



Tadbir as Marine Diplomacy: Ottoman Foreign Jurisdiction in Practice and the Debate of Piracy in Case of Tripoli between 1790s-1835

Kerem Duymus

Universität Leipzig, Germany

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ABSTRACT

The marine diplomacy of Tripoli in the Qaramanlı era was deeply shaped by the Ottoman Foreign Jurisdiction. Yet, especially Yusuf Paşa with his tadbir (Ar.) [governing through taking measures] application carried the implication of this jurisdiction to a global tributary system that all European states as well as USA obeyed. The ignorance of the historians from Europe and USA about the Ottoman Foreign jurisdiction led them to believe that the tributary system of Tripoli was “piracy”. A thorough examination shows that actually even some European and USA consuls in the 19th century were aware of the fact that the tributary system had nothing to do with piracy, but they named this system in this way to express their dissatisfaction. In reality, Yusuf Paşa of Tripoli was successfully applying Ottoman Foreign jurisdiction in form of tributary system. Furthermore, between 1790s and 1835, he was so successful on this application that this system became a global politic in the Mediterranean without using any brute force.

التدبير كدبلوماسية بحرية: الولاية الخارجية العثمانية في الممارسة في حالة طرابلس قبل عام 1835

كيرم دويموس

جامعة لايبزيغ، ألمانيا.

الكلمات المفتاحية:

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الملخص:

لقد تأثرت الدبلوماسية البحرية لطرابلس في عهد القرامانلي بشكل عميق بالقضاء الخارجي العثماني. ومع ذلك، فإن يوسف باشا بشكل خاص بتطبيقه للتدبير حمل ضمناً هذا القضاء إلى نظام جزائي عالمي تلتزم به جميع الدول الأوروبية وكذلك الولايات المتحدة. أدى جهل المؤرخين من أوروبا والولايات المتحدة بالقضاء الخارجي العثماني إلى اعتقادهم بأن نظام الجزائي لطرابلس كان "السرقة البحرية". يُظهر الفحص الدقيق أن حتى بعض القناصل الأوروبيين والأمريكيين في القرن التاسع عشر كانوا على دراية بحقيقة أن نظام الجزائي لا علاقة له بالقرصنة، لكنهم أطلقوا على هذا النظام هذا الاسم للتعبير عن استيائهم. في الواقع، كان يوسف باشا في طرابلس يطبق القضاء الخارجي العثماني بنجاح في شكل نظام جزائي. علاوة على ذلك، بين عامي 1790 و1835، كان ناجحاً جداً في تطبيق هذا النظام لدرجة أن هذا النظام أصبح سياسة عالمية في البحر الأبيض المتوسط دون استخدام أي قوة غاشمة.

Introduction

When Garb Ocakları [1] started appearing in European sources in the late 17th century, the context was always the same: piracy. This framework, in fact, continued to preoccupy the European consul reports and traveller accounts until 1835. These states (Algeria, Tunisia, and Libya) were for Europeans “pirate states”.[2] This common discourse has so touched the most cited European historians, such as Paul Mason, Rodolfo Micacchi, Bono Salvatore, Ettore Rossi, and Daniel Panzac that none of them has ever questioned the meaning

of this “accusation” from the side of pašalık of Tunisia, Algeria or Tripoli. Instead, they examined the development of “piracy” in these pašalık – not surprisingly by using only French or British consular rapports – as if it was a self-evident phenomenon. [3] In this regard, the European secondary sources have three fundamental shortcomings. 1) They exclusively rely on the selective European imperial primary sources such as French and English, while there were plenty of other non-imperial European primary sources such as

*Corresponding author:

E-mail addresses: kerem.duymus@uni-leipzig.de

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Danish, Swedish, Spanish, Hollandaise, Sicilian, Portuguese etc. that provides a different view on the issue of “piracy”; 2) they entirely ignore the existence of the Ottoman foreign jurisdiction that determined inter-state relations in the Mediterranean till 1835; 3) they barely engage with the Arabic sources. In this regard, this paper tries to shed on light the issue of “piracy” by engaging Arabic sources in Libya, Ottoman sources in Turkey, and various non-imperial European primary sources for during the rule of Yusuf Paşa, that is to say around between 1790s and 1835. Thus, this paper seeks answers for these 3 following questions: 1) how Ottoman foreign jurisdiction worked in case of marine policy of Yusuf Paşa? 2) How this jurisdiction was related to the debate on “piracy”? 3) Which kind of politic did Yusuf Paşa apply against the European powers so that they called it “piracy” but it successfully avoided their hegemony in the Mediterranean? To answer these questions, this paper uses analytical narrative approach to uncover how different actors perceived “piracy” and used it as a strategical tool. As a result, this paper claims that there was a clear misrepresentation by the French and British consuls on the issue of “piracy”, while non-imperial European consuls were aware of the fact that the Ottoman style tributary system applied by Yusuf Paşa in Tripoli had nothing to do with “piracy”. Most importantly, Ottoman and Arabic sources clearly demonstrates that the debate of “piracy” was misused by French and Britannia to create a hegemony in the Mediterranean and Tripoli, while Yusuf Paşa’s politic prevented their imperial ambitions.

