

A LEGAL OPINION ON WESTERN PIRACY IN THE OTTOMAN MEDITERRANEAN ABOUT THE LATE-SIXTEENTH AND EARLY-SEVENTEENTH CENTURIES¹

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The Northern pirates, such as the English and the Dutch, as soon as they entered the Mediterranean, combined piracy with trade, being fully equipped for both activities. The piracy was one of the ways to impose the English commercial interests in the Levant after 1580, in the detriment of France and Venice. The constant complaints of François Savary de Brèves about the English privateering in the Levant caused some reactions from the Ottoman authorities. A juridical opinion (*fetva*), issued by the *şeyh ül-Islam* Mehmed bin Sa'adeddin (1601–1603) and copied in the *Manuscrit Turc 130* (BNF, Division Orientale), put the question of the violent actions of the English privateers in the Mediterranean.

Key-words: Mediterranean, Ottoman, piracy, Islamic law, Levant, England, France.

The *Manuscrit Turc 130*² from the Bibliothèque Nationale de France in Paris, Division Orientale³, holds between the same covers different types of Ottoman official documents (Imperial charters,⁴ legal opinions,⁵ orders, letters, reports etc.), illustrating the legal status of Western trade and merchants into the Ottoman

¹ This is a chapter from a planned book on Western trade and merchants in the Ottoman Mediterranean during François Savary de Brèves' life time and having as a basic source the *Manuscrit Turc 130* from the Bibliothèque Nationale de France. In order to write these pages I have also used information gathered during my stay at Folger Shakespeare Library, Washington D.C., in 2005–2006, as Andrew Mellon Foundation's fellow. I would like to thank all the personnel of the Folger Shakespeare Library who helped me to enrich my documentation on the Mediterranean.

² For a detailed description of the *Manuscrit Turc 130*, see Viorel Panaite, "A French Ambassador in Istanbul and his Turkish Manuscript on Western Merchants in the Ottoman Mediterranean (late sixteenth and early seventeenth century)", RESEE, XLII, 1–4, 2004, pp. 117–132. The documents were copied from right to left from the folio 2r to folio 30v only. Then, the scribe (scribes) opened the manuscript from left to right, and transcribed all Ottoman documents from the last folio (278r) to the folio 38v.

³ Henceforward: Bibliothèque nationale de France – BNF, Division Orientale – DO.

⁴ Viorel Panaite, "Western Diplomacy, Capitulations and Ottoman Law in the Mediterranean (16th – 17th Centuries). The Diplomatic Section of the *Manuscrit Turc 130* from the Bibliothèque Nationale in Paris", in *Revue Roumaine d'Histoire*, Editura Academiei Române, Bucarest, Tome XLIV, nos. 1–4, Jan–Déc., 2005, p. 69–88.

⁵ Viorel Panaite, "Western Merchants and Ottoman Law. The Legal Section of the *Manuscrit Turc 130* from the Bibliothèque Nationale in Paris", in *Revue des Études Sud-Est Européennes*, Académie Roumaine, Institut d'Études Sud-Est Européennes, Bucarest, XLV, 1–4, 2007, p. 45–62.

dominions during the late-sixteenth and early-seventeenth centuries. More particularly, these documents offer information on Imperial Charters with commercial privileges granted to the French Kings in the second half of the sixteenth century, on the legal condition of Westerners not benefiting from a treaty, especially the Dutch merchants until the granting of their first *'ahdname* in 1612,⁶ on commercial navigation and carrying trade in the Ottoman Mediterranean,⁷ on the French consuls in the Levantine harbors, on prohibited merchandise and tax exemptions, on piracy⁸ and captives, etc.

More documents from the *Manuscrit Turc 130* (BNF, Division Orientale) offer information about the actions of North European corsairs in the Mediterranean, especially on the English ones. Among these there is a legal opinion issued by Mehmed bin Sa'adeddin, in office of *Şeyh ül-Islam* in 1601–1603.

