


## The Definition and the Development of the Religious Protectorate of France in the Ottoman Lands

*Osmanlı Topraklarında Fransa'nın Dini Himayeciliğinin Tanımı ve Gelişimi*

### Buğra POYRAZ

Doktora Öğrencisi, Paris 8 Üniversitesi, Fransız Jeopolitik Enstitüsü  
PhD., The University of Paris VIII, French Institute of Geopolitics, Saint-Denis, France.  
[bugrapoyraz@gmail.com](mailto:bugrapoyraz@gmail.com)  
 0000-0002-4910-7330

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## The Definition and the Development of the Religious Protectorate of France in the Ottoman Lands\*

**Abstract** The aim of this study is to emphasize the position of France as the Protector of Catholics living on the lands of the Ottoman Empire, starting with Latin Catholics, and the development of this position, in accordance with the articles of capitulations given to this country. France was able to maintain its influence in the region by acting as the Protector of the Eastern Catholics, holding this prestigious and priority title among other European powers, giving the impression of establishing a visible alliance with the Papacy; and through this, the ambassadors of France had ceremonial and honorary privileges in the capital of the Ottoman Empire. With the religious Protectorate of France in the East, the issue of Eastern Christians emerged for the first time, and these communities became a tool to increase France's influence in the East. France represented not only Catholic clergy, but also the Catholic institutions such as schools, hospitals, orphanages and lay people before the Ottoman administration and solved the legal problems between them. Although France tried to extend its protection from Catholics to all Christians, this was not accepted by the Ottoman administration. As a matter of fact, the existence of the Greek and Armenian communities, which were the components of the Ottoman Millet System, made this request of France impossible.

**Keywords:** History of Islam, Christianity, Eastern Catholics, non-Muslims, the Religious Protectorate.

### *Osmanlı Topraklarında Fransa'nın Dini Himayeciliğinin Tanımı ve Gelişimi*

**Öz** Bu çalışmanın amacı, Fransa'ya verilen kapitülasyonların maddeleri uyarınca, bu ülkenin Latin Katoliklerden başlayarak, Osmanlı İmparatorluğu toprakları üzerinde yaşayan Katoliklerin himayecisi olma rolünü üstlenmesi ve bu rolün gelişimi üzerine durmaktır. Fransa, Doğu'daki Katoliklerin hamisi rolüyle bu bölgedeki etkisini devam ettirebilmekte, diğer Avrupalı güçlerin arasında bu prestijli ve öncelikli unvana sahip olmakta, Papalık ile görünür bir ittifak kurmuş izlenimi vermekte ve Fransa'nın büyükelçileri Osmanlı İmparatorluğu başkentindeki bazı törensel ve onursal ayrıcalıklara sahip olmaktadır. Fransa'nın Doğu'daki dini himayeciliği ile Doğu'daki Hristiyanlar konusu da ilk defa şekillenmeye başlamış, bu cemaatler Fransa'nın Doğu'daki etkisini arttırma yolunda bir araç haline gelmişlerdi. Fransa, Osmanlı idaresi nezdinde sadece Katolik ruhbanları değil, bunların kurdukları okul, hastane, yetimhane gibi kurumları ve cemaat üyeleri de temsil etmekte ve bunların arasındaki hukuki sorunları çözmekteydi. Fransa, Katoliklere yönelik himayesinin kapsamını tüm Hristiyanları içine alacak şekilde genişletmeye gayret etse de bu talep Osmanlı yönetimi tarafından yanıt bulmadı. Nitekim Osmanlı Millet Sistemi'nin öğeleri olan Osmanlı vatandaşı Rum ve Ermeni cemaatlerinin varlığı bunu imkânsız kılıyordu.

**Anahtar Kelimeler:** İslam Tarihi, Hristiyanlık, Doğu Katolikleri, Gayrimüslimler, Dini Himaye.

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## Introduction

This research aims to define the development of the religious protectorate of France upon the Catholics living in the Ottoman territories. This protectorate generates from the regime of capitulations.

The capitulations mean the privileges which are granted to the foreign countries to protect their subjects for vital rights like commerce, travel, personal and religious rights.<sup>1</sup> The capitulation word derives from Latin verb of *Capitulare* which means agreeing. In the modern Italian language, the word *Capitolazione* means treaty. The term has a meaning of reciprocity; however, the Ottoman capitulations have been unilateral privileges granted to France and later to other states, but naturally Ottomans had commercial and social expectations by granting these privileges. The Italian verb *Capitolare* means, instead, surrendering (in a war). In the Ottoman official legal literature meaning of capitulations was “*uhûd-ı atika*”, “*muahedât-ı atika*”, “*imtiyazât-ı atika*” and “*imtiyazât-ı ecnebiye*”.

Through the capitulations, foreigners were encouraged to come and reside in the Ottoman lands. The houses of foreigners were under the legal immunity of consuls. The first country which benefitted from the capitulations has been France; and after France, the Ottoman administration granted other capitulations to following European powers: England, Germany, Austrian-Hungarian Empire and the Italian governments (Republic of Venice, Kingdom of Naples, Grand Duchess of Tuscany, Kingdom of Sardinia and two kingdoms of Sicily). So, these foreigners conserved their vital rights and almost completely stayed out of *kadis*' jurisdiction. Thanks to the commercial advantages of the capitulations, small merchant groups could become big economic colonies.<sup>2</sup> According to Arıkan, the capitulations have been created for ensuring the security of properties and lives of the non-Muslim residences of the Muslim states, whom the law of *sharia* could not be applied.<sup>3</sup>

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<sup>1</sup> The definitions of *Capitulation* and *Frenk* made by the *American Journal of International Law* in an anonymous editorial note: “*The capitulations grant rights of ex-territoriality to Christians residing or traveling in Mohammedan countries. They are undoubtedly rooted in the radical distinction between Mohammedanism, which acknowledges the Koran as the only source of human legislation and the only law for the government of human affairs, and the western systems of jurisprudence, which are animated by the equitable and philosophical principles of Roman law and Christian civilization. But their accepted foundation in international law is in the treaty made with the French in 1535, which guaranteed that French consuls and ministers might hear and determine civil and criminal causes between French men without the interference of a Kadi or any other person. After this treaty the French took under their protection persons of other nationalities not represented by consuls, and hence the generic name of "Franks" was given to all participants to these privileges.*” “*The Attempt of Turkey to Abrogate the Capitulations.*” *The American Journal of International Law*, 8/4 (1914), 874.

<sup>2</sup> Rinaldo Marmara, *La Chiesa Latina Cattolica di Costantinopoli - Da Bisanzio ad oggi*. (İstanbul: Latin Katolik Ruhani Reisliği, 2011), 179.

<sup>3</sup> Zeki Arıkan, “1536 Kapitülasyonları ve Cumhuriyet İdeolojisi.” *Ankara Üniversitesi Dil ve Tarih-Coğrafya Fakültesi Tarih Bölümü Tarih Araştırmaları Dergisi*, 24/37 (2005), 13.