Ottoman Foreign Jurisdiction and Debate of “Piracy”

By the time the Ottoman Empire established a hegemony in the Mediterranean at the end of the 16th century, the padişah had sufficient power and authority to determine “international law” in the Mediterranean.[4] In this respect, there was an Ottoman foreign jurisdiction that, per definition, regulated the right and responsibilities of states that are active in the Mediterranean. Although this was long ignored by Spain, Venice and Malta, in the late 17th century they were keen to abide by this Law. One of the first clarifications of this Ottoman Foreign Law was in 1670, after the complaint of the Venice consul about the attacks on their merchant ships in the Mediterranean. In an official declaration, the Ottoman padişah stated that the vessels that are in the *kale altı* (Tr.) [that means the distance of a canon’s range from the coast] are under the protection of the Empire, while in the open sea the rules of *dar al-harb* (Ar.) [abode of war] is intact, i.e. in the open see there is a war situation by nature, and no one can provide guaranty for safety.[5] Yet after the occupation of the island of Kreta, the Ottoman Empire was finally close to its ambition to control all the coasts of the Aegean Sea, and after the 1700s this sea began to be defined as *dar al-Islam* (Ar.) [abode of peace], that is to say, there is a peace by nature, and the padişah was responsible for any possible lost. In 1740, for instance, the padişah gave a declaration to France that *kale altı* of the western Greek coasts and the entire Aegean Sea between İstanbul and Kreta are under the protection of the Empire, in other words, *dar al-Islam*, while the rest of the Mediterranean was still *dar al-harb*.

This Ottoman foreign jurisdiction, worked as an “International Law” in the Mediterranean, which was intact until the Tanzimat Reforms in the 1830s, was the basis of the tributary system that was applied by the paşalık of Tripoli between 1700s and 1835. Separation between *dar al-Islam* and *dar al-harb* was in this jurisdiction was not only about the nature of sea, but also the statues of the ships possessed by the European states. In *dar al-Islam*, the European vessels had *dimni* (Ar.) [protected] status, that is to say, as they were not under the protection of sharia, they were protected by peace that was provided by the ruler, in this case, the Ottoman padişah. In *dar al-harb*, however, there was another status called *aman* (Ar.) [security]. Since in *dar al-harb*, there were the conditions of war by nature, the only way to avoid any possible conflict in an encounter in the open sea was to demand *aman*, i.e. security, by signing a treaty before.[6] In this respect, the ships from the paşalık of Tripoli attacked all vessels which the state of their owner had no treaty with them. To sign a treaty, the paşas required tribute from the European states, so they could gain *aman* (security) from the paşas. In this regard, tributary system in Tripoli was, per definition, receiving a sum of money or valuable presents from various European states to grant them security in the Mediterranean. In fact, the regulation of *aman* was actual for every foreigner (regardless

Muslim or “non-muslim”) in the country. For instance, Yusuf paşa was also issuing *aman* for the pilgrims from whole West Africa, who were visiting Tripoli in their way to Mecca.[7]

European merchants and diplomats – despite the several declarations of the Ottoman Empire – have always gone a long way towards understanding the dynamics of this Law, and they regularly complained about attacks on their vessels. From the European consuls’ point of view, any attack on merchant ships without a declaration of war was piracy, and they were asking for compensation from the padişah for those cases. From the perspective of the Ottoman foreign jurisdiction, any attack against the peaceful merchant ships in *dar al-Islam* was piracy (Tr. *deniz haydutluğu*; Ar. *al-sariqat al-bahriatu*); in *dar al-harb*, however, if some vessels were plundered in spite of the *aman* status, namely, despite the bilateral agreement, that was piracy, otherwise it was just a case of holy war in the sea (Tr. *deniz gaziliği*; Ar. *jihad al-bahr*) for the states that have no *aman* status or privateering (Tr. *korsanlık*; Ar. *qarasan*) for the states that are in war with Muslim states. In other words, Ottomans and Yusuf Paşa had already an understanding of piracy, and it was already forbidden in their domain. Yet, the “holy war in the sea” (Tr. *deniz gaziliği*; Ar. *jihad al-bahr*) was legal by sharia, and privateering (Tr. *korsanlık*; Ar. *qarsana*) was legal in the international jurisdiction. For this reason, when the padişah received complaints from the European states about “piracy”, he investigated the exact location of the attack to find out if the case is really piracy (Tr. *deniz haydutluğu*; Ar. *al-sariqat al-bahriatu*), which was illegal and forbidden in the Ottoman foreign jurisdiction, or holy war in the sea (Tr. *deniz gaziliği*; Ar. *jihad al-bahr*) which was legal and permitted by sharia, or privateering (Tr. *korsanlık*; Ar. *qarsana*), which was legal in the international jurisdiction. In two cases, one in 1734 and the other in 1810, for example, after the investigation, the padişah had noticed that the attacks by paşalık of Tunisia and Tripoli took place in *dar al-Islam*, so he sent *ferman* to them in order to explain the results of the investigation, and demanded compensation for these attacks, which was obeyed by the paşa of Tunis and Tripoli.[8] A typical example of the misunderstanding of this jurisdiction was the case of Prussia. Between 1799-1807 they asked for *see-passports* from the Ottoman Empire, which were available only in *dar al-Islam*, but Prussians assumed that it was available in the entire domain of the Ottoman Empire, including the paşalık of Tripoli.[9] There were, however, cases in which the Ottoman padişah wanted to profit from the intrinsic war nature of *dar al-harb* and legal privateering. In 1798, the padişah sent *ferman* to the paşa of Tunisia and Tripoli to order them to break their treaty with France, i.e. cancel its *aman* status, and attack their vessels, since France was at war against the Ottoman Empire.[10]

It was, in fact, only the consul of Spain around 1810s that noticed how European merchants erroneously understood the regulation of *aman* in the paşaliks as piracy. In his very detailed description of the implementation of this regulation, he explains that when the vessels of the paşalık met a European merchant ship, they were checking official documents of the captain to see whether his “nation” is among the states that have the *aman* status or not. If the state of the shipowner had not the status of *aman* they would confiscate his ship; if he had such status, then they would take his ship to port to verify the originality of his documents, and then release him and his crew.[11] The same details can be clearly seen in the agreement signed between Yusuf paşa and Sardinia in 1816. The third article of the agreement says, the king of Sardinia will issue special passports for his subjects with official stamp and signature, and these documents will not issue for people other than Sardinian or not given to other “nations” for any reason.[12] Thus, Yusuf paşa could operate patrolling activities of the *aman* policy without problem.

