub sonra¹⁹⁶ França re'ayasına lahik¹⁹⁷

74. olanlara kimesne mani' olmıyub dahl u ta'arruz kılmiya ol diyar tacirleri ve tercümanları ve sa'ir anlara müte'allik adamları deryadan ve karadan Memalik-i Mahruseme

75. gelüb bey' ü şira u ticaret eyleyüb şöyleki rüsüm-ü 'adiye ve konsolosluk hakkıdır 'adet ü kanun üzere verdüklerinden¹⁹⁸ sonra gelişde ve gidişde

76. kapudanlardan ve deryada¹⁹⁹ yürüyen hassa ve gönüllü re'islerden ve gayrıdan ve 'asker halkından kimesne mani' olmıya [XXVI] ve tüccar ta'ifesinin rızaları yoğiken²⁰⁰

187 F: iskeleler ve limanlarda.

188 F: Mahrusemde emn ü aman...

189 F: furtuna gemilerine müzayaka verse ol mahalde...

190 F: babında.

191 B, F: tedarikinde.

192 B, F + eğer.

193 F: beylerbeyi.

194 Missing in F.

195 F: denizde.

196 B, F: sonradan.

197 F: mülhak.

198 F: vergeldiklerinden.

199 B: deryadan

200 F: olmıyınca.

77. ba'zı meta'yı cebren üzerlerine bırakub ta'addi olunmıya [XXVII] ve Françalulardan biri medyun olsa deyn-i borçludan taleb olunub eğer kefil değil ise ahar

78. kimesne tutulub taleb olunmıya [XXVIII] ve eğer biri mürd²⁰¹ olsa esbab u emvalına kimesne dahl etmeye kime vasiyyet eder ise ana verile ve eğer²⁰² vasiyyetsiz mürd olur ise²⁰³

79. konsolosları ma'rifetiyle ol yerlü yoldaşlarına verile beytü'l-malcılar ve kassamlar dahl eylemiye [XXIX] França ve ana tabi' olan yerlerin tacirleri ve tercümanları

80. ve konsolosları Memalik-i Mahrusemde bey' ü şıra ve ticaret ü kefalet hususlarında ve sa'ir umur-u şer'iyyede kadiya varub sebt²⁰⁴ ü sicill etdürüb ve-ya hüccet

81. alalar sonra niza' eder [sic!] olur ise²⁰⁵ hüccet ve sicille nazar olunub mucibi ile 'amel oluna bu ikiden biri olmiyub mücerred şahid-i zur²⁰⁶ ikamet edüb

82. hilaf-ı şer' nesne da'va eder ise madamki kadılardan hüccetleri olmiyub²⁰⁷ ve-yahud sicilde mukayyed bulunmaya anın gibi tezvır etdirilmiyüb²⁰⁸

83. hilaf-ı şer' olan da'vaları istima' olunmıya [XXX] ve ba'zı kimesneler bize şetm eylediniz deyü mücerred celb ü ahz için²⁰⁹ hilaf-ı şer'-i şerif rencide ederler ise

84. men' ü def' oluna [XXXI] bunlardan²¹⁰ biri deyn edinse ve-yahud bir vecihle müttehem olub gaybet eylese anun için günahsız kefil olmiyan ahardan²¹¹ kimesne tutılmıya

201 F: fevt.

202 Missing in B; F ommits "ve".

203 F: fevt olursa.

204 F: isbat.

205 B: niza' olursa; F: olunursa.

206 F: ruz.

207 F: hücceti olmiya.

208 F: olub.

209 F + mal için.

210 B: ve anlardan.

211 F: ahar.

85. [XXXII] ve Françaluya müte'allik esir bulunur ise elçileri ve konsolosları ta'yin eyleyüb²¹² Françaludur derler ise anın gibiler sahibi ve-yahud²¹³ vekili ile