The first privileges granted by the Ottomans were mostly economical; and the content of these capitulations was very limited. By the time, the content of capitulations became wider. The first capitulations given by Ottomans were the monopoly of the alum, an essential element for textile production, granted to Genoese merchants,<sup>4</sup> with the aim of having their friendship as support for Orhan's struggle against Venetians.<sup>5</sup> Another expectation of granting any monopoly or commercial privileges was to stimulate foreign trade and income.<sup>6</sup>

During the reign of Mehmed II, the countries which asked for commercial rights have not been rejected.<sup>7</sup> The Genoese merchant community, which was doing trade before the conquest of Constantinople, asked Mehmed II to continue their commercial activities. Mehmed II stipulated the Treaty of Galata<sup>8</sup> ensuring them for not confiscating their properties, goods and not restricting them to change their religion, so that they could practice their faith freely.<sup>9</sup>

It was natural for the Ottomans to allow the Genoese community in 1453 and the Venetians residing in Pera in 1454 to retain many of the immunities of jurisdiction which they had enjoyed under the Byzantine Empire. In fact, the Venetians had obtained quite similar privileges two centuries earlier, through the Ayyubid ruler Melek-el-Adel, the Sultan of Egypt, and also from the Seljuk Sultan of Konya.

These treaties were the predecessors and prototypes of the Capitulations of 1536 but not the direct sources. The treaty of 1536 between the Ottoman administration and France was the official start of the regime of capitulations which was established *in perpetuo* by the treaty of 1740, in contrast with earlier conventions which were deemed to remain in vigor only during the reign of the Sultan who signed them. The new appointed Sultans were ratifying the capitulations signed by his predecessors.<sup>10</sup>

It is possible to divide the capitulations into 3 groups according to their coverage and periodization:

1- The period of the limited privileges (until 1536)

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<sup>4</sup> Aybars Pamir, "Kapitülasyon Kavramı ve Osmanlı Devleti'ne Etkileri." *Ankara Üniversitesi Hukuk Fakültesi Dergisi*, 51/2 (2002), 86.

<sup>5</sup> Halil İnalcık, "Orhan - Osmanlı padişahı (1324-1362)" *TDV İslam Ansiklopedisi*. (İstanbul: Türkiye Diyanet Vakfı, 2007), 33/380.

<sup>6</sup> Abdurrahman Bozkurt, "Fransa'nın Osmanlı Devleti'ndeki Katolikleri Himaye Hakkı ve Bunun Sona Ermesi" *Tarih Dergisi* 52/2 (2010), 123.

<sup>7</sup> Mahmut Şakiroğlu, "Fatih Sultan Mehmet'in Galatalılara Verdiği Fermanın Türkçe Metinleri." *Tarih Araştırmaları Dergisi* 14/25 (1942), 211.

<sup>8</sup> *Tr. Galata Ahitnamesi*

<sup>9</sup> Şakiroğlu, "Fatih Sultan Mehmet'in Galatalılara", 123.

<sup>10</sup> Philip Marshall Brown, "The Capitulations." *Foreign Affairs* 1/ 4 (1923), 77.

2-The period of the Capitulations of wide coverage (from the Capitulations of 1536 of Suleiman I which required to be renewed by all the Sultans after their enthronement, until the stipulation of the permanent Capitulations in 1740)

3-The period of the permanent Capitulations (from 1740 until the Treaty of Lausanne which caused the abolishment of the Capitulations in 1923)

The regular diplomatic contacts between France and the Ottoman Empire started when Francis I was defeated and taken prisoner after the battle of Pavia against Charles Quint (24<sup>th</sup> February 1525). When Francis I was in prison in Madrid, her mother sent a messenger to Suleiman I and did an agreement with the Ottoman administration. The Sultan accepted to help Francis I but meanwhile the French King is saved from the prison thanks to the Treaty of Madrid. Francis I sent a messenger to Suleiman I with the proposal of allying their powers against Charles Quint. This rapprochement between Francis I and Suleiman I caused a negative reaction from the Christian people (in France) and Francis I started to defend the rights of Christian religious men and merchants in Orient, in order to remove this impression. First, Francis I stipulated a commercial treaty with the Ottoman Empire in 1528 to promote the commerce of France. This treaty was the initial step of the 1536 capitulations.<sup>11</sup> Francis I sent a messenger by the name of Rançon to Suleiman I to ask the restitution of a church to Christians which has been transformed into mosque in Jerusalem; but Suleiman I rejected this proposal. This incident can be considered as the first of attempt of France to become the protector of Christians living in Ottoman lands.<sup>12</sup>

### **The Capitulations of 1536<sup>13</sup>**

The most famous Capitulations granted to France have been stipulated by the Grand Vizier Ibrahim Pasha and the Ambassador of Francis I, Jean de La Forest, who has been the first ambassador of France in Constantinople.<sup>14</sup> The treaty of 1536 was consisting of 15 articles and it was aiming the friendship and commerce between two states. The period of this treaty coincides the most glorious era of the Ottoman Empire; and it grants unilateral privileges to France in order to improve the friendship between the two countries. The treaty text in Ottoman was not found and it is possible the reach the French versions of the text, but without original signatures. This raised discussions if this treaty was just a legend by scholars like Gaston Zeller.<sup>15</sup> However,

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<sup>11</sup> Marmara, *La Chiesa Latina Cattolica*, 180.

<sup>12</sup> Şakiroğlu, "Fatih Sultan Mehmet'in Galatalılar", 125.

<sup>13</sup> In some sources, the year of these capitulations is given as 1535. According to Soysal, the French consul Jean de La Forest joined the expedition of Irakeyn together with the Ottoman army and stipulated these capitulations on the way of return, in February 1536. İsmail Soysal, "Türk - Fransız Diplomasi Münasebetlerinin İlk Devresi", *Tarih Dergisi* 3/5 - 6 (1952), 77-78.

<sup>14</sup> Soysal, "Türk - Fransız Diplomasi", 73.

<sup>15</sup> Gaston Zeller, "Une légende qui a la vie dure: Les Capitulations de 1535" *Revue d'histoire moderne et contemporaine* (1954-), 2/2 (1955), 127-132.

according to Turkish scholars like Zeki Arıkan,<sup>16</sup> the letters of Jean de la Forest and the draft text quoted by historians like Gabriel Noradounghian Efendi<sup>17</sup> are evidences of this treaty. Noradounghian Efendi quoted the complete text of this treaty from the draft which is exposed today at the Museum of Renaissance at Écouen, in France. In this draft, it is possible to view all of the 15 articles. This treaty is annexed also to the *Külliyyat-ı Kavanin* Collection of Ottoman treaties, laws and decrees edited by Sarkis Karakoç. Karakoç states that he quoted this text from Noradounghian Efendi.<sup>18</sup> (Also see Baron Ignaz/Ignace de Testa, "Recueil des Traités de la Porte Ottoman, t. I, pp. 16-32, "Traité de Paix, d'Amitié et de Commerce", as well the "Appendice" with N° 1, 2, 3, and 4).

