

THE INTEGRATION OF THE OTTOMAN EMPIRE
INTO THE EUROPEAN STATE SYSTEM
DURING THE REIGN OF SULTAN SELİM III

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The states of Europe in the eighteenth-century were living in a state system which they established in the middle of the seventeenth-century. The state system, which was based upon the balance of power among states manifested itself with alliances, coalitions, permanent diplomacy and international law.

The Ottoman State, which had lands in Europe and was a neighbour of the European states, was not among the founders of the state system. But, it had some attempts to make use of the means of the system in the eighteenth-century. Especially, during the reign of Sultan Selim III, it resorted to nearly all the means of the system. Because, the state system in the 1790's was already extended over all Europe, and it was established an indispensable and natural mode of international conduct among states with its principles and tools. Therefore the Ottoman State, too, could not remain outside the system.

SULTAN ÜÇÜNCÜ SELİM DÖNEMİNDE OSMANLI DEVLETİNİN
AVRUPA DEVLET SİSTEMİNE ENTEGRASYONU

Onsekizinci yüzyılda Avrupa devletleri, onyedinci yüzyıl ortalarında kurmuş oldukları bir devlet sistemi içinde yaşıyorlardı. Güç dengesi üzerine kurulmuş olan devlet sistemi kendini ittifaklar, koalisyonlar, daimî diplomasi ve uluslararası hukuk ile ortaya koyuyordu.

Avrupa'da toprakları olan ve Avrupa devletlerine komşu olan Osmanlı Devleti sistemin kurucuları arasında değildi. Fakat, onsekizinci yüzyılda sistemin vasıtalarından yararlanmak için bazı teşebbüsleri oldu. Özellikle Üçüncü Selim döneminde sistemin hemen bütün vasıtalarına başvuruldu. Çünkü sistem 1790'larda çoktan bütün kıtaya yayılmış, onun ilkeleri ve vasıtaları ile devletler arasında vazgeçilmez ve doğal bir devletlerarası davranış tarzı yerleşmişti. Böylece Osmanlı Devleti de bu sistemin dışında kalamadı.

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I. INTRODUCTION

The states of Europe in the eighteenth-century assumed themselves that small or big all of them were living in a state system which they established in 1648 and which stipulated independence, sovereignty and equality for its all members.

Although it comprised the smaller and weaker states, the state system was nothing but a balance of power system which was mainly set and shaped by the big powers to check and curb the expansionist aims of any big state. However sincerely the state system may have stipulated sovereignty, independence and equality for its members, in fact, the great powers always pursued establishing of hegemony upon the others. The eighteenth-century, therefore, witnessed shifting alliances or coalitions which was formed among England, France, Austria, Russia and Prussia in accordance with the changing foreign policies of these great powers. Thus, the balance of power among the big powers arranged the map of Europe and formed the shape of the state system again and again.

The balance of power among the great states and the alliances in which they participated sometimes gave the weak states a security. They could have some secondary roles in the system too. But, to say the true, the balance of power among the great states generally endangered their existence.

Since the balance of power was established by the leadership of the big powers and the existence of the state system wholly based upon the balance of power system, the fate and the existence of the smaller and weaker states in the state system depended upon the attitudes, aims, intentions and enterprises of the great powers.

The balance of power system was a game among the big powers. But, the tools and the rules of the game, that is alliances, coalitions, permanent representatives, reciprocal diplomacy, international law and the principles of equality, independence and sovereignty, by the time formed an international mode of conduct which was common for every state, great or weak, in the Continent.

The Ottoman State was a neighbour of the European states. It had relations with the members of the state system. For example, it waged many wars against or had commercial relations with them. It even accepted their permanent ambassadors.

However, it declared wars all alone in Europe but met with allied states. That is, it had no allies neither at peace nor in the war time. It was absent in the great wars and coalitions of Europe. That is, it was not among or beside the great powers which formed the balance of power system. It did not send any permanent representative to the capitals of the European states. That is, it had no reciprocal relations with the states on an equal base. On the other hand, through treaties of peace, congresses and

mediation along the eighteenth-century, the Ottomans had some experiences of European style of diplomacy.

Then, during the reign of Selim III, the Ottomans suddenly resorted to all tools of the state system: permanent diplomacy, alliance and international law.

The purpose of this work is not to survey whether the Ottomans were successful or not in making use of these tools, but to examine the reasons of this sudden change in the mode of the Ottoman foreign relations that occurred in the reign of Selim III.

To this aim, first, the second chapter surveys the formation of the European state system, its principles, the balance of power system and international law. While doing this, especially the relative situation of the weakest states in the state system in relation to the greatest powers is taken into consideration for the Ottoman State was a declining power in the eighteenth-century.

It is attempted in the third chapter to examine the continuity and deviations in the quality and mode of relations between the Ottoman State and states of Europe during the reign of Selim III by way of treating the extraterritorial practices in the Ottoman lands, the Ottoman practices of the law of nations, and reciprocity as yardsticks of integration/non-integration into the state system. Therefore, it is tried to understand whether the European states were respectful of the principles of the state system in their relations with the Ottoman State, and

how the Ottomans made use of the principles and the tools of the system.

In the same chapter it is also tried to find answers to the question of why the Ottoman State started reciprocal relations very later than the European states. To this aim, first it is attempted to understand whether the absence of an Islamic state system which resembled to that of Europe was the cause of the lack of reciprocal relations. Second, by surveying the entrance of Russia into the state system at the beginning of the eighteenth-century, it is examined whether the factors of religion, being absent while the state system was established and having no major role in the balance of power system had main roles in having no reciprocal relations.

The fourth chapter is devoted to explain the reasons which urged the Ottoman State to resort to the tools of the state system.

Both in the third and fourth chapters the Ottoman documents, which have been obtained from the Hatt-ı Hümayun Tasnifi in the Başbakanlık Arşivi are referred to. These documents are in fact a valuable source material for European diplomatic history.

In this work, the whole period of the reign of Selim III is not worked, and attention is not given to internal difficulties of the Ottoman State, such as administrative, economical, financial and military problems. Instead, the political and diplomatic relations with the European states

that occurred in the years between 1792-1795 are taken into consideration, and the weakness of the Ottoman State is reckoned as a constant value from the beginning to the end of the work.



II- THE INTERNATIONAL RELATIONS OF EIGHTEENTH-CENTURY EUROPE

A. State System

Scholars commonly designate the existence of a balance of power system, which regulated the international relations of eighteenth-century Europe. They also mention that this system was established on and with another one, called the state system, which has been reckoned to begin taking its modern form by the Treaties of Westphalia in 1648.¹

The state system was simply the concurrent existence of many sovereign states in one world.² Emerich de Vattel (1714-67), a Swiss in the diplomatic service of Saxony, in his book, The Law of Nations published in 1758, made the definition of sovereign states in the following way: "Every nation which governs itself, under whatever form, and which does not depend on any other nation, is a sovereign state." The sovereign state, to Vattel, was to "govern itself by its own authority and its own laws"; and "be regarded in the society of mankind as having equal rights."³ Thus, the

1. Norman D. Palmer and Howard C. Perkins, International Relations, ed. Dayton D. McKean 2d ed., (Boston: Houghton Mifflin Co., Cambridge: Riverside Press, c.1953), pp.2,6,8. ; Norman L.Hill, International Politics, (New York & Evanston: Harper & Row, c. 1963), p.8.

2. Palmer and Perkins, International Relations, p.8.

3. Trans.C.G.Fenwick, (1916) pp.7,11. quoted in Norman L.Hill, International Relations: Document and Readings, (New York: Oxford University Press, 1950), p.14.

state system consisted of states having the same properties, and living in "one world." The concept "one world," which suggests the existence of a group, or in other words, common interests and relations in a group, was expressed by the scholars of the past. It was "a sort of a republic" in Vattel's mind. A republic, in which states united for the maintenance of order and liberty while they kept their independence; and, states of which were attached to each other through permanent diplomats and continual intercourses.⁴ The Abbé de Pradt (Dominique de Fort de Pradt), in 1800, also called Europe a republic, for all the sovereigns of Europe by reciprocally guaranteeing each other's continuance formed a kind of commonwealth.⁵ And, Niklas Vogt, a historian, used that phrase as a title for one of his works, Über die europäische Republik, published in 1787-1792.⁶ G.F.von Martens, in 1795, described it as "a society of nations and states."⁷

Those characteristics of the state system of Europe, viz., sovereignty, independence and equality among the states living in "one world," rendered the states different from the others. For example, Gullick, looking at the Far East, claims that equality among states had no

4. The Law of Nations, 1st ed., (1796), pp.379-380. quoted in Hill, Documents and Readings, 2d ed., (1951) p.185.

5. La Prusse et sa neutralité, (London, 1800) pp.86-87, quoted in Edward Vose Gullick, Europe's Classical Balance of Power, (New York: The Norton Library W.W.Norton & Co., Inc., 1967) p.11.

6. Gullick, Balance of Power, p.11 note.

7. Summary of the Law of Nations, (Philadelphia, 1795), p.27-28, quoted in Gullick, Balance of Power, p.11.

factual basis in that quarter of the earth, even in the 1800's.[#]

The formation of the state system took centuries. The monarchical states who signed the Treaties of Westphalia, by then, were involved in a tripartite struggle against feudalism, the Papacy and the Holy Roman Empire. With their struggle against the local magnates of feudalism viz., the dukes, counts and bishops, who collected taxes for their own use, employed feudal armies in their private quarrels, and dispensed justice in their own name, kings endeavoured to put them under their authority. By war, purchase, marriage and negotiation, the feudal power, in the course of time, began to concentrate in the hands of kings.

Two universal powers, the Empire and the Papacy had given Europe a sense of solidarity, granted titles, and been the arbiters of conflicts, for centuries until the eleventh-century. After that, the beginning of the struggle for supremacy between the two universal powers, the Papacy and the Empire, caused a weakness in law, jurisprudence, faith and doctrine of the medieval age. This event also gave an opportunity to the kings and princes to make the two universal authorities recognize their sovereignty and independence.

When, for example, in 1301, the Pope claimed Scotland as a fief and forbade further invasions by the English, England refused the authority of the Pope. In 1303,

[#]8. Gullick, Balance of Power, p.7.

the Pope declared that the temporal authority had to be subjected to the spiritual, but his pretensions met with a hard attack of the French king, so that the Pope found himself in captivity. The new Pope was crowned by the French and, then, for seventy years not Rome but the city of Avignon became the residence to the popes.⁹ The Papacy had no longer any force and prestige before the kings and princes. In like manner, the impotence of the emperors caused in Germany a weakness, so that both the local magnates and cities acquired independence. The Empire, therefore, at the beginning of the fourteenth-century, became a composition of municipal corporations, and of lay and ecclesiastical princes existing side by side.

By the close of the fifteenth-century the idea of territorial sovereignty dominated in Europe. From France to England, to Scandinavian and Slavic countries, kings denied any subordination to the Emperor; in Germany the great princes ruled their lands as independent sovereigns. At the beginning of the 1500's, Portugal, Spain, France, England, Germany, Denmark, Sweden, Norway, Hungary, Poland, even Russia were the monarchical states of Europe. Besides their struggle against the Papacy and the Empire, they also had conflicts among themselves.

There was a struggle for supremacy in the partition of the unknown quarters of the world between Portugal and

⁹David Jayne Hill, A History of European Diplomacy in the International Development of Europe, Vol.I 2d ed., (New York: Howard Fertig, 1967) pp.399, 403, 404-405.

Spain. Then, France and England would take place in that rivalry. Denmark, Sweden and Norway were involved in rivalry for supremacy in the North Sea and Baltic. Italy was an area of contest among Spain, France and the Emperor. Thus, states were in pursuit of expanding their territories.

In the first half of the sixteenth-century Protestantism rapidly spread in the dominions of the Empire. At the beginning, it was a religious movement, but, then, it would take a political character by becoming a tool to the German princes in wholly getting rid of the Emperor's yoke; to England and the Northern states from that of the Papacy; and to the French foreign policy to divide the unity of the Empire in order to gain a supremacy over the Hapsburgs.¹⁰ Hence, all found themselves involved in long wars.

The attitudes, the actions, and the relations of states, even the Papacy and the Empire, during the movement of Protestantism and the Thirty Years' War, formed a typical model, which would show itself in the following two centuries. Watching others to prevent them from being preponderant, pursuing an aim of expansion, the struggle for supremacy, the secret negotiations and alliances were the main lines of that model. France, for example, in pursuing its aim of dividing the Empire into two camps of religion, did not abstain itself from making an alliance with an "infidel," the Ottoman Sultan, by secret negotiations. The Pope, at the beginning, fearing the force of the Emperor,

10. Ibid., II, p. 432.

did not intervene in the Protestant movement and established family relations with the French King by marriages for the sake of his future.¹¹ France was under the Catholic religion, and the Pope was the head of Catholicism. However, both the Pope and France preferred to secure their own futures rather than to prevent the division of Christendom. But, when the principalities of North Germany, England, Sweden, Denmark, and the Netherlands became Protestant states, the Pope altered his policy and sent a troop to the Emperor who waged a war against Protestants.¹² If there was an ideology in the sixteenth-century, and the following two centuries, it was nothing but the ideology of preponderance, for the sake of which the recognized principles, and even religious faith could be easily sacrificed.

The Emperor, exhausted in the wars of Protestantism, demanded peace, and recognized the existence of Protestants in his dominions. The weakness of the Empire extremely encouraged and enabled states to carry on enterprises of territorial expansion at the expense of its dominions. Those enterprises caused the Thirty Years' War, at the end of which the political power of the Emperor would be completely restricted, and the Holy Roman Empire, thus, would become merely titular. During that war, states established many alliances and coalitions against the Emperor, and his ally Spain.

11. Ibid., II, p. 434.

12. Ibid., II, p. 467.

But, all were failed, for every state, fearing of others becoming preponderant, distrusted its partners. France, meanwhile, with an attack, invaded some lands of the Empire in northern Italy. Then, its ally, Sweden, just as they decided, marched to Germany from the North while France was marching from Italy. France had expected from Sweden nothing but to weaken the House of Austria, the lands of which it aimed to invade alone. However, the Swedish king went beyond the limit determined by his ally, and by defeating the Emperor's armies, he marched just into the middle of Germany. His success became a menace to France, and also other allies, German princes, who were seized with fear of his power for their independence might be endangered by him. But, as France was about to open a war to curb him, the Swedish king died during his campaign; therefore, the coalition was free from collapsing. Then, France began to check the power of the Hapsburgs by engaging in many treaties with Protestant states and opened a war against Spain, the army of which was in the lands of the Empire for its protection. Finally, the Emperor, cowed from the menaces of France and Sweden, demanded peace.¹³

To assemble in a congress was a common inclination of states at that time. The arrangements of the congress lasted many years, for there were some difficult problems that were to be solved, such as the questions of ranks and titles, which would be the questions of the eighteenth-

13. Ibid., II. pp. 580, 583-584, 590.

century as well. Of these the most difficult was that of the rejection by Sweden of the precedence of France. At last, it was accepted that the plenipotentiaries of the Emperor would meet the French at Münster, and the Swedes at Osnabrück, two towns of Westphalia.¹⁴ For this reason, the Emperor signed two treaties one by one in two towns, and both of them gathered under the name of Westphalia, as a collective name. Delegates from every state, except England, Russia, Poland, and the Ottoman Empire, attended the congress. And yet, although they did not send delegates, England, Poland and Russia were included in the peace with all other states of Europe.¹⁵

The Peace of Westphalia had two facets which continued their existence into the eighteenth-century as well. At a first glance, the first face of it connoted the recognition of and the respect to others' sovereignty, independence and equality. The first article of the Treaty of Münster enjoined "...that each party shall endeavour to procure the benefit, honour and advantage of the other..."¹⁶ The Treaties let more than three hundred German principalities have a free hand in establishing their sovereignties: "all...are confirmed in their antient rights, prerogatives, libertys, privileges, free exercise of

14. Ibid., II, p. 592

15. Ibid., II, pp. 597, 604 note; Gerard J. Mangone, A Short History of International Organization, (New York, etc.: McGraw-Hill Book Co. Inc., 1954), p. 21.