86. Südde-i sa'adetime gönderile ki²¹⁴ kaziyesi görüle [XXXIII] França²¹⁵ ve ana tabi' yerlerden Memalik-i Mahrusemde temekkün edenlerden harac taleb olunmıya [XXXIV] İskenderiyye

87. ve Şam Trablusı ve Ceza'ir²¹⁶ ve sa'ir yerlerin iskelelerinde nasb olunmuş konsoloslarının yerine ol hizmet²¹⁷ uhdesinden gelür bir adamların ta'yin eyleyüb gönderdiklerinde

88. kimesne mani' olmıya ve tekalif-i 'örfiyyeden mu'af ola [XXXV] ve França tüccarı ile bir kimesnenin niza'ı olsa kadıya varduka Françalunun tercüm[anları - document torn]

89. hazır bulunmaz ise kazı da'vaların istima' etmeye eğer tercümanları mühimm maslahatda ise gelince tevakkuf oluna amma anlar dahi ta'allül edüb tercümanımız

90. hazır değildir deyü 'avk etmeyüb tercümanların ihzar eyleyeler [XXXVI] ve eğer²¹⁸ Françalunun biri biri ile niza'ı olsa elçileri ve konsolosları 'adetlerince

91. görüb fasl edeler kimesne mani' olmıya [XXXVII] ve França gemileri 'adet ü kanun üzere İstanbulda aranub girdikten sonra kanun-u kadim²¹⁹ üzere bir dahi Boğaz

92. Hisarları önünde aranub icazet verilür imiş hala kanun-u kadime muhalif Gelibolıda dahi aranur imiş²²⁰ min ba'd 'adet-i kadime mucibince heman

93. Boğaz Hisarları önünde aranub gideler²²¹ [XXXVIII] ve Memalik-i Mahrusemde derya yüzine çıkan gemiler²²² ve kadırgalar ve donanmalar deryada França gemilerine buluşdukda biri biri ile

212 Missing in B; F: edüb.

213 F: ve-ya.

214 Missing in B.

215 F: Françalı.

216 F: Cezayir.

217 F: hizmetin.

218 Missing in B.

219 Missing in F.

220 F: aranub.

221 B: gide; F ommits "gideler", adds "gayrı tecavuz olunmıya".

222 B: gemilere.

94. dostluk edüb zarar u ziyan etmiyüb madamki kendü rızalarıyla hediye vermiyeler cebren-i alat ve esbabların ve emred oğlanların ve gayrı nesnelere²²³ alub

95. ta'addi etmiye²²⁴ [XXXIX] Venediklüye verilen 'ahdname-i hümayunda mestur olan hususlar Françalı hakkında dahi mukarrer olub şer'-i kavim ve 'ahdname-i hümayuna mugayir²²⁵

96. kimesne mani' ü müzahim ü münazi' olmiya [XL] mezbur kalyonlar²²⁶ ve gemileri Memalik-i Mahruseme²²⁷ geldiklerinde zabt u sıyanet olunub emin ü salim girü gideler ve²²⁸ esbab

97. u emval²²⁹ yağma olunmuş bulunur ise garet olunan esbab u emvalın ve adamlarının zuhura gelmesi babında sa'y u ikdam olunub ehl-i fesad her kim olur ise olsun gereği

98. gibi haklarından geline [XLI] beylerbeyi ve kapudanlar ve sancakbeyleri kullarım ve kadılar ve eminler ve hassa re'isler ve gönüllü re'isler²³⁰ ve 'umuman Memalik-i Mahrusem ahalişi

99. işbu 'ahdname-i hümayunumun mazmun-u²³¹ ma'delet-makrun ile 'amel edüb ve kat'an hilafına²³² cevaz göstermiyeler şöyleki ferman-ı kaza-cereyanımıza muhalefet ü mu'anedet üzere olub²³³

100. sa'i bi'l-fesad olan ta'ife-i tagıyyeden²³⁴ olalar ol-makulelere²³⁵ aman u zaman verilmiyüb haklarından geline ki sa'irlere²³⁶ mucib-i 'ibret ola