The treaty or Capitulation granted in 1536 by Suleiman to "Jean de la Forêt, Counselor Secretary and Ambassador of very excellent and very powerful Prince Francis, by the grace of God, King of very Christian France" gave to France the rank of Sultan's first Allied Power and the right of protecting its religious interests.<sup>19</sup> The treaty itself stipulates "the religious freedom of King's subjects and certain guarantees against the forced apostasy."

Prior to this treaty, in 1528, the Sultan Suleiman did not hesitate to renew the privileges given to France and Catalans during the reign of the Mamluk Sultanate.

The articles of the Treaty related to the issue of religious protectorate are:

Art. 6 – Regarding the religion, it is promised that the merchants and their agents and servants, and all other subjects of the King can never be molested or judged by the *Kadı, Sancak Beyi, Subaşı* or others from the Ottoman administration or detained by Ottomans. Observing the own religion will be legit (for the subjects of the King of France).

Art. 11. Paragraph 2 - The King of France has appointed His Holiness the Pope, the King of England, (who is) his brother and the perpetual confederate, and the King of Scotland who are allowed to send their rectification (for this treaty, if any) to the Great Lord and take his (treaty text) within eight months.<sup>20</sup>

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<sup>16</sup> Zeki Arıkan. "1536 Kapitülasyonları", 11-28.

<sup>17</sup> Gabriel Noradounghian, *Recueil d'Actes internationaux de l'Empire Ottoman: Traités, conventions, arrangements, déclarations, protocoles, procès-verbaux, firmans, bérats, lettres patentes et autres documents relatifs au droit public extérieur de la Turquie*. (Istanbul: F. Pichon, 1897). 1/83-87.

<sup>18</sup> Sarkis Karakoç, *Külliyyât-ı kavânîn: kavânîn ve nizâmât ve ferâmîn ve berevât ve irâdât-ı seniyye ile muâhedât ve umûma ait mukâvelâtı muhtevidir. Fihrist-i tarihi*. Edited by Mehmet Akif Aydın. (İstanbul: Türk Tarih Kurumu, 2006)

<sup>19</sup> "Formal diplomatic relations between the two countries were established with the appointment of La Forest as first resident ambassador at the Porte and the perpetuation of the office by subsequent appointments." De Lamar Jensen. "The Ottoman Turks in Sixteenth Century French Diplomacy." *The Sixteenth Century Journal* 16/4 (1985), 456-457.

<sup>20</sup> Georges Outrey, *Etudes pratiques sur le protectorat religieux de la France en Orient* (Istanbul: Editions Isis, 2014), 219.

We see that by the 11<sup>th</sup> article the French King gives to the Sovereign Head of the Catholic Church (the Pope) the option of becoming a contracting party; so, the Pope could intervene, from the beginning of the official relations of France with the Ottoman Empire, in favor of his religious interests of Catholicity.

These capitulations granted many rights to France, such as having a permanent ambassador in Istanbul, establishing its juridical system, freedom of travel and commerce for French merchants, religious freedom and the exception of taxes of French citizens for the first 10 years of their residence in the Ottoman lands. In this treaty, there are two main gains of France: the freedom of commerce and the freedom of residence. Ottoman juridical authorities like *kadis* and *subaşı*s could not judge a French subject if not in the presence of an interpreter (dragoman) of the French Embassy. Through the renewals of the capitulations by the following Sultans, some modifications have been made on the articles about the commercial privileges, however the right of residence of foreigners continued without any changes and this right is granted also to some other European countries.

The religious and juridical freedom of Christians has been assured for the first time thanks to the 6<sup>th</sup> article of this treaty. According to this, all the Christians were exempted from the jurisdiction of *kadis* who judge according to the *sharia*.<sup>21</sup> If a subject protected by the French King would have committed any crime which needed a punishment, the case had to be escalated to the Ottoman administration. If the case happened out of Istanbul, it had to be escalated to the highest authority appointed by the Sultan in that region.<sup>22</sup> The French subjects could not be considered Muslims if they do not define themselves Muslim. This article means also the freedom of faith and worship. Since the establishment of the Ottoman state, non-Muslim subjects had always certain freedoms but thanks to this treaty, this immunity became official in the written form. The privileges which are defined in this treaty are not reciprocal and gave diplomatic, juridical and religious rights to France. However, these privileges endure since the signing of the treaty until the death of the signing Ottoman Sultan. After the death of the French King, if the Ottoman Sultan was still alive, the Capitulations were still standing. For example, Francis I died in 1547, and the 1536 Capitulations were abolished with the death of Suleiman I in 1566. The privileges which are granted by these capitulations were dependent on the good will of Suleiman I and had to be re-approved by his successors. Selim II in 1569, Murad III in 1581, Mehmed II in 1597, Ahmed I in 1604 re-approved them.

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<sup>21</sup> Belkıs Konan, "Osmanlı Devleti'nde Kapitülasyonlar Çerçevesinde Yabancıların Din ve Vicdan Özgürlüğü" *Ankara Üniversitesi Hukuk Fakültesi Dergisi* VII (2008), 172.

<sup>22</sup> The transliteration of the 6<sup>th</sup> article of the original text in Ottoman: "Fransız tacirleri ile maiyetindeki memurlar ve hademe ve efradı saire, din ve mezhebe ait hususat ve meselelerden dolayı kadılar, sancakbeyleri ve subaşılar tarafından muhakeme edilemeyeceklerdir. Bu gibi meseleleri hal be fasl etmek Bâb-ı Âliye ait olacaktır. Vicdan arzusu ile İslam olmayan ve bunu itiraf etmeyen hiçbir Fransız İslam sayılmayacaktır. İtirafın tazyiksiz ve cebirsiz olması şarttır." Borrowed from Konan, "Osmanlı Devletinde Kapitülasyonlar...", 172-173.

The states which did not have any treaty with the Ottoman administration, appealed France in order to have their citizens benefit from the capitulations of 1536. This situation strengthened the position of France in Orient<sup>23</sup> and increased the economic advantages of French consuls in the Ottoman lands.

### **The Renewal of Capitulations**

As a result of the death of the signatories, the former capitulations were abolished and during the reign of Selim II they had to be renewed upon the request of France. The rights which were granted to France through the capitulations have been confirmed as of 18<sup>th</sup> October 1569 and by this new treaty the commercial and juridical rights of France increased.<sup>24</sup> In the text of this treaty, the article of “duration until the death of signatories” was not included. According to Bozkurt,<sup>25</sup> this was a diplomatic fault of Selim II and his diplomats. The absence of an article related to the duration of the capitulations of 1569 could render them permanent. France, anyhow, preferred to ask Ottomans to renew the capitulations after the enthronement of the new Sultans, by widening their coverage.

The treaty of 1569 has been stipulated among Selim II and the French King Charles IX. According to this, French citizens and those who are protected by France were exempted from taxes and they would have benefitted the same privileges which are granted to the Venetians through the capitulations.<sup>26</sup>

Through these capitulations, France assured its privileged position in the Ottoman lands.

