

VISITING THE NOBLE JERUSALEM: CATHOLIC PILGRIMS IN THE OTTOMAN CAPITULATIONS OF THE SEVENTEENTH CENTURY

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This article analyses how the Catholic pilgrimage to Jerusalem was represented in the Ottoman capitulations of the seventeenth century. Religious articles were first encountered in capitulations granted to Catholic European states (France, Venice and the Holy Roman Empire), but later also in the ones granted to the Protestant Dutch Republic and to the Orthodox Russian Empire. Focusing his research on Ottoman texts, the author has identified three problematics raised by the scarce formulation of these articles: the pilgrims' political allegiance, their religious affiliation and travel conditions. The study has concluded that the capitulations revealed a close link between commerce and pilgrimage, that they refrained from endorsing one Christian faction over the other, and that the Russian treaties actually contained more detailed provisions regarding travel conditions to Jerusalem.

Keywords: capitulations, *'ahdname*, religious stipulations, early modern diplomacy, Jerusalem pilgrimage.

In the early seventeenth century, during the reign of Ahmed I (1603–1617), Capitulations granted to some Catholic European states began to incorporate religious articles for the first time. These documents decreed that European pilgrims traveling to Jerusalem along with the monks dwelling there were not be molested, and that the Church of the Holy Sepulchre may be renovated. In this paper I intend to analyse those clauses referring to Catholic pilgrims inserted in the Ottoman capitulations of the seventeenth century, by using the available Ottoman-Turkish texts. Complementary sources, such as travel literature, will be used to fill up information gaps.

Since European Christians were regularly conducting voyages to Jerusalem even in the past centuries¹, articles regarding pilgrims which were inserted in the capitulations were not meant to allow an action which was until then forbidden. What was then the purpose of these articles, awarded for the first time in

¹ Stefanos Yerasimos, *Les voyageurs dans l'Empire Ottoman, XIV^e–XVII^e siècles: bibliographie, itinéraires et inventaire des lieux habités*, Ankara, 1991; Elisabetta Borromeo, *Voyageurs occidentaux dans l'Empire ottoman (1600–1644). Inventaire des récits et études sur les itinéraires, les monuments remarquables et les populations rencontrées (Roumélie, Cyclades, Crète)*, 2 vols., Paris, 2007; Marian Coman, "Experiencing Otherness: Bertrandon de la Broquière's Pilgrimage to Jerusalem (1432)", in I. Vainovski-Mihai (ed.), *New Europe College Yearbook 2007–2008*, Bucharest, 2008, p. 87–120.

1012/1604? Transposing custom into written law and preventing abuses seem to be the main reasons why foreign ambassadors in Istanbul petitioned the Porte to include religious articles in the capitulations. Prestige obtained by European sovereigns as protectors of pilgrims and monks in Jerusalem was also a desired outcome. Because the phrasing of these clauses was not at all explicit, three issues need to be clarified: the political allegiance of individuals travelling to Jerusalem, their religious adherence and the conditions needed to be fulfilled in order to safely travel to the Holy Land. Obviously, the main beneficiaries were the subjects of those monarchs who obtained privileges from the sultan, but in some cases, we encounter a second group of beneficiaries, foreigners upon whom the same privileges were extended. Even though the pilgrims' religious affiliation, apart from being Christians, was not mentioned, it is obvious that the articles were mainly addressed to Catholics. A notable exception can be found in the case of Dutch Protestants, who also obtained similar articles concerning the voyage to Jerusalem. As for travel conditions, they followed Islamic principles regarding the possibility of a foreign non-Muslim to safely enter the "Abode of Islam" (*dar ʿil-Islam*), but left out a series of more practical matters, such as the payment of road taxes and the issuing of travel documents. These latter aspects will be included in the Ottoman-Russian peace treaties of the late seventeenth century and early eighteenth century.

Commonly known to Europeans as "capitulations" (from the Latin term *capitula*, which designated the articles), documents through which the Ottoman Empire settled relations with other states or communities were usually named '*ahdname-i hümayun* ("imperial covenant-letter")². Beginning with the seventeenth century, capitulations granted to some Catholic European states also included religious articles, stipulating the protection of pilgrims, monks, and churches in the Ottoman Empire. They referred strictly to Jerusalem and not to the whole Empire. In the succeeding peace treaties concluded with the Holy Roman Empire in the first half of the seventeenth century³, after the Treaty of Zsitvatorok (1606), one may indeed find provisions regarding Catholic clergy in the larger Well-Protected Domains (*Memalik-i Mahrusede*), not restricted to Jerusalem. Or, on the contrary, some of these stipulations had a more local applicability on the Hungarian frontier, namely in the town of Pécs. Consequently, religious articles included in these documents exceed the current paper's topic and will be tackled in another study.

France was the first state to obtain a series of religious articles regarding pilgrims and clerics in Jerusalem, in the '*ahdname* awarded by sultan Ahmed I to

² Viorel Panaite, *The Ottoman Law of War and Peace. The Ottoman Empire and Tribute Payers*, Boulder, 2000; Idem, *Diplomație occidentală, comerț și drept otoman (secolele XV–XVII)*, Bucharest, 2004 (2008 reissue); Idem, *Război, pace și comerț în Islam. Țările române și dreptul otoman al popoarelor*, the second edition, Iași, 2013.

³ The ones signed at Vienna (1615–1616), at Komorn (1618), Szöny (1642), and Istanbul (1649). Even though they were sometimes labelled as '*ahdname* even in Ottoman manuscripts and published editions, they should be more accurately described as *sened* („*instrumentum reciprocum*”), *temeslik* („provisional document”), '*akd-ı sulh* („peace treaty”), *sulh ü salah maddeler* („peace articles”) etc.

king Henry IV in *evahir-ı Zi'l-hicce* 1012/ 20–29 May 1604. Even though the original document has been lost, a seemingly accurate version was printed in 1615, along with a French translation, by François Savary de Brèves⁴. French ambassador to the Porte from 1593-1605⁵, he had a decisive role in obtaining the new and extended capitulations, this being especially true for the religious articles. De Brèves was a devoted Catholic, dedicating much of his diplomatic activity in promoting and protecting the Catholic Church's interests in the Ottoman Empire. Even before 1604, in the absence of formal stipulations, the French ambassador was petitioning the sultans in support of Latin clergy and laymen, alike⁶. In the *kadi* court registers (*sicil*) of Galata we even find evidence of de Brèves liberating Catholic slaves: on 12 *Muharrem* 1007/14 August 1598 he (*Françesko Savarin nam elçi*) freed a Catholic slave girl (*efrenciyye Beroye v. Canbedid nam memluke cariyesi*)⁷.

The French ambassador's strives for the Latin rite received acknowledge from contemporaries in the form of "patents" issued by the Catholic clergy in Galata⁸ and the Franciscan Custodian of Jerusalem, Cesarius Trino, the latter explicitly thanking de Brèves for obtaining the religious articles regarding Jerusalem⁹. In an explanatory note, the ambassador himself stated that he included these stipulations to better protect pilgrims and monks from the abuses of Ottoman local authorities:

⁴ *Articles du traicte faict en l'annee mil six cens quatre, entre Henri I le Grand Roy de France, & de Navarre, et Sultan Amat Empereur des Turcs / Fransa padişahı ile Al-i 'Osman padişahı mabeyininde mun'akad olan 'ahdnamedir ki zikr olunur*, Paris, Imprimerie des Langues Orientales, Arabique, Turquesque, Persique, & c. Par Estienne Paulin, 1615. An abbreviated Ottoman-Turkish text was later published in the extended collection of Ahmed Feridun Bey's *Mecmu'a-ı Münşe'at'üs-Selatin*, vol. 2, Istanbul, Darüttibattıl-'amire, 1265/1849, p. 400–405. The French capitulation's articles were mentioned by Katip Çelebi, *Fezleke-i Tarih*, vol. 1, Istanbul, 1286/1869, p. 331, and subsequently reproduced in Mustafa Naima, *Tarih-i Naima*, Istanbul, İbrahim Müteferrika, 1147/1734, vol. 1, p. 278–279 (François Alphonse Belin, *Des capitulations et des trait s de la France en Orient*, Paris, 1870, p. 120, n. 1).

⁵ V. Panaite, "A French Ambassador in Istanbul and his Turkish Manuscript on Western Merchants in the Ottoman Mediterranean (Late 16th and early 17th Centuries)", *Revue des tudes sud-est europ ennes*, 42, 2004, p. 117–132.

⁶ *M moire des capitulations, commandements, privileges, points de consciences, papiers, lettres et Enseignements que le Seigneur de Brèves a obtenus tant des grands Seigneurs Amurat, Mehemet et Amat*, BnF, DM, Français 16146, f. 27^r–51^v (original, written by Salignac, de Brèves's sucesor; a copy at BnF, DM, Français 16171, f. 77^r–205^v). F.A. Belin, *Histoire de la latinit de Constantinople*, deuxième édition, préparée et considérablement accrue par l'auteur, revue, augmentée et continuée jusqu'à notre temps par le R.P. Arsène de Chatel, avec deux plans et des gravures, Paris, 1894, p. 175.

⁷ *İstanbul Kadı Sicilleri, Galata Mahkemesi 20 Numaralı Sicil (H. 1005–1007/M. 1596–1599)*, Istanbul, 2012, f. 70b–3, doc. 469, p. 360. His similar actions regarding Muslim captives gained him the respect and friendship of Ottoman high officials in the capital. V. Panaite, "Defending the Status of *müste'min*. Ottoman State Bureaucrats' Correspondence about French Merchants and 'Coffee from Malta' in Aleppo", in J. Zimmermann, Ch. Herzog, R. Motika (eds.), *Osmanische Welten: Quellen und Fallstudien. Fethschrift für Michael Ursinus*, Bamberg, 2016, p. 479–480.

⁸ BnF, DM, Français 16171, f. 158^v–161^r (Italian); I. de Testa, *Recueil*, vol. 3, p. 331–332 (French translation).

⁹ BnF, DM, Français 16171, f. 161^r–164^f.

*Les religieux qui demeurent à la garde du saint Sepulcre, & les Pelerins qui le von visiter, estoient molestez par les Juges & Gouverneurs de Jerusalem, pour en profiter. J'ay fait inserer les Traictez & Capitulations cy-dessus, article 5., qu'ils ne le seront plus à l'avenir, mais bien receus & protegez par lesditz Juges & Gouverneurs.*¹⁰

There was also a diplomatic rationale behind his actions, aside from this apparent pious motivation. The pilgrimage to Jerusalem was related to commercial activities in the sense that France desired all foreigners, be they pilgrims or merchants, coming from states that did not have their own representatives in Istanbul, to sail into Ottoman territories strictly under the French banner. But France was not the only European power to obtain religious privileges from the Ottoman sultan at the beginning of the seventeenth century.