223 F: nesnelerini.

224 B, F: etmiyeler.

225 F + bir.

226 F: mezburların kalyonları.

227 F: mahruseye.

228 F omits "ve", adds "eğer".

229 B: اموال.

230 F omits "gönüllü reisler".

231 F omits "hümayunum mazmun-u".

232 F: hilafına kat'an.

233 Missing in F.

234 F omits "olan ta'ife-i tagıyyeden".

235 F: ol-makule ta'ife-i tagıyyeye.

236 F + dahi.

101. ve bi'l-cümle merhum u mağfurunleh ceddım²³⁷ sultan Süleyman Han ve²³⁸ ecdad-ı 'azamım enarallahü berahinehüm zaman-ı şeriflerinde 'inayet olunan 'ahdnamelere mucibince 'akd olunan²³⁹

102. 'ahd u amana muhalif asla dahl u ta'arruz etdirilmiye zıkr olunan 'ahd üzere madamki²⁴⁰ mumaileyh França padişahı²⁴¹ Südde-i sa'adet-penahımıza

103. sadakat u ihlasda sabit kadem ve rasih dem ola bendahi dostluk²⁴² kabul edüb 'ahd u yemin ederim ki asüman u zemini halk eden

104. Huda-yı mu'in²⁴³ hakkıçün ve ecdad-ı 'azamım ve babam tabe serahüm ruhlariçün bu taraftan dahi²⁴⁴ hilaf-ı 'ahd u misak ve mugayir-i 'akd

105. ve ittifak iş olunmıyub da'ima işbu 'ahdname-i hümayun 'izzet-makrunumun mazmun-ı şerifi ile 'amel olunur²⁴⁵ şöyle bileler

106. 'alamet-i şerife 'itimad kılalar tahriren fi evahır-ı şehri-i Zi'l-hicce's-şerife²⁴⁶ sene isneyni aşere ve elf²⁴⁷

be-makam-ı
daru's-saltanatu'l-'aliye
Mahruse-i Kostantiniyye
el-mahmiye

237 F: ceddım-i merhum u mağfur.

238 F + sa'ir.

239 F omits "akd olunan".

240 Missing in F.

241 F + madamki.

242 Sic! B, F: dostluğu.

243 F: Huda-yı Rabu'l-mu'in.

244 Missing in F.

245 F: oluna.

246 B: el-harem.

247 Datio and locatio missing in F; B + minü'l-hicreti'n-nebiviyye-i 'aleyh efzalu's-salavat ve'l-kemalu't-tahiyye.

Appendix 3 – Translation of the French ‘*abdn*ame of 1604

He

Shah Ahmed, son of Mehmed Han, the ever-victorious

The command of the noble, illustrious and lofty-positioned sultanic sign, and of the universe-adorning and world-conquering royal tughra, universally obeyed through divine help, is thus:

With the greatness and endless sublime grace of God (may He be exalted!), and with the miracles filled with blessings of the Chief of Prophets (benedictions and highest salutations be upon him!),