Moreover, this system had a reciprocal structure, and the European states also had the right to attack all the vessels from the paşalık of Tripoli in *dar al-harb* without further declaration of war. Tripolitan merchant Al-Faqih, for instance, notes in his diary in 1813 that their ships were under attack by many European vessels.[13]

Misunderstanding among the European consuls, however, reached its peak around 1815, when Britain decided to lead a mission on the behalf of the European states (sic!)[14] in order to abolish “piracy” in the Mediterranean.[15] Their negotiation with the paşa of Tunis and Tripoli, however, was full of confusion and failure, because for the

paşas it was totally unclear what the British diplomat meant by “piracy”.[16] Yet, from the British perspective, the failure of the negotiation was about “infidelity character” of the paşas, and they decided to launch a congress in Aachen in 1818 to create a far stronger mission by including France to force the paşas to prohibit “piracy”. Although the most cited English and French secondary sources on the history of Tripoli and Tunisia assert the year 1819 – that was the year that the mission took place – as the abolition of “piracy” in the Mediterranean, the reality was much different.[17] In particular, the Danish Consul in Tunisia and Tripoli were surprised by the deep ignorance of the whole mission. For instance, when French and British diplomats, in name of the European states (sic!), informed the Tunisian paşa regarding the conclusion of the Aachen Congress for the abolition of “piracy” in the Mediterranean, the paşa stated that this declaration conflicts with the Ottoman Foreign Jurisdiction, and he is not entitled to take any action without consulting by the Ottoman padişah.[18] Thereafter, the same diplomats were in Tripoli for the same declaration, and the reaction of the Tripolitan paşa was much more ironic. The Danish consul reports that the paşa did not even consider the declaration seriously because of the logical paradoxes in terms of the Ottoman Foreign Jurisdiction. While diplomats were claiming that the paşa must ban piracy, Yusuf Paşa stated that the piracy is already forbidden in Tripoli. Thus, it was not clear for him, what these French and British diplomat were wanting.[19] For the Tripolitan paşa, whole discussion was about a pointless word game, since in the Ottoman foreign jurisdiction piracy means attacks on ships that have aman status, and when such cases happened, the paşa was already paying compensation. Despite the clear rejection and trivialization of the paşas, France and Britain celebrated the mission as the abolition of the “piracy” in the Mediterranean, which in fact, in the Ottoman foreign jurisdiction piracy was always forbidden, and thereafter, they continued to insult the paşas for being “undignified barbarians”, since they continued to follow the regulations of the Ottoman Foreign Law, or from the perspective of European consuls “piracy”.[20] The ambition of the European states to abolish “piracy” in the Mediterranean, however, never ended.[21] Furthermore, French and British consuls regularly rapport that the “piracy” of Tripoli is the main threat to the free trade in the Mediterranean, while ironically, Danish consul includes Britain and French as well in this category. From the Napoleon wars in the 1790s to the independence war of Greece till the 1830s, in fact, the European states were so permanently at war against each other or against the Ottoman Empire that they constantly terrorized the Mediterranean. For instance, between 1805-1815 the harbours of Tripoli were full of captured French ships by the USA and British marine forces.[22] Likewise, between 1821-1830, the vessels that made trade with the Ottoman Empire or the pašalık of Tripoli were persistent attacks by Greek marine forces.[23] Despite the celebrations – several times – for the abolition of “piracy” in the Mediterranean by European states, they still continued to demand the regulation of aman from the paşas of Tripoli by paying them tribute to secure their merchant ships until 1835. In other words, while these states were disregarding the Ottoman foreign jurisdiction and defining Tripolitan captains as pirates in their internal correspondences, in the real world, they were still recognizing and following the Ottoman foreign jurisdiction without considering Tripolitan captains as pirate. At this point, the question is, “why could not the European states put an end to the regulation of aman in Tripoli by force, but maintained to pay tribute and to negotiate for a legal change in vain?”

Application of “Tadbir”: The Case of Tripoli-USA War

The answer to these questions relies on the analysis of a crucial historical phenomenon that took place between 1797-1805. This example exhibits the unique strategy of governance that the Yusuf paşa of Tripoli applied. This phenomenon was especially crystallized in the conflict between the USA and Yusuf paşa of Tripoli.[24] After gaining its independence from the British Empire, the USA was highly interested in trade in the Mediterranean, since trade in the Caribbean was still under the monopoly of Spain and France. In the 1790s, the merchant ships of the USA were firmly present through trade transactions in the Mediterranean. However, they were entirely inexperienced with the Ottoman Foreign Jurisdiction, and the unique strategy of governance applied by the Tripolitan paşa. For instance,

while they could understand to pay tribute to Algiers and Tunisia, because from the perspective of the USA, they had at least some “modern” ships to fight, they could not understand why they had to pay tribute to Tripoli.[25] According to a secret rapport, Yusuf paşa of Tripoli had no real “modern” ship to fight, but some “archaic ruins”.[26] This “fact” was especially a striking issue for them, because they were still under the enthusiasm of the independence, and not eager to pay tribute to any “weak” ruler.[27] In fact, they were not eager to pay tribute to anyone, because that was not fitting their fresh memories of revolution for not paying tax and tribute any more to the British Empire. For instance, president Thomas Jefferson informed the diplomat Eathon, who was assigned to the operations in the Mediterranean, that if they had to pay tribute to any ruler in the Mediterranean, he had to be sure that the article about paying tribute should not be written in the treaty.[28]