Venice also obtained articles regarding pilgrims and monks in Jerusalem, being almost identical with those issued to France only seven months before. They were not inserted in the *'ahdname* obtained by the extraordinary ambassador (*oratore*) Giovanni Mocenigo on *evahir-ı Cemazi'l-evvel* 1013/14–22 November 1604¹¹, but in an additional act termed *nişan-ı hümayun* (“imperial sign”), acquired by the *bailo* Ottaviano Bon on *eva'il-i Şaban* 1013/23 December 1604 – 1 January 1605, the original of which having survived to this day¹². It seems that the practice of renewing Venetian capitulations differed from those of other countries in this period: the *'ahdnames* issued to the *Serenissima* during 1595–1641 remained virtually unchanged, containing the same articles, and updating only the names of current sultans, doges and ambassadors¹³; new provisions were inserted through

¹⁰ “Notes sur quelques Articles du precedent Traicté”, in J. du Castel (ed.), *Relation des voyages de Monsieur de Brèves, tant en Grèce, Terre Sainte et Égypte qu'aux royaumes de Tunis et Arger, ensemble un traicté fait l'an 1604 entre le roy Henry le Grand et l'empereur des Turcs, et trois discours dudit sieur*, le tout recueilly par le S.D.C., Paris, 1628, p. 25.

¹¹ ASVe, MDT, doc. 1145; 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, p. 579–591.

¹² ASVe, MDT, doc. 1193, erroneously dated in *eva'il-i Şaban* 1023/6–15 September 1614, according to Maria Pia Pedani, *I “Documenti Turchi” dell'Archivio di Stato di Venezia*, con l'edizione dei registi di Alessio Bombaci, vol. 1, Rome, Ministero per i beni culturali e ambientali, 1994, doc. 1193, p. 309–311. It is accompanied by a contemporary Italian translation: ASVe, MDT, doc. 1194; Joseph von Hammer-Purgstall, *Histoire de l'Empire Ottoman depuis son origine jusqu'à nos jours*, traduit de l'allemand par J.-J. Hellert, vol. 8, Paris, 1837, p. 384–385. An abbreviated Ottoman-Turkish copy published by Serap Mumcu, *Venedik Baylosu'nun Defterleri/ The Venetian Baylo's Registers (1589–1684)*, Venice, 2014, doc. 100, p. 75–76.

¹³ F.A. Belin, “Relations diplomatiques de la République de Venise avec la Turquie (fragment)”, *Journal asiatique*, s. 7, 8, 1876, p. 381–424; H. Theunissen, “Ottoman-Venetian”, p. 213, 256–257. Religious articles were not inserted in Venetians *'ahdnames* until the one issued almost a century later, on *eva'il-i Zi'l-ka'de* 1112/9–18 April 1701. There are two known originals of this document, employing different calligraphy: ASVe, MDT, doc. 1610 (*rik'a*) și doc. 1611 (*divant*). A published version in *Mu'ahadat mecmu'ası*, vol. 2, Istanbul, Hakikat Matba'ası, 1294–1298/1877–1881, p. 158–178.

these *nişan-ı hümayuns*, also labeled by the Venetians as “*segni Imperiali*”. Hammer and, more recently, Theunissen, have recognized the *nişan*’s role of complementing the ‘*ahdnames*’ provisions, also acting as a “treaty”¹⁴. The 1604 *nişan*, like the French ‘*ahdname*’ of the same year, has been identified by Oded Peri as forming the legal foundation for Venetian interventions in questions regarding Jerusalem¹⁵. Considering this, it is justifiable to analyse the religious articles included in this document alongside those included in ‘*ahdnames*, the “proper capitulations”’.

There is evidence that the document obtained by Ottaviano Bon was later renewed in 1615 and 1619¹⁶ but so far, no Ottoman-Turkish text appears to be available. Unlike his French counterpart, it seems that Bon did not benefit from the same recognition for obtaining the religious articles. Moreover, the *bailo* himself did not mention this feat in his report delivered to the Senate of Venice in 1609, after returning from his mission in Istanbul, instead only declaring that the Ottomans made considerable profits from Christian pilgrims at the Holy Sepulchre¹⁷.

A third European political entity which acquired capitulations concerning religious articles in the first half of the seventeenth century was the Holy Roman Empire. While historiography has not remained silent on the role played by France and Venice in protecting Catholics in the Ottoman Empire, the same thing cannot be said about the Habsburgs. Despite nearly six decades of peace between the two empires, albeit disturbed from time to time by disputes on the border, historiography considered the Holy Roman Empire as being the paramount enemy of the Ottomans, to which articles regarding religion remained inaccessible until the Karlowitz treaty of 1699¹⁸. At the diplomatic level at least, things look quite different. In 1617 emperor Matthias II sent Herman Czernin von Chudenitz and Cesare Gallo as ambassadors to Istanbul, having the mission to obtain Ahmed I’s confirmation of the amendments made in 1615 and 1616 at Vienna, to the Treaty signed at Zitvatorok in 1606¹⁹. The document issued at *evahur-ı Cemazi'l-ahur* 1026/24 June – 4 July 1617

¹⁴ J. von Hammer-Purgstall, *Histoire*, vol. 8, p. 66–67; H. Theunissen, “Ottoman-Venetian”, p. 180.

¹⁵ O. Peri, *Christianity under Islam in Jerusalem. The Question of the Holy Sites in Early Ottoman Times*, Leiden, 2001, p. 60 (although he does not mention this particular document, but two contemporary *fermans* related to it, and a latter *nişan* – in fact the ‘*ahdname*’ of 1112/1701).

¹⁶ J. von Hammer-Purgstall, *Histoire*, vol. 8, p. 221–222, 248.

¹⁷ Ottaviano Bon, „Relazione”, in M.P. Pedani (ed.), *Relazioni di ambasciatori veneti al senato*, vol. 14: *Constantinopoli, Relazioni inedite (1512–1789)*, Padova, 1996, p. 501. See also Eric Dursteler, “Describing or Distorting the ‘Turk’?: The *Relazioni* of the Venetian Ambassadors to Constantinople as Historical Source”, *Acta Histriae*, 19, no. 1–2, 2011, p. 231–248; Idem, “The Bailo in Constantinople: Crisis and Career in Venice’s Early Modern Diplomatic Corps”, *Mediterranean Historical Review*, 16, no. 2, dec. 2001, p. 9–10; E. Borromeo, *Voyageurs occidentaux*, vol. 2, p. 542–543.

¹⁸ Pierre Ghaleb, *Le Protectorat religieux de la France en Orient. Étude historique et politique*, Avignon, 1920, p. 84–85. Although mentioning a joint French-Habsburg protectorate over Catholics, even Rey contested the Habsburgs’ position because of “frequent wars”. F. Rey, *La Protection diplomatique et consulaire dans les chelles du Levant et de Barbarie*, avec des documents inédits tirés des archives du Ministère des affaires étrangères, Paris, Larose, 1899, p. 317.

¹⁹ The Imperial envoys were accompanied by the two Ottoman plenipotentiaries who participated in the Vienna negotiations, Gaspar Graziani (duke of Naxos and future voivode of Moldova in 1619–1620) and Ahmed *kethüda* (*beilerbeyi* of Kanisza). J. von Hammer-Purgstall, *Histoire*, vol. 8, p. 228–232. The

is nothing short than a standard *'ahdname*, containing a series of commercial issues guaranteed by the sultan's solemn oath (*yemin*). Amongst them one can find religious articles similar to those previously granted to France and Venice. The original document was rediscovered in 1808 by Hammer in the Habsburg *Geheime Hausarchiv* ("Secret Archives") in Vienna, where it is probably kept to this day²⁰. Miltitz described this capitulation as a „*commandement impérial (Lettre d'Octroi ou de Concession) du Sultan Achmet I, touchant le Commerce*”²¹, while Testa labelled it as a „*lettre-patente*”²². Both authors published French translations of the document, themselves composed after the “official” German translation of the Ottoman-Turkish text, and signalled that it remained unapproached by specialists, a situation that seems to be true even in the present day²³. Testa's translation has been used for this current study, in lack of the original text and since it appears to respect the Ottoman-Turkish formulations. Even from this twice-translated version one may easily observe the similarities between the religious articles granted to the Habsburgs, and those granted earlier to the French and Venetians.

The Imperial ambassadors' right to petition the sultan on behalf of the monks in Jerusalem was not conditioned by the pre-existence of capitulatory stipulations. Examples of such actions can be found even in the sixteenth century. On 16 *Zi'l-ka'ade* 992/19 November 1584, after a petition by the ambassador “from Vienna” (*Peç*), sultan Murad III decreed that local authorities in Damascus should allow the monks to repair the Church of the Holy Sepulchre in Jerusalem²⁴. It seems that the ambassador of the sultan's main European rival was entitled to present such petitions even if the existing capitulations did not mention anything about religious protection. In fact, the explicit right of foreign ambassadors to represent the Catholic Church's interests in the Ottoman Empire was inserted in treaties beginning with those signed at Karlowitz, in 1699²⁵.

Habsburg embassy is also mentioned by K. Çelebi, *Fezleke*, vol. 1, p. 385, reproduced also by M. Naima, *Tarih*, vol. 1, p. 316.

²⁰ Hammer identified fifty articles, without reproducing the text, and claimed that this was the oldest commercial treaty between the two empires. But having been ignored by both parties, it became unknown, so that the Habsburg diplomats had no recollection of it during the Karlowitz negotiations, eight decades later. J. von Hammer-Purgstall, *Histoire*, vol. 8, p. 250; vol. 13, p. 31; *Idem, Geschichte des Osmanischen Reiches*, vol. 4, Pesta, 1827, p. 488, n. f (this latter reference is omitted in the French translation).

²¹ Alexandre de Miltitz, *Manuel des consuls*, vol. 2, pt. 2, book 3, London, 1842, p. 1413–1421. Mentioned also in Gabriel Noradounghian, *Recueil d'actes internationaux de l'Empire Ottoman*, vol. 1, Paris, Librairie Cotillon, 1897, p. 42: “*firman de privilèges commerciaux en faveur des marchands des États de l'Autriche*”.

²² Ignace de Testa, *Recueil des traités de la Porte Ottomane avec les puissances étrangères*, vol. 9, par A. de Testa et L. de Testa, Paris, 1898, p. 29–37.

²³ A short reference to Miltitz's text at F. Rey, *La protection*, p. 317, n. 2.

²⁴ Uriel Heyd, *Ottoman Documents on Palestine, 1552–1615. A Study of the Firman according to the Mühimme Defteri*, Oxford, 1960, doc. 121, p. 180.

²⁵ *Mu'ahadat mecmu'asi*, vol. 3, p. 92–103 (Habsburg treaty); Dariusz Kołodziejczyk, *Ottoman-Polish Diplomatic Relations (15th–18th Century). An Annotated Edition of 'Ahdnames and Other Documents*, Leiden, 2000, doc. 59, p. 587–593 (Polish treaty); ASVe, MDT, doc. 1590 (Venetian treaty).

In the seventeenth century, a final Catholic state receive religious clauses in its capitulations was Poland, beginning with the *'ahdname* of 1672. In contrast to documents issued earlier in the century, these didn't apply to pilgrims going to Jerusalem, but only to the monks residing there, as well as to the Catholic population and churches of Podolia, recently conquered by the Ottomans²⁶.

Returning to the early decades of the seventeenth century and the reign of Ahmed I, not only Catholic states obtained religious provisions in their capitulations, but also the Protestant Dutch Republic, in the *'ahdname* issued on *eva'il-i Cemazi'l-evvel* 1021/1–9 July 1612. Following the already established model of capitulations granted to other European states, this document contains a series of privileges granted by the sultan which framed the Ottoman Empire's relations with the Republic. Among mostly commercial articles some religious clauses were also inserted, in which the Protestant affiliation of the Dutch was highlighted. The original document, obtained by the ambassador Cornelius Haga²⁷, is still preserved in the *Nationaal Archief* in the Hague²⁸, with its text being published by A.H. de Groot²⁹, and revised by H. Theunissen³⁰ and B. Arı (after a copy found in C. Haga's register)³¹. The religious articles of 1612 were included without any modifications in the later *'ahdnames* of 1634 and 1680³².