From the bibliography on Western piracy in the Mediterranean,⁹ I would like to emphasize Kenneth Andrews's book on English privateering during the Spanish War (1585–1603), the period when the documents from the *Manuscrit Turc 130* were issued, too. The main topics analyzed in his book concern the connection between privateering and the Sea War, the privateering regulation, and materials and the men implied in this activity, be them amateurs, professionals or great merchants. Last but not least, it is important to reveal the consequences of privateering, including prizes and profits for corsairs, damages and ravages for merchants.¹⁰

The piracy was one of the ways to impose the English commercial interests in the Levant, in the detriment of both France and Venice. The English and Dutch

⁶ Viorel Panaite, "Two Legal Opinions (*Fetvâs*) from the Manuscript Turc 130 (Bibliothèque Nationale, Paris) on the Western Non-Treaty Merchants in the Ottoman Mediterranean." In *Enjeux politiques, économiques et militaires en mer Noire (XIVe–XXIe siècles), études à la mémoire de Mihail Guboglu*. Sous la direction de Faruk Bilici, Ionel Cîndea, Anca Popescu, Musée de Braïla-Éditions Istros, Braïla, 2007, p. 169–194.

⁷ Viorel Panaite, "French Commercial Navigation and Ottoman Law in the Mediterranean according to the *Manuscrit Turc 130* (Bibliothèque Nationale de France)." *Revue des Études Sud-Est Européennes*, Académie Roumaine, Institut d'Études Sud-Est Européennes, Bucarest, XLVI, 1–4, 2008, pp. 253–268.

⁸ Viorel Panaite, "French Commerce, North African Piracy and Ottoman Law in the Mediterranean (Close-Sixteenth and Early-Seventeenth Century)." *Revue Roumaine d'Histoire*. Editura Academiei Române, Bucarest, Tome XLVI, nos. 1–4, 2007, p. 69–81.

⁹ Anthony D. Alderson, "Sir Thomas Sherley's Piratical Expedition to the Aegean and his Imprisonment in Constantinople." *Oriens. Journal of the International Society for Oriental Research*, (Leiden: Brill), vol. 9, 1956: 1–40; Alberto Tenenti, *Naufrages, Corsaires et Assurances maritimes à Venise, 1591–1609*, Paris, 1959; Alberto Tenenti, *Piracy and the Decline of Venice. 1580–1615*, translated from *Venezia e i corsari, 1580–1615*, Bari, 1961); Kenneth R. Andrews, *Trade, plunder and settlement. Maritime enterprise and the genesis of the British Empire, 1480–1630*, Cambridge, New York, Cambridge University Press, 1984; David Delison Hebb, *Piracy and the English Government, 1616–1642*, Scholar Press, England, 1994; Paul Cassar, "The Maltese corsairs and the Order of St. John of Jerusalem." *Scientia*, XXIX/1–2 (Malte, 1963), 26–69; A. Tenenti, "Venezia e la pirateria nel Levante: 1300–1460" in: *Venezia e il Levante fino al secolo XV*, A. Pertusi éd., Florence, 1973, 1/2, 705–771; M. Fusaro, *Uva passa. Una guerra commerciale tra Venezia e l'Inghilterra (1540–1640)*, Venezia, 1996.

¹⁰ Kenneth R. Andrews, *Elizabethan Privateering. English Privateering during the Spanish War. 1585–1603*. Cambridge, the University Press, 1964, passim.

corsairs entered in the Mediterranean competition after 1580. Their privateering was a violent form to increase the commercial profit, and also to exclude other Western traders from the Levant. As a result, England and Holland succeeded to control the Mediterranean commerce after only thirty years of competition with Venice and France.

“Trade and plunder were inseparable in the sixteenth century.”¹¹ The Northern pirates, such as English and Dutch, as soon as they entered the Mediterranean, combined piracy with trade, being fully equipped for both activities.¹² In December 1602, the former Venetian consul in Cairo was plundered, when he was returning from Egypt, by English buccaneers from Modon. On that occasion, Agostino Nani, the retiring Venetian Ambassador in Constantinople, had a significant remark on the connection between English trade and privateers: “It will be difficult to root out the English from Zante, for there are seven English *bertoni* lying in the port, and though they are said to me merchantmen, more than one of them would not shrink from piratage.”¹³

In 1675, Jacques Savary published a work, famous for that time, titled *Le parfait négociant ou Instruction générale pour ce qui regarde le commerce de toute sorte de marchandises, tant de France que des pays étrangers* (Paris, 1675). After seventy-five years, it will be used by Wyndham Beawes to write *Lex mercatoria rediviva: or, the merchant's directory*.¹⁴ In Beawes's translation, privateers (with its synonymous ‘capers’, which are smaller vessels) are generally esteemed private ships of war, fitted out by the English sovereign or by private persons in order to harass the enemy. The Prince's consent to the private persons was only temporary and occasional. Though such appointments were ancient and very useful in a war, by distressing the enemy, yet the privateers' action could easily slip to piracy, plundering “persons and goods of innocent traders.” The English privateers operated especially during the winter months.¹⁵

¹¹ Andrews, *Elizabethan Privateering*, 15.