16. Fred L. Israel, ed., Major Peace Treaties of Modern History 1648-1967, with a Foreword by Arnold Toynbee, (New York: Chelsea House Publishers, 1967), I, 9.

territorial right...and free to declare wars, to have armies...to make alliances with strangers.."17 Moreover, the independence of the United Provinces of the Netherlands, and the Swiss cantons was recognized.18

All these meant that neither the Emperor nor the Papacy, but states themselves organized the order of Europe and let princes establish their independent sovereignties. And, signatories took the full responsibility of the treaties: "... all partys in this transaction shall be oblig'd to defend and protect all and every article of this peace against anyone, without distinction of religion..."19 Responsibility would bring vigilance on the one hand, and a feeling of group consciousness on the other. Consequently, the speeches of the statesmen, and the treaties made after 1648 were filled with phrases, such as "the liberty of Europe," "tranquillity of the whole Christian world," "the peace of Europe," "the safety of Europe". 20

The other facet of the Peace of Westphalia was, as a matter of fact, the relative preponderance of both France and Sweden over the Emperor. The articles of the Treaties of Westphalia were full of lines that were aimed at destroying the unity and sovereignty of the Emperor by reorganizing the Empire in favour of France, Sweden and the German

17. Ibid., I, 11, 27-28.

18. Ibid., I, 27 ; Mangone, International Organization, p. 21.

19. Israel, Major Peace Treaties, I, 46.

20. Joel H. Wiener, ed., Great Britain: Foreign Policy and The Span of Empire 1689-1971: A Documentary History, (New York, etc.: Chelsea House Publishers, c. 1972), passim.

principalities.²¹ The Treaty of Münster laid the basis for France for its future European dominance, confirmed in the possession of strategic frontier fortresses, and ten imperial towns in Alsace.²² Sweden obtained territorial gains on the Baltic coast of Germany by the Treaty of Osnabrück.²³ Before the Peace of Westphalia, there had occurred a double contest of supremacy; among monarchical states, and between those states and the Empire. The question of Protestantism and the independence of the German princes were only tools for states in endeavouring to achieve their aims. But none was wholly able to overthrow the others, for the power of one state was not enough either to invade the other completely, or resist against a foe. It was this situation of states that compelled them to live together in one world.

The state system was established owing to the ambition of preponderance of states who weakened two universal powers. It was born by its inherent ambition of predominance, which frequently endangered the system; at the same time, its motive power partially secured the existence of the system by checking, curbing and resisting against any enterprise of expansion as well.

B. The Balance of Power System

21. Hill, History of European Diplomacy, II, p. 599.

22. Israel, ed., Major Peace Treaties, I, 30-31.

23. Hill, History of European Diplomacy, II, 602.

States, before the Peace of Westphalia, had not been able to overthrow the Empire completely, nor had they been able to hold their supremacy. The result was peace and a new order commonly accepted. All were the indicators of a "mechanism" named the balance of power, which manifested and exercised itself through alliances, diplomacy and wars. After the Peace of Westphalia, it became a primary characteristic of international relations, and was written into treaties of the eighteenth and nineteenth-centuries.²⁴ The Treaty of Utrecht (1713) was the first legal document to acknowledge expressly the existence of the balance of power as a regulator of international relations.²⁵ In article VI the phrase of balance of power was clearly expressed: "...for obtaining a general peace, and securing the tranquillity of Europe by a balance of power..."²⁶

The balance of power mechanism, to be put to work, needed three indispensable things. Those could be extracted from Vattel's definition of the balance of power:

Europe forms a political system, an integral body, closely connected by the relations and different interests of the nations inhabiting this part of the world...Hence arose... the political balance, or the equilibrium of power; by which is understood such a disposition of things, as that no one potentate be able absolutely to predominate, and prescribe laws to the others.²⁷

24. Palmer and Perkins, International Relations, p.242.

25. F. Parkinson, The Philosophy of International Relations: A Study in the History of Thought, (Beverly Hills & London: Sage Publications, c., 1977), p.61.

26. Israel, ed., Major Peace Treaties, I, 183.

27. Law of Nations, trans. and ed. by Chitty (1834), pp.311-313. quoted in D.P. Heatley, Diplomacy and the Study of International Relations, (Oxford: Clarendon Press, 1919) p.79.

The first was the existence of a state system. In the absence of a state system, there could be no balance of power among states.²⁸ The second was the existence of at least one state, or a group of states "pursuing plans of acquisition," or "making preparations looking forward to future acquisitions" which could endanger the independence of others,²⁹ or attempts of creating and maintaining "military and political domination over the whole of Europe."³⁰ The third was the resistance of states against any position of predominance, by establishing alliances and coalitions, by making use of diplomatic methods, or by waging wars. Therefore, no one would be able "standing alone or in alliance, to impose its will upon the rest of the world."³¹ To conclude, the state system was its framework; the ambition of preponderance was its motive power; and destruction of any superiority was its aim.

Throughout the eighteenth-century and even onwards, it was frequently expressed that the tranquillity of Europe could only be secured by the establishment of a balance of power among states. This notion, in a way, was derived from the analogy between the results in science and those of international politics. The atmosphere of the eighteenth-

28. Gullick, Balance of Power, p.5.

29. Theodore Dwight Woolsey, Introduction to the Study of International Law, rev., by Theodore Salisbury Woolsey, 6th ed., (New York: Charles Scribner's Sons, 1894), p.45.

30. Richard L. Haines, "The Balance of Power System in Europe," in Systems and Actors in International Politics, ed. by Leror Graymer, (Scranton et.,: Chandler Publishing Co., c. 1971) p.11.

31. Raymond Leslie Buell, International Relations, ed. by Edward S. Corwin, (New York: Nehry Holt & Co., 1930), p.508.

century was illustrated by Carl J. Friedrich: "Men were seeing natural balances everywhere, and they believed in the pre-established harmony of the universe."³² Hence, the balance of power was raised, by some scholars, to a rank of indispensable theory, which gave Europe its security. François Fénelon, in the early years of the eighteenth-century, explained the significance of the balance of power in his work Supplément à l'examen de conscience sur les devoirs de la royauté:

To hinder one's neighbour from becoming too strong is... to guarantee one's self and one's neighbours from subjection; in a word it is to work for liberty, tranquillity, and public safety; because the aggrandizement of one nation beyond a certain limit changes the general system of all nations connected with it... This attention to the maintenance of a kind of equality and equilibrium between neighboring states is what assures peace for all.³³

Similar ideas were shared by C. G. Koch, an early nineteenth-century writer. He admitted that the balance of power system aimed at securing the common composure, defending the existence of the weak against the strong, hindering preponderance and conflicts.³⁴ In 1806, Friedrich Gentz, a Prussian civil servant, appreciated the balance of power as the defender of the state system:

...no person succeeded in prescribing laws to Europe...the political constitution, as it was

32. Foreign Policy in the Making, (Norton, 1938), p. 119, quoted in Palmer and Perkins, International Relations, p. 251.

33. Oeuvres, Vol. III, (Paris, 1835), pp. 361 ff. quoted in Hill, Documents and Readings, (1951), p. 187.

34. Historie abrégé des traités de paix, entre les puissances de l'Europe, depuis la paix de Westphalie, re.ed. by F. Schoell, (Paris, 1817-1818) I, 3, quoted in Gullick, Balance of Power, p. 45.

framed in the 16th century, remained so entire in all its members until the end of the 18th century that none of the independent powers which originally belonged to the confederacy, had lost their political existence.³⁵

"The balance of power" said Woolsey, continuing the same notion in the second half of the nineteenth-century, "is a maxim of self-preservation," which "guaranteed to each state an independent existence" and even guaranteed "the existence of weaker ones."³⁶ Some contemporary writers also assert that the balance of power system aimed primarily at preserving peace, and the status quo, which gave "a certain amount of stability in international relations...despite periods of warfare."³⁷

Shortly, the balance of power was perceived as a mechanism through which the state system, with its all independent, equal and sovereign members, was preserved; and, through which peace, status quo and stability were established in Europe.

However, from the examination of the events happened in the eighteenth-century, one might also derive a different

35. Friedrich von Gentz, Fragments on the Balance of Power, (London, 1806), pp. 64-65 quoted in Gullick, Balance of Power, p. 48-49.

36. Woolsey, International Law, p. 46.

37. Sidney B. Fay, "Balance of Power, Encyclopedia of the Social Sciences, (New York, 1937), I, 397, quoted in Gullick, Balance of Power, p. 35, ; Georg Schwarzenberger, Power Politics: A study of International Society, (Praeger, 1951), p. 181 quoted in Palmer and Perkins, International Relations, p. 243, ; Richard Rosecrance, "Diplomacy in the Eighteenth Century" Diplomacy in Modern European History, ed. by Laurence W. Martin, (New York: MacMillan Co.: London: Collier & MacMillan Ltd., c. 1966), p. 43.

picture of the balance of power, which would not completely justify the above mentioned theses.

One of the theses was that it aimed at preserving peace and the status quo. With that was presupposed a static condition in states to maintain an equilibrium. However, states did never remain in a stable condition along history. By the beginning of the eighteenth-century, for example, England had taken Holland's place on the oceans. Sweden was a victorious and powerful state at the time it signed the Treaties of the Westphalia, whereas Russia was a small state in the East. But, in the first decade of the eighteenth-century they changed their places. After 1740, Prussia also became a powerful state. In 1755 the alignment of the powers still continued as it was at the time of the Peace of Aix-la-Chapelle (1748). England, the United Provinces, Austria, and Russia forming one group; France, Spain, and Prussia the other, all poised against one another.

However, in 1756, England and Austria abandoned their alliances, and coupled themselves with their enemies; England with Prussia; and Austria with France. By the alliance, England aimed at opposing probable attacks of France in the north of Europe. As for Austria, it aimed at recovering Silesia, which it had lost during the last war against Prussia.³⁸

This example shows that, first, the status quo that was brought by the Peace of Aix-la-Chapelle was not

38.Hill, History of European Diplomacy, III,505-507,519,524.

preserved. Second, Austria, transgressing the Treaty of Peace of Aix-la Chapelle, which enjoined Silesia be ceded to Prussia, and of which she was one of the signatories, endeavoured to regain her old province. The position of Austria was not an incident. For example, the Treaty of Utrecht was violated by the Spanish, and the English within four years.³⁹ Third, allies were not faithful to each other; they might divert their traditional policies to a different route in pursuing their interests. It had been a tradition of the British diplomacy to sustain Austria as a balance to French preponderance;⁴⁰ but, now, the close relations of England and Austria changed into hostility. And, both Austria and France, for centuries, had been the natural enemies of each other⁴¹; but now, they were two parties to a common alliance.

Thus, notwithstanding the fact that the balance of power implied an equilibrium and pursued a goal of preservation of the status quo, balance could not be kept stable because of the continually changing conditions and political relations of states, which reestablished their position according to the new political patterns. Conditions and relations changed by inexhaustible ambition and interests of states. The means of the balance of power, such as alliances, coalitions, and the principles of it, such as preserving the status quo and peace, in reality, were

39. Ibid., III, 372, 446.

40. Ibid., III, 458.

41. Arthur Hassall, The Balance of Power, 1715-1789, (New York: The Macmillan Co., 1903), p. 236.

useful tools and principles at the disposal of states, which abused them. This situation of states was shown by J.H.G.von Justi, who criticized the concept of the balance of power in his work, Die Chimäre des Gleichgewichts von Europa, published in 1758. To him, the balance of power was nothing but a means tending to favour the interests of states:

When a state which has grown more powerful internally is attacked...in order to weaken it, such action is motivated least of all by the balance of power. This would be a war which is waged by the several states against the strong state for specific interests, and the rules of the balance of power will only be camouflage under which these interests are hidden...States, like private persons, are guided by nothing but their private interests, real or imaginary and they are far from being guided by a chimerical balance of power. Name one state which has participated in a war contrary to its interests or without a specific interest, only to maintain the balance of power.⁴²

The views of some contemporary writers conformed with that of von Justi. Nicholas J. Spykman, for example, suggested that states did not pursue an equilibrium, but a balance in the bank which was in their favour. Quincy Wright, declared that every state, especially great states exploited the principles of the balance of power, "in order to hold the balance and to establish a hegemony, perhaps eventually an empire, over all the others."⁴³ War was

42.Quoted in Ernst Haas,"The Balance of Power: Concept,Prescription or Propaganda" World Politics,V (1953)pp.459-474, extracts from this article are reprinted by permission in The Theory and Practice of International Relation, eds.David S. McLellan et al.,(Englewood Cliffs: Prentice & Hall,Inc.,1960),p.225.

43.Nicholas J.Spykman, America's Strategy in World Politics, (Harcourt,Brace,1942),p.25 quoted in Palmer and Perkins, International Realtions,p.244; Quincy Wright,A Study of War, (University oc Chicago Press,1942)II,759, in Palmer and Perkins, International Relations,p.245.

unavoidable on account of the great interests of states. Edward Vose Gullick reminded one point that states, in conformity with the principle of the state system, were independent. Moreover, they were armed and mutually hostile. As a result, it was almost impossible for them to establish peace. Hence, he concluded that "peace" was "one of the incidental by-products of equilibrist policy, or as one of its secondary aims." To him, the best evidences for his argumentation could be traced in the thoughts of Emerich de Vattel, Friedrich Gentz and Charles-Maurice de Talleyrand, Foreign Minister of the French Empire, who considered war as an agency to protect or rectify a balance of power.⁴⁴ Buell also thought of the principle of balance of power not separate from but identical with the simple and ordinary policies of states, and he described it as an agitator of war instead of being an agent of peace. Wars, to him, might be delayed, but could not be avoided, for the balance of power was established by inequitable treaties, from which arose conflicts among states; and for it was nothing but reducing a preponderant state to the level of weaker states.⁴⁵

The second thesis put forward for the balance of power was the ability of it in securing the existence of all states in the state system. The eighteenth-century, however, witnessed the partitions of Poland and Venice, which were removed from the map at the end; the sudden invasions

44. Gullick, Balance of Power, pp. 36.

45. Buell, International Relations, p. 511-512.

performed in Silesia, Bohemia and Saxony; and the intended dismemberment of Sweden and Prussia.

Saxony was invaded by Prussia in 1756. It took place on the lands of a state who had two powerful allies, England and Austria.⁴⁶ This shows that, to lean upon powerful allies, and to take part in an established balance did not mean to be in safety and not to be exposed to an assault. It was, in fact, an attack against Austria, and Saxony was invaded by Friedrich the Great on the way to the target. After the invasion, a coalition was established among Austria, France, Russia and Sweden against Prussia.⁴⁷ At the end of the war, which lasted seven years, Saxony regained its independence. The states, thus, behaved in the way that the balance of power theory enjoined. They united together, for there was a position of preponderance, and prevented that aggressor. But, they, at the same time, had different aims. The intention of Austria was to draw France into a war for the recovery of Silesia. That of Russia was to involve France in a war with Prussia. And, that of France was to alienate Russia entirely from England. They did not discuss the independence of Saxony. What they discussed were the partition of Prussia, and the territories and subsidies that Austria was to give and pay its allies in return for their aid.⁴⁸

46.Hill, History of European Diplomacy,III,537-538.

47.Hassall,The Balance of Power,p.242, ; Hill,History of European Diplomacy,III,546.

48.Hill,History of European Diplomacy,III,544,546,549 ; Hassall, The Balance of Power,p.245.

Poland was partitioned by Austria, Russia and Prussia, for the first time, in 1772. It was partitioned without a single act of armed resistance offered by neither it nor its allies. Since 1688, when the Crown ceased to be hereditary, France, Austria, Sweden, Russia and Prussia had been involved in the election of kings of Poland by supporting their candidates either with money or armed force. In 1763, the death of the King again caused a new crisis which would be ended by the election of Stanislas II, chosen by the effort of Russian troops in Warsaw.⁴⁹ Before the election could occur, Austria, at the beginning of the crisis, had assumed a remarkable attitude by making a public declaration, in which it considered Poland "a sovereign and independent state, whose right assured by the laws and constitutions of the country" and, pointed out that "to choose a king with full liberty of suffrage cannot be in any way restrained."⁵⁰ The same state, Austria, in the course of time, would change its attitude, and join in the partition of Poland with its natural foes. It had been the policy of Austria to support and strengthen the Polish Kingdom against Russia; and Poland found itself in security partially owing to this policy. Besides Austria, France had always been the defender of Poland too.⁵¹ But, when the King of Poland, Stanislas II, appealed to the King of France to save it from dismemberment, Louis XV did not reply to his appeal.⁵²

49. Hill, History of European Diplomacy, III, 264, 630.

50. Ibid., III, 626.

51. Hassall, The Balance of Power, p. 382.

52. Hill, History of European Diplomacy, III, 675.

Because France, during the last war, the Seven Years' War, had exhausted its resources. In addition to this, it owed Austria millions of livres that had been promised by the treaties signed between the two states before the war. So, France was compelled to accept the situation. Stanislas had also appealed to its ally, the King of England, but it was fruitless. There was no reason for England to intervene, for it was guaranteed all the commercial rights it had possessed in Polish Prussia.⁵³

As is seen, there was no freedom of action, nor security for the weakest states. For a time, however, as in the cases of Saxony and Poland, the balance of power was helpful in securing their existence. Saxony regained its independence; Poland, being a party to balances, established by either France or Austria, was in security. But, when France and Austria changed their traditional policies, and united in a camp, Poland's system of security collapsed.