For an overall view and better comparison, here are the religious articles concerning the pilgrimage to Jerusalem, awarded to the four European states in the first half seventeenth century:

“and those subjects of the emperor of France and those of Christian rulers in friendship with him, who come and go with safety and forgiveness to visit the Noble Jerusalem, shall not be hindered and molested” (*ve Fransa padişahının re'ayasından ve onunla dostluk üzere olan nasarı hakiminin re'ayasından emn ü amanla Kudüs-ü Şerif ziyaretine gelüb gidenlere dahl ü ta'aruz olunmıya*)³³ – France 1012/1604

“and those subjects of the Venetian nobles and those men of Christian rulers in friendship with them, who arrive with safety and forgiveness to visit

²⁶ D. Kołodziejczyk, *Ottoman-Polish*, doc. 52, p. 502–503; doc. 55, p. 532.

²⁷ Jan Marius Romein, “HAGA (Mr. Cornelis)”, in *Nieuw Nederlandsch Biografisch Woordenboek*, vol. 10, Leiden, 1937, p. 316–320.

²⁸ Alexander H. de Groot, “Source Materials for the History of the Middle East in the General State Archives (ARA) of the Netherlands at The Hague”, *Manuscripts of the Middle East*, 1, 1986, p. 10.

²⁹ A.H. de Groot, *The Ottoman Empire and the Dutch Republic: A History of the Earliest Diplomatic Relations, 1610–1630*, Leiden, 1978, p. 233–260.

³⁰ H. Theunissen, *Een Diplomatieke Analyse van de 'Ahd-name*, Master thesis, Universiteit Utrecht, 1984.

³¹ Bülent Arı, *The First Dutch Ambassador in Istanbul: Cornelis Haga and the Dutch Capitulations of 1612*, PhD thesis, Ankara, Bilkent Üniversitesi, 2003, facsimile at p. 319–326 (BnF, Supplément turc 118, p. 62–69), transliteration at p. 327–334.

³² The text from *gurre-i Ramazan* 1090/25 September 1680 in TSMA, Defter 7018, f. 11r – 14v; *Mu'ahadat mecmu'ası*, vol. 2, p. 95–107.

³³ *Articles du traicte*.

the Noble Jerusalem, shall not be molested by anyone” (ve *Venedik beylerinin re'ayasından ve anlar ile dostluk üzere olan nasara hakimlerinin adamlarından emn ü aman ile Kudüs-ü Şerif ziyaretine varanlara kimesne dahl eylemeyüb*)³⁴ – Venice 1012/1604

“those from the provinces of the Netherlands and those from places under their submission, who come and go with safety and forgiveness to visit the Noble Jerusalem, shall not be prevented by anyone, and the monks and others from the church named the Holy Sepulchre shall not hinder and molest them, they shall not invoke pretexts and excuses saying that ‘you are from the Luther community’, and they [the Dutch] shall visit the necessary places” (*Nederlanda vilayetlerinden ve ana tabi' olan yerlerden emn ü aman ile Kudüs-ü Şerife ziyaretine gelüb gidenlere kimesne mani' olmiya ve Kamame nam Kilisede olan keşişler ve gayrılar dahl ü ta'aruz emeyeler ve siz Luteran ta'ifesindensiz deyü ta'allul ü behane eylemeyeler ve lazım olan yerleri ziyaret etdireler*)³⁵ – the Dutch Republic 1021/1612

“those from the subjects of the Roman emperor who return to Jerusalem cannot be hindered nor molested by anyone...; they can visit all the important places and the ships by which they come to our Countries can freely and safely come and go, and must be protected (*Ceux des sujets de l'empereur romain, qui se rendront à rusalem, ne pourront être empêch ni moles par personne...; ils pourront visiter tous les lieux importants, et les bâtiments sur lesquels ils viendront dans nos Etats, pourront librement et surement arriver et partir, et devront être pro* .)”³⁶ – the Holy Roman Empire 1026/1617

Considering the similarity of these four texts, it seems that by the end of Ahmed I's reign the Ottoman imperial chancery developed a standard model for religious clauses inserted in the *ahdnames* and *nişans* awarded to European powers. Clauses referring to the monks in Jerusalem and to the reparations of the Church of the Holy Sepulchre completed the examples given above.

Some terminological aspects need to be addressed before tackling the three main issues that result from reading the religious articles. There is no distinct term for “pilgrim” in the texts of these capitulations, travellers being simply called “those from the subjects (*re'aya*) of the sovereign, who visit (*ziyaret etmek*) the Noble Jerusalem (*Kudüs-ü Şerif*)³⁷”. Later, towards the end of the seventeenth century, the capitulations will include a specific term for the places of pilgrimage, *ziyaretgah*, derived from *ziyaret* (“visit”). In other documents, even from the sixteenth and seventeenth centuries, the term *hacci* was employed to designate Christians pilgrims to Jerusalem, just as it was commonly used for Muslims going

³⁴ ASVe, MDT, doc. 1193.

³⁵ B. Ari, *The First Dutch Ambassador*, p. 325 (BnF, Suppl. turc 118, p. 68).

³⁶ I. de Testa, *Recueil*, vol. 9, p. 36. A similar translation in A. de Miltitz, *Manuel des consuls*, vol. 2, pt. 2, cartea 3, p. 1420 (art. 43).

³⁷ From the Arabic word *quds* (قدس), “holiness”. Until the fourth century of the *Hijra*, Muslims gave various other names to Jerusalem. See Shelomo Dov Goitein, “al-Kuds. A. History”, in *EI-2*, 5, 1986, p. 322–323.

to Mecca and Medina³⁸. For the sake of simplicity, this article will designate as “pilgrims” those who the capitulations mention as “visiting Jerusalem”.

One can see that only Jerusalem is mentioned as a destination for pilgrims. Bethlehem, although occurring in nearly all European translations of the capitulations, does not appear in the Ottoman-Turkish texts, therefore being most likely an apocryphal addition of the translators. Stipulations regarding Jerusalem may have consequently been applied to Bethlehem as well, since the latter was just a small village (*nahiye*) in the wider administrative unit (*sancak*) of Jerusalem³⁹, itself comprised in the Governorship of Damascus (*Şam-ı Şerif Eyaleti*)⁴⁰. Therefore, the sultan was sometimes giving orders to the *beylerbeyi* of Damascus for issues regarding Christians in Jerusalem or Bethlehem.

1. The pilgrims’ political allegiance forms a first stopping point in our investigation.

The subjects of those sovereigns who received privileges from the Ottoman sultans were obviously the main beneficiaries of the religious articles. As such, the capitulations guaranteed safety of travel to Jerusalem firstly to the subjects of France, Venice, the Dutch Republic and the Holy Roman Empire. Apart from them, in the French and Venetians ones there is a second category of people to which this privilege was extended: the subjects of those Christian leaders, “friends” with the French king and Venetian doge. They were in fact subjects of European states which did not have their own capitulations and diplomatic representatives in the Ottoman Empire (“the group of enemies without ambassadors of their own”—*müstakil elçileri olmayan harbi ta’ifesi*) and, therefore, had to seek out third parties for consular protection. Religious clauses stipulated that these foreigners were tolerated in virtue of the “friendship” (*dostluk*) of their respective sovereigns with those who already entered formal relations with the Ottoman Empire. The concept of friendship played an important role in Ottoman-European relations, being invoked as a reason for renewing the capitulations⁴¹. Conversely, in commercial clauses, the presence of foreigners was not conditioned by any amity, but to their sailing in Ottoman territories under the banners of a capitulatory power⁴².

³⁸ Valentina Izmirlieva, “The Tittle *hajji* and the Ottoman Vocabulary of Pilgrimage”, *Modern Greek Studies Yearbook*, 28/29, 2012/2013, p. 137–167.

³⁹ Only in 1874 Bethlem was to be promoted to a *kaza*. Tahrir Sezen, *Tahir Sezen, Osmanlı yer adları (alfabetik sırayla)*, Ankara, 2006, p. 81.

⁴⁰ Ahmed Akgündüz, *Osmanlı Kanunâmeleri ve Hukukî Tahlilleri*, vol. 9, Istanbul, 1994, p. 35.

⁴¹ A.H. de Groot, “The Historical Development of the capitulatory regime in the Ottoman Middle East from the fifteenth to the nineteenth centuries”, *Oriente Moderno*, 22, no. 3, 2003, p. 589–590, 592, 598–599; Michael Talbot, “A Treaty of Narratives: Friendship, Gifts and Diplomatic History in the British Capitulations of 1641”, *Osmanlı Araştırmaları/The Journal of Ottoman Studies*, 48, 2016, p. 366–367. In the French *ahdname* of 1740 sultan Mahmud I mentioned that “the friendship between my Sublime State and the French State is older than those with others” (*Devlet-i ‘Aliyemin França Devleti sa’irlerden ziyade kadimi dostu olub*). *Mu’ahadat mecmu’ası*, vol. 1, p. 35.

⁴² For example, in 1601 Dutch merchants had to “come and go under the banner of the queen of England” (*İngiltere kraliçesi bayrağı altında gelüb gidüb*), Feridun Bey, *Mecmu’a*, vol. 2, p. 383.

That pilgrimage and trade were closely related is revealed by the very inclusion of religious articles among the commercial ones. A diplomatic dispute between France and England over foreign merchants in the Ottoman Empire began in the last two decades of the sixteenth century. In 1604, one of the main goals of Savary de Brèves was to secure the upper hand over the English, therefore the *'ahdname* stated that except for Venetian and English merchants, all others may come to the Ottoman Empire only under the French flag⁴³. But the French ambassador didn't want just merchants to come under his king's protection, but also pilgrims. Articles in the Ottoman-Turkish text of the French 1604 capitulation, like all documents of this type issued before the Karlowitz treaties of 1699, were not numbered or precisely divided. This was done afterwards by translations, in accordance to European diplomatic practices. De Brèves' bilingual edition of the 1604 capitulations divided the text into forty-two articles, where the religious provisions regarding Jerusalem did not constitute their own separate article, instead being incorporated in article 4, dedicated to the tutelage of foreign merchants⁴⁴. Keeping this in mind, the text's interpretation should be that "like all foreign merchants in the Ottoman Empire, foreign pilgrims may come to Jerusalem only under the protection of the French king". France wanted that all foreigners, merchants and pilgrims alike, pay consulage fees to its diplomatic representatives and to no other. The link between commerce and pilgrimage will be further enunciated in the 1673 French capitulation.