Their firm belief in the weakness of Yusuf paşa was so strong that when they decided to make a peace treaty with him in 1797, they put an article in the text that said the ruler of Algerian was the protector of the treaty.[29] That resulted not only in the failure of the negotiations but also a personal letter by Yusuf paşa to the president of the USA in order to explain that he is not a tributary of Algiers but an independent paşa.[30] Yet, the USA diplomat Eathon was constantly reporting cases against the authority and “barbarian” policies of Yusuf paşa to trigger Washington for a war against him. One of the reason for his hate for the paşa was also Eathon’s strong anti-semitism, because in Tripoli there was a notable Jewish community that was under the protection of Yusuf paşa, and freely attending to economic life.[31] For Eathon, paşa’s deep tolerance for the Jewish community was just his another “barbarian” policy.[32] Nevertheless, when the USA decided to war against paşa in 1801 to force him for a peace treaty without any payment, their actions fostered the consuls of the European states to contemplate and to report why it is still very plausible to pay tribute to the pašalık Tripoli.

Following 1801, the USA began to discover the unique tadbir application of Tripoli for marine diplomacy, which was used by Yusuf paşa with great success from 1790s till 1835, and caused a deep fear in the European states. In the 19th century, the whole marine force of the European states and the USA was consisted of a common type of ship technology, called “galyon” – or in Ottoman sources, it was named Kalyon. The dominant type of the ship technology in the pašalık, however, was Kadırga, which was described by the USA admirals as “archaic ruins”.

The reason why the USA diplomats described the Kadırgas as archaic ruins was about their Eurocentric ideology about ages. Kadırga type of ships were mainly used in the European Middle Age, while Kalyon was the ship of the European Modern Age.[33] From the perspective of an Islamic understanding of ages, however, there were no such linear clear-cuts, but more different categorization.[34] For this reason, while for European or USA diplomats the use of Kadırga was a clear indication of “backwardness” and “underdevelopment”, for the Tripolitan paşa that was only for practical reasons – not ideological or doctrinal. From a technical perspective, there was no real hierarchy between these two types of ship technology, but different use of them. For instance, Kadırgas were designed for shallow waters, not for open sea or ocean; they had, however, the great capability of manoeuvre, since they could use the oar in addition to sail.[35] Kalyons were considered for deep seas and oceans; they had the capability to carry more than a hundred canons, but their capability of manoeuvre was extremely limited.[36] Since the coasts of Tripoli were consisted of mainly shallow waters, the use of Kadırga had more tactical advantages, because they could be supported by the canons from coasts against Kalyons.[37] A dramatic event that shows the wrong illusion of the USA by assuming that they are militarily superior to Tripoli with their big Kalyon ships, was the capture of “Philadelphia” in 1803. The ship of Philadelphia was the biggest Kalyon that the USA had ever built in this era, and the reason of this construction was to force Yusuf paşa for a treaty. Yet, while the ship was trying to come close to Tripoli’s coast to capture a Tripolitan Kadırga, it was stuck in an underwater sand dune, and easily captured by the Tripolitan sealers.[38] That was a so massive scandal and a shame for the USA that they decided to set these ship on fire rather than negotiate with paşa to take it back by paying ransom.[39] Thus, the USA admirals

noticed that they cannot occupy the harbour of Tripoli but just bombard it from the open sea.

However, Tripoli was built with a visionary projection to make any kind of marine attack on the city ineffective. The harbour of the city was protected by shallow waters, that only a local captain could know the secret corridors to the harbour. The side on the open sea was protected by a high and unsurmountable wall, and in the case of a bombardment from the open sea, the cannon balls were either crashing into the wall or passing through over the city, and reaching into the unsettled fields beyond the city. As a result, regardless of how powerful the marine forces were, the aggressors had no chance to cause damage to the city by force. Between 1802 and 1803, the USA marine forces several times bombarded the city from the open sea, believing that they were causing a great damage, and paşa would surrender soon.[40] In fact, their bombardment was so ineffective that neither the Tripolitan merchant Al-Faqih nor any European consul even noticed that there was a bombardment in the city.[41] Furthermore, Yusuf paşa was entirely sure about the strength of the city walls. As a result of the ineffectiveness of the USA bombardment, he even left the city between 1802 and 1803 for a military campaign in the region of Gharyan.[42]

In 1804, the USA admirals began to notice the pointlessness of their bombardment, and they decided to blockade the entire city from the sea until paşa surrender. For an effective blockade, they had to bring several additional warships, which costed for the USA approximately 1 million dollars.[43] The aim of such blockades was to cut supply chains of the paşa, and lead him into an economic disaster. However, for such blockades, big Kalyon type ships had to stay in the open sea, since they could not enter the harbour. That was causing a challenge to control a large area of the open sea, i.e. they needed too many ships with high costs of supply for a long time. In this regard, in the case of blockade, the matter was about the economic strength to maintain the operations. From the perspective of paşa, there was even no risk, because despite the blockade in the open sea, he was able to send his small Kadırgas into the sea throughout the shallow waters of the coast. As a result, such blockades caused almost no damage to the economy of Tripoli, while the states that made blockade was under the pressure of high supply costs. For instance, the approximate cost of a couple of months of blockade was about 500.000 dollars for the USA, while in Tripoli the inhabitants experienced no economic loss.[44]