Notwithstanding these facts, writers and statesmen of the eighteenth and nineteenth centuries, interpreted the invasions and partitions, which occurred in the preceding century, as a conclusion of disobeying the rules of the balance of power.

All these "evils" to Lord Henry Brougham (1778-1868), an English historian, were due only to an "erroneous conception of the nature" of the balance of power; and, they had "arisen, from failing to carry the line of policy

53. Ibid., III, 617-618, 628, 675.

recommended by it, to the length which it" enjoined."⁵⁴ Prince Metternich, found the partition of Poland "contrary to all principles of sound policy."⁵⁵ Comte Charles Gravier de Vergennes (1717-1787), the Foreign Minister of France before the Revolution, regarded the First Partition of Poland as the work of a clique of powers against the system of general equilibrium.⁵⁶ Friedrich von Gentz condemned the Partition of Poland as an "evil project", whose "inventors...invoked the principles of the balancing system as their guide," whereas, those principles were borrowed from a "noble system, which the wisdom of the European community had devised for its security and welfare."⁵⁷

That the invasions and partitions were due to a failure to fulfill the principles of balance of power, and that the real balance could be definitely established was a sincere belief of some writers and statesmen. Should states form a union of power against one's actual or probable preponderance, the balance, in which states were all poised to each other, would be well established and properly work;

54. "Balance of Power," Works, (London and Glaskow, 1855), VIII, 12-13 quoted in Gullick, Balance of Power, 48.

55. Memoirs of Prince Metternich, 1773-1815, [New York, 1880], II, 9 quoted in Gullick, Balance of Power, 37note.

56. Siour Favier, Politique de tous les cabinets de l'Europe [Paris, 1802], III, 162, quoted in Gullick, Balance of Power, 37note.

57. Fragments upon the Balance of Power in Europe, p. 77, as translated in Wheaton, History of the Law of Nations, pp. 279-280. quoted in Martin Wight, "The Balance of Power", Diplomatic Investigations: Essays in the Theory of International Politics, eds. Herbert Butterfield and Martin Wight, (London: George Allen & Unwin Ltd., 1966), p. 157.

and should states abstain from abusing that balance, small states would preserve their independence.

However sincerely writers may have been asserted that the balance of power would be a guarantee for small states, in fact, the fate of the weakest states was bound to the changing situation of the great powers viz., Austria, England, France, Russia and Prussia, who pursued expansion and preponderance on the Continent. After Russia and Prussia entered into the state system in the eighteenth-century, the diameter of the balance of power extended and thus comprised all Europe. Moreover, the two great maritime powers, England and France, were in a supremacy of colonies beyond the Continent, and this supremacy would then spread the balance step by step all over the world in the nineteenth-century. These five states always managed to keep the balance of power under their control.

Others, Poland, Spain, Sweden, and the Netherlands, the great powers of the preceding century, had already missed the train of expansion and primacy. They were deemed as small powers like the principalities in Italy and Germany, and were at the disposal of the greater ones. Unless they could successfully combine together they could only be weights in a balance used by others, as Spykman said. ⁵⁸

The balance of power, as a policy, system or theory, was not able to reach its presupposed goals every time. It

⁵⁸.Spykman,America's Strategy in World Politics,p.20 quoted in Palmer and Perkins, International Relations,p.245.

was attached to the state system, whose members, states, claimed that they were sovereign, independent and equal before each other, and pursued an aim of expansion and primacy over others.

It was clear that their claims and aims would evoke many conflicts among them. During those struggles, the balance of power had spontaneously and normally appeared as a system which states resorted to. Then, it was perceived as an indispensable mechanism by statesmen, and as a theory or principle by thinkers. At a first look, the balance of power seems only to be a reaction against the action of an expansionist state. However, by examining the origin of the conflicts and wars, and the chain of shifting alliances, it may be said that, the reaction itself also held the action in its essence. Historical events of the eighteenth-century tell one that, in the course of time, reaction could easily change into action. Having forgotten their aim, which was to oppose the state who intended to be preponderant, the resistant states, whenever they found an opportunity, also began to pursue preponderance.

But, none was able to accomplish an absolute preponderance. Whoever set on a state bumped into an alliance. In the long run, states, all exhausted, were to resort to peace. Peace appeared only at the point where they had no effort to go on. For this reason, their position at the end of wars seems to be a state of armistice rather than a state of peace. Tranquillity, or a perpetual peace

was not the purpose of the reaction. In almost all peace treaties, the phrase of "that there shall be a universal and perpetual peace, and a true and sincere friendship" was given a place. However definitely and insistentlly that phrase may have been written, before long, it lost its significance as a result of conflicts which flared up in the relations of states.

On the other hand, after war was ended, states spent months, even years for the preliminaries and constitution of peace. Hence, one may also think that states sincerely supposed that the new order come by the peace they established would last long. While interpreting The Peace of Westphalia, Ian Brownlie stated that, the intention of constituting the Peace "was to create a system which would be stable and permanent" resting on "the political status quo", which was assumed "to represent a balance of power" between states. To Brownlie, the political status quo, or the balance of power, which was adopted in the sixteenth and seventeenth centuries, became a stable system after Westphalia.⁵⁹

States might have desired a stable order, but the intention of establishing a stable order was different than that of establishing peace. Stability meant to keep every state in its place at the place that they existed. But, keeping states in their actual places would not satisfy them, as it was exhibited by history. The states, which were

⁵⁹.Ian Brownlie,International Law and the Use of Force by States, (Oxford:Clarendon Press,1968),p.14.

not content with the new balance established by the peace, would perceive the balance as disfavourable to them.

It is clear that what states understood from the balance of power was not an equal distribution of power. Talleyrand declared that an exact equivalence of powers among states would never be realized. Nor was it necessary to the balance, for it could be hazardous to it.⁶⁰ Gentz thought of it as an "imaginary principle."⁶¹ He thought the diversity of power, not the equality of powers, to be an essential condition for the balance: States would gather in camps that were equally powerful to each other. Diversity of powers would be provided by small states who transferred their power from one great state to another.⁶²

There were those who preferred compensation instead of shifting alliances. L.M.Kahle, in his book Die Ballance von Europa published in 1744, remarked that "the most legitimate rulers must sometimes renounce their rights in order to maintain balance."⁶³ This idea was accepted by J.P.F.Ancillon, who wrote in his book Tableau des révolutions du système politique, published in 1803-1805, that, states could constrain others to sacrifice some amount of their territory for the benefit of the common

60. Mémoires du prince de Talleyrand, publiés par le duc de Broglie, (Paris, 1891-92), II, 237-238 quoted in Gullick, Balance of Power, p.59.

61. Gentz, Fragments on the Balance of Power, (London, 1806), p.56, quoted in Gullick, Balance of Power, p.59.

62. A.Lijphart, ed., World Politics, (Boston: Allyn & Bacon, 1966), p.245, quoted in Parkinson, International Relations, pp.52-53.

63. Quoted in Parkinson, International Relations, p.49.

prosperity.⁶⁴ Peace treaties were full of articles which were written for the territories ceded.

Shortly, the balance of power system was based on unequally distributed power. It was also based on the state system consisted of the members, whose sovereignty and independence might be indisputable on the one hand, and of the members, whose sovereignty and independence might be at the mercy of great powers on the other. This property of the balance of power and the state system showed itself clearly during Napoleonic conquests, which completely destroyed both. The balance of power, notwithstanding its deficiencies and failures, had been regarded as a mechanism which rendered the state system safety, and prevented any state from becoming absolutely preponderant until the reign of Napoleon, owing to its two other means, diplomacy and war.

C. Diplomacy and War

It was not until 1789 that dynastic principles of the eighteenth-century were challenged by new ones; and it was not until the nineteenth-century that nationalism appeared, and the developing classes of trade and industry began to act upon the policies of states. Unlike the following century, the eighteenth-century let monarchs and princes, who held the absolute power, free in pursuing their own policies. Territorial aggrandizement was the principal

64.(Berlin) in Parkinson,International Relations,p.49.

object of monarchs. In pursuing that aim, they made use of both diplomacy and war, which were carried out upon their desire and in their name. But, mighty as monarchs were, they still could not reach their aims, dictate their laws upon others, and be the unique ruler of Europe. Because, there were some social facts that rendered their means, diplomacy and war, limited.

Limitation mainly arose from the structure of monarchy. In fact, besides absolute monarchies, there were also other kinds of governments. In Switzerland and in the Dutch Netherlands, confederations of small states were ruled by the citizens of their upper and middle classes; Venice, as a republic, was ruled by an oligarchy of aristocrats. And England was distinguished by its parliament, which, after 1688, got to be definitely superior to the king.⁶⁵ In 1732, in the House of Commons, William Pulteney, before his king, could make a speech such as to provoke any monarchs of Europe: "We ought to thank his Majesty for his most gracious speech, but I cannot see any reason we have to thank him for our liberties and properties; they are secured to us by our constitution..."⁶⁶ In 1739, in the House of Commons, the speech made by Sir Thomas Sanderson, was a comparison of the Kingdom of England with the absolute monarchies:

...the great design, and the chief use of parliaments, is, to present to our sovereign the opinions as well as grievances of the people; and this House in particular is designed as a check upon

65. Edward Raymond Turner, Europe 1789-1920, (Garden City et.,: Doubleday, Page & Co., 1921), pp.11-12.

66. Wiener, ed., A Documentary History, p.68.

ministers,...In absolute monarchies the king can never know, by any legal means, whether the measures he is advised by his ministers to pursue be agreeable to his people; he can never be informed of their being disagreeable, but by the insurrections or rebellions of the people...This is a misfortune that in this kingdom we shall always be free from, while we have parliaments, and such parliaments as are independent of the administration.⁶⁷

This speech had pointed out the rupture of relations between the monarchs of the Continent and their subjects. England was different with its parliament, but it did not recognize the idea of the sovereignty of the people neither, and its parliament was in the hand of a narrow oligarchy, who shared the power of the king.⁶⁸ From England to Russia it was held that, a government must not be administered by the people. The political power, therefore, in the eighteenth-century, was wholly assumed by great rulers, or small princes. Since there was an absence of popular government, subjects of monarchs or princes did not identify themselves with the acts of their rulers. Consequently, monarchs could not assume popular approval for their diplomacy and wars to carry to extremes, neither could expect their subjects to make great sacrifices.⁶⁹ Diplomacy was, therefore, only an agent in protection of the dynastic rights and in realization of the dynastic claims. Diplomacy, in this narrow frame, was carried out by the permanent ambassador who represented the person and power of the king.

67. Ibid., p.75.

68. Hassall, The Balance of Power, p.3; Turner, Europe 1789-1920, p.12; A.J. Grant, Europe in the Nineteenth and Twentieth Centuries (1789-1950), rev. and ed. by Lillian M. Penson, 6th ed., (London et.,: Longmans, Green & Co., 1952), p.3.

69. Rosecrance, "Diplomacy", p.39.

He was not expected to speak or follow his own bent, but to carry out the policies and instructions of the king. The ambassador, as he represented his sovereign's person at foreign court, was to have the knowledge of the intricacies of court society and manners. For this reason, they were drawn exclusively from noble families. They were to establish close relations with the members of foreign court and public officials, in order to discover great secrets about army and navy increases, and important economic gains and losses. They would, therefore, fulfill the condition of watchfulness, which a balance of power system required. For this reason, Gullick qualified them as "diplomatic watchdogs."⁷⁰ F. de Callières, in 1716, wrote The Practice of Diplomacy to show the way to establish close relations:

Let him frequently give banquets and diversion in honour of the principal persons of the court in which he lives, and even in the honour of the prince himself...Let him also enter into the spirit of the same diversions offered by others, but always in a light, unconstrained, and agreeable manner, and always with an open, goodnatured, straight-forward air...If the custom of the country in which he serves permits freedom of conversation with the ladies of the court, he must on no account neglect any opportunity of placing himself and his master in a favourable light in the eyes of these ladies, for it is well known that the power of feminine charm often extends to cover the weightiest resolutions of state.⁷¹

Later, in 1802, the instructions of Emperor Napoleon would not be different than those of Callières: "Above all,

⁷⁰.Gullick,Balance of Power,p.16.

⁷¹.trans.by A.F.White,(London,1919),pp.7,16,23,31, quoted in Hill, Documents and Readings,(1951),p.153.

do not fail to give good dinners, and to pay attention to the women."⁷²

Since the peace was only an armistice, states, during the period of peace, prepared themselves for the future wars by making secret alliances and secret military arrangements. States were to keep secret their military power, preparations and alliances, so that they could get good results from them. Hence, secret diplomacy was an integral part of the institution of war⁷³ and was seeking to accomplish the purposes of war through intrigue.⁷⁴ The walls of the secret diplomacy were to be breached by intrigue, conspiracy, deceptions, secret negotiations, and bribery of public officials. The internationalization of the institution of diplomacy facilitated the secret missions of ambassadors.

European courts frequently selected their diplomats, even statesmen from foreign nations. The English and Germans, for example, were appointed by Russia; the Dutch, Italians, Austrians by Spain; the Scotch and Genoese by France.⁷⁵ The diplomat could be at the disposal of any monarch who ensured him better rank and salary, for there

72. Friedrich H. Hartman, The Relations of Nations, (New York: MacMillan Co., 1957), p. 91.

73. Buell, International Relations, p. 512.

74. Paul S. Reinsch, Secret Diplomacy, (New York: Harcourt, Brace & Co., c. 1922), 22.

75. Rosecrance, "Diplomacy", pp. 36-37. However, M. S. Anderson asserted that, diplomats were as a rule natives of the country which they represented. There were merely exceptional appointments of foreigners, if any.; see M. S. Anderson, Europe in the Eighteenth Century 1713-1783, (Norwich: Jarold & Sons Ltd., 1961), pp. 158-159.

was no nationalistic obligation that urged him to work for only his nation. Therefore, he could be satisfied merely by "a liberal distribution of state funds."⁷⁶

It was understood from the secret documents, which were made public by the revolutionary government of France in 1793, that the French subsidized Austrian officials, between 1757 and 1769, to the extent of 82,652,479 Livres; and the Prime Minister of Austria, Kaunitz himself, was ransomed to the extent of 100,000 Livres.⁷⁷

After the Treaty of Basel, which was concluded in 1795 as a consequence of the withdrawal of Prussia from the war opened against France, Prince Charles Augustus Hardenberg, the plenipotentiary of Prussia, received 30,000 Francs from the French government; and yet, he complained of the reward for its amount did not suffice.⁷⁸

Talleyrand, during his service as Foreign Minister of the French Empire, received a bribe from the Duchy of Baden.⁷⁹ The French Abbé (later Cardinal) Dubois offered the English minister Stanhope 600,000 livres for a treaty of alliance with France.⁸⁰ Reinsch, gave correspondences of the English Minister at the court of St.Petersburg, Sir James Harris, later Lord Malmesbury, with the British Foreign Minister, Lord Stormont, as examples of bribery. Sir

76. Rosecrance, "Diplomacy", p.37.

77. H.J. Morgenthau, Uluslararası Politika, eds., Baskın Oran and Ünsal Oskay, Vol. I, (Ankara: Türk Siyasî İlimler Derneği Yayınları, 1970), p.319.