The clause regarding foreign pilgrims was no innovation, but simply an official recognition of an already established practice. Even before the capitulations of 1604 Europeans of various nations travelled to Jerusalem under French protection. In 1601, English ship captain Henry Timberlake noted that his compatriots declared themselves French when entering the Holy City, "for the Turks knowe not what you mean by the worde Englishman"⁴⁵. This can be an overstretch since England received its own capitulations in 1580, but it may point out that only being a subject of the French king would guarantee a safe journey to Jerusalem. Other Englishmen of the same period, namely Fynes Moryson and William Biddulph, noted that queen Elizabeth enjoyed high esteem among the Ottomans⁴⁶. Thereby, if we give credit to all three accounts, the conclusion would be that even if England

⁴³ V. Panaite, "Two Legal Opinions (*fetvâs*) from the *Manuscrit Turc 130* (Bibliothèque nationale, Paris) on the Western non-treaty Merchants in the Ottoman Mediterranean", in F. Bilici, I. Căndea, A. Popescu (eds.), *Enjeux politiques, économiques et militaires en mer Noire (XIV^e-XXI^e siècles). Études à la mémoire de Mihail Guboglu*, Brăila, 2007, p. 169–194.

⁴⁴ Later translations did not necessarily follow de Brèves' division of articles. Even him later mentioned the religious provisions inserted in article 5, not 4, as in his bilingual publication of 1615. See note 10, above.

⁴⁵ Henry Timberlake, *A True and strange discourse of the travailes of two English Pilgrimes*, London, 1603, p. 8.

⁴⁶ Fynes Moryson, *Shakespeare's Europe. Unpublished Chapters of Fynes Moryson's Itinerary*, with an introduction and an Account of Fynes Moryson's Career by Charles Hughes, London, 1903, p. 31; William Biddulph, *The Travels of certaine Englishmen*, London, 1609, p. 37.

had its own capitulations, custom dictated that only under French protection one may come to Jerusalem.

Nonetheless, the Venetian *nişan* of 1604 also mentioned that foreign pilgrims may travel to Jerusalem under the auspices of the *Serenissima*. This reflects an even older practice, from the time when the Republic dominated the waters of the Eastern Mediterranean, before the penetration of French and English vessels in the second half of the sixteenth century. Venetian galleys were the ones which transported pilgrims to the Holy Land in the previous decades and centuries, but it seems that by the early seventeenth century, the maritime caravan stopped working⁴⁷. Fynes Moryson blamed the Ottomans' abuses for this seizure, while French diplomat Louis Deshayes de Courmenin considered that because Venetian trade dwindled, those who travelled to the Levant had to embark in Marseilles⁴⁸. Even so, there are examples of travellers on their way to Jerusalem continuing to seek the protection of Venetian diplomats⁴⁹.

In the *'ahdname* granted to the Holy Roman Emperor in 1617 no foreign pilgrims are mentioned. Until the Ottoman-Turkish text is available, one may speculate that perhaps the French editors simply omitted this provision, in the same manner they added mentions of Bethlehem or further explanations than the Ottoman text provided⁵⁰. But the more plausible explanation is that the Holy Roman Empire simply did not have the necessary means to include foreign non-treaty merchants under its protection. It did not benefit from neither the tradition, neither the consular network of France or Venice in the Eastern Mediterranean, to sustain such a claim. On the other hand, even in this capitulation pilgrimage is linked with commerce, religious articles being included between those regarding trade.

A different group of protégés is encountered in the Dutch *'ahdname* of 1612. They weren't called subjects of other Christian states, but "those from places under their submission" (*ana tabi' olan yerlerden*) instead, which probably referred to individuals coming from the incipient Dutch colonial empire⁵¹ and who may have

⁴⁷ Bernard Heyberger, *Les Chrétiens du Proche-Orient au temps de la R. forme catholique (Syrie, Liban, Palesitine, XVII^e-XVIII^e siècles)*, Rome, 1994, p. 209.

⁴⁸ Fynes Moryson, *An Itinerary Containing His Ten Yeeres Travell*, Glasgow, 1907, vol. 1 p. 447; vol. 2, p. 35-36; Louis Deshayes de Courmenin, *Voyage de Levant. Faict par le Commandement du Roy en l'ann e 1621*, Paris, 1624, p. 91-92.

⁴⁹ W. Biddulph, *Travels*, p. 117.

⁵⁰ Compare my rendition of the religious articles with those translated in: *Articles du traite 1604*; Nicolas Faret, "Histoire Chronologique. Où sont brièvement representees les choses les plus remarquables, advenueës sous le regne de Mahomet III. Achmet I. Mustapha II. & Otthoman II regnant à present", in Jacques de Lavardin, *Histoire de Georges Castriot*, Paris, 1621, p. 30; "Traicte' faict en l'annee mil six cents quatre, entre Henry le Grand Roy de France & de Navare, Et Sultan Amat Empereur des Turcs", in J. du Castel (ed.), *Relation des voyages de Monsieur de Brèves*, p. 7. This latter edition was used and popularised by I. de Testa, *Recueil*, vol. 1, p. 141-151, as well as G. Noradounghian, *Recueil*, vol. 1, p. 93-102.

⁵¹ The first Dutch governor of the East Indies was named in 1609, and in 1619, after defeating the English, the Dutch established a permanent administrative centre in Batavia (Jakarta). Jacob J. van Klaveren, *The Dutch Colonial System in the East Indies*, Dordrecht, 1983, p. 40-42; Robert Parthesius, *Dutch Ships in Tropical Waters. The Development of the Dutch East India Company (VOC) Shipping Network in Asia 1595-1600*, Amsterdam, 2010, p. 37-38.

been found in the retinue of Dutch travellers. It is unlikely that this was simply a different rendition of the expression regarding foreigners encountered in the French and Venetian capitulations. The Dutch Republic, like the Holy Roman Empire, lacked tradition and logistics for this to be possible. Until 1612, the Dutch themselves were part of the foreign non-treaty merchants group disputed by the French and English. Even after receiving their own capitulations, Dutch merchants sometimes sailed under those other nations' flags, because their consular network could not properly handle their protection. Only in 1740 the States General forbade this practice⁵².

In the second half of the seventeenth century some changes concerning foreign pilgrims were recorded in the French *'ahdname* of 1673. In contrast to the previous known capitulation, that of 1604, the religious clauses regarding Jerusalem were now the first ones to be written down, but without mentioning the foreign pilgrims, "subjects of the French king's friends". The reason for this is found in the second part of the text. It seems that the Ottomans withdrew France's tutelage over non-treaty foreigners, both merchants and pilgrims alike.

By the 1660s Ottoman-French relations had reached their nadir, with no less than three ambassadors in Istanbul (Achille de Harlay Sancy, Jean de la Haye and Denis de la Haye), having been imprisoned on various charges: failure to repay debts, helping prisoners escape or maintaining correspondence with the Porte's enemies. But probably the biggest offence was open military assistance to the Holy Roman Empire, in the battle of St. Gothard of 1664, and to Venice, in the siege of Candia of 1669⁵³. When ambassador François Olier de Nointel invoked the ancient friendship between the French kings and Ottoman sultans to renew the capitulations,

⁵² Niels Steensgaard, "Consuls and nations in the Levant from 1570 to 1650", *Scandinavian Economic History Review*, 15, nr. 1–2, 1967, p. 31–34; B. Ari, "Early Ottoman-Dutch Relations", in K. Çiçek (ed.), *The Great Ottoman-Turkish Civilization*, vol. 1, Ankara, 2000, p. 321; V. Panaite, *Diplomație occidentală*, p. 118–119.

⁵³ Silahdar Fındıklılı Ağa, *Zeyl-i Fezleke (1065-22 Ca.1106 / 1654-7 Şubat 1695)*, Nazire Karaçay Türkal (ed.), PhD thesis, Istanbul, Marmara Üniversitesi, 2012, p. 536–539; R. Knolles, *The General History of the Turkes... unto the yeare 1621*, The Third edition, London, Adam Islip, 1621, p. 1374–1377; J. von Hammer-Purgstall, *Histoire*, vol. 8, p. 248; vol. 11, p. 45–46, 229–230; Charles Schefer (ed.), *Mmoires sur l'ambassade de France en Turquie et sur le commerce des français dans le Levant*, par M. le Comte de Saint-Priest. Suivis du texte des traductions originales des Capitulations et des Traités conclus avec la Sublime Porte ottomane, Paris, Ernest Leroux, 1877, p. 205–207, 218–219, 222; Gérard Pélisié du Rausas, *Le Régime des capitulations dans l'Empire Ottoman*, vol. 1, Paris, Arthur Roussseau, 1902, p. 57–58; G.G. Florescu, "L'aspect juridique des khatt-i cherifs. Contribution à l'étude des relations de l'Empire Ottoman avec les Principautés Roumaines", *Studia et acta orientalia*, vol. 1 (1957–1958), p. 135; Charles A. Frazee, *Catholics and Sultans. The Church and the Ottoman Empire 1453–1923*, New York, Cambridge University Press, 2006 [1983], p. 83, 100. Géraud Poumarède, "Négociier près la Sublime Porte: jalons pour une nouvelle histoire des capitulations franco-ottomanes", in Lucien Bély (ed.), *L'invention de la diplomatie. Moyen Age – Temps modernes*, Paris, Presses Universitaires de France, 1998, p. 79; J. Schmidt, "French-Ottoman Relations in the Early Modern Period and the John Rylands Library mss. Turkish 45&46", *Turcica*, vol. 11, 1999, p. 380.

grand vizier Köprülüzade Fazıl Ahmed Paşa famously replied that “the French may very well be old friends, but we always find them alongside our enemies”,⁵⁴.

It is possible that during such diplomatic crises, the Ottoman sultan decided to retract French privileges concerning non-treaty foreigners. The *ahdname* issued on 10 *Safer* 1084/27 May 1673 to ambassador Nointel evokes the process through which this privilege was withdrawn, then reinstated only for pilgrims, and later re-extended also to merchants:

“Previously, those from the group of enemies without ambassadors of their own at my Gate of Felicity came and went to my Well-Protected Domains for trading and visiting (*ticaret ve ziyaret*) under the French emperor’s flag, from the time of my late and illustrious ancestors always being given the imperial permission (*izn-i hümayun*), mentioned in the covenant letters (*ahdnamelerde*) granted to the French; afterwards, some reasons were invoked so that those from the above-mentioned group be prohibited from coming (*gelmekten men*) in my Well-Protected Domains, in a general way (*külliyyet üzere*), and to be excluded from their [the French] covenant letters. Then, the French emperor having sent a letter (*name*) to the Porte, the Home of Peace, made a request, saying that ‘enemies who are prohibited from trading, if it so happens that they would continue to arrive in Jerusalem for visiting, as in the past (*ziyaretine evvelden varageldikleri*), arriving and going let them not be injured, and after some time, if those from the above-mentioned group are given the permission (*ruhsat verilir ise*) to come and go for trading, then coming and going again under the French flag they shall trade’. Out of respect for the old friendship with the Exalted Stirrup, from the time of my great forefathers and illustrious ancestors to this day, the aforementioned emperor’s request was accepted, and the exalted commands (*ferman-ı alişanları*) thus added: ‘those enemies from the Christian nations who are in friendship with the above-mentioned emperor of France, who set out on the journey to visit the Noble Jerusalem, to continue to come as before, coming and going again with safety and forgiveness in their own manner (*kendü hallerinde*), those who are visiting, in their coming and going let them not be injured and afflicted; and after some time, if those from the above-mentioned group ask to be given the imperial permission (*izn-i hümayun verilmek iktiza eder ise*) to come and go to my Well-Protected Domains for trading, then coming and going as before under the French emperor’s flag, in no way shall they be allowed to come and go under another flag (*aharın bayrağı altında gelüb gitmeğe kat’an rıza gösterlemiyе*).’⁵⁵

⁵⁴ J. von Hammer-Purgstall, *Histoire*, vol. 11, p. 346. C. Schefer (ed.), *M moires de Saint-Priest*, p. 83.