The effectiveness of Tripoli's defence regularly acknowledged by the European consuls, while because of their imperialistic ideologies, they were always trying to bombard and blockade the city of Tripoli in vain. Nevertheless, in the end, they were very quickly noticing that such attempts are entirely uneconomical and paying tribute to paşa was always much more lucrative.[45] This fact was the core dynamic and the reason for the success of the tributary system applied by the paşalık between 1790s and 1835. The effectiveness of their tadbir application was almost unsurmountable for the European states,[46] and they learnt this again and again with their myriad inconclusive attempts to pressure the paşa by force.[47] Likewise, the USA diplomat Eaton noticed this dynamic during his mission between 1801-1805, but from his nationalistic perspective, it was unacceptable to put the economy before "national honour." [48] The result of this nationalism for the USA was, however, very costly.[49] In 1805, they noticed that they had no chance to pressure Yusuf paşa to make a treaty by force, and they accepted paying him to sign an agreement after spending approximately 6 million dollars on all operations.[50] In fact, in 1799, the French consul recommended to the USA diplomat that they could easily sign a treaty with the paşa just paying 500 thousand dollars.[51] Furthermore, when British and Danish consuls noticed in 1801 that the USA had a clear aim to force the paşa into a treaty by bombardment and blockade, they motivated the USA admirals with their letters, because they were absolutely sure that this operation would cause an economic disaster for the USA, and as a result, their presence and competition in the Mediterranean would cease.[52]

Tributary System of Yusuf Paşa as a Global Politic

The trust of the Tripolitan paşa in the effectiveness of his tadbir application for marine diplomacy, despite myriad attempts of the European state using brutal force, was always firmly strong. With this advantage, he transformed his tributary system on the European state into a very profitable business model. Since he had no fear of any

attack, he was calculating his tribute demand according to the recent global context and economic transactions in the Mediterranean. The states that have no central position in the global context and are not very active in the Mediterranean trade were paying relatively less. Furthermore, it was important for the paşalık to know which states are independent – so they have to pay tribute – and which states are part of big empires – so the paşa demand further tribute from the empires for these states. To get all such information and be familiar with the global context, the paşa of Tunisia and Tripoli regularly sent envoys to all Europe and Africa. For states such as Morocco, France, and Spain, it was not unexpected to receive an envoy from paşas, due to geographical closeness. But when the ships and envoys of the paşalıklar appeared in London,[53] Hamburg,[54] and Copenhagen,[55] that was a notable event for these states. The Swedish consul in Tripoli, for instance, always tried to block Yusuf paşa's plan to send an envoy to Stockholm, so that he could not be aware of how Sweden rich is, and cannot demand more tribute.[56] The awareness of the paşas regarding global events was, however, always a bad surprise for the European consuls. For instance, when Mexico and Colombia gained their independence from Spain around the 1820s, Yusuf paşa was very quickly informed about that, and sent his marine forces to Gibraltar in the case that the ships of these new states could appear there, and since they had no treaty with paşa, his ships could attack them.[57] In another example, when Tunisian paşa learned about the ban on slave trade in Britain after 1807, he sent his ships to the Atlantic in order to check the merchant ships whether they were carrying any slave, so that he could confiscate them by saying, he had an alliance with Britain and protect his law as well.[58] In addition, the paşas had their constant representatives in İstanbul and İzmir as well. In 1799, for instance, Yusuf paşa was informed via his representative in İstanbul that Venice was occupied by France, so he decided to demand more payment from France.[59]

The economic base of the paşa's tadbir application also made the conditions for the European states much difficult. In 1795, a Sicilian agent had already noticed that because of the competition between the European states, they were trying to obtain a more profitable treaty from paşas being different from the treaties of the other states, instead of acting against paşalık as a Christian or European block to abolish the tributary system at all. [60] Furthermore, since the paşas were aware of this base and dynamic, they exploited this situation to avoid any hegemony in the Mediterranean. For instance, when France or Britain began to be too hegemonic, all of a sudden, the paşas were demanding extreme tribute from them to break their dominance.[61] For this reason, the paşas were always a constraint for France and Britain. The states such as Denmark, on the other hand, were quite happy about the tribute system, because in this way they could economically survive in the Mediterranean.[62]

Conclusion

A thorough analysis of non-imperial European primary sources as well as Ottoman and Arabic sources show that the issue of "piracy" debated by mainly French and British consuls, and repeated by many European historians, was an issue of misunderstanding and misinterpretation of the Ottoman foreign jurisdiction. As Ottoman padişah and Yusuf paşa of Tripoli many times clearly stated, the issue of "piracy" as perceived by imperial European states was in reality about the aman system, in other words a tributary system forced by Yusuf paşa and obeyed by the European states and USA. Moreover, this system with the application of tadbir politic was so successful that Yusuf paşa was able to use it as a global politic to keep international power relations in the Mediterranean in balance and avoid any imperial hegemony of French and Britain. In this respect, the reason why French and Britain were defining this system as "piracy" was regarding their dissatisfaction about the fact that they were failing their imperial ambition to establish a hegemony in the Mediterranean. Furthermore, the unique application of the tadbir as a marine diplomacy under the Ottoman foreign jurisdiction by the paşalık of Tripoli gave Yusuf paşa the opportunity to be the determining actor in the Mediterranean without using any great military power between 1790s and 1835.

References

- [1]- This is the Turkish term used for Algeria, Tunisia, and Libya in the Ottoman time. It literally means "western military camps".