I, who am the sultan of the chiefs of sultans and of the masters of khans, the distributor of royal crowns to those enthroned on earth, the servant of the most noble towns and cities, of the most holy and fortunate lands which are the Two Noble Sanctuaries [i.e., Mecca and Medina], the protector and ruler of the Holy Jerusalem, of Rumelia, Timișoara, the provinces of Bosnia and Szigetvar, the provinces of Anatolia and Karaman, the province of Amedi, the countries of Arabia and generally Kurdistan, of Kars, Georgia, Derbent, Tbilisi and the parts of Shirvan that were conquered with my victory-laden sword and my soul-taking spear, of Crimea, the climates of the Kipchak Steppe, of Cyprus, Dulkadir, Shahrizor, Diyarbakir, Aleppo, Rum, Çıldır, Erzurum, Damascus (which is the delightful abode of peace), Baghdad (the abode of the caliphate), the provinces of Kufa, Basra, Suakin, Sana’a, Egypt, Yemen, Abyssinia and Aden, of Tunis, La Goullete, and Tripoli of Libya, [which border] the Abode of War, and of other countries conquered from the Abode of War by our royal, conquering strength and our regal, outstanding might, [I am] the crown bearer of the most glorious thrones and the sovereign of towns, cities, domains, and countries that were brought into submission and firmly conquered with the help of God – the King and Helper – , of the White Sea and Black Sea, of so many countries, islands, trading ports and fords, of tribes and clans, and of so many hundreds of thousands of soldiers marked by glory, and of the renowned, strong fortress and fortified castle called Eger, the Padishah of the shelter of justice and the Shahinshah of the workshop of glory, I am Sultan Ahmed Khan, son of Sultan Mehmed Khan, son of Sultan Murad Khan, son of Sultan Selim Khan, son of Sultan Süleyman Khan, son of Sultan Selim Khan, son of sultan Bayezid Khan, son of Sultan Mehmed Khan.

With the countless, perfect grace of his All-Bountiful Majesty – the Master of Slaves (may he be exalted, and may his fame be held free from the stains of doubt!) –, the pride of the most exalted leaders of the followers of Jesus, chosen one of the illustrious grandees of the Messian Nation, reconciler of the affairs of the nations of the Nazarene community, he who possesses the signs of splendour and pride, he who trails the skirts of pomp and stateliness, Henry, the Padishah of France (may his days end in blessings!), [sent] to our Sublime Gates of Relief, which are the refuge of the sultans of noble kin and shelter of the khans of high reputation, from his own respected and esteemed princely administrators, the one who holds the office of ambassador at my Threshold of Felicity, the model amongst the leaders of the Messian nation, the governor and master of the fortress of Brèves, the accredited ambassador named François Savary. He came to our Court of Felicity [saying that] the aforementioned French Padishah’s deepest desire and utmost want is to preserve the previous covenant and friendship, as they were concluded in the ancient and satisfactory manner between our honourable ancestors and exalted forefathers (may their proofs be illuminated!) and the Padishahs of France from distant ages to this present moment.

Formerly, in the fortunate time of he who had an auspicious life and a martyr’s death, my late and deceased father Sultan Mehmed Han (God’s mercy and gratitude be upon him!), an imperial covenant letter was given saying that “ambassadors, consuls, *interpreters*,²⁴⁸ and merchants, and other subjects of the Padishah of France shall not be interfered with or molested, [but] they shall enjoy peace and tranquillity under my protective shadow of justice”. Now, because God facilitated My Majesty’s ascent to the throne of the sultanate, and because the renewal of the imperial covenant letter was requested and solicited accordingly, I too confirm it and graciously grant and bestow this imperial covenant letter; our irrevocable command thus decrees:

[I] Except for the Venetians and English, the merchants of Genoa, Portugal, and Catalonia, as well as those of Sicily, Ancona, Spain, Florence, Dubrovnik, and all others, were given permission to come and go to my Well-Protected Domains under the French Padishah’s name and banner, according to his olden request of friendship. In whatever manner they previously used to go round, henceforth they shall also come and go as they used to, with their galleons and ships in their own way, choosing the French Padishah’s banner, *and referring to the consuls of France in*

248 Passages marked with italics in this section represent the new additions of 1604.

trading ports. As long as from their side actions contrary to peace and amity, which are the sources of safety and prosperity, shall not be produced, from this part also the articles of the covenant and mercy shall likewise be respected.