78. Ibid., I, 319.

79. Ibid., I, 319.

80. Rosecrance, "Diplomacy", p.37.

James Harris reported to the British Foreign Minister, Lord Stormont, as follows:

If, on further inquiry, I should find, as I almost suspect, that my friend's (Prince Potemkin) [Russian statesman 1736-1791] fidelity has been shaken, ...by any direct offers or indirect promises of reward, I shall...not only be authorized but obliged to lure him with a... bait.⁸¹

In a letter of June 25, 1781, Sir James Harris, writing to the same Minister, spoke of having obtained information of the conclusion of a secret treaty between Russia and Austria from the confidential secretary of a Russian minister. He added: "I shall keep him to myself, since I have lost almost all my other informers by being outbid for them by the French and Prussians."⁸² Anderson's example was that of J.A.F. de P. Thugut, Austrian representative in Istanbul in 1769-75, who was throughout these years "an agent in French pay regularly transmitting confidential information to his colleague, the Comte de Saint-Priest."⁸³

As for the institution of war, it was also internationalized. That officers and soldiers were recruited in foreign armies, like diplomats were employed at the foreign courts, in return for the highest rank, salary, or prestige was never condemned. It was even encouraged. The bourgeoisie and higher peasantry were exempted from military service, because they were useful in economical affairs. Rulers, therefore, had to recruit officers and soldiers from

81. Reinsch, Secret Diplomacy, p.41.

82. Ibid., p.41.

83. Anderson, Europe in the Eighteenth Century, p.161.

other states.⁸⁴ Ordinary soldiers, besides voluntary enlistment, were collected by kidnapping, acquiring troops in conquered territory, and recruiting criminals, and vagabonds of all nationalities.⁸⁵ Half of the French army, for example, before the Revolution, was composed of foreigners.⁸⁶ As the exemption of the nobility from taxation limited the governmental revenue, the professional mercenary armies employed by the monarch were expensive.⁸⁷ For this reason generals wavered to drive their troops forward.⁸⁸

There was no great advance in military science during this period, and transportation problems compelled armies not to fight far from the nearest station of supply.⁸⁹ For all these reasons, battles between armies were slow, formal, elaborate, and always indecisive. All-out battles to the death, large-scale pitched battles between whole armies, and actual combat were avoided because mercenary soldiers easily desert.

Consequently, wars were fought for gaining the best strategic results and maneuvering the foe, but not for annihilating the enemy.⁹⁰ Annihilation only took place after the French Revolution, and especially during

84. K. J. Holsti, International Politics: A Framework for Analysis, (New Jersey: Prentice-Hall, Inc., c. 1967), p. 63. ; Rosecrance, "Diplomacy", p. 34.

85. David Ogg, Europe of the Ancien Régime 1715-1783, ed. by J. H. Plumb, (New York: Harper & Row Publishers, c. 1965), pp. 153-154.

86. Rosecrance, "Diplomacy", p. 34.

87. Ibid. p. 35.

88. Haines, "Balance of Power", p. 13.

89. Ibid., p. 13 ; Ogg, Ancien Régime, pp. 153, 155.

90. Haines, "Balance of Power", p. 13 ; Rosecrance, "Diplomacy", p. 35 ; Ogg, Ancien Régime, p. 156 ; Holsti, International Politics, p. 63.

Napoleon's reign who had commanded much greater manpower than other monarchs had and who did never hesitate to use all resources in order to win any battle completely.⁹¹ But, before his reign, whenever any army confronted with the eventuality of destruction, or whenever any state exhausted its treasury,⁹² peace was resorted to. During the Spanish Succession War (1701-1713), for example, France was obliged to demand peace, for it exhausted its treasury.⁹³

The monarch, thus, neither did expect great military victories from his soldiers and officers, who, half of them being foreigners, might be in the service of any monarch who would pay higher salaries; nor could he take the risk of loosing his expensive army, established within the limits of the possibility of limited revenue, in severe battles.

All these limitations of war, therefore, engendered and founded a balance among states. Hassal said that "the balance of power in the eighteenth-century had been described as 'merely a temporary immobility produced by exhaustion after long wars'."⁹⁴

As a conclusion, besides alliances, both diplomacy and war, with their structure deprived of the possibility of going to extremes, were agents which let the balance of power system prevail in the eighteenth-century. Of them, perhaps, the most important was the limited war, which

91. Rosecrance, "Diplomacy", p.36. ; Haines, "Balance of Power", pp.16-17.

92. Haines, "Balance of Power", p.13 ; Rosecrance, "Diplomacy", p.35.

93. Hill, History of European Diplomacy, III, 312.

94. Hassall, The Balance of Power, pp.1-2.

affected and determined the course of the balance of power system. The system, as a matter of fact, clearly showed its weakness, or in other words, its casual power, especially during the period of Napoleon. He not only destroyed the balance of power system with his strong army in unlimited wars, but the states system, on which the other was established, by making states satellites of his empire. But, some authors, disregarding this fact, insistently asserted that, the balance of power system secured the stability of the state system. Herz considered the Napoleonic conquests as "a case where the exception confirms the rule."⁹⁵ Exceptions, to the contrary, do not always confirm the rule, but, sometimes, firstly, may reveal the secret and potential aims of the rule. "When" said Arthur Hassall, "Napoleon conquered the greater part of Europe," he was "merely carrying out fully and successfully the policy pursued by the great European Powers before 1789."⁹⁶ Secondly, exceptions may point out that the rule maintains itself thanks to casual causes. Napoleon proved that, should one state have the strongest army, it would overrun Europe. For this reason, it may well be doubted whether the balance of power would ever have maintained itself, and secured, at least, a would-be stability, had the wars of the eighteenth-century not been limited.

95. John H. Herz, "Rise and Demise of the Territorial State" World Politics, IX (1957), 473-493, extracts from this article are reprinted by permission in The Theory and Practice of International Relations, p.55.

96. Hassall, The Balance of Power, p.6.

D. International Law

States, in the eighteenth-century, carried on their international relations in accordance with some customs and usages either handed down, or formed through practices; and international law, which had been developed by publicists and jurists since sixteenth-century.

The Peace of Westphalia established the foundation of international order, relations and intercourse as a commonly recognized model, which included the old practices and customs, and formed the new ones. Firstly, it became an example for the future treaties. Its terms were renewed and confirmed in all treaties of peace until the French Revolution.⁹⁷ Secondly, it formed an example by its preliminaries and constitution, which were concluded by states at the end of their negotiations lasted years. After the Peace of Westphalia, reciprocal negotiations were firmly established, for the new order enjoined equality among states. States were to negotiate but not to dictate any term.⁹⁸ Peace treaties were, therefore, filled with the expressions which declared that, the terms were "mutually," "reciprocally" and "equally" confirmed. However, during the

97. Charles H. Stockton, Outlines of International Law, (New York, etc., : Charles Scribner's Sons, c.1914), p.38; See, Israel, ed., Major Peace Treaties, I, *passim*.

98. Mangone, International Organization, p.22 ; Haines, "Balance of Power", p.13.

reign of Napoleon, the custom of reciprocity, and mutual negotiations would leave their place to the compulsion of terms dictated one-sided. Thirdly, the permanent diplomacy, which had been maintained to some extent since the fifteenth-century⁹⁹, became an essential and indispensable practice commonly recognized in protecting the existing political order, namely the balance of power.¹⁰⁰ Fourthly, states agreed in the practice of sending delegates to congresses, in which peace was negotiated and concluded, and which became a commonly accepted method for international diplomacy.¹⁰¹ Ernest Satow counted twenty-eight congresses which had been held since 1648 until 1878; and, eight of which were held in the eighteenth-century.¹⁰²

In the eighteenth-century some practices, customs or usages of the past were either left, or developed. The old practice of mediation, for example, did not lose its significance. It was frequently resorted to during the Middle Ages.¹⁰³ Satow mentioned that during the seventeenth, eighteenth and nineteenth centuries, treaties of peace were negotiated through mediators.¹⁰⁴ Latin and Italian were universal languages of the Middle Ages, and of them Latin

99. Anderson, Europe in the eighteenth Century, p.152; Hill, Documents and Readings, (1951), p.152 ; Hill, History of European Diplomacy, II, 310 note.

100. George B. Davis, Elements of International Law, rev. by E. Sherman, 4th. ed., (New York and London: Harper and Brothers Publishers, c. 1915), p.190.

101. Mangone, International Organization, p.25.

102. Ernest Satow, A Guide to Diplomatic Practice, 2d ed., (London: Longmans, Green & Co., 1922), II, 3-4.

103. Mangone, International Organization, p.17 ; Davis, International Law, p.254.

104. Satow, Diplomatic Practice, II, 345.

would be used in the eighteenth-century too. Satow gave some examples of treaties written in Latin, and stated that, it was used for all communications between France and the Empire until the French Revolution.¹⁰⁵ Latin also continued to be used in treaties between the states of The Holy Roman Empire.¹⁰⁶ No matter whether Latin and Italian were used or not, French would gain a general use in international compacts, correspondences and intercourse. That French became a language of diplomacy was because France took precedence over diplomats of other states. Anderson explained that, the precedence of France among others was the result of the victories of King Louis XIV (1648-1715), and its cultural prestige.¹⁰⁷ But, Satow showed a list of sovereigns of 1504, which proved that France had already gained its prestige at the beginning of the sixteenth-century. In that list the French King was just after the Emperor who was also deemed as the King of Rome.¹⁰⁸ The subject of precedence, as a matter of fact,, caused many disputes among states. That the Treaties of Westphalia were signed in two cities was the result of the contest of precedence between France and Sweden. The reception of ambassadors and their demand for audience at the court, the range of the speeches at the congresses, the order of the signatories of treaties kept states busy ; and at the end nobody was satisfied by the solutions reached after long

105. Ibid., I, 70.

106. Anderson, Europe in the Eighteenth Century, p.155.

107. Ibid., p.155.

108. Satow, Diplomatic Practice, I, 23.

discussions. During the preparation of the treaties of the Peace of Hubertusburg in 1763, the Austrian negotiator claimed that his Empress Maria-Theresa should be given the precedence in the Prussian as well as in the Austrian copy of the treaty.¹⁰⁹ But, in fact, this attitude of states was opposite to the principle of equality, which was one of the corner stones of the state system. Equality meant to the publicists not an equality of power and influence, but of legal rights.¹¹⁰ Vattel defined equality by comparing the state with the human existence:

Since men are by nature equal, and their individual rights and obligations the same, as coming equally from nature, nations, which are composed of men and may be regarded as so many free persons living together in a state of nature, are by nature equal and hold from nature the same obligations and the same rights...A dwarf is as much a man as a giant is; a small republic is no less a sovereign state than the most powerful kingdom... what is lawful or unlawful for one nation is equally lawful or unlawful for every other nation. A nation is therefore free to act as it pleases, so far as its acts do not affect the perfect rights of another nation, and so far as the nation is under merely internal obligations without any perfect external obligations...Since nations are free, independent, and equal, and since each has the right to decide in its conscience what it must do to fulfill its duties, the effect of this is to produce, before the world at least, a perfect equality of rights among nations in the conduct of their affairs and in the pursuit of their policies.¹¹¹

His definition was from the natural law point of view. Dickinson asserted that the Peace of Westphalia, did not imply the equality of states nor did the early

109. Ibid., I, 33.

110. T.J. Lawrence, The Principle of International Law, 2d ed., (Boston: D.C. Heath & Co., Publishers, 1899), p. 241.

111. Vattel, The Law of Nations, quoted in Hill, Document and Readings, (1950), p. 14.

publicists. The concept of equality only developed in the middle of the eighteenth-century and it was nothing but the application of natural law to the law of nations.¹¹² Lawrence mentioned that the law of nations was based upon natural law, which was developed especially by Grotius. And, according to Hugo Grotius (1583-1645), publicist, natural law was the law of God. For there was no superior to God, each state was absolutely independent and equal before the Law of Nature.¹¹³ Equality and independence of states were developed by publicists. And, international law also recognized the sovereignty of states. A sovereign was to be absolute ruler of his state. He had also absolute jurisdiction within its territory, and as Grotius warned centuries ago, the jurisdiction of the sovereign state was unchallengeable.¹¹⁴ This concept of judicial authority of a state never lost its significance. Three centuries after Grotius, in 1812, the same notion would be expressed by Judge Marshall this way: "The jurisdiction of the nation within its territory is necessarily exclusive and absolute. It is susceptible of no limitation not imposed by itself."

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112. E. D. Dickinson, The Equality of States in International Law, (Harvard University Press, c. 1920), pp. 334-335. quoted in Hill, Document and Readings, (1950), pp. 14-15.

113. Lawrence, International Law, pp. 43, 48.

114. Hartman, The Relations of Nations, p. 24.

115. Schooner Exchange v. McFaddon, 7 Cranch, 1812, p. 116, 136, quoted in Lawrence B. Evans, Leading Cases on International Law, 2d ed., (Chicago: Callaghan & Co., 1922), p. 134.

The custom of declaration of war fell out of use in the eighteenth-century. It had been an old custom to warn the enemy by a formal declaration of war in the Middle Ages. But, it became outmoded with the downfall of feudalism, and by the eighteenth-century it had gradually lost its significance. Then, declarations frequently became to be issued after the war had begun.¹¹⁶ Woolsey explained that there was no need to declare war because states could be informed of the hostilities, and the probabilities of war through their resident ambassadors.¹¹⁷ Nevertheless, publicists tried to fix this old custom as a part of international law by stating that, the enemy should not be attacked unless a declaration had been issued.¹¹⁸ The Earl of Halsbury, on the occasion of a case discussed in the House of Lords of England in 1902, touched on the custom of declaration of war in the eighteenth-century:

... The earlier writers on international law used to contend that some public declaration of war was essential, and Valin, writing in 1770, does not hesitate to describe Admiral Boscawen's operations in the Mediterranean in 1754 as acts of piracy, because no actual declaration of war had been made..."¹¹⁹

At the debate held in the House of Commons on the declaration of war by the King of England against Spain in 1718, Sir Joseph Jekyll submitted that, the declaration was "entirely agreeable to the law of nations and the rules of

116. Evans, Leading Cases, p.386note ; Lawrence, International Law, p.300.

117. Woolsey, International Law, p.189.

118. Lawrence, International Law, p.299.

119. Law Reports A.C., 484. in Evans, Leading Cases, p.468.

justice and equity." And, he condemned Spain which attacked and invaded the dominions of Sicily and the Emperor without declaration of war.¹²⁰ And yet, it was a custom tending to decay. War generally began with the first act of hostility.¹²¹ An English pamphleteer in 1740 reported that, the declaration of war was often "first published by an army's entering the territories of the enemy."¹²² For example, in 1755, England would seize several hundred French ships;¹²³ and, in 1778, France would hold an expedition to the aid of the American colonists¹²⁴ without declaring war.

In the eighteenth-century the law of neutrality began to develop as a branch of international law. The rights of neutrals and the rules that had to be obeyed either by neutral states or belligerents began to be shaped. Woolsey, Davis, Lawrence, and Stockton, who have been frequently cited in this chapter and will be referred to in the next chapter, wrote in detail the law of neutrality in the nineteenth-century and gave the historical development of it.¹²⁵ In fact, because they were the scholars of the nineteenth-century which witnessed the great development of international law, the books of those authors have a documentary value with the knowledge which they gave about

120. Wiener, ed., A Documentary History, pp. 57-58.

121. Evans, Leading Cases, p. 386 note.

122. Britain's Mistakes in the Commencement and Conduct of the Present War, (London, 1740), p. 21. quoted in Anderson, Europe in the Eighteenth Century, p. 160.


123. Anderson, Europe in the Eighteenth Century, p. 160.

124. Evans, Leading Cases, p. 386 note.

125. Woolsey, International Law; Davis, International Law; Lawrence, International Law; Stockton, International Law.

the development of all branches of international law, and the sample events which they compared with the experiences of past centuries.

To conclude, the European State system in the eighteenth-century, was a whole with its principles of equality, independence, sovereignty, with its balance of power to which it owed its existence, with alliances, diplomacy and the war of manoeuvre which manifested the balance of power, and with international law which regulated the relations between states.



III. CONTINUITY AND DEVIATIONS

In the eighteenth-century the state system extended over all Europe with its principles, which were sovereignty, independence, equality; with its international law, which prepared a legal base to those principles; and with its tools of the balance of power, which were alliances, diplomacy and the war of tactics. In the same century Russia and Prussia began to play an effective role in the balance of power.

The system was neighbouring the Ottoman State. Did the principles of the system, the tools of the balance of power and international law penetrate into the Ottoman State and did the Ottoman State resort to them? And did the European states remain respectful to the principles of the system in their relations with the Ottoman State? It is the purpose of this chapter to try to find answers to the questions by way of treating the extraterritorial practices on the Ottoman lands, and the Ottoman practices of law of nations and reciprocity as yardsticks of integration/non-integration into the state system.

A. Extraterritoriality

The formula of the state system was composed of three indispensable elements - sovereignty, independence and equality - which the states of Europe solemnly and jealously

defended against one another. However, the extraterritorial privileges, which formerly the Sultans granted but then the European states demanded and dictated, were highly enhanced by the end of the eighteenth-century. By these privileges, the foreigners living in the lands of the Ottoman State were not subject to its laws, and gradually laid claim to its subjects.