When Sultan Murad III renewed the capitulations in 1581, the ambassador of the King of France Henry III, Baron de Germigny requested from the Ottoman administration to add an article to the treaty, in order to give a priority to the ambassador of the King of France among other Christian princes in protocol. The same treaty was determining the ways that France was protecting other Christian nations. According to this, Europeans had to recognize the Protectorate of France and sail in the Ottoman seas with the French flag. This treaty was not permanent. When the Ottoman administration agreed to stipulate different treaties with the other countries, the Protectorate of France and its privileged role seemed very humiliating for the countries which previously were in favor of this.

The England merchants who had to sail with the French flag opposed this situation. So, the Ottoman administration stipulated a treaty with England in 1583, in order to provide the commercial and travel freedom to this country. These rights which have been given to England were identical to the ones given to France in 1581. By doing this, England freed her own commerce

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<sup>23</sup> I am preferring to use “the Orient” word for the Ottoman lands where the French Protectorate was exercised, for the simple fact that my sources in Italian and French are adopting this term.

<sup>24</sup> Zekeriyâ Türkmen, "Osmanlı Devleti'nde Kapitülasyonların Uygulanışına Toplu Bir Bakış." *OTAM*, 6 (1995), 332.

<sup>25</sup> Bozkurt, “Fransa’nın Osmanlı Devleti’ndeki Katolikleri...”, 127.

<sup>26</sup> Marmara, *La Chiesa Latina Cattolica*, 181.



in the Ottoman ports from the control of France. These capitulations opened the way also to the other European countries to ask for similar rights.

The capitulations which have been stipulated on 25<sup>th</sup> February 1597 by the Sultan Mehmed III and the French King Henry III, renewed the exemption of tax, commerce and sailing rights of France and removed the obligation of carrying French flag for the British and Venetian merchants.

The treaty which was stipulated on 20<sup>th</sup> May 1604 by Ahmed I and Henry IV determined clearly that France was the protector of the Catholics of Orient.<sup>27</sup> According to this, all the French clergy, could execute their religious tasks without any limitation or restriction. The Sultan promised also to keep the rights given to the Franciscan priests who were serving at the Holy Sepulcher Church in the Holy Land. These priests could stay in the holy places which pull Christian pilgrims during the year and they would not be restrained for worships. In the case of a lawsuit in which the Catholic clergy were involved, if the case could not be resolved *in situ*, that case had to be escalated to the Ottoman administration. The Catholic clergy would have been protected carefully. In fact, since the period of Caliph Omar, the Christians of Jerusalem and Palestine had been protected and assured for their right of worship.<sup>28</sup> Through the capitulations of 1604, these rights became permanent and official in a written form. So, through this treaty of 1604, France was not only assuring its privileges, but also confirming its position over other Christian countries which it had good relations with.

The important articles of this treaty are:

Article 4/2: 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.

Article 5: For the sake of the friendship of the French King, all the religious people who serve in the churches which are built in the ancient times in Jerusalem, Bethlehem and in other parts of Ottoman land will reside and travel in security and be welcomed, protected and helped without any reciprocity and prevention.

The essential goal of the treaty which was signed on 5<sup>th</sup> June 1673 by Murad IV and Louis XIV, was the recognition of France by the Ottoman administration as the protector of all the Catholics living in the Ottoman Empire. Despite the big effort of him, Louis XIV could not become the protector of whole Christianity in Orient, because Sultan limited his authority by recognizing the France only as the protector of Catholics.

The important articles of this treaty are:

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<sup>27</sup> Noradounghian, *Recueil d'Actes internationaux*, 1/93.

<sup>28</sup> Mark R. Cohen, "What was the Pact of Umar? A Literary- Historical Study" *Jerusalem Studies in Arabic and Islam*, 23 (1999), 100-157.

Article 2/2: For the behalf of the old friendship between the French Emperors and the Ottoman administration, the religious people who serve in the Church of Saint Sepulcher will not be disturbed in any way.

Article 43: The subjects of the Christian countries which have not an ambassador before the Ottoman administration and are friends of the French Emperor will visit the Holy Places in security and freedom.

By the late 17<sup>th</sup> century, two main institutions were at work in Constantinople for the advancement of Catholicism: the bishops appointed by the Congregation *De Propaganda Fide* and the French Ambassadors.<sup>29</sup>

At the beginning of 1680's the Ottoman Empire was preparing for the second battle of Vienna. The Pope Innocent XI called all the states of Europe to unify against the Ottoman forces but France did not take part in it. The French King then, Louis XIV did not answer the call of the Pope, for not harming the relations with the Ottoman Empire and its privileged position in the East granted to him by the capitulation treaties. So, the Ottoman Empire succeeded to isolate France from the Holy League and France continued aiming to become the protector of the Christianity in the East.<sup>30</sup>

Louis XIV abstained from entering into a formal alliance with the Ottoman Empire. He encouraged the Ottoman powers to open a new front against the Habsburgs. The conflict between the Ottoman Empire with the forces of the Holy Roman Empire was advantageous for the regional interests of France. During these sixteen years of battle which started in 1683, France maintained its neutrality.

#### **The Permanent Capitulations of 1740 and Later**

The capitulations which were signed on 28<sup>th</sup> May 1740 increased the privileges of France and rendered them permanent. Until this date, all the sultans renewed the capitulations for the period of their reign. But Sultan Mahmud I renewed the capitulations *in perpetuo* for the subjects of the King of France by giving an important responsibility to his successors. Before this, the capitulations seemed to be personal permissions given by the sultan that became invalid after his death. However, with the capitulations of 1740 this was changed. All the privileges granted to France for the holy places, religious institutions and religious men became permanent and its superior position upon other Christian countries which had missionaries and entities in the Ottoman lands has been reconfirmed forever.

According to 17<sup>th</sup> article, the ambassadors of the King of France had priority among other ambassadors; 56<sup>th</sup> article allowed French merchants to export from the Ottoman territory any

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<sup>29</sup> Charles A. Frazee, *Catholics and Sultans: The Church and the Ottoman Empire 1453-1923*. (Cambridge: Cambridge University Press, 2006), 102.

<sup>30</sup> Ertuğrul Acartürk - Ramazan Kılıç, "Osmanlı Devleti'nde Kapitülasyonların İktisadi ve Siyasi Perspektiften Analizi" *Hacettepe Üniversitesi İktisadi ve İdari Bilimler Fakültesi Dergisi* 29/2 (2011), 8.

good they wish except the prohibited ones. Through the 59<sup>th</sup> article Ottoman state opened all the seas to French merchants by granting also the possibility of using the Danube and Don rivers which were closed for commercial navigation until that day for the international trade. By the 83<sup>rd</sup> article, France became the most privileged country; according to this article, France could benefit from all the rights which were given and will be given to the other countries.<sup>31</sup>

The French consuls became responsible of restoration for the holy places in Jerusalem in which the French religious men were living; and when one of these places required repair, the French consul had to appeal the Ottoman court. According to Bozkurt, only the Caliph could give permission for repairing the Churches in the Muslim lands as the *sharia* was requiring, however, this treaty was urging the Sultan to give permission of repair when he was appealed through the French consuls.<sup>32</sup>

Hereafter France was not just the protector of the Latin Catholic clergy, lay people and institutions but it was the supreme authority and in a wide coverage the owner of all the Catholic pious foundations, schools, hospitals, orphanages, churches, convents and similar places of all the Catholic Churches (Assyrian Catholic, Chaldean, Armenian Catholic, Maronites, Byzantine Catholics – so called Melchites and Bulgarian Catholics) in the Ottoman Lands.<sup>33</sup>

The capitulations of 1740 were the last version of the capitulation treaties between France and Ottoman Empire. These were not renewed but confirmed by the commercial agreements of 1802, 1838 and 1861.