- [2]- See for example one of the most cited French chronicle about Tunisia: A. Rousseau, *Anales Tunisiennes* (Tunis: Bouslama, 1985), 317–18.
- [3]- See for example: P. Masson, *Histoire Des Établissements et Du Commerce Français Dans l’Afrique Barbaresque* (Paris: Hachette, 1903); Rodolfo Micacchi, *La Tripolitania Sotto Il Dominio Dei Caramanli* (A. Airoldi Editore: Intra, 1936); Bono Salvatore, *I Corsari Barbareschi* (Turin: R.A.I., 1964); Ettore Rossi, *Storia Di Tripoli e Della Tripolitania: Dalla Conquista Araba al 1911* (Roma: Istituto per L’Oriente, 1968); D. Tranchida, *Pirateria Barbaresca e Regno Di Napoli Negli Ultimi Decenni Del XVII Secolo (1776-1799)* (Messina, 1995). Daniel Panzac, *Les Corsaires Barbaresques: La Fin d’une Épopée 1800–1820* (Paris: CNRS, 1999), Paolo Soave, *La Rivoluzione Americana Del Mediterraneo: Prove Di Politica Di Potenza e Declino Delle Regenze Barbaresche (1795-1816)* (Milano: Dott. A. Giuffré Editore, 2004). Although Kola Folayan was a Nigerian historian, his famous book on the history of Tripoli only rely on the British sources, see: Kola Folayan, *Tripoli During the Reign of Yusuf Pasha Qaramanli (Ile-Ife: University of Ife Press, 1979)*.
- [4]- The concept of “nation“ existed in the Ottoman Empire as “millet“ since 14th century as a legal term. Ottoman jurisdiction recognized other European states mostly as “ecnebi milletler“ [“foreign nations“], because there were also domestic nations such as Greeks, Bulgarian, Armenian etc. In this regard, the European history centred meaning of “nation“ was more late and different than this earlier original use.
- [5]- B.O.A., *Düve-i Ecnebiye*, 16, 1, 1081 [1670].
- [6]- For more details, see: Abdullah Erdem Taş, ‘*Osmanlı Garp Ocaklarından Trablusgarp Eyaleti: Karamanlılar Dönemi (1711-1835)*’ (Ph.D. Thesis, İstanbul, İstanbul Üniversitesi, 2016), 323. For example, the discussion between Holland and Ottoman in 1712 regarding dimni and aman status: U.B.L., *Oosterse handschriften*, C. 1589, 132-133.
- [7]- D.M.T.L, Qaramanli, unclassified.
- [8]- For the case in 1734, see: B.O.A., *Divân-ı Hümâyün Mühimme Defteri*, 1146 [1734], dh. 140/529 and 530. For the case in 1810, see: B.O.A., *Hatt-ı Hümâyün*, 31789, 13.C.1225 [1810].
- [9]- G.S.P.K., I. HA GR, Rep. 68, Nr. 575, 576, 577, 578. That was the reason of their confusion when in 1805 one of their ships was captured by the Tripolitan marine forces. See: G.S.P.K., I. HA Rep. 81 Vatikan, Nr. 398.
- [10]- B.O.A., *Divân-ı Hümâyün Mühimme Defteri*, 1212 [1798], dh. 207/216 and 217.
- [11]- A.M.A.E., *Política Exterior*, Trípoli, L. H 2688.
- [12]- D.M.T.L, *Consular*, dates as 1816.
- [13]- Al-Faqih, *Al-Yavmiyat Al-Libiyya*, vol. I (Bengazi: Markaz jihad al-Libiyin li-l-dirasar al-tarikhiat, 2001), 210.
- [14]- In fact, according to rapports of French consul, France, Tuscany, Vatican and Hansa cities were not included “Europe“ by Britain: A.E.F., *Tripoli C.C.*, 35.
- [15]- B.P.R.O., *Foreign Office*, 77/5, 1813. This plan, thereafter, named by historians as “Mission of Exmouth“.
- [16]- A.H.N., *Sección Estado* (3), Túnez, L . 6247.
- [17]- Again, the problem is that the secondary literature exclusively rely on the British and French sources that tell everything from their imperial perspective. Some of these sources are: Chater, *Dépendance et Mutations Précoloniales: La Régence de Tunis de 1815 à 1857*; P. Masson, *Histoire Des Établissements et Du Commerce Français Dans l’Afrique Barbaresque* (Paris: Hachette, 1903); Bono Salvatore, *I Corsari Barbareschi* (Turin: R.A.I., 1964); D. Tranchida, *Pirateria Barbaresca e Regno Di Napoli Negli Ultimi Decenni Del XVII Secolo (1776-1799)* (Messina, 1995). For instance, contrarily on those what these secondary sources claim, in 1835, Baden-Württemberg was still busy with rescuing their captives in Tripoli. See: L.B.W., *Generallandesarchiv Karlsruhe*, 239 Nr. 63.
- [18]- D.R., *Rapporteur fra konsulatene*, 2979.
- [19]- D.R., *Tripolis: Almindelige korrespondancesager*, 2901.
- [20]- In this mission, France and Britain also demanded to ban enslavement of the Europeans by “corsairs“. Nevertheless, what the European diplomats as slavery defined was captivity for ransom from the perspective of the paşas.
- [21]- Different than any further negotiations on legal system and definition, there were more concrete plans as well. For example, France wanted to re-create the Order of Malte – because their political existence was ceased after the French and thereafter British occupation. The leader of the Order of Malta was still eager to continue old religious war against Muslims, and French King was willing to end British influence in Malta. As a result, an attempt to abolish “piracy“ became a good excuse for their own interest. See the rapports of the Order of Malte to the French King: *Réclamation de l’ordre Souverain de Sain Jean de Jérusalem: Rapport Au Roi de France et Aux Deux Chambers Dans l’intérêt Général de l’ordre* (Paris: Brochure imprimée, 1815), 258–59. Also see the plans of the French King: A.E.F., *Malte C.P.*, 27. For the Spanish consul, however, the only way to keep the pašalik of Tunisia and Tripoli away from further patrolling in Mediterranean was to include them into free trade system. See: A.H.N., *Sección Estado* (3), Túnez, L . 6247.
- [22]- See: A.M.A.E., *Política Exterior*, Túnez, L. H 2688. Also see: *Sección Estado* (3), Trípoli, L . 6240.
- [23]- These attacks were almost never reported by French and British consuls. But the rapports of Danish, Sardinian, Swedish and Spanish consul provide great details. See: D.R., *Tunis: Diverse sager vedrørende Tunis*, 2909; R.S., *Konsulatarkiv Tunis*, SE/RA/231/231158, 1814; A.S.T., *Corr. Ministero die guerre e marina*, let. 82, 1823; A.H.N., *Sección Estado* (3), Túnez, L . 6247.
- [24]- Unfortunately the historians in the USA name this conflict – even today – as “barbary wars“, which is entirely far from any academical ethics.
- [25]- In fact, what the USA diplomats as “modern“ ships described were used in Tunisia only for trade, but not for war.
- [26]- L.C.W., *Series 1: General Correspondence*, Mic. Reel. 021.
- [27]- Paolo Soave, *La Rivoluzione Americana Del Mediterraneo: Prove Di Politica Di Potenza e Declino Delle Regenze Barbaresche (1795-1816)* (Milano: Dott. A. Giuffré Editore, 2004), 134.
- [28]- H.L.C., *William Eaton Papers*, Mic. Reel. 3, 1803.
- [29]- Al-Naib al-Ansari, *Kitab Al-Manhal al-‘adhb Fi Tarikh Tarabulus al-Gharb* (Trablus: Maktab al-Farjani, 2008), 314.
- [30]- *American State Papers: Foreign Relations, 1789-1815*, vol. Vol II (Washington: Gales and Seaton, 1832), 352.
- [31]- Blaquiere, *Letters from Mediterreanean: Containing a Civil and Political Account of Sicily, Tripoly, Tunis, and Malta*, 33.
- [32]- Charles Prentiss, *Life of the Late General Eaton* (Massachusetts: Brookfield, 1813), 265.
- [33]- İ.Ö. Bostan et al., *Türk Denizcilik Tarihi* (İstanbul: Deniz Yayınevi Müdürlüğü, 2009), 326–32.
- [34]- Only after the Tanzimat Reforms around 1850s, in the domain of the Ottoman Empire the discussion about “Middle Age – Modern Age“ became common.
- [35]- See: İsmail Hakkı Uzunçarşılı, *Osmanlı Devletinin Merkez ve Bahriye Teşkilatı* (Ankara: Türk Tarih Kurumu Yayınları, 1988), 459–62.
- [36]- See: Y.A. Aydın, *Osmanlı Denizciliği (1700/1770)* (İstanbul: İstanbul Üniversitesi Yayınları, 2007), 36–39.
- [37]- Salih Özbaran, ‘*Osmanlılar ve Deniz: 16. Yüzyıl Hint Okyanusu Bağlamında Yeniden Bakış*’, in *Türkler ve Deniz*, ed. Özlem Kumrular (İstanbul: Kitap Yayınevi, 2007), 134–35. A British agent forwarns in his account in 1811 that the coasts and harbours of Tripoli was not proper for Kalyon type big ships, but for Kadırgas. See: Blaquiere, *Letters from Mediterreanean: Containing a Civil and Political Account of Sicily, Tripoly, Tunis, and Malta*, 23.
- [38]- *United States Office of Naval Records and Library, Naval Documents Related to the United States Wars with the Barbary Powers*, vol. Vol III (U.S. Government Printing Office, 1939), 177–80.
- [39]- For the consul of Holland, the ignorance of the USA about the strategy of governance applied paşa was immense. For him, on the one hand, the USA wanted to make war against paşa just