¹² Tenenti, *Piracy*, 61.

¹³ “I will say no more about the miserable misfortune which befell the illustrious Signor Zuanne da Mosto when, returning from his consulate in Cairo, he was plundered by English buccaneers. If the pirates are, as is reported, at Modon disposing of their booty, I will do all I can to attempt its recovery...” – wrote Agostino Nani, retiring Venetian Ambassador in Constantinople, to the Doge and Senate, in an original dispatch of the 23rd December 1602, sent from Zante (*Calendar of State Papers and Manuscripts, relating to English Affairs, Existing in the Archives and Collections of Venice and in other Libraries of Northern Italy*. Edited by Horatio F. Brown, Vol. IX: 1592–1603. London, 1897, doc. 1109).

¹⁴ Wyndham Beawes, *Lex mercatoria rediviva: or, the merchant's directory. Being a complete guide to all men in business... Containing an account of our trading companies and colonies, with their establishments, and an abstract of their charters; the duty of consuls, and the laws subsisting about aliens, naturalization and denization... Extracted from the best writers both at home and abroad; more especially from those justly celebrated ones of Messieur Savary; improved and corrected by the author's own observations, during his long continuance in trade. The whole calculated for the use and service of the merchant, lawyer, senator, and gentleman*. By.... London, Printed for the author by J. Moore, sold by E. Comyns, 1752.

¹⁵ Beawes, *Lex mercatoria rediviva*, 236–249.

In the reports of the Venetian baylos at Constantinople the Northern corsairs are constantly mentioned.¹⁶ These sources tell about the Mediterranean infested by English pirates, leagued with the Turks, and having their headquarters in Algiers.¹⁷ Moreover, the Venetian ambassadors complain of the English pirates who were current in the waters of Gallipoli.¹⁸ The English corsairs fitted out at Algiers, being provided with supplies and ‘much artillery’ by the local pasha (‘the King of that country’).¹⁹ Some imperial orders dispatched from Constantinople forbade the English trade to Tunis, or other Barbary ports frequented by pirates,²⁰ and pointed out to merchandise, such as sugar, taken from French ships and sent from Barbary for sale in England.²¹

English privateers found shelter in some Ottoman fortresses around the Mediterranean. One of these harbors was Tunis, where the pirates were usually sharing the gains from prizes with the local governor-general (*beylerbeyi*). Therefore, the French ambassador at Constantinople, François Savary de Brèves, complained to the Sultan in June 1603.²² Francesco Contarini noted all details in his report of 28 June 1603. “The *Beylerbey* of Tunis has made vast gains by keeping well with English privateers. He has been able to spend four thousand sequins on securing his removal. In Tunis the English are said to have twelve French prizes. An English *berton* arrived here with only a hundred and ten pieces of cloth. She drew off again in alarm at the great galleys. Everyone supposes her to be a privateer, and the Grand Vizier is urged to take vigorous steps against her.”²³

The Ottoman government could not manage to do much against the English privateers, because such foreign pirates used to carry away their booty under the shelter of Ottoman forts. They made terms with the governors, and sold their booty at a low price. Moreover, the Ottoman officials praised, favored and protected the English privateers. Of course, to obtain this treatment, the English brought them many presents. One of the consequences was that the legal customs suffered accordingly. The above accusations were made by the Sultan Ahmed I in the command (*hüküm*) sent to the *beylerbeyi* of Cyprus in September 1603, ordering to

¹⁶ During François Savary de Brèves’ mission, the following Venetian ambassadors resided in Constantinople: Lorenzo Bernardo (1589–1591), Matheo Zane (1593–1596), Marco Venier (1596–1599), Agostino Nani (1597–1599; 1600–1602), Francesco Contarini (1602–1604), Ottaviano Bon (1604–1607) and, then, Simone Contarini (1608–1612).

¹⁷ *State Papers. Venice*, IX, doc. 333.

¹⁸ *State Papers. Venice*, IX, doc. 371.

¹⁹ *State Papers. Venice*, IX, doc. 369.

²⁰ *State Papers. Venice*, IX, doc. 364, 367.

²¹ *State Papers. Venice*, IX, doc. 503.

²² *Calendar of State Papers and Manuscripts, relating to English Affairs, Existing in the Archives and Collections of Venice and in other Libraries of Northern Italy*. Edited by Horatio F. Brown, Vol. X: 1603–1607, London, 1900, doc. 84.