The important articles of this treaty are:

Article 32/2: The bishops who depend on France and other religious men who profess the religion of the Franks, of whatever nation or place they are, as long as they act in that capacity, shall not be retained from the exercise of their duties within the boundaries of our empire where they have lived for a long time.

Article 34: French citizens or any citizen who are under the Protection of France will not be retained from travelling to Jerusalem. (Same with the 41<sup>st</sup> article of 1673 Capitulations).

Article 35: Two French orders, Capuchins and Jesuits who reside in Galata will continue to keep their two churches and become the owner of these. As one of them is burnt, will be rebuilt and kept by Capuchins as it was before. Nobody will disturb them about this issue.

Article 36: The merchants who are residing in Galata will not be offended for reading the Bible.

Article 40: French consuls, religious men and merchants can produce wine in their houses or import them for personal use.

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<sup>31</sup> Noradounghian, *Recueil d'Actes internationaux*, 1 /277-300.

<sup>32</sup> Bozkurt, "Fransa'nın Osmanlı Devleti'ndeki Katolikleri", 130.

<sup>33</sup> Canan Seyfeli, "Osmanlı Devlet Salnamelerinde Katolik Ermeniler (1847-1918)" *Folklor/Edebiyat* 18/69 (2012), 149.

The permanent Capitulations of 1740 have been confirmed again by the 2<sup>nd</sup> article of the Treaty of Paris, signed on 25<sup>th</sup> June 1802. All the treaties and capitulations which determined the relations between two countries and were stipulated before the war, entered into force again. This treaty had the article of reciprocity and the commercial rights which were given to France had been valid for Ottomans in the French seas and lands.<sup>34</sup>

The 32<sup>nd</sup> article of the capitulations of 1740 which confirmed and extended the content of the capitulations of 1536, 1569, 1604 and 1673, allowed France to become the protector of all the Catholic religious men, of any nationality.

In this treaty the role of the dragomans is defined as the representatives of ambassadors and consuls. As we have seen previously, the protection that France exerts on “*Frenks*” that is to say foreigners irrespective of nationality is deriving from the content of the capitulations.

The non-Muslim Ottomans, like Europeans who settled in the Empire were rarely appealing to the Ottoman authorities, except paying taxes, doing a change in their civil status or going to *kadis* for their grievances. European colonies were completely independent from the country's administrative bodies.

At the request of the Consuls, the legations in Constantinople got *Berats* from the Ottoman administration, which granted them the benefits of being protected foreigners. These documents were giving to the owners the right of exemption of taxes and immunity for the Ottoman law and *kadis*' jurisdiction. The holders of *Berats* are called *Berath*.

These people and their families could not be investigated and detained by the Ottoman authorities. French consuls were distributing *berats* to the dragomans and merchants, so they could benefit of being “protected people”. However, the Ottoman administration limited the number of Ottoman non-muslim subjects who could be hired by the French Embassy as 15, and allowed the Ottoman subjects to be hired by the French merchants from any non-Muslim community, even from Jews. The protected people by *berats* were called *mahmis* and the financial benefits of this privileged class enhanced year by year.

Subsequently, with the weakening of the Ottoman administration, the regime of capitulations was extended to the other European powers: England 1580, Netherlands 1612, Austria 1615 and Prussia 1761. But it was the big neighbor, Russia, which exercised the most pernicious influence for Constantinople. Indeed, the Russians, by provoking certain groups in the direction of secession, indisposed the Ottoman administration which, in 1853, reacted strongly by refusing to allow Saint Petersburg to increase its power over the Christians of the empire. An Anglo-Franco-Sardinian coalition then maneuvered in 1854 to stop the Russian pression and the implementation of Tanzimat rules (1856) by the Ottoman administration which brought liberal measures in community matters including in particular a statute of the minorities.

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<sup>34</sup> Serhat Kuzucu, "Rus Çarı I. Pavel Dönemi Osmanlı-Rus Siyasi İlişkileri ve Napolyon'a Karşı Ortak Mücadele" *Karadeniz Araştırmaları Dergisi*, 38 (2013), 84.

### **The Protection of the Dragomans and Employees of the Religious Institutions – The Question of *Berats* for Religious Places**

The first arrival of the Latin missionaries to the East with the purpose of converting the Eastern Orthodox Christians to Catholicism happened after the Fourth Crusade, during the Latin invasion. In 1220, Franciscan Conventual brothers came to Istanbul in order to unify the Byzantine and Roman Churches and converting to Catholicism the indigenous Orthodox Christians. The Dominican brothers also came with the same goal in the 13<sup>th</sup> century to Istanbul. Other congregations who came were Jesuits, Franciscan Capuchins, Franciscan Minors, Franciscan Observants, Lazarists, Filles de Charité, Frères des Ecoles Chrésiennes, Soeurs de Notre Dame de Sion, Soeurs et Frères Georgiens, Suore dell'Immacolata Concezione d'Ivrea, Salesiani, Suore Francescane Missionarie del Sacro Cuore, Petite Soeurs des Pauvres, Frères et Soeurs Augustins de L'Assomption, Frères Maristes, Frères Trappistes, Soeurs de Saint Joseph de l'Apparition, Soeurs de l'Immaculée Conception de Lourdes and Soeurs Franciscaines de Calais.<sup>35</sup>

In the beginning of 20<sup>th</sup> century, the number of French institutions in all the Ottoman lands was 2040. These Latin churches and their institutions were employing interpreters in order to communicate with the Ottoman authorities. These interpreters and other domestics were always Christians and subjects of the Ottoman administration.

The right deriving from the capitulations for having protégés (*Beratlıs*) who might share the privileges of the foreign consuls was first granted to France in 1673; to England and to Russia in 1675 and opened the way to tremendous political and monetary abuses. The *berats* were being sold to the non-muslim Ottoman citizen Greeks, Armenians and Jews.<sup>36</sup> The *berats* for the interpreters of consulates were issued by the *reisülküttab*, with the name of the holders. However, there were *berats* also without name and the consuls who abused these, as we may understand, did the trade of these no named ones.<sup>37</sup>

In 1806 a big number of dragomans lost their *berats*, because of an Ottoman policy change. The Ottoman administration ordered to all the protégés of France, Great Britain, Austria, Russia and Prussia, who were not residing in the Consulate area where the *berats* were issued for, to return to their cities. Disobedience would have caused to the revocation of their *berats*. Despite protests

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<sup>35</sup> Şerife Yorulmaz, "Osmanlı-Fransız İlişkileri Çerçevesinde Osmanlı Topraklarında Açılan Fransız Kültür Kurumları ve Bunların Meşruiyet Kazanması (19. yüzyıl - 20. yüzyıl başları)" *OTAM* 11 (2000), 749-763.