[II] *Subjects of the French Padishah and subjects of those Christian rulers who are his friends, who come and go with safety and mercy to visit the Noble Jerusalem, as well as the monks who reside in the church called The Holy Sepulchre, shall not be interfered with or attacked.*²⁴⁹

[III] Except for the Venetians and English, all groups of enemy merchants who do not have ambassadors of their own shall come under the banner of France; henceforth, neither the ambassador of England nor anyone else shall interfere or molest them by saying that “enemy merchants were included at a later date in the French covenant letter”. If there may be previous noble commands or ones to be decreed in the future concerning this issue, in contradiction to this imperial covenant letter of mine, it shall always be proceeded according to my imperial covenant letter. *The stipulations and provisions decreed for the French shall also be applied* [to other foreign merchants coming under the French banner].

[IV] Because the friendship concluded since ancient times between the Padishahs of France and our Threshold of Felicity was not spoiled, thwarted, or weakened, an imperial order was given in the time of my late and deceased forefather Selim Han (may his grave be pleasant!), saying that “cotton, cotton thread and Morocco leather, which are prohibited goods, may be sold [to the French]”. Now, in consequence of the perfect sincerity and devotion shown towards our Threshold of Felicity, in the time of my late and deceased father (may his grave be pleasant!) it was registered in the covenant letter that “the prohibited [goods of] beeswax and coarse leather may be sold to them, and no one shall prevent them”; *given this, I too confirm* [these privileges].

[V] Given that taxes were previously not taken for the coins brought by their men and merchants from their provinces to our Well-Protected Domains, now they shall also not be demanded. Treasurers and masters of Mint shall not interfere by saying that “we shall make akçes from their money”.

[VI] Some French merchants embarked on some enemy ships and, while conducting trade peacefully, they were taken captive and their possessions confiscated,

249 Belin, *Capitulations*, p. 122 erroneously assumed that a second religious article, present in translations, was missing from Feridun Bey’s version. This was not the case, as the translations simply overemphasized this article and split it into two.

contrary to the Noble Law, by saying that “we found them on enemy ships”. Considering this, as long as they conduct trade peacefully and do not engage in mischief on corsair ships, their possessions may not be confiscated, and they may not be taken captive under this pretext.

[VII] *When a Frenchman who loaded grain from an enemy province on one of his own ships comes across Muslim ships while going again to an enemy province, his ship may not be confiscated, and he may not be taken captive by saying that “you are supplying the enemy”.*

[VIII] *When a zimmi is caught taking grain out of the Islamic Countries [i.e. Ottoman Empire], Frenchmen may not be taken captive if found on his ship.*

[IX] *When a Frenchman who bought grain from Muslim ships at will [i.e. not stolen or taken under duress] comes across [other] Muslim ships while going to his own province, and not to the enemies’ provinces, the grain shall not be seized, nor the ship confiscated, and those found aboard shall not be taken captive. If French captives such as these are found, they shall be set free, and their possessions returned.*

[X] *When a group of enemy merchants load merchandise on chartered [French] ships, nobody shall trouble them by saying that “it is the enemy’s merchandise”.*

[XI] *Whatever sum of customs tax used to be retained since olden times for the merchandise brought in [i.e., imported], with the consent of the aforementioned French Padishah, by his merchants from his provinces, as well as for the ones taken away [i.e., exported], the same amount shall continue to be retained, and no more shall be retained.*

[XII] *Apart from the merchandise that is unloaded to be sold, customs tax shall not be demanded for their merchandise intended to be carried off to another port, and nobody shall prevent its carrying off to another port.*

[XIII] *The new taxes of “kassabiye”, “reft”, “bac”, and “yasak kuli” shall not be demanded, nor more than 300 akçes for the “selametlik” tax.²⁵⁰*

250 *Kassabiye* (“butchery tax”) was intended to subsidize meat allocations for the Janissaries; *reft(iye)* (“departure”) was an export duty; *bac* was used generally to define any tax, but here it was probably intended to describe an import tax (cf. art. XXI); the *yasak kuli* (“law enforcing slave”) tax was paid for the salaries of Janissary guards; *selametlik* (“safety, security”) was levied from departing ships as a token of safe travels.