²³ *State Papers. Venice*, vol X, doc. 85.

open an enquiry and to imprison Pervis, the English privateer who had captured the Venetian ship *Balbiana*.²⁴

After the English corsairs captured and plundered French or Venetian vessels conveying merchants and merchandise, they carried on the prizes to harbors in North Africa. Being informed by the Western ambassadors, the Sultan ordered usually to the local governors to recover the goods and hand them over to the agent of the ambassadors, who actually was the bearer of the Imperial orders addressed to Ottoman local authorities. If the goods had already been sold, the officials were to extract from the English all the money coming from the sale and to punish them. Copies of such Imperial Orders to the *beylerbeyis* and *kadis* of Tunis, Algiers and Tripoli of Libya were usually enclosed in the despatches of the Venetian *baylos* at Constantinople.²⁵

The attitude to the English privateers in the Mediterranean was different.

In the Venetian and French diplomatic reports and petitions the English privateers were frequently blamed and their exclusion from the Mediterranean was asked. An instance is Agostino Nani's report of 28 October 1600: "The damage which the English continually inflict on the shipping is growing so intolerable that every Prince who is interested in the injury suffered by his vessels and subject most reasonably desires that English ships should be excluded from every harbor, for that is the only way to curb the rapacity of this people."²⁶ François Savary de Brèves suggested to King Henry IV an alliance with Venice as a possible solution for the elimination of the English pirates from the Mediterranean.²⁷

The Venetians preferred to answer by sequestrating the English capital in Venice. In an original minute of the Venetian Senate of 8 July 1600, the English commerce was appreciated as being of great importance, but accused the English ships of having committed "acts of depredation throughout the Levant, upon Venetian merchants." Actually, the privateers acted "against the Queen's expressed

²⁴ On 27 September 1603 Francesco Contarini, the Venetian baylo at Constantinople, wrote that "the English ambassador put in irons that Consul Jonah who came here some days ago from the Morea, with letters proving that he had defended Patras, and who received a present for it. He is accused of writing secretly to England to solicit the post of Ambassador here" (*State papers. Venice*, X, doc. 133, 134).

²⁵ In a report of 17 May 1603, it was noted that orders from the Sultan to the *beylerbeyi* and *kadi* of Tunis, where it was exposed the case of the English corsair Williman Piers, were enclosed in the preceding dispatch of Francesco Contarini (*State papers. Venice*, X, doc. 42).

²⁶ *State Papers. Venice*, IX, doc. 923.

²⁷ In a letter of 23rd March 1600, one can read: "de s'unir avec les Venetiens contre d'Angleterre...; "Toute le remede que j'y sache est que V.M. doibt remedier du costé d'Angleterre, ou bien s'unit avec les Seigneurs de Venize et escrire à ce Seigneur en ce sujet lui remonstrant les dommages que lesdicts Anglois font par les mers de Levant et demande à sa Haultesse qu'il soit interdict à ces Anglois de venir traficquer par ces mers, à deffault de quoy on abandonnera leur amityé" (BNF, Divison Occidentale, Ms. Fr. 16144, f. 276–288, cf. Isabelle Petitclerc, *François de Brèves, Ambassadeur de France à Constantinople*, thèse de doctorat, Université de Paris, 1988, A.N.R.T. Lille, 1989, p. 218).

intention.” The proposal to sequester the capital of English subjects in Venice was purposed for the successful defence of the Venetian trade.²⁸

The French claims were more radical. François Savary de Brèves demanded that “the English should be debarred from trading, and their alliance – the *Capitulations* of 1580 – rejected.” Practically “it was incumbent on the Turks to see that these vessels found no shelter in the ports of the Grand Signor; for, if they could not find safe harbor nor market for their spoils, they would be forced to adopt another line.”²⁹

To fight against English privateers meant for François Savary de Brèves to combat the English ambassador and consuls in the Ottoman Empire. Here is the origin of his hostile behavior toward the English colleagues. In this diplomatic conflict, the French ambassador was supported by his local friends from the juridical milieu, such as the *kadı-‘asker*, according to Girolamo Capello’s report of 29th July 1600: “In this negotiation he has made such progress that he has won over Achmet Pasha and the Capudan Pasha (*Kapudan Paşa* – o.n.), who has been reconciled with him, assisted in this by the favor of the preaching Emir and the Cadileschier, his friends.”³⁰