⁵⁵ *Mu’hedat mecmu’ası*, vol. 1, p. 11–12; TSMA, Defter 7018, f. 3v. French translation in Édouard de La Croix, *Les Capitulations entre l’empereur de France, et Mehemet Quatrieme empereur des Turcs, renouvelles le 5 juin 1673. Par les soins de Monsieur le Marquis de Nointel, Ambassadeur pour Sa Majesté Tres-Chrestienne à la Porte Othomane*, Marsilia, 1675. Original at BnF, Suppl. turc 827 (cf. E. Blochet, *Bibliothèque nationale de France. Catalogue des manuscrits turcs*, vol. 2, Paris, Bibliothèque nationale, p. 71).

The text mentions the past capitulations in which the sultans granted the kings of France exclusive rights over non-treaty foreigners, so that they may come to the Ottoman empire for trade and pilgrimage only under the French flag. But for reasons left untold, this privilege was at some point retracted. It seems that not only were foreigners written off the French *'ahdnames*, but that there was a general ban on them entering the Well-Protected Domains. Further on, the text mentions that a French king (Louis XIV?) sought to fix issue through a letter to the sultan (Mehmed IV?). The king first asked that foreign pilgrims be allowed back to the Ottoman empire. Subsequently, if the foreign merchants' request to resume trade is accepted, then the king also solicited that they should be allowed back only under his flag, just as before. The spirit of friendship is invoked as being the main, if not the sole reason why the sultan accepted these requests and issued a series of imperial commands, accordingly. The *'ahdname's* text then quotes the aforesaid commands which reinstated the foreign pilgrims' rights to visit Jerusalem and also the possibility that foreign merchants may return to the Ottoman empire, stressing out that this action would only be permitted by sailing under the French king's banner.

If in the capitulation of 1604 pilgrimage appeared as a by-product of trade, here, in the text of 1673, it goes the other way around, with trade being a consequence of pilgrimage. This may be simply the influence of French diplomacy, wanting to show its European Christian rivals that France's interests in the Ottoman Empire were first and foremost of a religious nature, benefitting Christendom in general, while commerce was only of secondary interest. Certainly, some questions remain answered after reading the *'ahdname* of 1673: When and why were non-treaty foreigners excluded from the French capitulations? Was there actually a general ban on them from entering the Well Protected Domains, or were they only removed from French tutelage and allowed to sail under another European power's banner? If indeed pilgrims were firstly allowed back and merchants secondly, what were the Ottomans' motivation behind this sequence? To solve these issues a deeper investigation is necessary, possibly revealing the existence of other capitulations or similar documents issued to France in the 1604–1673 interval⁵⁶.

After the text of 1673 narrates the developments regarding foreigners under French protection, it records articles newly obtained by Nointel, starting with the religious ones. Noticeably augmented from the ones of 1604, these specified that pilgrims coming to Jerusalem may be "of any origin" (*her ne cinsden olur ise*)⁵⁷, probably referring to their geo-political background. Moreover, in this new clause inserted in 1673, foreign pilgrims are referred to as "those under their [the French] submission" (*anlara tabi' olan*), similar to the formulation encountered in the Dutch capitulations (although there the "places", not the individuals, were subject to the Dutch). Previous French *'ahdnames* didn't mention any restrictions

⁵⁶ Following the hypothesis put forward by Pélisié du Rausas, historiography generally accepted that there were no *'ahdnames* given to France during this time frame. See, for example, G. Poumarede, "Négocié près la Sublime Porte", p. 78–79.

⁵⁷ *Mu'ahedat mecmu'ast*, vol. 1, p. 13.

regarding the pilgrims' origins, so long as their sovereign was a "friend" of the French and travelled under their banner. Thus, the emphasis regarding foreign pilgrim's origins appears not as a legal innovation, but as a formal confirmation of a custom, meant to prevent abuses.

More religious clauses were granted in the capitulation of 1673 concerning catholic clerics and their churches. The last *'ahdname* granted to France in 4 *Rebi'l-evvel* 1153/30 May 1740 reproduces the 1673 text, with the same clauses regarding pilgrimage, only bringing new religious articles regarding the Church of the Holy Sepulchre⁵⁸.

In the eighteenth century, other Catholic states would also receive capitulations which touched religious matters: the Kingdom of the Two Sicilies, in 1153/1740⁵⁹, and Spain, in 1196/1782⁶⁰. The clauses concerning the pilgrimage to Jerusalem are identical in both texts, but they differ quite significantly from the previous ones issued to other European powers in the previous century:

“in the question of the subjects' doctrine and as for those arriving in the Noble Jerusalem and other places for travel, let it be permitted according to the rules applied to other foreign powers” (*re'ayaların mezhebi hususunda ve Kudüs-ü Şerif ve sa'ir yerler varan seyahlar için sa'ir dost olan düvele müra'at olundığı üzere müsa'ade oluna*).

Regarding terminology, a noticeable modification occurs in the word employed to describe the pilgrimage to Jerusalem, “travels” (*seyahlar*) being used instead of “visit” (*ziyaret*). One may also notice that these clauses are shorter than the previous ones, simply engaging the most favoured nation clause⁶¹, by mentioning that the Two Sicilies and Spain will benefit from the same articles (“rules”, *müra'at*) as other foreign powers.

2. The pilgrims' religious affiliation raises a second question mark. What group of Christians did the capitulations address to in the matter of pilgrimage? Considering that Jerusalem was an important centre for pilgrimage for both Eastern and Western Christians, it is quite peculiar that Ottoman capitulations did not mention to which group where they addressed.

Except for the Dutch case, where a Protestant cult is mentioned (albeit in an improper way), the only spiritual element noted is that the sovereigns of non-treaty foreigners should be Christian (*nasara*). Since the other three receiving European

⁵⁸ *Mu'ahadat mecmu'ası*, vol. 1, p. 14–35. A French translation in 85 articles was published by Alexandre Deval, *Capitulations ou trait s anciens et nouveaux, entre la Cour de France et la Porte Ottomane, renouvel s & augment s l'an de J.C. 1740, & de l'Égire 1153*. Traduits à Constantinople par le Sieur Deval, secrétaire-interpréte du Roi, & son premier Drogman à la Cour Ottomane, Paris, 1770. The original document at Bnf, Suppl. turc 1241 (cf. E. Blochet, *Catalogue*, vol. 2, p. 208–209).

⁵⁹ *Mu'ahadat mecmu'ası*, vol. 2, p. 59; Noradounghian, *Recueil*, vol. 1, p. 272.

⁶⁰ *Mu'ahadat mecmu'ası*, vol. 1, p. 216; Noradounghian, *Recueil*, vol. 1, p. 345.

⁶¹ V. Panaite, *Război, pace și comerț*, p. 238–239.

monarchs were all Catholic, it is safe to assume that the capitulations mainly applied to Catholic pilgrims.

If in the cases of Venice and the Holy Roman Empire the Catholic factor cannot be contested, in the case of France, whose former Huguenot king Henry IV just recently converted to Catholicism, one may be more suspicious. This too can be easily overcome, because the religious article further deals with the monks of the Holy Sepulchre, who clearly couldn't have been Protestants. As we have seen previously, the French ambassador who negotiated the 1604 capitulations, Savary de Brèves, was a devoted Catholic and undoubtedly inserted these clauses for the benefit of Latin rite pilgrims. Furthermore, to eliminate any possible Protestant factor from the French *'ahdname*, we have the example of the Dutch one, where Protestantism is clearly mentioned, although not directly, but suggested from the monks' quoted accusations.

Looking at the Dutch *'ahdname* it seems that Protestant travellers to Jerusalem (not necessarily pilgrims, because some of them didn't consider themselves as such, seeing the religious devotion associated with pilgrimage simply as a "papist" idolatry⁶²) needed an extra clause since they encountered problems from the monks there, accusing them for being "Lutherans". In 1612, the population of the Dutch Republic was far from being religiously homogenous, and the official state-sponsored cult was the Reformed one, not the Lutheran one⁶³. Labelling the Dutch as "Lutherans" in the capitulation may be a sign of the Ottomans' insufficient knowledge over the Protestant doctrines' differences, but it was more likely a general term applied to all Protestants, just as *frenk* was used to describe any Westerner⁶⁴. In a letter from 1574 sultan Selim II addressed the "lords, princes and other nobles of the Lutheran sect from the countries of Flanders and Spain" (*Flandra ve İspanya memleketlerinde luteran mezhebi üzere olan beyleri ve beyzadeler ve sa'ir luteran mezhebi a'yamı*)⁶⁵. Likewise, the English ambassador in Istanbul was known as "the Lutheran ambassador" (*Luteran elçisi*)⁶⁶.

We see that the Dutch *'ahdname* does not mention the affiliation of the monks who were harassing Protestant travellers. Orthodox monks were obviously

⁶² Paris O'Donnell, "Pilgrimage or 'anti-pilgrimage'? Uses of mementoes and relics in English and Scottish narratives of travel to Jerusalem, 1596–1632", *Studies in Travel Writing*, 13, no. 2, June 2009, p. 125–139.

⁶³ Joke Spaans, "Reform in the Low Countries", in R. Po-chia Hsia (ed.), *A Companion to the Reformation World*, Malden, 2004, p. 120.

⁶⁴ Ioana Feodorov, "Les *Firang* – Francs, Européens ou catholiques? Témoignage d'un chrétien syrien du XVII^e siècle", *Orientalia Christiana Periodica*, 82, no. 1, 2016, p. 183–189; Eva Johanna Holmberg, "In the Company of Franks: British Identifications in the Early Modern Levant c. 1600", *Studies in Travel Writing*, 16, 2012, p. 363–374.

⁶⁵ Feridun Bey, *Mecmu'a*, vol. 2, p. 450–451.

⁶⁶ Susan A. Skilliter, *William Harborne and the Trade with Turkey, 1578–1582: A Documentary Study of the First Anglo-Ottoman Relations*, Oxford – New York, 1977, p. 36–38. Fynes Moryson also noted that ambassador Edward Barton (1588–1598) was known as the "Lutheran Elshi". F. Moryson, *Unpublished*, p. 28.

unlikely to have a problem with the religious adherence of the Dutch, Evidence from contemporary travel literature indicates that the instigators were in fact Catholics, the Franciscans from the Holy Saviour convent in Jerusalem who, according to custom, acted as hosts to all Western pilgrims. In 1596, Fynes Moryson and his brother chose to declare themselves as Catholics to avoid any problems. The English traveller thought that they would have been persecuted because of their beliefs and advised readers of his *Itinerary* on how to conceal their Protestant faith from Catholic clergy⁶⁷. Several years later, after the Franciscans denounced him as a spy to Ottoman local officials, merchant John Sanderson barely managed to escape imprisonment⁶⁸. Another Protestant Englishman, Henry Timberlake, was not so lucky and spent a number of days in the Jerusalem prison because of his initial refusal to accept the Franciscans' hospitality⁶⁹. Even though Englishmen, like the Dutch, were mostly Protestant, frequently travelled to the Holy Land and received abuses from the Catholic monks residing there, the English capitulations did not contain any stipulation regarding the voyage to Jerusalem, nor any religious article at all⁷⁰.