[XIV] When arriving in [the French king's] harbours, Algerian corsairs are treated with respect and given gunpowder, lead, sail, and other tools, but when the aforesaid come across French merchants they regularly take them captives and plunder their property. In the time of my late father (may his grave be pleasant!),²⁵¹ they were warned time and time again [against doing so], but they did not obey and continued to act in transgression. This problem does not have my imperial consent. If there are French captives such as these, they shall be set free, and their possessions returned undamaged. Henceforth, when the aforementioned [French Padishah] reports through his letters on the abominable acts of disobeying corsairs, the governor-general during whose time they occur shall be dismissed and those who took them by way of plunder and caused such acts shall be compelled to indemnify them. Moreover, if the disobeying ones fail to conform to the noble command regarding this problem, against which they were repeatedly warned, the French Padishah shall not admit them in his harbours when they arrive in the province of France. *The contents of the noble order given in the time of my late father (may his grave be pleasant!)²⁵² saying that "exercising violence to ward off evil-doers does not spoil the agreed-upon covenant" shall be respected as before, and the gratitude and complaints of the aforementioned shall have my imperial acceptance.*

[XV] *In the time of my father and exalted forefathers (may their graves be pleasant!), orders were given for the French so that they may fish and gather coral in the places that are dependencies of Algiers and Tunis, [such as the one] called Stora Bay. They shall fish and gather coral in those places as they used to, according to the previously established custom, and nobody from outside may interfere with them or attack them.*

[XVI] As customary, interpreters who are in the service of their ambassadors shall be exempted from "harac", "kassabiye", and other extraordinary taxes.

[XVII] From merchandise loaded on French-owned ships, *as well as from merchandise brought in by certain zimmiis with their own ships to enemy provinces*, the taxes and consulage fees due to their ambassadors and consuls shall be given without fail; they shall not be refused or opposed.

251 This article first appeared in the *'ahdname* of 1597, issued by Mehmed III, therefore the sultan mentioned here is Murad III, Ahmed's grandfather.

252 Only this clause was added in 1604, so the "noble order" in question here was initially given by Mehmed III.

[XVIII] If blood is spilled or other abominable acts occur between Frenchmen, their ambassadors and consuls shall investigate and settle them according to their customs. None of my officers shall interfere with or molest them.

[XIX] When someone appointed as consul for the affairs of their merchants is brought to trial, he shall not be oppressed by being imprisoned or having his house sealed up. Issues pertaining to their consuls' lawsuits shall be heard at my Threshold of Felicity. If there may be previous noble commands or ones to be decreed in the future which are contrary to these mentioned clauses, they shall not be listened to, but it shall be proceeded according to my imperial covenant letter.

[XX] The dynasty of the aforementioned [French Padishah] is the first among the famous kings and princes of the Christian nations and communities and, besides being entrusted and invested with the keys of rulership, it also professes the most heartfelt friendship to our Doorstep of Justice, out of all other kings, since the times of my illustrious ancestors and forefathers to this day. Until now, no breaches of the covenant and mercy, nor violations of the solemn promise and confidence occurred between us. Because his perfect sincerity and devotion to our Gateway of Felicity are steadfast and staunch, when coming to our lofty council hall to meet our grand viziers and most honoured generals, the ambassadors of France who are resident at our Threshold of Felicity shall have precedence and priority over the ambassadors of Spain and other kings, according to the ancient custom.

[XXI] *Customs tax and "bac" shall not be demanded for any gifts, garments, foods, or drinks, which are indispensable and brought in with [the French ambassadors'] money.*

[XXII] *In trading ports, his bailos shall also have precedence and priority over the bailos of Spain and other kings, as customary at my Gateway of Felicity.*

[XXIII] Frenchmen may come and go with their own properties and other possessions, and their galleons and other ships may safely come and go anytime to the ports, harbours, and elsewhere in our Well-Protected Domains, with safety and pardon. Accordingly, when storms give them trouble at sea and their ships need assistance, people on navy ships or others found ready in that place shall assist and aid them. Galleon commanders, chief captains and vice-admirals shall not waste a minute in taking care of this matter; effort and perseverance shall be shown in the matter of [acquiring] provisions and supplies with their money.