From 1740 the capitulations began not to be granted freely and not to be renewed on the accession of new sultans, but extended as a right on behalf of the foreigners who used it and bound the successors of the sultans to observe it.¹ The capitulations came to be demanded and dictated by the European powers; consequently, they caused the Ottoman Empire to be a market for the West. This economical dependence brought the political dependence.² The privilege of berat once gained in the name of dragomans then in the course of time extended to the servants of the foreign representatives, the native consuls, vice-consuls, the Janissaries (guard) and to all those who were employed by the embassies.³ Berats which gained hereditary character were also sold to wealthy Ottoman subjects.⁴ People who had

1. Nasım Sousa, Capitulatory Régime of Turkey: Its History, Origin and Nature, (Baltimore: The John Hopkins Press, 1933), pp.59,164-165.

2. Thomas Naff, "Ottoman Diplomatic relations with Europe in the Eighteenth Century: Patterns and Trends", in Studies in Eighteenth Century Islamic History, ed., T.Naff & Roger Owen, (Southern: Illinois University Press, Carbondale, 1977), p.91.

3. Sousa, Capitulatory Régime of Turkey, p.100.

4. Ibid, p.100; Thomas Naff, "Reform and the Conduct of Ottoman Diplomacy in the Reign of Selim III, 1789-1807", Journal of the American Oriental Society, LXXXIII(1963), p.301.

berats, therefore, were not subject to the regulations, jurisdiction and taxation of the Ottoman State, but only to the jurisdiction of the employing embassy.⁵

At the end of the eighteenth-century, more than 200,000 subjects in Moldavia were under the protection of Austria, and 60,000 in Wallachia.⁶ Later, in Wallachia berats were transferred to Russia owing to its influence in that region. ⁷ Sousa mentions that, by the Treaty of Küçük Kaynarca in 1774, Russia took more than seven million Ottoman Greeks and Armenians under its protection. ⁸

Later, in 1882, Hasan Fehmi Paşa, (1830?-1910) the Ottoman statesman,⁹ who wrote a book on the law of nations, named Telhis-i Hukuk-ı Düvel, criticized the capitulations with respect to the principles of equality and sovereignty:

Although the treaties ...between the other states are based on the principle of equal treatment,¹⁰ some articles of the ancient treaties made between the Sublime State and the other states, aside from the fact that they have not been grounded on this principle, contain some judicial stipulations which injure the rights of sovereignty.¹¹

5. Sousa, Capitulatory Régime of Turkey, p.100; Naff, "Reform and the Conduct", p.301.

6. Sousa, Capitulatory Régime of Turkey, p.98.

7. Ibid, p.98.

8. Ibid, p.99.

9. He served in the Translation Office of the Sublime Porte. He assumed in turn the positions of the membership and chairmanship in the First Ottoman Parliament. He became vizier and taught in the Law School on trade and the law of Nations. His book, Telhis-i Hukuk-ı Düvel was seized during the reign of Abdülhamid II. After 1908, he served as ambassador extraordinary, minister and governor. Meydan Larousse: Büyük Lûgat ve Ansiklopedi, (1971), V, 642.

10. muamele-i müsteviyye.

11. hukuk-ı hükümraniye. Hasan Fehmi Paşa, Telhis-i Hukuk-ı Düvel, (Istanbul: Matbaa-i Osmaniye, 1300), p.172.

It was a fact that the European states who gave importance to equality, independence and sovereignty did not pay attention to those principles when the capitulations were in question. They did, in fact, pay attention and remain faithful to the principle of equality, but only with the purpose of not losing equality among themselves and in obtaining privileges from Muslim states. This shows that, the European states did not perceive, or did not wish to perceive the Muslim states as their equals. Therefore, they treated them as communities which remained, or should be kept outside the state system. Later, they treated the states in the Far East in the same way.

There is a resemblance with the practices of the Europeans with those of the Romans. Sousa mentioned that it was the principle of the Roman law that the Romans carried their law wherever they went.¹² The states of Europe, too, carried their law wherever they went except in Europe. Only Napoleon was able on the Continent to impose his Code on the states which he conquered. And, the states of Europe divided the world as the Romans did: the Christians and non-Christians. (This division also resembled the division made by Islam as dâr-ül-islam and dâr-ül-harb.)

The European state system, in principle, was deemed as a state of co-existence of states. However, it was not a voluntarily accepted state, it was a situation accepted by rulers in extremis. Peace treaties, which offered a status

12. Ibid, p.154.

quo as a result of the balance of power, did reflect only the actual state of states, and did only impede the progress of rulers' expansionist enterprises. Immediately after peace treaties, rulers would continue their foreign policies from the place where they had been ruptured. Thus, peace treaties would not be binding to their future enterprises. The secret aim of rulers of big states was always to establish universal hegemony. Rulers never declared their aim, except Napoleon, but they indirectly revealed it by menacing the existence of others.

It was true that the states of Europe had given a struggle against the two universal powers - the Papacy and the Holy Roman Empire - in the past. However, they had only encompassed the corporal existence of both, but not exterminated the idea of universal hegemony. They, on the contrary, willingly and eagerly had charged themselves with instituting a universal hegemony, which they borrowed from those two universal powers. The idea of universal hegemony, or in other words, "imperial hegemony" had changed its bed and began to flow into a new bed: into a system of the so-called equal, sovereign and independent states. Their aim was to expand territorially and economically both in the Continent and abroad.

The expansion abroad was justified and defined as a right by jurists. Vattel, for example, justified the acquisition of the lands of the "nomads." ¹³ And when the

13. Lawrence, International Law, p.155.

nineteenth-century was reached, international law, under the headings of conquest and occupation, regulated, with respect to the past examples, the rules and manners of conquering the lands, and the rules which were to be obeyed by the conquerors. It also presented the occupation of the lands of "savages" and "uncivilized" communities as a right.

14.

Once, the European states had also extraterritorial privileges among themselves the origin of which went back before Christ and which was applied voluntarily and reciprocally in the light of "personality of law."¹⁵ Even in 1788, a treaty which was concluded between France and the United States gave the privilege of jurisdiction to each of the parties in the territory of the other.¹⁶ Yet, this was one of the last instances of extraterritorial practices between western states. Because, since the 1500's, when the territorial rights began to take the place of personal claims, the states of Europe gradually began to give up the practice of giving the foreigners the privilege of applying their own jurisdiction. They limited both the content of the system of extraterritoriality and the duties of consuls by whom the privileges were administered in foreign lands:

The extraterritorial system was limited to three cases.

- 1) The immunity to ships of war in foreign ports from local jurisdiction.
- 2) The permission to the passage of troops

14. See Lawrence, International Law; Davis, International Law; Woolsey, International Law.

15. Sousa, Capitulatory Régime of Turkey, pp.4,7-8.

16. Ibid, pp.21,25,27.

through the territory of a foreign state. 3) The permission and the immunity from local laws to the visits made by either sovereigns or its retinue and attendants, such as ambassadors, public ministers, consuls passing through or sojourning in foreign territory. But, this system or principle was to be put to work only by the consent of the state whose territories are subject to the principle.¹⁷

Especially by the general establishment of permanent missions in Europe in the seventeenth-century, it only remained for consuls, who at the beginning had a representative character and were charged with judicial and diplomatic functions, to maintain their commercial duties.

¹⁸ The Supreme Court of the United States in 1891 explained the change concerning the duties of consuls this way:

The judge...appointed by the merchants was usually called a consul....As early as 1060 the Greek Emperor at Constantinople accorded this right to the Venetian merchants...the merchants of other countries adopted the same system...

As the city states of the Middle Ages declined and the new kingdoms grew up, two changes took place which revolutionized the office of consul. Law came to be looked upon as territorial, rather than personal, and the consuls came to be government officials chosen by their governments and not by the merchants over whom they were to exercise jurisdiction.

In consequence of the placing of law upon a territorial basis, states looked upon the presence of allies tribunals in their midst as in derogation of their dignity and an impairment of their sovereignty.¹⁹

¹⁷.Davis,International Law, pp.74,83,85,87 : Woolsey, International Law,pp.91-94.

¹⁸.Davis, International Law,pp.211-212.

¹⁹.Supreme Court of the United States.1891, 140 U.S. 453. quoted in Evans, Leading Cases,,p.278.

The states of Europe, therefore, ceased their older practices of exterritoriality, and judicial functions of consuls "in all countries except those in which there was some special reason for maintaining it." ²⁰ "Those countries," to the authorities, were the "non-Christian states": Mohammedan states such as, Turkey, Persia, Tripoli, Tunis, and Morocco; and China, Japan and Siam. ²¹ And, the "special reason" was explained by Theodore Dwight Woolsey this way:

...the reason for which lie in the fact, that the laws and usages there prevailing are quite unlike those of Christendom, and in the natural suspicion of Christian states, that justice will not be administered by the native courts.....as Christian states were reluctant to expose their subjects to the operation of outlandish law and judgments, they have secured extensively by treaty to their consuls, in Mohammedan and other non-Christian lands, the function of judging in civil and even in criminal cases, where their own countrymen are concerned. ²²

George B. Davis, too, pointed out the difference between religious and legal systems that necessitated the exemption from local laws for the subjects of the "Christian nations" and to maintain the judicial duty of consuls in a similar explanation to that of Woolsey's. ²³

To the Supreme Court of the United States in 1891, it was essential to protect consuls in Islamic countries by treaties, and this was first applied with the Ottoman State through capitulations. It explained the situation of consuls

²⁰. Ibid, p.278.

²¹. Woolsey, International Law, pp.94,155.: Lawrence, International Law, p.230.

²². Woolsey, International Law, pp.94,154.

²³. Davis, International Law, pp.88,218-219.

before the treaties were made with the Ottoman State in the following way:

The intense hostility of the people of Moslem faith to all other sects, and particularly to Christians, affected all their intercourse, and all proceedings had in their tribunals...For this cause and by reason of the barbarous and cruel punishments... treaties conferring such jurisdiction upon these consuls were essential... ²⁴

It was emphasized or implied by the above-mentioned explanations of authorities that the exemption from the local law of "non-Christian states" had a defensive aim, and those countries were acquainted with the extraterritorial system only through the states of Europe in a later period. These two statements, however, become invalid, if the reciprocal extraterritorial practices of the Arabs of the Middle Ages are taken into consideration in the light of Nasim Sousa's evidences.

Sousa illustrated that the Arabs beginning from the reign of Mohammed had reciprocal extraterritorial practices with the western and far-eastern states. ²⁵

Regarded from this point of view, it may be said that the religion of Islam was not an obstacle to both Muslims and Europeans in practicing their extraterritorial rights; that the subjects of the European states for many centuries made use of their privileges in the dominions of Islamic states; and that Muslims were not unfamiliar with the system. Then, why did the authorities of the nineteenth-

24. Supreme Court of The United States. 1891. 140 U.S. 453. quoted in Evans, Leading Cases, pp. 265, 278.

25. Sousa, Capitulatory Régime of Turkey, pp. 10, 28, 45, 46.

century assert that, the European states had to protect the rights of their subjects before the law of Islamic countries which impeded the operation of the system?

It may be supposed that, those authorities put forward religious causes in order to justify the extraterritorial practices which were maintained in the non-Christian lands, in spite of the fact that the credo of the state system stipulated equality, sovereignty and independence. And they introduced the extraterritorial privileges into the content of international law, and thus gave them a legal status. 26

The answers to the question above that why the European states treated the Muslim states as outside the state system may also be found in the extraterritorial practices of the Ottoman Empire which they were obliged to apply.

The Ottomans were almost in a state of war with Austria and Poland. For this reason it may be supposed that, reaching inside Europe through Austria or Poland was rather difficult for the Ottoman merchants.

They had no chance in the Indian Ocean as well. The Ottomans, in the reign of Yavuz Selim, seized the Mamluk lands, Egypt and Syria, and therefore, controlled the two banks of the Red Sea, which enabled them for a time to keep the control of the trade route of the Red Sea between the

26. See Lawrence, International Law ; Woolsey, International Law ; Davis, International Law.

Mediterranean and India.²⁷ However, during the reign of Sultan Süleyman the Magnificent, the Ottomans lost their dominance in the Indian Ocean when they met with the navies of the Portuguese. They even could not sail from the Red Sea into the Indian Ocean.²⁸

Therefore, there remained only the Mediterranean for the Ottomans to maintain their trade. However, the rise of the Ottoman State in the fifteenth-century, in fact, had coincided with the explorations and the struggle of colonial supremacy. In 1498 the Portuguese rounded the Cape of Good Hope and reached India; and, thus, began to control the great trade route which caused the Mediterranean centers to decline rapidly.²⁹ A German traveller, Hans Dernschwam, who visited the Ottoman State at the very "magnificent" period of Sultan Süleyman I between 1553-1555, drew in his diary a detailed picture of Ottoman life which was very far from being prosperous, wealthy and magnificent.³⁰ Hence, the wars between Venice and the Ottoman State may be interpreted as the struggle for the dominance of trade route in the Mediterranean. And, it may be suggested that the Ottomans, unable to gain control of Mediterranean trade resorted to the capitulations in order to use European merchant networks.

27. İsmail Hakkı Uzunçarşılı, Osmanlı Tarihi, (Ankara: Türk Tarih Kurumu Basımevi, 1988), II, 292-293.

28. Ibid, II, 391-400, III, 221-223.

29. J.F. Horrabin, An Outline of Political Geography, (New York: Alfred A. Knopf, 1942), pp. 50-53.

30. See Hans Dernschwam, Istanbul ve Anadolu'ya Seyahat Günlüğü, trans. by. Yaşar Gönen, (Ankara: Kültür ve Turizm Bakanlığı Yayınları: 885, 1987).

The prevailing economy of Europe in the 1500's, that is, the mercantile economy on the one hand, and the claims of states on territorial rights on the other might also have impeded the commercial attempts of the Ottomans. It can be thought that, Sultan Süleyman and the other sultans, who succeeded him, might have granted the privileges not because they felt themselves as superior, but because they lost their dominance on trade routes and the only way out was giving privileges.

The period of Süleyman I was not magnificent in every respect. Later, the State of the seventeenth-century took over an insufficient, deficient economy on which all the apparatus of the state was built. When pillage and booty were no longer available by the fruitless wars, the system began to collapse. The last blow came to the State by the Treaty of Carlowitz which caused the loss of taxed territories. If there was a decline in this period, it was the decline of the dream of establishing a universal empire constructed only upon an economy of pillage, loots and taxation. 1699 may be deemed as a date which designated the decline of the State, but, in fact, it may also be considered as a period by which the Ottoman State found the opportunity to come face to face with itself, and began to take stock of its situation. The attempts of reform would begin soon after it. For example, Grand Vizier Damat Ali Paşa would think of abolishing the capitulations.³¹ But, as

³¹.Niyazi Berkes, Türkiye'de Çağdaşlaşma, (Ankara: Bilgi Yayınevi, 1973), p.45.

is known, they were not able to improve the economic situation and to abolish the capitulations. To the contrary, they granted new ones.

Later, Selim III, too, notwithstanding the existence of binding capitulations, attempted to preserve its authority and independence before the European states. When the Ottoman State declared war in 1798 upon France, it was announced that, the French consuls and merchants were to be arrested and the goods of the merchants were to be confiscated.³² At the same time, it was attempted to abolish berats, and not grant its subjects new berats curtailing not only those given by France but the other states as well:

"The records of the berats, which are possessed by those, who are originally the subjects of Sublime State but were formerly given berats being under the patronage of France, have been removed and deleted. For the purpose of [obtaining] the abstention and refusal of the reaya from taking refuge under the patronage of [other] states, and for the purpose of letting them take a teaching, the possessions and belongings of some of them have been seized [in the way] similar to the example of the French. The ambassadors have been told that, from now on permission will not be given, in the event that any of them [reaya] attempts to take refuge under the patronage of other states, and the ambassadors submit to this; that, if a berat or ferman is given inadvertently, it will be necessary to delete the record of a "berat" by bringing this to light through inquiry.³³

All these attempts and resistance, however eagerly undertaken, and however solemn they may appear, in general did not change the lack of sovereignty over subjects in the

32. Ahmed Cevdet Paşa, Tarih-i Cevdet, Tertib-i Cedid, (Istanbul: Matbaa-i Osmaniye, 1303), VI, 342.

33. Hatt-ı Hümayun No. 15333.

provinces of the Ottoman State. And, the attempts and measures of Selim III to put an end to berats met with the resistance of the ambassadors.³⁴

The consulates had their own courts in which all civil and criminal cases were heard according to their own laws.³⁵ Therefore, later, in 1863, Dr. Lushington at the Privy Council of England would state that the privilege of jurisdiction recognized for England by the Ottoman State had to be considered as a right:

"It is true beyond all doubt that, as a matter of right, no state can claim jurisdiction of any kind within the territorial limits of another independent state... according to the laws and usages of European nations, a cession of jurisdiction to the subjects of one state within the territory of another, would require ...the sanction of a treaty, it may by no means follow that,...the same precision of treaty obligation would be required or found in intercourse with the Ottoman Porte."³⁶

As is seen, the existence of capitulations was an obstacle to establish equal and mutual relations with the European states.