- because they believed that he had no authority and power, but on the other hand, they expected that paşa would make war with them in the open sea. When they noticed that paşa does not show any indication of action, that led a great confusion for the USA Admirals. N.A.N., Ministerie von Buitenlandse Zaken (1796-1810), inv. nr. 356.
- [40]- United States Office of Naval Records and Library, Naval Documents Related to the United States Wars with the Barbary Powers, vol. Vol II (U.S. Government Printing Office, 1939), 435.
- [41]- A.E.F., Tripoli C.C., 29-31. Also see: B.P.R.O., Foreign Office, 5/32, 1802.
- [42]- Al-Naib al-Ansari, Kitab Al-Manhal al-'adhb Fi Tarikh Tarabulus al-Gharb, 314.
- [43]- United States Office of Naval Records and Library, Naval Documents Related to the United States Wars with the Barbary Powers, vol. Vol IV (U.S. Government Printing Office, 1939), 142.
- [44]- B.P.R.O., Foreign Office, 5/32, 1802.
- [45]- Danish foreign office, for instance, began to keep record of the annual tributes paid to paşas after 1794. For their calculation, trade in Mediterranean, in spite of the tribute payment, was always entirely lucrative. See: D.R., Den Kongelige Afrikanske Konsulatsdirektion, 4187.
- [46]- There was only one case that an European state achieved to bypass this strategy of governance. In 1825, Sardinia planned a special operation to force paşa for a more profitable peace treaty. For this, they carefully analysed the strong points of the paşa's strategy and applied same principle against the paşa. They built Kadargas for this operation, and through their spies they found a local captain to accompany them to the harbour. In a night, they secretly reached the harbour and set the all ships of the paşa fire as well as blew up some harbour depots. See: A.E.F., Tripoli C.C., 35. According to diary of Tripolitan merchant Al-Faqih, that was the only case that the inhabitant of the city experienced some casualties, because as a result of explosions many Tripolitan civilians died. Al-Faqih, Al-Yavmiyat Al-Libiyya, I:325. According to notes of Al-Faqih, Yusuf paşa noticed the effectiveness of the attack, and immediately made peace with Sardinia, by taking further measures to avoid similar attack in the future. See: Al-Faqih, I:333.
- [47]- For the case of Denmark, see: D.R., Rapport fra konsulaterne, 1803; D.R., Korrespondance, 1. For the case of Sweden, see: R.S., Konsulatarkiv Tripolis, SE/RA/231/231155, 1797. For the case of Spain, Naples, and Tuscany see: A.H.N., Sección Estado (3), Trípoli, L . 6242; A.S.L., Archivo Consular Toscana, Corr. M.G.M., let. 67, 1828. For the case of Portugal, see: A.N.T.T., Ministério dos Negócios Estrangeiros, Tunes L. I, M. 157. For the case of Hansa cities, see: S.S., Rep. 5, Nr. 120. For the case of Britain, see: Foreign Office, British and Foreign State Papers 1817-1818, vol. V (London: Piccadilly, 1837), 611. For the case of France, see: R. Al-Imam, Siyasat Hammuda Basha Fi Tunis (Tunis: Manshurat al-Jami'a al-Tunisiyya, 1980), 422-23.
- [48]- Prentiss, Life of the Late General Eaton, 170.
- [49]- Especially in 1804, the USA admirals and diplomats were in a so desperate situation that they began to plan pointless civil massacre for revenge in Tripoli. See: N.A.N., Ministerie von Buitenlandse Zaken (1796-1810), inv. nr. 356. Yet, their plan again greatly failed. Thereafter, they planned a military coup by occupying Derna [a small city in the eastern Libya] which was the first military coup plan supported by Washington in the history of the USA. This plan also entirely failed because of the inexperience and bad coordination. United States Office of Naval Records and Library, Naval Documents Related to the United States Wars with the Barbary Powers, vol. Vol V (U.S. Government Printing Office, 1939), 547-53.
- [50]- Yet, the economical disaster was only one facet of the deep failure of the USA against Yusuf paşa. After 1802, the USA government named their war against paşa as a war against "piracy" to be able to get the extreme high budget for operation. In 1805, however, they had to explain to the parliament and public why after years of war they were again in the same position against paşa as they were in 1797. The solution was historical revisionism. The USA diplomats and government decided to declare that they gained a heroic victory against paşa by forcing him for peace, and the government even granted to the admirals who were in the operations for the bombardment and blockade of Tripoli, Distinguished Service Medal in 1805 with a great ceremony. See: United States Office of Naval Records and Library, Naval Documents Related to the United States Wars with the Barbary Powers, 1939, Vol V:38.
- [51]- United States Office of Naval Records and Library, Naval Documents Related to the United States Wars with the Barbary Powers, vol. Vol I (U.S. Government Printing Office, 1939), 181.
- [52]- B.R.P.O., Foreign Office, 5/32, 1801; D.R., Korrespondance, 1.
- [53]- D.R., Tripolis: Sager vedrørende danske konsulter i Tripolis, 2898.
- [54]- H.S.D., D 4, 568/4.
- [55]- Ömer Ali İsmail, Inhiyar Hukm Al-Ussrat al-Qaramanlitte Fi Libya: 1795-1835 (Trablus: Maktab al-Farjani, n.d.), 410-11.
- [56]- R.S., Konsulatarkiv Tunis, SE/RA/231/231158, 1797.
- [57]- A.H.N., Sección Estado (3), Trípoli, L . 6242.
- [58]- A.H.N., Sección Estado (3), Túnez, L. 6247.
- [59]- Nehicüddin Efendi, Tarih-i İbn-i Galbun Der-Beyânı Trablusgarp, 67.
- [60]- B. Forteguerrri, O Piu Pace o Piu Guerra: Memoria Riguardante Il Sistema Di Pace e Di Guerra Che La Potenza Europee Praticano Con Le Regenze Di Barberia (Palermo, 1795).
- [61]- Al-Imam, Siyasat Hammuda Basha Fi Tunis, 422-23.
- [62]- Wandel, Danmark Og Barbareskerne, 91.