<sup>36</sup> "The ambassadors came to dispose of these appointments or barats for sums ranging from 2500 to 4000 piasters. One of the French ambassadors, it is stated in an official report, received more than 400,000 francs from this source. The English ambassador is said to have received 2000 Pound to 3000 Pound income from the same source. The ambassadors presumed to bestow this barat for life. They used to bribe officials even in the Sultan's household. They went so far as to issue patents of protection to whole families of Greek or Armenian subjects of the Sultan." James B. Angell. "The Turkish Capitulations" *The American Historical Review* 6/2 (1901), 257.

<sup>37</sup> İbrahim Serbestoğlu. "Zorunlu Bir Modernleşme Örneği Olarak Osmanlı Tabiiyet Kanunu" *OTAM*, 29 (2011), 198.

from the ambassadors of these nations, the Ottoman administration withdrew several dozen *berats* when their holders did not obey this order.<sup>38</sup>

The Ottoman administration, with a note dated 27<sup>th</sup> January 1852 warns the Foreign Missions operating in Aleppo about the inconformity of the Ottoman subjects who are not paying taxes, because they are hired by the Consulates in the city as interpreters, *yasakçıs* (guardians) and domestics and hold *berats*.<sup>39</sup> According to this note, such conduct of the consuls was harming the interests of the Treasury of the Ottoman administration.

The Embassy of France presented his observations and provided to the Ottoman administration the names of the heads of religious institutions, in order to protect their business relationships with local authorities and to ensure the material needs of all who live in these facilities. The ecclesiastical institutions were not paying taxes because of their religious character.

After long talks, the Ottoman administration issued the final regulations on the *berats* and protected people as of 9<sup>th</sup> August 1863. This regulation allows the Ottoman subjects to get *berats* in two ways: 1- as the interpreters, *yasakçıs* (guardians) of the General Consulates, Consulates, Vice-consulates and Consular agencies 2- Being unique interpreter and unique procurator for any foreign Christian institution.

When an Ottoman subject was claiming to be protected by France, and if he/she was not officially recognized as belonging to two categories determined by the regulation, the Ottoman administration was consulting the lists submitted by the Embassy.

The regulations which were promulgated on 9<sup>th</sup> August 1863 did not define the procurators or interpreters of the religious institutions. In principle the procurators would have dealt with sales, purchases, contracts related to the mission or other similar acts, while the latter were particularly responsible for relations with the administration of the state, but generally their role was not precisely defined nor in the Ottoman regulations, neither in the monastery registers.

However, the Embassy of France provided the list of the religious institutions which might hire interpreters and procurators and requested *berats* for these institutions from the Ottoman administration. George Outrey, who was a dragoman at the French Embassy in Constantinople, listed these religious institutions in his book which is composed by the archival material of the French Embassy in Istanbul.

At the end, we would say that, according to Outrey no religious institution has applied for the recognition of interpreters or procurators for the French protection in Constantinople.<sup>40</sup> So France could get these *berats* issued for the religious institutions, for strengthening its position over them.

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<sup>38</sup> Maurits H. van den Boogert, *The Capitulations and the Ottoman Legal System : Qadis, Consuls, and Beraths in the 18th Century, Studies in Islamic Law and Society*. (Leiden: Brill, 2005), 29.

<sup>39</sup> Outrey, *Etudes pratiques sur le protectorat*, 333.

<sup>40</sup> Outrey, *Etudes pratiques sur le protectorat...*, 348.

### **The Question of Reconstruction and Repair of Convents and Catholic Institutions**

Unlike the religious buildings of the non-Muslim Ottomans (belonging to Greeks, Armenians and Jews), the reconstruction and repair of the buildings of the Latin Catholic institutions in the Ottoman Empire have been subject to a special permission issued by the central administration. Girardelli<sup>41</sup> states that, as the legal status of these Latin sanctuaries was not simple like the Greek and Armenian churches who were Ottoman subjects, and these buildings were protected by the representatives of the major Catholic states, the matters such as the construction and repair of them were being negotiated at the highest political level; and it had to be agreed by a *firman*. The *kadi*, the *kaimakam* (prefect) and the chief architect were the authorities involved in the issue, and all had to be notified to the Supreme Court of the Empire. According to the work of Girardelli, the Chief architect was controlling the repair process and reporting his findings to the local juridical and administrative authorities.

The official recognition issue of the Catholic institutions by the Ottoman administration has never been the matter of an agreement between the Ottoman administration and the Embassy of France. The *sharia* does not allow building new churches but permits only the repair of the old ones. On the other hand, there had been Christian establishments in the East before the Ottoman conquest of the region.

Finally, it is undisputed that the "Frenks" is a term used to define the Europeans and especially the French residents or those who are covered by the French Protectorate. They found themselves, like the Ottoman Christian subjects, the owner of the Catholic religious establishments in the different parts of the country, at the times when foreigners could not yet enjoy the right of property.

Although the rights of the Latin Catholic clergy seem to be granted in the course of time by the Ottoman administration, once France has established relations with the Ottoman Empire, the Sultan has been obliged to mention these institutions in the capitulation treaties.

The capitulations of 1536 are the first sources of the official recognition the Catholic religious institutions in the Ottoman territory. The text of this treaty states that the subjects or tributaries of the King of France "will be allowed to observe their religion." It is implicitly recognizing the existence of churches in which they had to practice their religion. The renewals of the capitulations and adjustments in 1604, 1673 and 1740 confirm the same approach of the Ottoman administration.<sup>42</sup>

In some cases, the issues of repair and reconstruction of the Catholic institutions belonging to the protected *zimmis*, were included in the text of the capitulatory treatises, like the 3<sup>rd</sup> Article of the 1673 Capitulations which are allowing the Capuchins to repair their Church in Galata which

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<sup>41</sup> Paolo Girardelli, "Architecture, Identity, and Liminality: On the Use and Meaning of Catholic Spaces in Late Ottoman Istanbul" *Muqarnas* 22 (2005), 239.

<sup>42</sup> Outrey. *Etudes pratiques sur le protectorat*, 305.

was burnt. It was difficult (but not impossible) to obtain permission to build a new church on a site which had not any preexisting Christian building. In Istanbul the first Catholic example of this kind was the Church of Saint Louis, belonging to the Capuchin order, which the French ambassador Gabriel-Joseph de la Vergne built on the premises of his embassy in 1678.<sup>43</sup>

It was prohibited to increase the dimensions of a church or change its design and construction features. An inspection by the chief architect or his representative before and after reconstruction or repair was required to ensure if such limitations were respected. It was difficult, but again not entirely impossible, to obtain permission to cover non-Muslim buildings with masonry domes or vaults.