B. The Ottoman Practices of the Law of Nations

The Ottoman State did not join in the war of the First Coalition (1793-1795), in which almost all European states took part, but remained neutral.

34.Naff,"Patterns and Trends",p.103 ; Naff, "Reform and the Conduct",pp.301-302.

35.Sousa,Capitulatory Régime of Turkey,p.78.

36.Judicial Committee of the Privy Council of Great Britain.1863. 2 Moore,Privy Council(N.S.),161.,quoted in Evans,Leading Cases,p.261.

This was not, of course, the first European war in which the Ottoman State did not take part. However, while touching upon those European wars in which the Ottoman State did not participate, Uzunçarşılı and Karal, in their collective work, Osmanlı Tarihi, never mentioned that the Ottoman State remained neutral until Karal in the same book stated that, it declared neutrality.³⁷ Hence, it may be said that, the Ottoman state formally declared its neutrality for the first time in 1793. Moreover, it would have a second declaration of neutrality during the war between France and England in 1803.

It was mentioned by the scholars of the nineteenth and twentieth centuries that the first development of neutrality as a part of international law may be dated from the sixteenth-century as a consequence of the developing concept of state sovereignty and territorial independence. Therefore, the notion of neutrality was deemed by scholars to be unknown to antiquity and Middle Ages. They also mention that, the practice of neutrality was not perfect in the sixteenth and seventeenth centuries, but progressed towards a better practice in the eighteenth-century, and developed much more extensively in the nineteenth-century.³⁸

37. Karal, Osmanlı Tarihi, (Ankara: Türk Tarih Kurumu Basımevi, 1988), V, 22.

38. Davis, International Law, p. 377.; Woolsey, International Law, p. 267.; Lawrence, International Law, p. 475.; Stockton, International Law, p. 383; J.G. Starke, An Introduction to International Law, 6th ed., (London: Butterworths, 1967), p. 458.

It was not advisable, according to Machiavelli, for an ideal Prince to remain neutral while his neighbours were in wars, for it was always more advantageous to take part in the struggle. Grotius, on the contrary, accepted neutrality, and stated that it was the duty of neutrals not to strengthen the side which was carrying on an unjust war, and not to weaken the side which was carrying on a just war.³⁹ Those two authors, in fact, did not use the word neutrality, but implied or defined the position of neutrality. It was Vattel who for the first time, in 1758, used neutre and neutralité,⁴⁰ and "advocated as a matter of theory something like the modern law of neutrality."⁴¹

As for the Islamic law, communities seeking to maintain neutrality had no place in the Islamic legal order, and since all communities were in a state of war with Islam, Muslim states would not be allowed to refrain from Jihad or hostile relations with belligerent parties, and to enjoy privileges of a neutral position.⁴² Hence, it may be said that the formal declaration of neutrality made by the Ottoman State was an open deviation from the Islamic Law.

Lawrence B. Evans mentioned that Japan proclaimed its neutrality in the war between France and Prussia in

39. Lawrence, International Law, p.477.

40. Lawrence, International Law, p.475

41. Evans, Leading Cases, p.785 note.

42. The Islamic Law of Nations: Shaybani's Siyar, trans. by., Majid Khadduri, (Baltimore: The John Hopkins Press, c.1966), p.18.

1870, and this, to him, might be said "to mark her definite acceptance of the European System of International Law." 43

The same expression was also mentioned in 1882 by Hasan Fehmi Paşa:

Japan, in 1870, issued a declaration pertaining to neutrality. This is an evidence of how the Japanese, who were deemed only yesterday to be half barbarian, covered a distance in the high-road of civilization and how civilized thoughts had impressions on them. 44

Hasan Fehmi Paşa devoted a lengthy section (38 pages) in his book to the subject of neutrality, and illustrated its development and its accepted rules by giving examples of his time and the past. But, he did not mention the first two declarations of neutrality made by the Ottoman State in 1793 and 1803.

There are Ottoman documents in which the Ottoman State formally expressed its first neutrality to foreign ambassadors by using the phrases "bîtaraflık," "bîtaraflık mesleği" and "bîtaraflık kaidesi." 45

Sultan Selim III, himself, wrote an imperial decree, in which he warned against the infringement of the law of neutrality, when he was informed by his Grand Vizier of a letter sent by the brother of the deceased French King, Louis XVI, who stated that he put in a claim in Italy by the

43. Evans, Leading Cases, p.22.

44. Hasan Fehmi Paşa, Hukuk-ıDüvel, p.414.

45. Later, in the 1870's it would be spelled as meslek-i-bî-tarafî. See, Selim Deringil, "Aspects of Continuity in Turkish Foreign Policy: Abdülhamid II and İsmet İnönü", International Journal of Turkish Studies, (Summer 1984), IV, No.1, 12.

help of Russia for the French crown in the name of the Dauphin, who was in prison in France. ⁴⁶

In an audience that occurred on June 4, 1793 between the Reis Efendi and the Prussian ambassador, the ambassador stated that, his King knew the Ottoman State as neutral; for this reason, the State had to put an end to using the cockades of the French Revolution by the French in the lands of the Empire. At that time England, Austria and Prussia were at war with France which had declared war upon them. And, those three states were endeavoring to establish a coalition in Europe against France. France had become a republic since 1792.

The Reis, firstly put forward the capitulations⁴⁷ made between the Ottoman State and France:

As it is mentioned in the capitulations given to the French that we must not interfere in their dressings, our any intervention will be against the capitulations.⁴⁸

The Reis, then, reminded the ambassador of the fact that the Ottoman State was neutral:

If we intervene in their [using] the cockades this will be disapproving of their conducts, taking the part of adversaries of France and departing from neutrality. And, it would be also taking the part of the partisans of the King, if the State prohibited the cockades...When the French act opposite to the conditions of the capitulations, [only then] it is attempted to resist.⁴⁹

46.Hatt-ı Hümayun No.16149.

47.It was written in the document as ahdname.

48.Hatt-ı Hümayun No.12591-A. 24 Sevval 1207

49.Hatt-ı Hümayun No.12591-A.

As is seen, the year of 1793 witnessed a new development in the relations of the Ottomans with the European states. The law of neutrality, which was a part of international law, took its place nearby the capitulations.

Soon after the above-mentioned audience, the Reis Efendi received the dragomans of the ambassadors of Austria, Russia and Prussia who repeated the above-mentioned complaints. An official statement ⁵⁰ written by the Grand Vizier summarizes the negotiations held among the Reis and the afore-said dragomans. The dragomans mentioned their complaints as follow:

We know that the Sublime State is neutral. But, as long as the cockades, which are the symbols of the French Jacobins, remain on their heads (of the French); the tree, which is the symbol of republic, stands in the Palace of France;⁵¹ the seditious ⁵² and the other Jacobins, who reside in the Palace of France, are not expelled from the palace, and the person who is chosen to the Church of France is not prohibited, the Sublime State can not be neutral. Giving permission to them [means] to be a partisan of the Jacobins.⁵³

50. Hatt-ı Hümayun No.12489.

51. The residence of the French ambassadors.

52. Marquis Descorches de Sainte-Croix, the ambassador extraordinary, who was appointed to Istanbul by the Republic of France, was meant here. He was charged with the duties of having the Porte recognize his attribute and urging the Porte to wage a war against the enemies of France. He resided in Istanbul for two years. His attribute was not recognized by the Porte. See İsmail Soysal, Türk-Fransız Diploması Münasebetleri, (Ankara: Türk Tarih Kurumu Basımevi, 1987).

53. Hatt-ı Hümayun No.12489.

The Reis again started his speech touching upon the capitulations:

They, [the French] and the other European⁵⁴ communities⁵⁵ who have treaties⁵⁶ [with the Sublime State] are the friends of the Sublime State, and of those who reside in Istanbul are its guests. The friendship of the Sublime State for the French is not contingent on its form of government; be it a republic or a monarchy, but is a friendship for the French people.⁵⁷ You name the French who reside in Istanbul as Jacobins, whereas we know them as the French. Their dressings and symbols are not considered as important by us. Interfering to their symbols means disapproving of their conduct. Even disapproving is enough to be deemed as taking the part of their adversaries, and this is contrary to neutrality...And moreover, you also call the Palace of France as the Palace of France. Your attribution of the afore-said palace to France is an adequate proof that, any intervention to the Palace and the Church of France is entirely not your duty. Nevertheless, because the palace and the church are belonged to the imperial estate (Ottoman), whoever is chosen by the Sublime State may have them at its disposal. Therefore, the intervention of the ambassadors is out of place.⁵⁸

By this speech, the Reis, indirectly, touched upon the notion of "state succession," which is also recognized today by international law.⁵⁹ The Reis meant that, the existence of Jacobins did not change and affect the existence of the French and France because the Jacobins were

54. Efrençkiye

55. milel

56. muahid

57. dostluğu...taife iledir.

58. Hatt-ı Hümayun No.12489.

59. Davis, International Law, p.43 ; Lawrence, International Law, pp.60-61. See the twentieth century authors: Edward Collins, ed., International Law in a Changing World: Cases, Documents and Readings, (New York: Random House, c. 1970), pp.105-127 ; J.G. Starke, An Introduction to International Law, pp.277-290.

French too. He also pointed out that, the dragomans themselves mentioned the name of France. That is, it was not important whether France was a kingdom or republic: the Ottoman State recognized only the French and France.

Lawrence B. Evans wrote that,

Since 1789 France has been in turn a kingdom, a republic, an empire, a kingdom, a republic, an empire and again a republic, but throughout these changes it continues to be France...⁶⁰

Later, in 1795, the Ottoman State recognized the Republic of France.⁶¹ It is understood from a Hatt-ı Hümayun written about 1804 that, it treated the French Republic as a state both in negotiations and correspondences.⁶² However, it is also understood from another document that, the Ottoman State, notwithstanding the fact that it recognized France officially as a republic, did not consider it on a par with other European states, and did not see it in the rank of a real state.

On March 2 or 3, 1800 the Reis, in his talk with the ambassador of England, which was at that time the ally of the Ottomans with Russia, explained the Ottoman concept of the French Republic with these statements: "...the French

60. Evans, Leading Cases, pp. 80-81.

61. Cevdet, Tarih-i Cevdet, VI, 165.

62. Hatt-ı Hümayun No. 1483. Penned by the Grand Vizier. nd., but, because the document is about the considerations of the Porte as to whether the title of the Emperor Bonaparte was to be recognized, it can be dated as 1804.

community which has no state...The allies of the Sublime State are not republics, but states..." 63

The successive governments established since 1789 caused the Republic of France to be deemed as an unstable state by the Ottomans. In 1804, the Reis explained the Ottoman view on the Republic of France as follows:

For a time the French experienced four or five governmental systems. They have been cast into different moulds, sometimes by preferring the government of the public, sometimes by preferring the government of directors. Then, His Majesty Bonaparte became the First Consul. But, this was also insufficient to ensure the security, rest, and ease of the French...The ruling of a country through [the system of] a republic is convenient only in a small society. It has been the opinion of the learned and informed that rule through a republic cannot be possible in a vast land such as France. 64

In another audience which came to pass on October 26, 1797, 65 soon after the Treaty of Campo-Formio was signed between France and Austria on October 17, 1797, the Reis, again putting forward the law of neutrality and the law of nations, 66 resisted the demands of the ambassador of France, who tried to induce the Ottoman State to take the part of France.

Until that time Austria and France had been waging the First Coalition War. The other members of the Coalition left the war in 1795 by making peace treaties with France,

63.Hatt-ı Hümayun No. 14970. 6 Şevval 1214.

64.Hatt-ı Hümayun No. 1483.

65.Hatt-ı Hümayun No. 6943. 5 Cemaziyelevvel 1212.

66.Kavaid-i düvel. In this section, either the phrase of the law of nations or international law will be used in accordance with the statements in the Ottoman documents and of the authors.

and there remained England and Austria. But the latter was compelled to make peace with France, after General Napoleon Bonaparte had won victories in Italy one after the other.

The ambassador of France started talking about a newspaper published in Austria, in which, according to the the ambassador, it was stated that the Ottoman State was in the way of the Jacobins; that the Greek subjects were making preparations for political freedom⁶⁷ and that Dalmatia and Istria should remain in the possession of Austria was useful to the Ottoman State, but if France began to control those territories it would be harmful to the State. Then, the ambassador gave the Reis some advice:

That this newspaper has been published without the approval of the Emperor of Austria is impossible. That the Ottoman State should keep silent although it is aware of all these things does not befit its dignity. The State should invite the ambassador of Austria and ask him why his state, of its own accord, captured and invaded Dalmatia and Istria, the dominions which belonged to Venice that had been a friend and neighbour to the Ottoman State for centuries.⁶⁸

The Reis Efendi, in his reply, reminded the ambassador of the Treaty of Campo-Formio:

The answer that the ambassador of Austria is to give to those questions is obvious. That is, he will answer that, those territories were seized by the agreement of France in return of the lands ceded to it in accordance with the recent treaty. It seems that, Mr. Ambassador, our friend, does not observe this point.⁶⁹

The ambassador of France, however, insisted on his demand. The Reis Efendi, thereupon, explained to him that

67. serbestiyet

68. Hatt-i Hümayun No.6943.

69. Hatt-ı Hümayun No.6943.

that kind of senseless conversation with Austria would not only be an infringement of neutrality but would bring on a war between the two states. He also explained to the ambassador the duty that he assumed as a Reis:

"Mr. Ambassador, the office of the Reis is the source of great eloquence. The statements that issue from the Reis should be in keeping with the law of nations and to the rules of debate."⁷⁰

The ambassador did not give up his insistence. He proposed this time that, the Ottoman State could station soldiers on the borders of Austria on the pretext of, for example, a revolt in Rumelia. This would be useful to both France and the Ottoman State. The Reis objected to this again reminding the ambassador of the law of neutrality:

It is admitted that this might be beneficial to France, but what would it be worth to the Ottoman State? That is, I do not see any profit in stationing troops on the borders aside from incurring great expense, and behaving contrary to neutrality.⁷¹

The ambassador insisted that it would be useful to station troops on the borders. To him, Bosnia, the province of the State, would be surrounded by Austria, if it retained Dalmatia and Istria. Should the Ottoman State send soldiers to the borders, Austria would be compelled to leave those places; consequently, Bosnia would be free from the probable menace of Austria. Either peace had, he continued, to be concluded in the period of the term which was admitted by Bonaparte to Austria, or the war was to continue. If the second alternative occurred, the war between France and

70. Hatt-1 Hümayun No.6943.

71. Hatt-1 Hümayun No.6943.

Austria would then occur near the borders of the Ottomans; therefore, the State would in any case be compelled to station troops on the borders by the terms of the rules of sovereignty.⁷²

However, the ambassador did not tell the truth. The events, in reality, developed this way: The Archduke Charles was obliged by Bonaparte, who defeated him, to accept an armistice. By the convention signed at Leoben in April of 1797, Austria agreed that Belgium and the Milanese should be ceded to France; and, some parts of Venice, the neutral and independent state of Europe, should be received by Austria in compensation. Bonaparte, then, with the purpose of forcing Austria to accept those terms in a decisive treaty, began his campaigns in Italy, at the end of which he established new republics, and occupied Venice. A peace, thus, was finally concluded between Austria and France at Campo-Formio, where the terms of the preliminaries of Leoben were ratified. The partitioned Venice, therefore, was from now on in the possession of Austria and France.⁷³

The Reis Efendi, this time, in response to the ambassador, did not repeat his opinions about Campo-Formio, but again vindicated his thesis in view of the law of nations and neutrality:

It is incontestable that, the affair of reinforcing and fortifying the borders of a neutral state with soldiers and supplies is a [requirement] of the law of nations and of the established usages of a

72.Hatt-1 Hümayun No.6943.