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A.E.F.: Archives des Affaires Etrangères françaises [D'Orsay, France]

A.H.N.: Archivo Histórico Nacional [Madrid, Spain]

A.M.A.E.: Archivo del Ministerio de Asuntos Exteriores [Madrid, Spain]

A.N.T.T.: Arquivo Nacional da Torre do Tombo [Lisbon Portugal]

A.S.L.: Archivio di Stato di Livorno [Livorno, Italy]

A.S.T.: Archivio di Stato di Torino [Torino, Italy]

B.O.A.: Başbakanlık Osmanlı Arşivleri [İstanbul, Türkiye]

B.P.R.O.: British Public Record Office [Kew, England]

D.M.T.L.: Dar al-Mahfuzat al-Tarikhiyya al-Libiyya [Tripoli, Libya]

D.R.: Danmarks Rigsarkiv [Copenhagen, Denmark]

G.S.P.K.: Geheimes Staatsarchiv Preußischer Kulturbesitz [Berlin, Germany]

H.L.C.: The Huntington Library of California [California, USA]

H.S.D.: Hessisches Staatsarchiv Darmstadt [Darmstadt, Germany]

L.B.W.: Landesarchiv Baden-Württemberg [Stuttgart, Germany]

L.C.W.: Library of Congress Washington [Washington DC, USA]

N.A.N.: Nationaal Archief van Nederland [Den Haag, Holland]

R.S.: Riksarkivet Sverige [Täby, Sweden]

S.S.: Stadtarchiv Stralsund [Stralsund, Germany]

U.B.L.: Universitaire Bibliotheken Leiden [Leiden, Holland]