But why did the capitulations also not mention anything about the religious affiliation of the monks in Jerusalem? According to Oded Peri's plausible interpretation, it seems that the Ottomans desired, at least at the diplomatic level of the capitulations, to respect the Islamic principle according to which all non-Muslim faiths should be treated equally, thus keeping the Holy Places of Jerusalem and Bethlehem open to all Christian sects⁷¹. The *hadith* which declared that "the group of infidels forms one nation" (*kefere taifesi millet-i vahide*)⁷² was inserted in the Venetian *'ahdnames* beginning with 1513, although not referring to pilgrimage issues, but to the possibility of employing Ottoman Christians as witnesses in court⁷³. This *hadith* can also be found in some imperial commands issued by Ahmed I in issues related to Jerusalem⁷⁴.

This theological expression also had a more practical use for the Ottomans. Since the church of the Holy Sepulchre and other pilgrimage sites were important to the *sancak* of Jerusalem's economy, the Ottoman administration sought to allow

⁶⁷ F. Moryson, *Itinerary*, vol. 3, p. 410–415.

⁶⁸ John Sanderson, *The Travels of John Sanderson in the Levant, 1584–1602. With his Autobiography and Selections from his Correspondence*, edited by Sir William Foster, London, 1931, p. 122–123.

⁶⁹ H. Timberlake, *True and Strange Discourse*, p. 8.

⁷⁰ See, for example, the *'ahdname* of 1675, which includes all articles of previous texts, beginning with those of 1580: *Mu'ahadat Mecmu'ası*, vol. 1, p. 240–262; G. Noradounghian, *Recueil*, vol. 1, text 14, p. 146–169.

⁷¹ O. Peri, *Christianity under Islam*, p. 154–157.

⁷² Bruce Masters, *Christians and Jews in the Ottoman Arab World. The Roots of Secterianism*, Cambridge, 2001, p. 44; O. Peri, *Christianity under Islam*, p. 154–155.

⁷³ ASVe, MDT, doc. 161; H. Theunissen, „Ottoman-Venetian”, p. 398; A.H. de Groot, „The Historical Development”, p. 591; V. Panaite, *Război, pace și comerț*, p. 113.

⁷⁴ Daniel Goffman, „Ottoman Millets in the Early Seventeenth Century”, *New Perspectives on Turkey*, vol. 11, 1994, p. 139–140.

all groups of Christians equal access to them, to generate as much profit as possible. The law code (*kanunname*) of Jerusalem, inspired by previous Mamluk regulations, had a special section dedicated to the regulation of the Holy Sepulchre (*Kanunname-i Kumame*), listing the taxes (*resm-i Kumame*) imposed on pilgrims according to their place of origins⁷⁵. Westerners (*frenk*) were taxed the most, because they were coming from a greater distance and it was considered that they used the Ottoman empire's infrastructure more than Eastern Christians⁷⁶. While Sh.D. Goitein estimated that taxes connected with visiting the Holy Sepulchre were the most important source of revenue for the city's treasury, exceeding even revenues obtained from the *harac*, Peri showed that by the second half of the seventeenth century, taxes collected from pilgrims became much less significant⁷⁷. Even so, the economic aspect of pilgrimage was not to be overlooked by the Ottomans.

Adding to the theological and economical motives there was also a diplomatic one. In the seventeenth century the Ottoman Empire was as strong enough on the international scene not to allow other powers to interfere in its domestic affairs. Therefore, by keeping religious clauses ambiguous and theoretically treating all Christian actors as equals, the Ottoman tried to keep them from interfering in their administration of the Holy Sites in Palestine. Of course, this would not be true anymore in the following centuries.

In the treaty signed at Vienna, in 1615, and in the capitulations of other European states from the second half of the seventeenth century onwards, Catholicism is specifically pointed out. Expressions such as "the Papist religion" (*papašta dini*), "the Papist sect" (*papašta mezhebi*), "the Frankish sect" (*frenk mezhebi*), "the Franks' community" (*efrenc ta'ifesi*), "subordinates of the Pope of Rome" (*Rim papağa mensub olan*) etc. were used to point out Catholics from the larger Christianity. But only rarely was a direct connection been made between Catholicism and the monks in Jerusalem, a specific case being that of the French 1673 *'ahdname*. We also find an instance where Ottoman Catholic subjects (*latin millet re'ayası*) are clearly specified, in the Polish capitulation of 1089/1678⁷⁸.

3. Travel conditions represent a third aspect of clauses regarding the pilgrimage to Jerusalem in the Ottoman capitulations of the seventeenth century. The documents granted to France, Venice, the Dutch Republic and probably also that of the Holy Roman Empire, contain the expression "coming and going in safety and forgiveness to visit the Noble Jerusalem" (*emn ü aman ile Kudüs-ü*

⁷⁵ A. Akgündüz, *Osmanlı Kanunâmeleri*, vol. 8, p. 655–656. Translations in R. Mantran, J. Sauvaget, *Règlements fiscaux ottomans. Les provinces syriennes*, Beirut, 1951, p. 39–42; O. Peri, *Christianity under Islam*, p. 162.

⁷⁶ O. Peri, *Christianity under Islam*, p. 165.

⁷⁷ Sh. D. Goitein, "al-Kuds (A. History)", in *El-2*, vol. 5, p. 334; O. Peri, *Christianity under Islam*, p. 188–190.

⁷⁸ TSMA, Defter 7018, f. 39r; D. Kołodziejczyk, *Ottoman-Polish*, doc. 55, p. 532.

Şerif ziyaretine gelüb gidenler), which records the requirements needed to be fulfilled to safely conduct the journey. The phrase “coming and going” (*gelüb gidüb/giden*) designated a frequent and repetitive action and was often employed in the text of *ahdnames* to describe merchants’ traffic.

Non-Muslims from the *dar ül-harb* (“Abode of War”) – territories outside the realms ruled by an Islamic ruler – were considered as being potential enemies (*harbi*), exposed to *cihad*. To safely travel in the *dar ül-Islam* (“Abode of Islam”) a *harbi* needed a safe-conduct (*aman*), a temporary protection from *cihad*, and after receiving it he gained the status of *müste’min* (“holder of *aman*”), similar to that of a *zimmi* (non-Muslim subject of an Islamic ruler), but without having to pay the poll-tax (*cizye* or *harac*). In theory, Ottoman *ahdnames* carried a collective *aman*, meaning that any subject of the sovereign who received the said capitulations was entitled to safely travel in the Ottoman Empire. In practice though, an individual safe-conduct, a “passport”, in the form of a command (*izn-i hümayun*, *icazet-name*, *yol hükümü* etc.), addressed to local authorities was also required⁷⁹. Moreover, these travel permits were issued for a specific destination or itinerary and were not universal. Therefore, apart from the general permission to travel in the Well Protected Domains or to certain commercial hubs, present in virtually all capitulations, a special authorization to visit (*ziyaret etmek*) Jerusalem was included in those granted to France, Venice, the Holy Roman Empire and the Dutch Republic. This would not exempt pilgrims from also obtaining individual safe-conducts. “Passports” for Jerusalem were particularly necessary because of two reasons.

First, Jerusalem holds a special place in Islam, like in Judaism and Christianity. More specifically the eastern part of the city, the Temple Mount (*Haram al-Sharif*), where the Temples of Solomon and Herod were erected, and where the Dome of the Rock and the al-Aqsa mosque are situated in the present day, is considered holy. Even though Jerusalem is not mentioned by name in the Quran, the prophet Muhammad’s mystical journey (*miradj*), described in the seventeenth Surah, has been widely believed to take place there. Islamic tradition also asserts that the first *qibla*, the direction Muslims turn to when performing the five daily prayers, was Jerusalem, before the Conquest of Mecca⁸⁰. Considering this, Ottoman sultans upheld the maintenance of the Islamic holy sanctuaries in Jerusalem and the endorsement of the city’s Islamic character as a sacred duty⁸¹. Jerusalem’s prominence was even reflected in the sultans’ title found in capitulations. In the French and Dutch *ahdnames* of 1604 and 1612 respectively, after naming the sultan as “the servant of the noble and great cities and of the most pious and fortunate lands” (*eşraf medain ü emsar ve eberrin ve eymen diyar olan haremeyn şerifeyn hadimi*),

⁷⁹ V. Panaite, *Râzboi, pace şi comerţ*, p. 184–188, 242–248; Victor Louis Ménage, “Seven Ottoman Documents from the Reign of Mehmed II”, in S.M. Stern (ed.), *Documents from Islamic Chanceries, First Series*, Oxford, 1965, p. 81–118; S.A. Skilliter, *William Harborne*, p. 7–9, 108–109.

⁸⁰ Sh. D. Goitein, “al-Kuds. A. History”, p. 323.

⁸¹ Amnon Cohen, “The Ottoman Approach to Christians and Christianity in Sixteenth-Century Jerusalem”, *Islam and Christian-Muslim Relations*, vol. 7, no. 2, 1996, p. 211.

representing his rulership over Mecca and Medina⁸², he is then called as the “the defender and ruler of the Holy Jerusalem” (*Kudüs-ü Mübareğin hami ve hakimi*). Before conquering the Arab territories in 1517, the first realms mentioned in the sultans’ *intitulatio*/ *unvan* were those of Europe and Asia (*Rumeli ve Anadolu*)⁸³.

Second, it seems that both Ottoman officials and the local population still carried a vivid memory of the Crusades and feared a renewed attempt by the “Franks” to capture Palestine. For that reason, the city’s defensive walls, built by sultan Süleyman in the 1530s, were thoroughly maintained, and foreigners were meticulously inspected for weapons before entering Jerusalem⁸⁴. Considering the religious importance of Jerusalem and the fear of Europeans wanting to launch another crusade, special travel permits for visiting the city seem justified. One must not forget that access to the other two holy cities of Islam, Mecca and Medina (although to a lesser extent), is to this day forbidden to non-Muslims.

There are several examples of “passports” issued for the travel of Catholic and other Westerners to Jerusalem. On *evahir-ı Muharrem* 1034/3–12 November 1624, responding to the petition (‘arz) of *bailo* Giorgio Giustinian, sultan Murad IV issued two commands to the *beylerbeyis*, *kadis*, castellans (*kale dizdarları*) and port stewards (*iskele eminleri*) on the way to Jerusalem for the free passage of the Venetian consul in Egypt, Girolamo Foscarini⁸⁵. A few months earlier a similar document was prepared for the new Franciscan custodian in Jerusalem⁸⁶. For the French delegation’s journey from Istanbul to Jerusalem in 1621, led by Deshayes de Courmenin, ambassador Cèsy obtained documents from *şeyhülislam* Hoca Sadettinzade Mehmed Esad Efendi⁸⁷ and *kaymakam* Sofu Mehmed⁸⁸:

⁸² J. Redhouse, *A Turkish and English Lexicon*, Beirut, 1987, p. 780. In the sixteenth century Ottoman sultans did not make use of the de caliph (*halife*) title. Einar Wigen, “Ottoman Concepts of Empire”, *Contributions to the History of Concepts*, vol. 8, nr. 1, 2013, p. 49–51. On the other hand Ahmed I sometimes used this title to imply that he was the leader of all Muslims. Tijana Krstić, “Contesting Subjecthood and Sovereignty in Ottoman Galata in the Age of Confessionalization: The Carazo Affair, 1613–1617”, *Oriente Moderno*, vol. 93, 2013, p. 443–448.