### **The Support of the Holy See for the Protectorate of France**

In the following years of the Congress of Berlin, the Catholic Church recognized the protectorate of France of Catholics in Orient with two documents. The first one is the circular named by *Aspera rerum conditio* of 22<sup>nd</sup> May 1888 published by the Congregation of De Propaganda Fide, and the second one is the letter written by Leon XIII for the Archbishop of Reims, Cardinal Langenieux on 1<sup>st</sup> August 1898.

Pope LEON XIII devoted in an obvious manner, and by official acts, the secular rights of France. On May 22, 1888, the Propaganda Fides launched the famous circular named by "Aspera Rerum Conditio" which includes this paragraph:

*... We know that for centuries the protectorate of the French nation was established in the countries of East and it was confirmed by treaties between governments. We should suggest on this, absolutely no innovation; but protect this nation wherever it is in force and must religiously maintain this; and missionaries must be informed that if they need help, they resort to consuls and other agents of the French nation.*<sup>44</sup>

Cardinal Langenieux informed the Pope about the establishment of a national committee by France in order to keep its protection rights in Orient. Through his letter to Cardinal Langenieux, dated 1<sup>st</sup> August 1898 the Pope was not contented by giving a task to France or a simple role of protector; he also obliged all the Catholics of Orient to appeal to the French ambassadors and prohibited the Catholics to appeal to the other ambassadors, except the regions which are protected by other countries, like Austria. Now France was the most important protector of Catholics and had also some honorific privileges. These privileges can be categorized in two groups: Some of them are granted by the Pope by written documents and others are assumed as customary practices. In 1742 De Propaganda Fide published a circular which granted privileges to France in Orient. This circular entered into force again in 1806, 1817 and 1848.<sup>45</sup>

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<sup>43</sup> Girardelli. "Architecture, Identity, and Liminality", 239.

<sup>44</sup> My translation from French into English.

<sup>45</sup> Marmara. *La Chiesa Latina Cattolica*, 185.



This recognition of the rights of France was confirmed also through the ceremonial honors given to the representatives of France in the Ottoman Empire. According to this, ceremonial honors which are revised and corrected by the Congregation of Propaganda in 1742:<sup>46</sup>

*"...At the entrance of the consul in charge "TE DEUM"<sup>47</sup> Hymn will be sung in the church of the mission; a place will be reserved in the church to the representative of France, the Prefect (Apostolic Prefect) will send a servant to the Consul to inform him on the hour of the celebration, the celebrant after kneeling before the altar, will bow down before the consul. The consul will not be obliged to kiss the Bible during the ceremony. The consul will be incensed separately and during the Passing of Peace ceremony, the celebrant will go to consul to greet him peace. The consul will take part in the procession with a candle given to him by an altar servant and in specified occasions, the celebrant of the consular Mass will recite the prayer for the King - later to the Republic, etc..."<sup>48</sup>*

France, in the course of centuries, has always been jealous of this privileged position. Here is a speech of French ambassador at the Holy See which was addressed to the Secretariat of State on 8<sup>th</sup> July 1825:<sup>49</sup>

*"Protecting the Catholic institutions and communities of the entire East for centuries, looks like one of its (of the crown of France) finest privileges. France is jealous of the authority and prerogatives it has acquired by so many services rendered to the religion and it needs to continue to maintain and defend it ..."<sup>50</sup>*

In the 19th century, with the weakening of the Ottoman Empire, the great European powers competed in a war of influence. Each country has its *protégés*. France, to increase its power, relies on an important missionary movement, encouraged by the governments of the Third Republic, including the most anticlerical ones. Many Catholic congregations then settled in Jerusalem, to care for, educate, take in orphans, or ... pray. This then allows France to sign the Agreements of Mytilene (in 1901) and Constantinople (in 1913) with a dying Ottoman empire, which gave to France the diplomatic protection of approximately 130 religious establishments. France therefore has an influence on two counts: the ownership of a few important sites in the Holy Lands and the general protection of religious institutions.

The collapse of the Ottoman Empire in 1918, the British Mandate established in 1922, and the creation of the State of Israel in 1948 did not abolish the Mytilene and Constantinople Agreements, by virtue of the succession of States. In 1949, they were even reaffirmed by an exchange of letters between Israel and France. But the situation has become extremely complex, and logically, the State of Israel manifests its presence in a more marked way. As a result, the affirmation of historical tradition of protectorate became more difficult to be maintained.

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<sup>46</sup> My translation from French into English.

<sup>47</sup> A long thanksgiving prayer which is today sung especially at New Year's Eve at Roman Catholic Churches.

<sup>48</sup> Outrey. *Etudes pratiques sur le protectorat*, 269.

<sup>49</sup> My translation from French into English.

<sup>50</sup> Biskupski, Ludwik. 1968. *L'Origine et L'Histoire de la Représentation Officiel du Saint-Siege en Turquie (1204 - 1967)*. İstanbul: Ümit Basımevi, 250.

### **Conclusion**

This research has shown the stages of the development of the religious Protectorate of France in parallel with the establishment of the regime of Capitulations. The first steps in the policy of alliance between France and the Ottoman administration were taken by the Ottoman Sultan Soliman I and François I through the first capitulations signed in 1536. The capitulations obtained by François I gave the King of France the right to protect the Catholic faithful, Latin missionaries, pilgrims and the Holy Places.

This Protectorate, being officially recognized by the Sultan and the Pope, targeted all Catholic Christians in the Middle East, regardless of their nationality. With the successive agreements over the centuries, the scope of religious Protectorate from France to the East has widened and has become more precise. When the capitulations were last renewed in 1740 and became permanent, France's religious Protectorate began to cover not only, in law, Latin Catholic missionaries, pilgrims and religious Catholics of all nationalities, but also the Catholic Christians of the Eastern rites, such as Armenian Catholics, Syriac Catholics, Maronites, Chaldeans etc.

The Protectorate has given to France also honorific prerogatives before the Ottoman administration. So, the Protectorate has been used as an instrument to confirm the influence of France in the East, for its political and commercial objectives and also to support the missionary activities such as French schools abroad and other tools of French cultural expansion. This exceptional position of France involves a whole series of tasks, but also honorary rights and privileges which are tangible signs of its dominant influence. In terms of tasks, we must emphasize the representatives of France - the ambassador stationed in Constantinople, then, from 1843, as a consul in Jerusalem - to assist the Latins in their disputes or requests from the Ottoman authorities. As a price for their efforts, the representatives of France reigned over the Catholic clientele and received during religious ceremonies in the Holy Land, especially in the Holy Sepulcher, meticulously codified liturgical honors which make them the most eminent foreign personalities in Jerusalem.

The Capitulations have been abrogated (by Turkey, by art. 28 of the 1923 Treaty of Lausanne) or not applied (according to art. 5 of the Syrian mandate, art. 8 of the Palestinian mandate and art. 9 of the Anglo-Iraqi Treaty). Controlling the Church and its institutions as an edifice comes down to controlling the Church as a community. This means the end of several centuries of the politics of France in the East as an instrument to establish its sovereignty within the borders of the Ottoman empire.