On the other side, the English tried to find moderate solutions to retain the English privateers in the Mediterranean. In this respect, Henry Lello, the English ambassador at the Ottoman Court, emphasized more and more frequently that the English privateers’ actions could be kept in reasonable limits only by the existence of an English – Ottoman peace agreement. If not, he warned that the consequences could be grave for the English commerce in the Levant. The corsairs would pillage the coasts and islands of the Ottoman Empire and seize the shipping of Syria and Egypt.³¹

The active presence of the English pirates in the Mediterranean, preying on the Turkish shipping, was acknowledged by the English ambassador Henry Lello (1597–1607)³² in his reports of 1603 to the English State Secretary, Robert Cecil. But he blamed Savary de Brèves’ attempts to take advantage of this situation, by bringing about a breaking between England and the Ottoman Empire to the advantage of France. He told the Turks that “the English government secretly countenanced these pirates, did nothing to prevent their depredations, and actually

²⁸ *State Papers. Venice*, IX, doc. 895.

²⁹ Information noted by Girolamo Capello in his report to the Doge and Senate of 29th July 1600 (*State Papers. Venice*, IX, doc. 903).

³⁰ *State Papers. Venice*, IX, doc. 903.

³¹ *State papers. Venice*, IX, 291.

³² Henry Lello was the English representative at Constantinople between 15 December 1597 and June 1607, as agent until 1599, and then as resident ambassador, after the public audience of 14 September 1599. He was initially sent out by the Levant Company in March 1597 to act as Edward Barton’s secretary. After the latter died, Henry Lello was in due course confirmed as ambassador at the Ottoman Court, taking over the duties of English ambassador in Constantinople in 1597.

welcomed them when they returned to England with their ill-gotten gains”.³³ At the same time, Henry Lello affirmed – rightly or not – that other pirates – some of them French – sailed under the English colors, and the Turks could not tell the difference.³⁴

In 1603, an Ottoman agent was sent to London. He arrived first in Paris, where the French tried to prevent his going to England, “lest he should discover the falsity of the French insinuations”. The correspondence between the high officials of that time is illustrative for the English view on the Levantine trade and privateering. The Ottoman envoy should go to England, because in this way one can avoid the decay of the English trade in the Levant, considered by an English official as being “the best we have in the world”.³⁵ Another English official blamed the French authorities’ double-dealing, considering that the Ottoman attitude was a kind of pressure against the conclusion of the peace between England and Spain and for keeping that war going.³⁶ In this context, there was a dispute about the Ottoman problem between King James I, who – as a good Christian – wanted to have nothing to do with the Turks, and some members of the Privy Council, “where everything is weighted in the scales of material interests”. The advisers disagreed with the King’s opinion and persuaded him to write to the sultan in order to establish friendly relations.³⁷

The Ottomans found themselves in the middle of this commercial conflict and their attitude toward the English privateers was decided by the official implied in this question. First, the Ottomans were preoccupied to verify French and Venetian allegations. In this respect, the Kapudan Pasha was regularly charged to inquire whether the French and Venetian ambassadors allegations were truthful. In a report of 29 July 1600, Girolamo Capello, the Venetian ambassador in Constantinople, noted that “the French ambassador, thanks to his continual complaints against the English ambassador on account of the mischief done by English to French vessels in these seas, has at length obtained an order instructing the Capudan Pasha to open an inquiry on the subject, and to find out if the facts alleged by the French Ambassador are true.”³⁸

The constant complaints of François Savary de Brèves about the English privateering in the Levant finally caused a stronger reaction from the Ottoman authorities. Eventually, the Sultan promised to the King of France to break out the friendly relations with England. In August 1603, Mehmed III wrote to Henri IV

³³ Maurice Lee Jr., *James I and Henri IV. An Essay in English Foreign Policy. 1603–1610*. Urbana, Chicago, London: University of Illinois Press, 1970, 30.

³⁴ Lee, *James I. Henri IV*, p. 30.

³⁵ Wilson’s letter to Robert Cecil, from 7 November 1603 (Lee, *James I. Henri IV*, p. 30).

³⁶ Parry’s letter to Robert Cecil (Lee, *James I. Henri IV*, p. 31).

³⁷ Robert Cecil’s letter to Parry, from January 1604 (Lee, *James I. Henri IV*, p. 31).

³⁸ *State Papers, Venice*, IX, doc. 903.

that “he would inform James I that English piracy must cease, or reprisals and a rupture of relations would follow.”³⁹

Moreover, the French ambassador succeeded to obtain from the *şeyh ül-Islam* a legal opinion blaming the English piracy.