⁸³ D. Kołodziejczyk, *Ottoman-Polish*, p. 15–17. In his letter of *eva’il-i Rebi’l-ahur* 932/15–24 January 1526, to the French king Francis I, Süleyman first declared that he was “the sultan and emperor of the Mediterranean Sea, the Black Sea, Rumelia and Anatolia”, while the three holy cities of Islam were mentioned, along with the other Arab provinces, towards the end of the *unvan*. BnF, DM, Supplément turc 1638, f. 122.

⁸⁴ Droor Ze’evi, *An Ottoman Century. The District of Jerusalem in the 1600s*, Albany, State University of New York Press, 1996, p. 20.

⁸⁵ S. Mumcu, *Venedik Baylosu*, doc. 412, doc. 413, p. 194–195. After completing the pilgrimage, the consul returned to Venice in 1626, and new orders needed to be issued for this journey. S. Mumcu, *Venedik Baylosu*, doc. 485–487, p. 218–219. A sixteenth century original safe-conduct for Jerusalem is preserved at ASVe, MDT, doc. 401. See also S.A. Skilliter, *William Harborne*, p. 131–133.

⁸⁶ S. Mumcu, *Venedik Baylosu*, doc. 391, p. 187.

⁸⁷ İsmail Hami Danişmend, *İzhalı Osmanlı Tarihi Kronolojisi*, vol. 5: *Osmanlı Devlet Erkanı*, İstanbul, Türkiye Yayınevi, 1971, p. 121–122; Abdülkadir Altunsu, *Osmanlı Şeyülislamları*, Ankara, Ayyıldız Matbaası, 1972, p. 58–59; Münir Aktepe, “Esad Efendi, Hoca zâde”, in *İA*, vol. 11, 1995, p. 340–341.

⁸⁸ Mehmed Süreyya, *Sicill-i Osmani*, yayına hazırlayan Nuri Akbayar, eski yazadan aktaran Seyit Ali Kahraman, vol. 4, İstanbul, Tarih Vakfı Yayınları, 1996, p. 1073; vol. 6, p. 1745.

“M. de Cesy fit voir les Ministres du Grand Seigneur au Sieur Deshayes... luy donnerent des lettres pour les Officiers de Hierusalem... Le Moufty aussi autorisa son voyage par le moyen de la loy, & luy donna des Fetfas, sur tout ce qu’il avoit à negocier en Hierusalem; de sorte que le Caimacam, qui commandoit en l’absence du Grand Visier, luy ayant fait expédier un passeport tres-ample, portant commandement à tous les Beglerbeis & Sangiacbeis, de le faire accompagner dans leurs Jurisdictions par cinquante chevaux, & de prendre garde à sa seur .”⁸⁹

Because both sultan Osman II and grand vizier Ohrili Hüseyin Paşa⁹⁰ were at that time away from Istanbul, warring with Poland⁹¹, the travel documents were signed by the remaining Ottoman officials in the capital. Besides the usual commands to local officials, this specific voyage was also sanctioned by the highest Ottoman religious authority, the grand mufti (*şeyhülislam*), through a *fetva*. The journey of a foreign diplomat and his retinue was not an ordinary event and proper measures had to be taken.

But receiving safe-conducts for the journey to Jerusalem was not preconditioned by the presence of such stipulations in the capitulations, since we also encounter documents of this type delivered to English subjects. In 1601, before France and Venice obtained their religious articles, merchant John Sanderson secured a travel permit from sultan Murad III: “I had with me at my departure from Constantinople the Great Turk his letter to the Basshawe of Jerusalem”⁹². Travellers who could not obtain safe-conducts from the sultan or other high dignitaries in Istanbul requested them directly from local officials. Upon arrival in Palestine, foreigners were supposed to obtain documents from the *subaşi* of Ramla (*Ramma*) before continuing their journey towards the Holy City. In 1596, Fynes Moryson’s group did not even leave the ship anchored in the port of Jaffa, “the pilgrim’s harbour”, before obtaining permission from Ramla, and once they arrived there, they had to pay the *subaşi* “for tribute, or rather for our safe conduct”⁹³. Thus, the Ottoman official granted *aman* to foreign travellers for the journey to Jerusalem. A receipt (*tezkere*) was most likely issued, as George Sandys recalls that he could not leave Alexandria before obtaining a “tesccaria” from the *kadi*⁹⁴.

Road taxes imposed on pilgrims on their way to Jerusalem were not addressed in capitulations granted to Western European states in the seventeenth century. Travel literature again offers insight upon this important aspect of pilgrimage. Foreigners were repeatedly demanded to pay a certain tax called *kaffara* or *gafar*, which appears in French and English accounts as “cafare”,

⁸⁹ L. Deshayes de Courmenin, *Voyage*, p. 299.

⁹⁰ İ.H. Danişmend, *İzhalı*, vol. 5, p. 31.

⁹¹ Colin Imber, *The Ottoman Empire, 1300–1650. The Structure of Power*, Hampshire – New York, 2002, p. 77–78.

⁹² J. Sanderson, *Travels*, p. 121.

⁹³ F. Moryson, *Itinerary*, vol. 1, p. 462, 465.

⁹⁴ George Sandys, *A Relation of a Journey begun An. Dom. 1610*, 2nd edition, London, 1621, p. 115.

“caphar” etc. *Kaffara* in Islamic law is an “expiatory and propitiatory act which grants remission for faults of some gravity”, usually voluntary, but in more serious cases it may be imposed by a *kadi*. It shares a common root with term *kafir* (“infidel”), originally meaning “to cover (sins)”⁹⁵. Having this in mind, a road tax named *kaffara* imposed on non-Muslims also represented an *aman*, a temporary safe-conduct, without which safe travel through Islamic territories was not guaranteed. Amnon Cohen showed that in the sixteenth century *ghafar* or *ghafare* was a tax applied to non-Muslims on imported goods and it was not a lump sum, but the rates were proportionally established by the central government in Istanbul. Moreover, it seems that Christians had to pay bigger sums than Jews⁹⁶. Documents analysed by Peri show that pilgrims spent considerable amounts of money on “passage and protection tolls (*bac-ı tarik ve gafar*)” on the way to Jerusalem⁹⁷.

From the time of Süleyman I local villagers and tribesmen were given the task of protecting roads in Syria and Palestine, and in exchange they were entitled to collect taxes from travellers. It seems that the Abu Ghosh tribe was put in charge of the road from Ramla to Jerusalem⁹⁸. In 1621, Deshayes de Courmenin confirmed this practice, saying that after Süleyman (sic!) conquered Palestine, the “Turks” entrusted the “Moors” with guarding the roads from plundering “Arabs”⁹⁹. Travellers observed that the tax was usually demanded in places where the road got narrow or steep, as in gorges or mountainous areas. Dror Ze’evi has shown that *kaffara* sometimes seemed illegal to foreigners because locals would demand more than it was due and, of course, impostors would unrightfully demand payment time and time again¹⁰⁰. In 1601 William Biddulph remarked that armed “Turks and Arabs” demanded “Caphar or tole money” and he advised resistance only against “theeves”, but the “polling officers” should be obeyed¹⁰¹. Moryson thought that the *subaşı* of Ramla’s safe-conduct should also cover the payment of any other tributes, including *kaffara*, insistently demanded by “Arabs and Moors”¹⁰².

Different other travellers noted the payment of this road tax to nomads. William Lithgow stated that on the road from Iskedenrun (*Alexandretta*) to Aleppo he encountered “some poore and miserable people called Turcomani, living in tents... to whom I payed sundry Caffars” and that nearing Jerusalem a “king of the

⁹⁵ Joseph Chelhod, “Kaffara”, in *EL-2*, vol. 4, 1978, p. 406–407; Joseph Shacht, *An Introduction to Islamic Law*, Oxford, 1982, p. 129, 165.

⁹⁶ A. Cohen, “The Ottoman Approach”, p. 206.

⁹⁷ O. Peri, *Christianity under Islam*, p. 169.

⁹⁸ Sh. D. Goitein, “al-Kuds”, p. 334.

⁹⁹ L. Deshayes de Courmenin, *Voyage*, p. 333–334. Far from identifying all Muslims as “Turks”, travellers from this period observed differences between people named as “Turks”, “Moors”, “Arabs”, although these labels do not necessarily correspond with current notions. Nabil Matar, *Turks, Moors and Englishmen in the Age of Discovery*, New York, 1999, p. 7–8.

¹⁰⁰ D. Ze’evi, *Ottoman Century*, p. 13–14.

¹⁰¹ W. Biddulph, *Travels*, p. 99–100. Later (p. 113), he had to pay “Caphar” twice to „certaine theeves”.

¹⁰² F. Moryson, *Unpublished*, p. 18.

Arabs” came to demand tribute from his party¹⁰³. Likewise, Biddulph noted that the “kings of the Arabs” were taxing caravans¹⁰⁴. Bruce Masters identified these nomad leaders with chieftains from the Mawali tribe, who were entrusted with guarding caravans travelling to Baghdad¹⁰⁵. Traveller George Sandys observed the link between Ottoman officials and local leaders. He recorded how the *sancakbeyi* of Gaza sent word in advance to a certain “Sheck of the Arabs” so that the Englishman would not be taxed yet again, while the *sancakbeyi* of Jerusalem was payed so that another local “sheik” would protect Sandys from the “Wild Arabs” looting along the road to the Dead Sea¹⁰⁶. Direct payments to Ottoman officials were also made on the road from Egypt to Jerusalem, along the Mediterranean shoreline, which was also the way followed by the annual caravan which transported Muslim pilgrims to Mecca and Medina. *Kaffara* was payed at three fortresses manned by Ottoman soldiers in Katia, Arish and Raffa/Khan Yunis¹⁰⁷. Other places where this tax was received directly by Ottoman officials were Gaza and Ma’arra/Misrin, near Aleppo.

European pilgrims and travellers going to Jerusalem on the “classic” rout from Jaffa via Ramla employed a certain Ottoman Christian to guide them. The fee for his services also included the *kaffara* tax, which the guide was supposed to pay to those entitled to, on behalf of his customers. Both Moryson, in 1596, and Sandys, in 1610, seem to have travelled in the company of the same guide, a Christian from Ramla, associate of the Catholic monks in Jerusalem. Sandys called him “Attala”, said that he was Greek and an interpreter of the Franciscan custodian (“Drugaman to the Pater-guardian”)¹⁰⁸, while Moryson said that he was a Maronite and that “Atalla” was in fact the name of his profession (“whom the Italians call Drogomano”)¹⁰⁹. Leaving Jerusalem, Sandys employed a different guide to travel with to Tripoli in Syria, also paying him for *kaffara*. But on the road, some “Moors” forced him to pay the tax once more, and the Englishman was convinced that they were dispatched by the vengeful Attala¹¹⁰. A couple of decades later, in 1621, Deshayes de Courmenin also noted that “Attala” was a Christian from Ramla, whom the Franciscan custodian entrusted with bringing pilgrims from Jaffa to Jerusalem, but he didn’t accompany the French diplomat, sending his son, Isa, instead (“*le fils de l’Attala, nomm Issa*”)¹¹¹. “Atala from Ramla” and his son are

¹⁰³ William Lithgow, *The Totall Discourse of The Rare Adventures & Painefull Peregrinations of long Nineteene Yeares Travayles*, Glasgow, 1906, p. 176, 202.