73.Stephens,Revolutionary Europe,pp.186,191; Gottschalk, The French Revolution, p.288.

sovereignty⁷⁴ when a war occurred among the neighbouring states at the regions near the borders of a neutral state. Yet, those soldiers [are to be appointed] not to aid one of the belligerents, but to protect its land by its own will for fearing that the war should spread to it.⁷⁵

It is understood from the speech of the Reis Efendi that he was aware of the law of nations, and the rules of neutrality of his time. Although the practices of states were shifting, the law of neutrality was progressing towards strict neutrality,⁷⁶ and it was admitted that, "neutrality involved abstinence from open aid or encouragement to either belligerent."⁷⁷ Neutrals had a right to claim that, their territory should not be violated and touched; hence, they also had a right to punish the offender or to demand satisfaction from his government.⁷⁸ And, all states had to be respectful of these rules for "all nations are bound to enforce the law of nations within their own limits."⁷⁹

The Ottoman State declared its neutrality again upon the recommencement of war between England and France on May 18, 1803. There is an official letter⁸⁰ dated 1803 and written by Mustafa Paşa, who was in Khandia (in Crete).⁸¹

74. merasim-i mülkdarî

75. Hatt-ı Hümayun No. 6943.

76. Woolsey, International Law, p.270.

77. Lawrence, International Law, p.478.

78. Woolsey, International Law, p.281.

79. Ibid., p.276.

80. Hatt-ı Hümayun No.7196.

81. The title of Mustafa Paşa has been mentioned in the document as Hanya Muhafızı.

The document gives details of this second declaration of neutrality.

It was noted on the upper edge of the dispatch before it was presented to Sultan Selim III that, his imperial edicts pertaining to the neutrality were issued in the dominions as he ordered; and, that of Mustafa Paşa was one of the responsive dispatches sent from the dominions.

Mustafa Paşa, before he informed the palace of the measures that he took in Khandia in accordance with the imperial edict, began his letter with the repetition of the edict:

The Ottoman State has chosen to remain perpetually neutral during the war that has been waged at sea and on land by the Republic of France and the state of England. For this reason, the vessels of these two states should not wage war in the mouths of ports and harbours and within the limits of three-miles of distance at harbours. Any action opposite [to this rule] will be prohibited in a friendly manner through their consuls. Whoever from the reaya attempts to enlist will be captured and punished. Nobody, neither from Muslims nor reaya, should lade goods and luggage on the vessels of afore-said states. It should remain respectful of maritime rules and should not intervene in [the vessels of the above-mentioned states] with the purpose of taking the part [of either of the two states], while their vessels were waging war on the high seas.™™

According to Cevdet Paşa, the Ottoman State, during the First Coalition War also applied the three-miles rule: "The Ottoman State sent orders to the harbours that the ships of the belligerents should not attack against each

other within the limits of three miles in the Ottoman waters."⁸³

The admittance of the phrase of three-miles into the realm of international law was new. In 1702, a Dutch jurist, Cornelius Bynkershoek, proposed that, "a state's territorial sea should extend out only as far as a cannon-shot would reach."⁸⁴ The cannon-shot rule then became to be considered as a three-mile principle.⁸⁵ In 1793, at the beginning of the First Coalition War against France, the United States issued the declaration of neutrality⁸⁶ and accepted a three-mile area as her territorial, and neutral waters.⁸⁷ This limit of territorial seas was also widely accepted in the nineteenth-century.⁸⁸

According to the nineteenth-century authorities, belligerent vessels should not enter into the territorial waters. George B. Davis, wrote that armed vessels could not enter into the territorial waters of a neutral state and could not be given any material aid, or furnished money, troops, and soldiers.⁸⁹ Another authority, Lawrence agreed with this rule, but he also wrote that, "all authorities admit that the exigencies of self-defence will justify a

83. Cevdet, Tarih-i Cevdet, VI, 151.

84. Collins, International Law, p. 161 ; Starke, International Law, p. 187.

85. Collins, International Law, p. 161 ; Starke, International Law, p. 188.

86. Gottschalk, French Revolution, p. 286.

87. Collins, International Law, p. 161.

88. Ibid, p. 161 ; Starke, International Law, p. 188. Both authors give the developments of the twentieth century as well.

89. Davis, International Law, pp. 396-397, 426, 430.

temporary violation of a neutral territory." However, this would "tender a prompt apology and explanation." 90

There are two other examples concerning the Ottoman concept of international law. In August of 1792 France had an ambassador start on a journey to Istanbul, named Sémonville, who was charged with urging the Ottoman State to begin a war against Russia. France had been in a war with Prussia and Austria for five months. Prussia, and Russia, which seemed hostile to France, might be diverted by Sweden, Poland and especially by the Ottoman State so that France would be free in her war with Austria and Prussia in the West. 91 The ambassadors of Austria, Prussia and the chargé d'affaires of Russia who heard that an ambassador of France was coming to Istanbul with the intention of intrigue, by giving diplomatic notes on August 9, 1792, demanded Sémonville not to be recognized by the Ottoman State. 92

The ambassador of Prussia repeated his demand to The Reis in an audience that occurred on August 14, 1792. The Reis Efendi replied the following:

...it is impossible and unfavourable to the law of nations to ask an ambassador who is on the way to his destination to be called back without reason. 93

However, the ambassadors managed in the end to influence the Grand Vizier. And, the Grand Vizier sent the

90. Lawrence, International Law, pp. 500-501.

91. Soysal, Türk-Fransız Diploması Münasebetleri, p. 96.

92. Ibid, p. 110.

93. Hatt-ı Hümayun No. 15178 25 Zilhicce 1206! Kavaid-i düvel was used for the law of nations.

Prime Minister of France a letter in which he stated that Sémonville was refused.⁹⁴

The invasion of Egypt by France in 1798 was interpreted by the Ottoman State as an act infringing the law of nations. In the Declaration of War against France, which has been supposed to be written by Atif Efendi it was declared: ⁹⁵

They [France] suddenly attacked as a pirate and seized Egypt, the most precious dominion of the Sublime State, in a manner the like of which has never been seen, and which is contrary to international law and to the legal rules that are valid among states.⁹⁶

In the same declaration, it was also stated that, the Ottoman State when it heard the intention of France about Egypt notified Pierre-Jean-Marie Ruffin, the chargé d'affaires of France, that the probable attack of France would be opposite to international law.⁹⁷

As has been seen, the Ottoman State was very much aware of international law during Selim III's reign. The Ottoman officials resorted to international law for two reasons. The first reason was the pressure of the balance of power which was deemed to be embracing all Europe by the admission of Prussia and Russia and by the spreading web of diplomacy, shifting alliances, and developing international

94. Soysal, Türk-Fransız Diploması Münasebetleri, p.111.

95. Ibid, p.244.

96. Cevdet, Tarih-i Cevdet, VI,340. The exact wording is: hukuk-ı milele ve beyneldevleteyn mer'i olan kavaid-i mutebereye muğayir... Cevdet Paşa as is known was a jurist, beside he was a statesman and historian, and prepared the Mecelle.

97. hukuk-ı milele muğayyir.

law. The second reason was that their military power was declining. So that, neutrality appeared as a refuge for them to defend their dominions against the enterprises of European states.

Stephen Pierce Hayden Duggan, on the other hand, believed that, there existed between the Ottoman State and the European states no relations which were governed by international law other than capitulations until 1856 when the Ottoman State was formally admitted by the Treaty of Paris to the benefits of the European system.⁹⁸ Duggan based his opinion on the division of the world made by Islam into two parts as dâr-ül-islam and dâr-ül-harb, which "prevented the maintenance of any international law between Turks and Franks."⁹⁹ It was true that Islam divided the world into two, and reckoned the dâr-ül-harb composed of nations and territories that had not been brought under its rule and that "lacked legal competence to enter into intercourse with Islam on the basis of equality and reciprocity because they failed to conform to its ethical and legal standards."¹⁰⁰

Hasan Fehmi Paşa wrote that, while the Ottoman State "once kept itself away from the state system the Europeans, too, did not deem the law of nations as including any other state than [European]states."¹⁰¹

98. Stephen Pierce Hayden Duggan, The Eastern Question: A Study in Diplomacy, (New York: The Columbia University Press, 1902), pp. 22-23.

99. Ibid., p. 22.

100. Khadduri, Islamic Law, p. 12.

101. Hasan Fehmi, Hukuk-ı Düvel, p. 7

Yet, the practices of the law of nations assumed by the Ottoman State may be said to have proved that the division of the world began to remain at least in the realm of theory towards the close of the eighteenth-century, even if Duggan claimed the opposite. Thomas Naff has also called attention to the "increasing reference made by the Ottomans to international law in their dealings with the Europeans" during Selim III's reign.¹⁰² He gave an example of this by referring to a Hatt-ı Hümayun written in 1799, which Selim III wrote on the occasion of a Russian squadron entering the Straits unannounced, he declared that, it was contrary to the canons of international law that a war fleet should enter a foreign port without prior notification.¹⁰³

The Ottomans would resort to international law in the nineteenth-century as well. Because "the absence of military force meant that Ottoman statesmen would turn to a very legalistic foreign policy for the pursuit of their goals."¹⁰⁴ Selim Deringil, in his article, illustrated how the Ottoman statesmen, during the reign of Abdülhamid II (1876-1908), used international law as a defence mechanism.¹⁰⁵

In the above-mentioned period, there were books published in Ottoman on the law of nations, which were

102.Naff, "Reform and the Conduct",p.310.

103.Ibid.,pp.310-311

104.Selim Deringil, "Some Comments on the Concept of Legitimacy in the Foreign Policy of Abdülhamid II", Studies on Ottoman Diplomatic History, (Istanbul: ISIS Press, 1987),p.98.

105.Ibid.

either written by the Ottomans or translated from foreign authors. Besides Hasan Fehmi Paşa, who has been mentioned before, another statesman, İbrahim Hakkı Paşa (1863-1918) also wrote books on the subject.¹⁰⁶ İbrahim Hakkı Paşa stated in the preface of Medhal-i Hukuk-ı Beyneddüvel, published in 1885, that, the giving instruction on the law of nations was new and the published books for this subject were few. He gave the name of Rifat Bey, who made a translation from Pradier-Fodéré, and Said Bey, who wrote Hukuk-ı Düvel. He also mentioned that there was a translated publication of a special printing house and a few pamphlets.¹⁰⁷ Both Hasan Fehmi Paşa and İbrahim Paşa made use of the famous authorities such as Albericus Gentilis, Hugo Grotius, Montesquieu, Samuel von Puffendorf, Christian von Wolf, Emerich de Vattel, Jeremy Bentham, Henry Wheaton, Robert Phillimore, P.S. Maccini, Silvestre Pinheiro-Ferreira. They wrote in their books the developing rules of international law which regulated relations between states in the time of peace and war, and the main events and principles which engendered the need for international law, such as the establishing of the state system in 1648 owing

106. His second book was named Tarih-i Hukuk-ı Beynelmilel. He had also books about Islamic and Ottoman history. He gave instructions in the Trade School on commercial law and economy, and in the Law School on history, political history, administrative law, and the law of nations. He served as minister and ambassador. He was one of the Grand Viziers of the Second Constitutional Government. Meydan Larousse Büyük Lugât ve Ansiklopedi, (1971) VI, 176.
 107. İbrahim Hakkı Paşa, Medhal-i Hukuk-ı Beyneddüvel, (İstanbul: Karabet ve Kasbar Matbaası, 1303), p.3-4.

to the balance of power, the principles of equality, independence and sovereignty, and the rise of diplomacy.

As a conclusion, towards the close of the eighteenth-century the Ottoman State began to share the rules of international law with the European states.

C. Reciprocity

England received the first Ottoman resident ambassador, Yusuf Ağâh Efendi,¹⁰⁸ just two centuries after¹⁰⁹ it appointed its first permanent ambassador to Istanbul. Then, France, Austria and Prussia, too, received Ottoman resident ambassadors.

Those four states with Russia were the main actors of the eighteenth-century, which together manipulated small

108. There are different dates given for the appointment and departure of Yusuf Efendi. According to Cevdet Paşa, he was appointed towards the close of 1207/Hicri. Tarih-i Cevdet, VI,74. This date corresponds to July-August of 1793. According to Faik Reşit Unat, he was sent in 1792. But, Unat gave another date, September 14, 1793, as the departure of the ambassador. Osmanlı Sefirleri ve Sefaretnameleri, (Ankara: Türk Tarih Kurumu Basımevi, 1987), pp. 20, appendix XIV, 169. İsmail Soysal, wrote that he departed in the summer of 1792. Türk-Fransız Diploması Münasebetleri, p.107. Enver Ziya Karal also gave the date of appointment as towards the close of 1792. Selim III'ün Hat-tı Hümayunları: Nizam-ı Cedit 1789-1807, (Ankara: Türk Tarih Kurumu Basımevi, 1988), p.175. Ercümen Kuran stated that, his appointment was declared to the English ambassador in July 1793; he departed in the middle of October, 1793; and arrived in London on December 21, 1793. Avrupa'da Osmanlı İkamet Elçiliklerinin Kuruluşu ve İlk Elçilerin Siyasi Faâliyetleri 1793-1821, (Ankara: Türk Kültürünü Araştırma Enstitüsü, 1968), pp.14-15.

109. England had permanent ambassadors in Istanbul since 1583. Unat, Osmanlı Sefirleri, p.14note.

powers, and drew the map of Europe again and again in the name of "balance." This was so much so that, their greatness was registered at the Congress of Vienna of 1815, and the five states would then be called as "great powers." During the reign of Selim III, however, Russia was not sent any Ottoman resident ambassador.

The absence of an Ottoman resident embassy at Saint Petersburg has been interpreted by some authors as the natural result of the natural enmity between the two states. According to Niyazi Berkes, the Ottoman State did not send a resident ambassador to Russia, and "by this, Bab-Ali wished to show that, it did not regard Russia as a great power of Europe."¹¹⁰ Stanford J. Shaw, referring to some authors, such as Halil Inalcık, J.W. Zinkeisen,¹¹¹ has pointed out the "bitterness engendered by the recent war, and various disputes which had arisen over the execution of the Treaty of Jassy" as the reasons that caused Selim III not to wish to "honour the court at Saint Petersburg with one of his representatives."¹¹² He has also claimed that, both states regarded the recent treaty as no more than a truce.¹¹³

Thomas Naff also has showed the same reasons: Russia was the perennial enemy; Selim was pledged to cover the

110. Berkes, Türkiye'de Çağdaşlaşma, p.88.

111. Inalcık, "Yaş Muahedelerinden sonra Osmanlı-Rus Münasebetleri," Ankara Üniversitesi Dil ve Tarih Coğrafya Fakültesi Dergisi, IV(1946),202 ; Zinkeisen, Geschichte des osmanischen Reiches in Europe, 8 vols. (Gotha,1840-1863), VI,407-411. in Stanford J. Shaw, Between Old and New: The Ottoman Empire under Sultan Selim III 1789-1807, (Cambridge & Massachusetts: Harvard University Press, 1971), p.187.

112. Ibid, p.187.

113. Ibid, pp.189-190.

Crimea; and the Porte regarded the Treaty of Jassy as little more than an armistice.¹¹⁴ Ercümend Kuran has stated that, the Porte abstained from sending a resident ambassador to Russia, because it was interested in establishing firm relations with only the friendly states, and it understood that Russia had harmful intentions.¹¹⁵ Kuran has refused the assertion which was first brought by Maurice Herbette and later repeated by Ahmed Refik Altınay that the Ottoman State proposed to Russia the sending of a resident ambassador.¹¹⁶

These authors, in a way, are right in making such interpretations. Because, although the sending and receiving of ambassadors were essential to a participation in international law, there were also few states which had no communication with each other even in the nineteenth-century: Neither England and some other Protestant states, nor the Pope had their diplomatic representatives at each other's courts.¹¹⁷ It can be assumed that, the hostility, which originated in the Reformation was maintained by those states; consequently, any rapprochement between them was impossible. Selim III, thus, may be said to have attempted to carry out his scheme of resident representatives in an international environment in which states kept their hostilities and conflicts alive.

114.Naff, "Reform and the Conduct",p.304.

115.Kuran, Osmanlı İkamet Elçiliklerinin Kuruluşu, p.24.

116.Ibid,p.24note.

117.Woolsey, International Law, p.129.

Yet, it is stated in a Hatt-ı Hümayun¹¹⁸ that Selim III wished to send a resident ambassador to the capital of Russia. The candidate was Seyyid Naili Efendi. But, there is no statement in it as to whether the Ottoman State informed Russia of its intention. The report must have been written between 1793 and 1795: ¹¹⁹

...Yusuf Ağâh Efendi has been sent to England, because a great many benefits were found in the residing of some intelligent and straight-tempered servants of the Sublime State in some European states. And, at our office ¹²⁰ it has been repeatedly negotiated between us and the Reis-ül-Küttab, His excellency, that, Seyyid Naili Efendi will be sent to Russia to reside when he returns from Anatolia where he has been for inspection. ¹²¹

The report continues that, this intention was to be delayed for the present, because the State received some information of certain preparations made by Russia which might cause a new war. ¹²²

As has been known, the Ottoman State, during Selim III's reign, sent resident ambassadors to four states in all. Yet, they then stopped sending resident diplomats except to France. The reasons that have been put forward by

118. Hatt-ı Hümayun no.12969.

119. According to the report, Yusuf Ağâh Efendi was already in London; and, a resident ambassador was to be sent to Prussia. Cevdet Paşa wrote that, to the close of 1209/Hicri [June-July 1795], Ali Efendi was appointed as a resident ambassador to Berlin, but then his departure was delayed. Tarih-i Cevdet, VI,192. So, it can be dated as between 1793 and 1795.