In Islamic law treatises one can find certain rules concerning foreigners' piracy in the House of Islam. Thus, Muhammad ash-Shaybani had already blamed the *müste'min* group who attacked, killed or enslaved other *müste'min* in the House of Islam. If a treaty of protection was concluded with the attacked *müste'min* group, then the Muslim sovereign was obliged to protect it against other *müste'min*.⁴⁰

A *fetva*, issued by the *şeyh ül-Islam* Mehmed bin Sa'adeddin (1601–1603) at the beginning of the seventeenth century and copied in the *Manuscrit Turc 130*, refers to the violent actions of the English privateers in the Mediterranean. In Islamic legal terms it was about a *müste'min* band who made piracy in Islamic seas. May this group be forbidden to come to the Ottoman waters, and even be punished? The legal answer was affirmative. Yes, a *müste'min* band who was plundering ships of other *müste'min* groups in the Ottoman seas may be forbidden to come to the Ottoman empire and may be punished (*bu vecihle sa'y bi'l-fesâd eden taht-ı âmândan hârci olub müstahak-ı 'ukûbet-i lâzıma olurlar*).⁴¹ Here is the summarized translation of this precious legal text.

The question (*mesele*): As a consequence of their *müste'min* status, a group of foreigners enter with their ships the Well-protected Dominions (*müste'min tâ'ifesinden bir tâ'ife müste'minlik bahanesiyle gemiler ile Memâlik-i mahrûseye dahil olub*). These foreigners are not attacked by the Ottoman ships guarding the Well-protected Dominions, either when they navigate on the sea or when they enter the harbors, because they are beneficiaries of protection (*müste'mindir deyü ta'arruz olunmakla*). In practice, this band of foreigners comes to Ottoman harbors not to make commerce but to seize the ships of other Western merchants (*deryada buldukları aher müste'min ta'ifesinin... gemilerin garet eylemeyeleri ile benderlere tüccar ta'ifesi... geliüb*). The *beyt ül-mâl* is charged with establishing the damages, and whether the Muslim ships were also seized by the above privateers group. In the case of a positive result, the question for the *şeyh ül-Islam* Mehmed bin Sa'adeddin is whether the Islamic law allows the sultan to forbid the above foreigners – who are still among the *müste'mins* – to enter and leave the Well-protected Dominions.

³⁹ *Report on the Manuscripts of the Marquis of Salisbury*, vol. XV, M.S. Giuseppi and D. McN. Lockie, eds., London, 1930, 225–26, cf. Lee, *James I. Henri IV*, 30.

⁴⁰ Muhammad ibn al-Hasan ach-Chaibânî, *Le Grand Livre de la Conduite de l'État (Kitâb as-Siyar al-Kabîr)*. *Commenté par... as-Sarakhsî*. Traduit par M. Hamidullah, Editions Türkiye Diyanet Vakfı, Ankara, 1989–1991, vol. III, p. 365–6. # 3721–2.

⁴¹ BNF, DO Turc 130, f. 29v.

The answer (*el-cevâb*): This *müste'min* band – who exerts himself in making malice – is excepted from the benefit of protection (*taht-ı amandan hâric olub*), and deserves to be punished (*'ukûbet-i lâzim olurlar*).

Signature: Written by the humble Mehmed bin Sa'adeddin, God preserve his health.

To this legal opinion is added an interrelated confirmation issued by the *şeyh ül-Islam* Ebu'l Meyâmin Mustafâ Efendi (1603–4, 1616).

The question (*mesele*): Is it necessary to act according to this illustrious legal opinion? May this be explained and may it be rewarded.

The answer (*el-cevâb*): Allah knows. It is necessary (*lâzımdır*).

Signature: Written by the humble Mustafa, God preserve his health.

According to a report of Giovanni Carlo Scaramelli, Venetian Secretary in England, to the Doge and Senate, dated 1603, March 20, related how the French ambassador, François Savary de Brèves, had succeeded to obtain this kind of legal opinions against English privateers from the Grand-Mufti: "...Then inside the Straits of Gibraltar, how can the English be endured, seeing that under the guise of merchants they plunder in the very vitals of foreign dominions all the shipping they find? On this I need not enlarge further, except to say that in dispatches of December last the English Ambassador at Constantinople enclosed a decree passed by the Turks, drawn up by the Mufti on religious grounds at the instance of the French Ambassador, that English vessels shall always render an account of all goods brought and sold in Barbary and elsewhere within Turkish dominions; and the English Ambassador is charged to see the order carried out. This information is extremely disliked".⁴²

⁴² *State papers. Venice*, vol. IX, doc. 1160.