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## **Osmanlı Topraklarında Fransa'nın Dini Himayeciliğinin Tanımı ve Gelişimi**

**Buğra POYRAZ**

### **Genişletilmiş Özet**

Osmanlı İmparatorluğu'nun Kapitülasyonları, Osmanlı İmparatorluğu'nun çeşitli Avrupalı güçlerle yaptığı antlaşmalardır. Bunlar Osmanlı İmparatorlarının Hristiyan ülkelerin Osmanlı topraklarında bulunan vatandaşlarının yararına, onların yaşama ve çalışmalarına yönelik verdikleri hak ve imtiyazlardır.

Bu çalışmanın amacı, Kapitülasyonlar rejiminden doğan, Osmanlı topraklarında yaşayan Katolikleri kapsayan Fransa'nın dini himayeciliğinin gelişimi üzerine odaklanmaktır.

Fransa ve Osmanlı İmparatorluğu arasında diplomatik temaslar, 5. Charles ile Pavia muharebesinde karşı karşıya gelen Fransa Kralı 1. Fransua'nın yenilip esir düşmesi sonucunda vuku bulmuştur. 1. Fransua, Madrid'de hapiste iken annesi Kanuni Sultan Süleyman'a bir elçi gönderir ve Osmanlı İmparatorluğu ile bir antlaşma yapılır. Kanuni Sultan Süleyman, 1. Fransua'ya yardım etmeye razı olur ama bu sırada Fransa Kralı zaten Madrid Antlaşması sayesinde özgürlüğüne kavuşmuştur. Bundan sonra 1. Fransua, Kanuni Sultan Süleyman'a bir elçi gönderir ve 5. Charles'e karşı güçlerini birleştirerek bir ittifak yapma önerisinde bulunur. 1. Fransua ile Kanuni Sultan Süleyman arasında vuku bulan bu antlaşma (Fransa'da) Hristiyan halk tarafından olumsuz tepkiyle karşılanır. Bunun üzerine, 1. Fransua bu izlenimi silmek için Doğu'da bulunan Hristiyan din adamları ve tüccarların haklarını savunmaya başlar. 1536 yılında Osmanlı yönetimi ile Büyükelçi Jean de la Forêt arasında imzalanan antlaşma ya da kapitülasyonların bahşedilmesi ile Fransa, Osmanlı İmparatoru'nun ilk müttefiki olarak kendi dini çıkarlarını koruma hakkına haiz olur.

20. yüzyılın başına, Osmanlı İmparatorluğu topraklarındaki Fransız kurumların sayısı 2040'a ulaşır. Bu Latin kiliseleri ve onlara bağlı kurumlar Osmanlı hükümetiyle ilişkilerinin görülebilmesi için dragomanlar da istihdam ediyorlardı. Bu dragomanlar ve diğer çalışanlar her zaman Hristiyanlardı ve Osmanlı İmparatorluğu tebaasındandılar.

Konsolosların talebi üzerine, Konstantiniyye'de bulunan yabancı temsilcilikler, Osmanlı idaresinden beratlar alıyorlardı ve bu beratlar onlara himaye edilen yabancılar olmanın avantajlarını sağlıyordu. Bu belgeler sahiplerine vergi muafiyeti hakkının yanı sıra Osmanlı yasalarından ve kadıların yargılamasından muafiyet hakkı da veriyordu. Beratların sahiplerine beratlı denmekteydi.

Bu kişiler ve aileleri Osmanlı İmparatorluğu mercilerince sorgulanamaz ve tutuklanamazlardı. Fransa konsolosları dragomanlarına ve Fransız tüccarlarına beratları dağıtıyordu ve bunlara sahip olanlar "himaye edilen" kişiler olmanın avantajlarına sahip oluyorlardı. Bunun yanında Osmanlı yönetimi, himaye edilebilecek olan Osmanlı tebaasından kişilerin sayısını sınırlamıştı. Fransa Büyükelçiliği 15 kişiyi himaye edebiliyordu, ayrıca Fransız

tüccarları Osmanlı'nın gayrimüslim tebaasından istedikleri kişiyi işe alıp koruyabiliyorlardı, Yahudiler de dahil olmak üzere. Beratlar ile himaye edilen kişilere mahmiler adı da verilmekteydi ve bu öncelikli sınıfın finansal avantajları yıldan yıla çoğalmaktaydı.

19. yüzyılda Osmanlı İmparatorluğu'nun zayıflamasıyla Avrupalı kuvvetler bir tesir savaşı içerisinde rekabete tutuştular. Her ülkenin kendi himaye ettiği sınıf bulunmaktaydı. Fransa, kendi gücünü arttırmaya yönelik olarak önemli gördüğü misyonerlik hareketine güvenmişti; Üçüncü Fransa Cumhuriyeti'nin hükümetleri de, ruhban sınıfına en karşı olanlar dahi, bu hareketi destekliyordu. Bu dönemde çok sayıdaki Katolik ruhbanlık tarikatı Kudüs'e gelmiş ve burada eğitim kurumlarına, yetimhanelere sahiptiler ve kiliselerinde ibadet ediyorlardı. Bu dönemde Osmanlı İmparatorluğu yaklaşık 130 dini kuruluşa diplomatik koruma verdi. Fransa, iki alanda tesire sahip oluyordu: Kutsal Topraklarda az sayıda olan dini mekanların sahibi oluyor ve dini kurumlarının genel olarak korunmasını elde ediyordu.

1536 yılında verilen kapitülasyonlar Katolik dini kurumların resmi olarak tanınmasının ana kaynaklarıdır. Bu antlaşmanın metni, Fransa Kralı'nın vatandaşlarının ya da vergi ödeyenlerinin "dini vecibelerini yeri getirmeleri konusunda izin sahibi olduklarını" belirtir. Bu metin, onların dini vecibelerini yerine getirebilecekleri kiliselerin var olduğunu dolaylı olarak kabul etmektedir. Kapitülasyonların yenilenmeleri ve ilerleyen tarihlerde tekrar düzenlenmeleri, Osmanlı yönetiminin aynı görüşte olduğunu teyit etmektedir.

Papalık Makamı'nın gücünü organize ederek Doğu'daki Katoliklerin temsil edilmesi ve korunması konusunda kendi iddiasını öne sürmeden önce, Fransa'nın himayeciliğini desteklediğinin altının çizilmesi önemlidir.

Lozan Antlaşması'nın 28. maddesi sayesinde Avrupalı güçlere bahşedilen kapitülasyonlar tamamen sona ermiş, daha sonra ise Papalık Makamı, yerleşik olan Katoliklerin temsili için, çağdaş ve laik Türkiye Cumhuriyeti ile diplomatik ilişkiler kurmanın yeni yollarını aramak zorunda kalmıştır.

**Anahtar Kelimeler:** İslam Tarihi, Hristiyanlık, Doğu Katolikleri, Gayrimüslimler, Dini Himaye.