[XXIV] If severe winds throw the said ships ashore, governors, judges, and others shall assist them, return the salvaged possessions and properties, and shall not interfere with them.

[XXV] Nobody shall prevent, interfere with, or molest any Frenchman who roams peacefully either on land or sea, *or the groups of merchants who come and go with safety and mercy under the French Padishah's banner, as well as those who previously were enemies, but have since become subjects of France.* The merchants and interpreters of that country, as well as other men dependent upon them, may come to my Well-Protected Domains by sea or land to buy, sell, and trade, so that after giving the usual taxes and consulage fees²⁵³ according to custom and law, none of the admirals, sea-faring navy and private captains or others, as well as military personnel, shall prevent their coming and going.²⁵⁴

[XXVI] *The merchant community may not be oppressed to forcefully give up certain merchandise when it does not give its consent.*

[XXVII] If one of the Frenchmen becomes indebted, the debtor shall be held liable. If there is no guarantor, no one else shall be detained and solicited.

[XXVIII] If one of them dies, no one shall interfere with his possessions and properties; they shall be given to whoever was appointed heir, and if he dies without an heir, they shall be given to his local partners, with the mediation of their consul. Treasury officials or officials who fix inheritance shares shall not interfere.

[XXIX] When the merchants, interpreters, and consuls of France, as well as those from places under its submission engage in our Well-Protected Domains in activities such as buying and selling, trading, standing surety, and other legal affairs, they shall come before the judge, and they shall be inscribed in the court registers and given a written proof. If litigations occur afterwards, the written proofs and court registers shall be observed, and it shall be proceeded accordingly. If any illegal lawsuits are opened when one of these two is missing, and only false testimonies are produced, as long as no written proof from the judges is produced or no record is found in the court registers, falsehood shall not be given course and illegal lawsuits shall not be listened to.

253 Belin, *Capitulations*, p. 126: “droit coutumieres et bâdj”; however, all Ottoman-Turkish texts available clearly mention *konsolosluk* (consulage fee), not *bac*.

254 The previous three *ahdnames* also added that “they shall not interfere with them, their properties and goods, their men, or beasts of burden” (*kendülere ve esbab u emvallarına ve adamlarına ve davarlarına dahl olunmıya*).

[XXX] Those who torment them only for summons and exactions, contrary to the noble law, by saying that “you insulted us”,²⁵⁵ shall be denied and warded off.

[XXXI] If one of them becomes indebted, or if he is suspected of wrongdoings and disappears, no other innocent person, apart from those standing as guarantors, shall be detained.

[XXXII] If captives belonging to Frenchmen are found, or their ambassadors and consuls determine that some captives are Frenchmen, they shall be sent along with their masters or their representatives to my Gateway of Felicity so that their situation may be looked into.

[XXXIII]²⁵⁶ The poll tax shall not be demanded from those who, [coming] from France and places under its submission, reside in my Well-Protected Domains.²⁵⁷

[XXXIV] When a man is appointed and sent to discharge from duty the consuls in the ports of Alexandretta, Tripoli of Syria, Algiers, and other places, nobody shall prevent him, *and he shall be exempted from extraordinary taxes.*

[XXXV] If anyone is in litigation with a French merchant, and if the interpreters of the French are not present when they arrive before the judge, the judge shall deny their hearing. If the interpreters are occupied with an important affair, it shall be postponed until their arrival, but it shall not be delayed if they seek other pretexts by saying that “our interpreter is not ready”, and their interpreters shall be summoned.

255 De Brèves’ translation indicates that these insults were of a religious nature: “blasphemè contre nostre sainte religion”. The charters of 1581 and 1597 additionally mentioned offences committed “by slandering them and producing false witnesses (*iftira edüüb şahid-i zur ikamet eyleyüb*)”.