¹⁰⁴ W. Biddulph, *Travels*, p. 98.

¹⁰⁵ B. Masters, “Aleppo: The Ottoman Empire’s Caravan City”, in E. Eldem, D. Goffman, B. Masters, *The Ottoman City between East and West. Aleppo, Izmir and Istanbul*, Cambridge, 1999, p. 45.

¹⁰⁶ G. Sandys, *Travels*, p. 153, 197.

¹⁰⁷ The three “castles” are written as “Catga, Arris, Raphaell” by H. Timberlake, *True and Strange Discourse*, p. 4–5 and as “Catie, Arissa, Haniones” by G. Sandys, *Travels*, p. 140.

¹⁰⁸ G. Sandys, *Travels*, p. 153.

¹⁰⁹ F. Moryson, *Itinerary*, vol. 1, p. 463.

¹¹⁰ G. Sandys, *Travels*, p. 202.

¹¹¹ L. Deshayes de Courmenin, *Voiage*, p. 333–334.

also mention by de Brèves' secretary, Vivot de Banon, during their trip to Palestine in 1605¹¹².

Some information points out that *kaffara* was only gathered from foreign Christians and not also from subjects of the sultan. Sandys noted that near Acra a garrison "remitted our Caphar, using to take four dollars apeece of the stranger Christians"¹¹³. More explicitly, Lithgow observed that locals were demanding *kaffara* only from the "Franks of Christendome", and not from the Armenians, his travel companions:

„from the Armenians, they could not, nor would not seeke any tribute, because they were tributary slaves and subjects to the great Turke: neither also of any other Christiane borne in his dominions, when they shall happen to fall into their hands."¹¹⁴

The Scottish traveller considered that this tax was imposed only of foreign, Western Christians, while the Eastern ones, being subjects of the sultan, were exempted since they already were "tributary slaves", probably meaning that they already payed a tribute, the *cizye*. Lithgow's assertion might be true since, as we have previously seen, the Ottoman lawbooks (*kanunname*) also applied different tax rates on foreign and local Christians.

We find mentions of *kaffara* imposed on Christians in Palestine even in more recent centuries. Abraham Rees' nineteenth century encyclopaedia defined "caphar" as:

„a toll, or duty, imposed by the Turks on the Christian merchants who carry or send merchandises from Aleppo to Jerusalem. The caphar was first settled by the Christians themselves, when masters of the Holy Land, for the support of troops and forces posted in the more difficult passes, to watch the Arabs, and prevent their pillages. But the Turks, who have continued, and even raised the toll, abuse it; exacting arbitrary sums of the Christian merchants and travellers, on pretence of guarding them from the Arabs, with whom they yet frequently keep an understanding, and even favour their robberies."¹¹⁵

Its purpose now seems to be the taxation of trade between Aleppo and Jerusalem, which in the previous centuries was of no great significance, because Jerusalem's commercial revenues were very low¹¹⁶. However, abuses are signalled once again. Rees affirmed that Christians were the first to introduce "caphar"

¹¹² J. du Castel (ed.), *Relation*, p. 87, 106.

¹¹³ G. Sandys, *Travels*, p. 217.

¹¹⁴ W. Lithgow, *The Totall Discourse*, p. 201.

¹¹⁵ Abraham Rees, *The Cyclopaedia; or, Universal Dictionary of Arts, Sciences, and Literature*, Illustrated with Numerous Engravings by the Most Distinguished Artists, in thirty-nine volumes, vol. 6, London, 1819.

¹¹⁶ Sh. D. Goitein, "al-Kuds", p. 334.

during the Crusades, but the Ottomans were now robbing Christians, hand in hand with the “Arabs” whom they were supposed to fight off. Thus, the author considered that a beneficial tax introduced by Christians had been corrupted by the current Muslim rulers of Palestine.

In her study on nineteenth century Western Africa, G. Lydon identified “ghāfar (meaning ‘pardon’): Type of customs duty or tax imposed by local emirs on caravaners who crossed their territories”¹¹⁷. The tax was charged by warrior nomads up to the twentieth century, even from Muslims. Mainly imposed on caravans, the *ghafar* seems to have become a sort of a customs duty, differing in this aspect from the road tax of the Ottoman Empire¹¹⁸.

Capitulations granted to Western European states in the seventeenth century did not include stipulations regarding the pilgrimage to Jerusalem such as road taxes or travel documents. But peace agreements with Russia, beginning with that of 1682 and continuing with those of the next century, contain this kind of provisions. The *‘ahdname* of 1093/1682 mentioned a “passport” (*yol emr-i şerif*) that was to be given, according to the law” (*kanun üzere*), to Russian subjects visiting Jerusalem¹¹⁹. The treaty signed at Istanbul in 1112/1700 stipulated that they were to be exempted from paying the poll-tax (*harac*), customs duty (*gümruk*), fees for travel permits (*yol kağıdlar*), and providing “gifts” (*pişkeş*) to Ottoman authorities. In 1133/1720 these provisions were further extended with the specification that Russian pilgrims were guaranteed safety as long as they followed the common-used roads (*doğru yollar*) and did not divert from them (*gelince doğru yerden sapmıyub*)¹²⁰. Article 11 of the Belgrade Treaty signed in 1152/1739 awarded Russian subjects the most favoured nation’s clause, specifying that when visiting Jerusalem, they would not be charged with paying “the poll tax or any other type of tax” (*cizye ve bir türlü vergi*), and were to be provided with “all the other necessary travel orders” (*başka iktiza eden yol emrleri*), just as they were given to “other foreigners” (*sa’ir müste’minlere*). Finally, article 8 of the treaty signed at Küçük Kaynarca in 1188/1774, also specified the issuing of travel documents (*firmanlar ve yol emrleri*) for pilgrims, again invoking the treatment applied to subjects of other foreign powers (*sa’ir düvelin re’ayalarına*)¹²¹. Like the capitulations granted to Catholic states in the early seventeenth century, these

¹¹⁷ Ghislaine Lydon, *On Trans-Saharan Trails. Islamic Law, Trade Networks and Cross-Cultural Exchange in Nineteenth-Century Western Africa*, Cambridge, 2009, p. XVIII.

¹¹⁸ G. Lydon, *Trans-Saharan Trails*, p. 268–270.

¹¹⁹ Feridun Bey, *Mecmu’a*, vol. 2, p. 307–310; Brickford O’Brien, “Russia and Turkey, 1677–1681: The Treaty of Bakhchisarai”, *Russian Review*, 12, no. 4, Oct. 1953, p. 259–268.

¹²⁰ Avoiding “hidden roads” (*mahuf yollar*), was previously addressed to Polish merchants in the *‘ahdnames* of 1607 and 1623, by which the Ottomans actually intended to prevent tax evasion. V. Panaite, “Trade and Merchants in the Ottoman-Polish ‘Ahdnâmes (1489–1699)”, in K. Çiçek (ed.), *The Great Ottoman-Turkish Civilisation*, vol. 2, Ankara, 2000, p. 180; *Idem*, *Diplomație occidentală*, p. 147–148, 205.

¹²¹ The Ottoman-Turkish texts of treaties signed with Russia during 1700–1774 were published in *Mu’ahadat mecmu’ası*, vol. 3, p. 209–275.

Russian treaties did not mention the religious affiliation of those visiting Jerusalem, but just their political one: “those from the countries of Moscow” (*Moskov vilayetlerinden*); “the Muscovite community” (*Moskov ta’ifesi*) etc. The Ottoman-Turkish texts did not make any connection between the faith of Russian subjects and those of Eastern Christians subjects of the sultan¹²².

In *ahdnames* granted to Western European states commercial clauses specified that the poll tax, the paying of which was equivalent with the status of *zimmi*¹²³, would not be imposed on merchants. It does not appear in relation to the Jerusalem pilgrimage. Likewise, provisions included in the Russian peace treaties regarding other taxes or travel documents are not found in the capitulations of France, Venice, the Holy Roman Empire or the Dutch Republic. Some assumptions can be put forward¹²⁴: Western ambassadors did not consider abuses regarding road taxes or travel documents important enough to go through the trouble of inserting such clauses in the capitulations and resorted to address them by requesting precise imperial commands; or perhaps the Russians, due to their common affiliation to Eastern Christianity, were more likely to be confused with *zimmi*s, and thus charged with paying the poll tax on their way to Jerusalem.

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All things considered, we may conclude that the provisions first inserted in the French *ahdname* of 1604 regarding the protection of pilgrims visiting Jerusalem formed the model for articles inserted in the capitulations of future Catholic powers, as well as a Protestant one. The Russian stipulations, even those of the 1682 *ahdname*, clearly do not follow the model established earlier in the century, during the reign of Ahmed I. The first religious articles of the early seventeenth century were strictly related to Jerusalem and were not applicable to the whole territory of the Ottoman Empire. Through these capitulations foreign powers did not exert a general protection over all Catholics in the Well Protected Domains, but only over those visiting Jerusalem and the monks residing there. The

¹²² R.H. Davison, “Russian Skill”, p. 463–483; *Idem*, “The ‘Dosografa’ Church in the Treaty of Küçük Kaynarca”, *Bulletin of the School of Oriental and African Studies, University of London*, 41, no. 1, 1979, p. 46–52.

¹²³ “*Dans l’Empire ottoman, le paiement de l’impôt est le principal (et parfois le seul) signe de la soumission à un Etat central*”. B. Heyberger, *Les Chrétiens du Proche-Orient*, p. 45. On the other hand, M. van den Boogert does not link exemption from the *cizye* with the unspecified amount of time a foreigner was allowed to reside in the Ottoman Empire without being considered a *zimmi*. Maurits H. van den Boogert, *The Capitulations and the Ottoman Legal System. Qadis, Consuls and Beraths in the 18th Century*, Leiden – Boston, 2005, p. 30–33.

¹²⁴ The language barrier posed by studies developed by Russian/Soviet scholars seem to have prevented their use by international researchers of the Ottoman Empire. Chapters dedicated to Russian capitulations or peace treaties are either missing or briefly summarised in works dedicated to Ottoman capitulations.

geographic limit was omitted in the Vienna treaties of 1615–1616, however those religious articles covered only Catholic clergy, not laymen.

The scarce formulations of the first religious clauses generate a series of conclusions. First, Ottoman capitulations suggest a close link between trade and pilgrimage on the diplomatic level, with religious clauses appearing more as annexes of the religious ones granted by the sultans to European sovereigns. This is especially true with regards to France, where protecting pilgrims went hand in hand with protecting merchants, as the 1673 *'ahdname* evidently describes. Second, the fact that the pilgrims' religious affiliation was not mentioned by the capitulations confirms the hypothesis according to which the Ottomans were seeking to keep the Christian Holy Places open to all factions and not to promote one in the detriment of another, at least at the diplomatic level. Third, it remains strange that capitulations granted to Western, mostly Catholic European states did not include more provisions regarding the pilgrimage to Jerusalem, as found in later Russian peace agreements. As information from travel literature has shown, Catholic travellers were also expected to obtain travel documents and pay road taxes, often being exposed to abuses, but for one reason or the other Western ambassadors in Istanbul did not insert clauses regarding these aspects in the *'ahdnames*. The lack of precise formulation in the capitulations of the seventeenth century allowed Ottoman authorities more flexibility in dealing with non-Muslims, both *zimmis* and foreigners alike.