256 De Brèves omits this article altogether in both of his translations.

257 The article of 1604 omits the specification, found in all other previous charters, that the resident French “labourers” exempted from *harac* could be either married or bachelors (*evli olsun erken olsun rençberlik edenlerden*). This provision was meant to circumvent the Islamic provision which decreed that foreign non-Muslims who resided for more than a year in the Ottoman Empire would have to pay the *harac*. A *ferman* issued during de Brèves’ tenure confirms this practice, by decreeing that no levies should be demanded from a French surgeon married on Chios (to a *zimmi*, understandably) (BnF, Fr. 16146, f. 34v).

[XXXVI] If litigations occur between Frenchmen, their ambassadors and consuls shall investigate and settle them according to their customs, and nobody shall prevent them.²⁵⁸

[XXXVII] After French ships are inspected in Istanbul, according to custom and law, and depart, they are inspected once more, according to the old law, in front of the fortresses of the Straits²⁵⁹ and given leave. Currently, they are also searched at Gallipoli, which is contrary to the old law. Henceforth, they shall be searched directly in front of the fortresses of the Straits, according to the old custom, and depart.

[XXXVIII] When the ships, galleys and naval forces of my Well-Protected Domains which set sail meet French ships at sea, they shall show friendship to one another and shall not cause damages and injuries; *as long as they do not offer gifts willingly, they shall not be violated by taking their equipment, goods, beardless young boys, or anything else.*

[XXXIX] The articles inscribed in the imperial covenant letter given to the Venetians shall also be observed regarding the French. Nobody shall prevent, oppose, or dispute them, contrary to the righteous law and imperial covenant letter.

[XL] When the aforesaid galleons and ships come to my Well-Protected Domains, they shall be guarded and protected, and they shall return safe and sound. If possessions and properties that were pillaged are found, great effort and perseverance shall be put so that the plundered possessions, properties, and men may be returned to their masters; mischief-makers shall be punished, whomever they may be.

[XLI] Governors-general, sea captains and governors, who are my slaves, as well as judges, intendants, navy and volunteer captains, *and generally all people of my Well-Protected Domains* shall act according to the contents of this, my just imperial covenant letter; in no way shall they permit contrary [actions], *so that those rebellious groups who endeavour in mischief by acting contrary and in perverse opposition to our irrevocable command shall be shown no mercy, and they shall be punished to serve as examples for others.* Overall, the covenant and pardon concluded in line

258 All three previous charters would include afterwards the article regarding French captives in Rumelia and Anatolia, removed in 1604.

259 The Dardanelles. The fortresses in question here are Kilidü'l-bahr and Sultaniye (modern-day Çanakkale), more commonly known to seventeenth-century Europeans as the ancient Sestos and Abydos.

with the covenant letters bestowed in the noble times of my late and deceased forefather, Sultan Süleyman, *and my [other] exalted forefathers (may God illuminate their proofs!)* shall never be interfered with or violated.

As long as the aforementioned French Padishah's faithfulness and devotion to our Gateway, which is the refuge of felicity, shall be steadfast and staunch, and in line with the abovementioned covenant, I also accept his friendship and pledge and swear in the name of God – the Helper and Creator of heaven and earth –, and on the souls of my father and exalted forefathers (may their graves be pleasant!) that from this side too nothing shall be done contrary to the covenant and solemn promise, and against the pact and agreement; *everything shall be done according to the noble contents of this glorious imperial covenant letter of mine.*

Thus shall they know and they shall have confidence in the noble sign!

Written in the last ten days of the noble month of Zi'l-hicce, the year one thousand and twelve [i.e. 20 – 29 May 1604] from the emigration of the Prophet (most superior prayers and perfect salutations be upon him!).

In the residence of
the Abode of the Sublime Sultanate,
Constantinople, the Well-Protected
[and] Well-Guarded