120. kethüdalıqımızda.

121. Hatt-ı Hümayun no 12969.

122. According to Hurewitz, the resident mission at Saint Petersburg started out as legation in March 1857. The embassy was opened in June 1873. See, J.C.Hurewitz, "The Europeanization of Ottoman Diplomacy: The Conversion from Unilateralism to Reciprocity in the Nineteenth Century", Türk Tarih Kurumu Belleten, XXV, (1961),462.

some authors for the ceasing or failing of the scheme of resident ambassadors can be divided into three groups.

First. The absence of the essential preparations: The lack of an Ottoman foreign ministry which could coordinate the diplomatic activities in Europe; the lack of a foreign archives which was kept regularly; the Ottoman's maintaining their old practices as before¹²³ and the Ottoman rationale which remained constant as to the reforms held by Selim III. ¹²⁴ The Ottoman Foreign Ministry would not be established until the Tanzimat.¹²⁵

Second. The inadequacy of the Ottoman representatives: Naff pointed out the absence of an adequate system of recruitment and training to send abroad the suitable candidates.¹²⁶ Toynbee, referring to d'Ohsson, has stated that those ambassadors "proved so incompetent in this unfamiliar environment that they had to be replaced by Greek *chargés d'affaires*." ¹²⁷ Ercümen Kuran mentioned that

123. Hurewitz, "Ottoman Diplomacy" p. 461.; Naff, "Reform and the Conduct", pp. 312-313.

124. Ibid, p. 312.

125. See Carter V. Findley, Bureaucratic Reform in the Ottoman Empire: The Sublime Porte, 1789-1922, (Princeton: Princeton University Press, c. 1980). ;

Hurewitz writes that "Technically, the Foreign Minister came into being on 11 March 1836 when Mehmed Akif Paşa, the last Reisülküttâb was designated by imperial act the first Minister of Foreign Affairs." See, Hurewitz, "Ottoman Diplomacy", p. 463. ;

According to İsmail Soysal there is a Hatt-ı Hümayun about the conversion of the title of the Reis-ül-Küttâb to the Hariciye Nezaret-i Celilesi, and this can be found in the Salname-i Nezaret-i Hariciye, 1301 sene-i Semsiyê nüşhası, p. 162-163. See, Soysal, Türk-Fransız Diploması Münasebetleri, p. 109 note.

126. Naff, "Reform and Diplomacy", p. 313.

127. Ignatius Mouradgea d'Ohsson, Tableau Général de L'Empire Ottoman, (Paris: 1788-1824), VII, 573. quoted in Arnold J.

Selim III, in 1800, gave up sending resident ambassadors because he could not obtain the results that he expected and he did not expect any better result in the future. Therefore, ambassadors were recalled, and instead chargés d'affaires, most of whom were Greeks, were appointed to England, Austria and Prussia. Until 1821 the Ottoman embassies would be administered by chargés d'affaires.¹²⁸ As the two states were in war, there was no Ottoman resident ambassador in France until the peace was concluded in 1802. And, from that time until 1811, only in France would the Ottoman State keep a resident ambassador.¹²⁹

Ercümen Kuran based some of his above-mentioned statements upon two Hatt-ı Hümayuns.¹³⁰ However, he does not mention the main points that were cited in the Hatt-ı Hümayun, no. 13745, as the reasons to the failure of the Ottoman resident ambassadors.

The report begins with stating the actual position of ambassadors: Until that time no profit had been gained from the duties of the servants of the Sublime State who resided as ambassadors in the dominions of "Christian states." Then it explains the reasons:

The zeal inspired by Islam and the preservation of the honour of the Ottoman State in truth prevent

Toynbee, A Study of History, (London: Oxford University Press, 1934), III, 48note.

128. Kuran, Osmanlı İkamet Elçiliklerinin Kuruluşu, pp. 48, 64.

129. Ibid, p. 48. See Ercümen Kuran, "III. Selim Zamanında Türkiye'nin Çağdaşlaşması ve Fransa", in De la Révolution Française à la Turquie d'Atatürk, ed. by Jean-Louis Bacqué-Grammont and Edhem Eldem, (Istanbul & Paris: Isis, 1990), p. 53.

130. Kuran, mentioned Hatt-ı Hümayuns No. 13745 and 13745-A in Osmanlı İkamet Elçiliklerinin Kuruluşu, p. 47note.

social relations [between Muslim ambassadors and] the above-mentioned communities. Thus, the main purpose, which is to penetrate the secrets and attain the benefit [of the system of diplomacy], will not be possible.¹³¹

What was meant by this report seems to be obvious: The Ottoman ambassadors, for they were Muslims, could not attend the meetings where alcoholic beverages were drunk and where women were present. Selim III, therefore, should never think of giving his ministers such instructions as Napoleon did: "Above all, do not fail to give good dinners, and to pay attention to the women."¹³²

Third. The political situation of Europe: Hurewitz calls attention to the false timing of Selim III. To him, Selim III attempted to carry out his scheme of diplomacy at a time when "diplomacy in Europe was temporarily breaking down as a result of the repercussions of the French Revolution and the Napoleonic wars which followed."¹³³

Indeed, when Yusuf Agâh Efendi reached London on December 21, 1793, almost all Europe was at war with the exception of Sweden, Denmark, Switzerland, Venice¹³⁴ and the Ottoman State who remained neutral; and, Russia which was occupied by the preparations of the annexation of Poland. It was just the time when a new balance of power was being established since France seemed as a preponderant to the actual balance and a menace to the crowns. However, in 1795 the coalition would be dissolved and from that time

131. Hatt-ı Hümayun No.13745.

132. See page 33.

133. Hurewitz, "Ottoman Diplomacy", p.461.

134. Stephens, Revolutionary Europe, pp.120,124.

until 1815 there would be gradually no balance of power and no effective diplomacy in Europe, but only Napoleon's tremendous army and his edicts.

Hurewitz is right when he mentions that the situation of Europe was a handicap for Selim III to realize his scheme. On the other hand, although the reasons which urged the Ottoman State to establish resident embassies will be worked in the next chapter in the frame of the balance of power, for the present, it can be shortly said that, it was that situation of Europe which prompted Selim III to make use of resident ambassadors.

In any case, the Ottoman State voluntarily experimented with the sending of ambassadors and reciprocity during the reign of Selim III. But, why did it not begin to enjoy reciprocity long before? In fact, it should be asked first, why the Ottoman State did not enjoy firm, concrete and permanent relations with the states of Europe. Here, the following two views may be put forward:

1. In the Islamic world there was no state system similar to that of Europe. Had there been one, the Ottoman State would have found the opportunity to develop international relations, and might have had relations with the European states as well.

2. The European states never wished to establish close relations with the Ottoman State for it was Muslim and was not among the founders of the European state system.

These two views may be argued as follows:

1.The Absence of an Islamic State System

The Ottoman State could not have the experience which the European states had acquired in international relations by 1648. Because, it did not face Muslim rivals, at least a third rival, aside from Iran, which might engender the establishing of interstate relations.

Medieval Christendom was not divided into separate states.¹³⁵ But then, the emerging states of Europe broke Christendom into territorial sovereignties. So, states began to apply practices, usages, and law both within their territories and during their relations with others, which were very different than the decrees of Christianity. But this would take time. For example, when the secret treaty, made between Francis I and Sultan Süleyman I, was brought out, it became a "great scandal of Christian Europe," for the king of France had relations with an "infidel."¹³⁶ However, the Reformation broke the authority of the universal church¹³⁷ and states decisively began to separate religious doctrine from their external relations. In the end, they definitely fixed this separation into the Treaty

135.Adam Watson, "European International Society and Its Expansion",The Expansion of International Society, ed. by Hedley Bull and Adam Watson,(Oxford:Clarendon Press, 1985), p.13.

136.S.B.Fay "Balance of Power" Encyclopedia of the Social Sciences,II,395-399 (Macmillan Co.,c.1930) quoted in Norman Hill, International Relations:Documents and Readings, 2d ed.,(New York:Oxford University Press, 1951),p.186. ; Hill, History of European Diplomacy ,II,439-440.

137.Watson,"European International Society",p.15.

of Westphalia¹³⁸ and tried to live in a secular state system. This was a system which states established of their own accord, or which they were compelled to establish as a consequence of the fact that they had relatively equal powers which impeded the concentration of power in one hand. In this world they would develop reciprocal relations, and learn to negotiate and reconcile their aims with each other.

The world of Islam, too, theoretically was not divided into states. Then, in the course of time, independent sultans rose in Islamic world, such as Abbasids, Fatimids, Umayyads" although the outward legal unity was maintained in theory."¹³⁹ Khadduri at this point argues that, after the disappearance of the Abbasid dynasty in the thirteenth-century, there were many political entities in the Islamic world. At the end of many battles of life and death which were waged by these entities until the opening of the sixteenth-century, three territorial divisions occurred: The Ottoman and Persian states emerged by the absorption of peripheral territories of Islam; and the third division covered Muslims who upheld the Sunni creed and were ruled by several dynasties.¹⁴⁰ Khadduri asserts that this was the transformation of the Islamic universal state into an "Islamic state system," just as Western Christendom was transformed from a universal into a European state system.¹⁴¹

138. Khadduri, Islamic Law, p.61.

139. Ibid, pp.59-61.

140. Ibid, p.60.

141. Ibid, p.61.

Khadduri, thus, represented an Islamic state system which was composed of three divisions: the Ottoman State, Iran and the other Muslim dynasties. His assertion can be criticized in every respect.

In the Islamic world of the sixteenth, seventeenth and eighteenth centuries, it is difficult to see shifting alliances and coalitions; permanent struggles or wars which many Muslim states were involved in; important questions which compelled states to solve them in collective meetings; and, concrete relations which entailed permanent diplomats.

All these, however, existed in Europe. Because, first, Europe's state system was composed of many states. At least in Germany there were more than 300 states which were recognized by the Treaty of Westphalia. Secondly, all states in Europe were in close contact with each other, and it can be said that they owed these close relations to their geographical position. That is, they shared and occupied the one and the same continent. For this reason, there was the possibility of establishing shifting alliances in accordance with the changing conditions as much as there was the probability of maintaining struggles and wars.

When the Ottoman State came into being, it did not find serious Muslim rivals but Iran. It held the Khanate of the Crimean Tartars and Morocco under its influence; made Tunis, Algerian and Tripoli its provinces, and put an end to

the sultanate of the Memluks in the first half of the sixteenth-century.¹⁴²

As for the members of the third division, which Khadduri does not mention, they were some Muslim states which occupied different regions in southern Asia and on the islands of the Indian Ocean, and were waging a war of survival against the attacks of the Portuguese. There were also some Muslim states beyond the Caspian Sea which were resisting the assaults of Iran.

Uzunçarşılı reported that all these Muslim states asked Sultan Süleyman I for his military assistance. The Ottomans wished to help the Muslim states beyond the Caspian Sea. They furnished the Uzbeks with weapons. Even the two made an alliance against Iran in the second half of the sixteenth-century, but it did not work.¹⁴³ Although the Ottomans were eager to assist those states, they could not reach them because of the obstacle of Iran. For this reason a Don-Volga canal was considered, but somehow it could not be realized.¹⁴⁴ In order to prevent the Muslim States from falling into Portuguese hands, the Ottoman State endeavoured to furnish the existing Muslim states existing around the Indian Ocean with military and naval support. However, the Ottoman naval forces could not win decisive success against the Portuguese; moreover, the Portuguese began to hold even

142. Uzunçarşılı, Osmanlı Tarihi, II, 132, 292; III/I, 46 ; III/II, 293, 295, 296.

143. Ibid., III/II, 252-255.

144. Ibid., III/I, 34-37.

the mouth of the Red Sea and the Persian Gulf besides the Indian Ocean. ¹⁴⁵

It can be said that, the rising of Iran on the one hand, and the effort of the Portuguese to keep the great trade route to India in their hand on the other, engendered some relations between the Ottoman State and the distant Muslim states. At the same time, however, the Ottomans could not prevent Iran and the Portuguese from terminating the sprouting relations between the Ottoman State and the distant Muslim states at the very beginning. As is seen, the link between the Ottomans and the other Muslim states was cut off in the sixteenth-century. Thus, there remained only the two leading Islamic powers, the Ottoman State and Iran.

The European state system was established owing to the balance of power. A balance of power could not work unless there were some states which menaced the existence of others; alliances or coalitions which resisted against the preponderant state or states; and, diplomats who interwove the relations among states. The existence of several Muslim states on different and remote parts of the globe did not mean anything unless they established a balance of power among themselves and recognized their sovereignty, independence and equality. To the contrary, as Khadduri has mentioned, "both the Ottoman State and Iran could not regulate their relationships on the basis of equality and reciprocity." ¹⁴⁶

145. Ibid, II, 391-400.

146. Khadduri, Islamic Law, p.62.

To conclude, there was not a Muslim "state system" similar to that of Europe, in which states engaged in wars, and threatened each others' existence. There were no Muslim states which conspired to ruin each other, and made alliances against their rivals. Nor were there Muslim states which at the end of long wars defended their rights by negotiation, and in the peace time preferred reciprocal relations. Both Iran and the Ottoman State functioned without a lot of Muslim rivals which would urge them out of isolation into relations with other Muslim states. Only two events could change this static position: either a rival might emerge as the result of a revolt in their respective dominions, or the two states might have relations with the Europeans and make use of European experience.

2. The Experience of Russia

Both Iran and the Ottoman State became members of Europe's state system only in the late nineteenth-century.¹⁴⁷ Whereas Russia, an Asiatic state, which was once in isolation and loneliness and had even fewer relations than the Ottomans with the Europeans, experienced reforms at the beginning of the eighteenth-century which let it enter the European state system. Russia realized these reforms in an environment where the members of the state

¹⁴⁷Hedley Bull, *The Emergence of a Universal International Society*, *The Expansion of International Society*, ed. by., Hedley Bull and Adam Watson, (Oxford: Clarendon Press, 1985), p.123.

system regarded Russia as outside the civilization and traditions of Europe. ¹⁴⁸ As Toynbee has said, Russia's experience was an "historic event," because "Russia was the first non-Western country" which entered the system. ¹⁴⁹ For this reason, the experience of Russia may be used as a touchstone to test this second view.

Russia was still isolated in the seventeenth-century and was outside the society of nations. ¹⁵⁰ It was so much so that, in 1657 Louis XIV, the King of France, sent an official letter to the Tsar Michael, who had been dead for twelve years. ¹⁵¹ Although Russia had some diplomatic relations with Hungary, the Holy See, Denmark and the Holy Roman Empire in 1400's, these contacts were "perfunctory and were limited to exchange of embassies." ¹⁵²

Russia and Western countries had few interests in common. ¹⁵³ Russia did not take part in crusades, ¹⁵⁴ in the Thirty Years' War, and did not sign the Treaty of Westphalia in 1648. ¹⁵⁵ That is, it was not among the founders of Europe's state system.

148. Adam Watson, "Russia and the European States System", The Expansion of International Society, p.64.

149. Israel, ed., Major Peace Treaties, p.xix.

150. Anderson, Europe in the Eighteenth Century, p.172. ; T.J. Lawrence, The Society of Nations: Its Past, Present and Possible Future, (New York etc.: Oxford University Press, 1919), p.32.; Hill, History of European Diplomacy, III, 290.

151. Anderson, Europe in the Eighteenth Century, p.173.

152. Michael T. Florinsky, Russia: A Short History, 2d ed., (London: The MacMillan Co., 1971), p.77.

153. Ibid, p.77.

154. Ibid, p.77

155. See page 10.

But then, there came "the need of close contact with the West, and the need of armies equipped and trained on the model of Europe," for Russia was occupied for a time by Poland which made use of Russia's internal trouble which lasted between 1584 and 1613.¹⁵⁶ Therefore, Russia began to engage foreign military officers and to employ foreign scientists to prospect metals, build foundries and foreign schools.¹⁵⁷

However, the main reforms were realized by Peter I beginning from 1699. Besides his economical and financial reforms, Peter I eagerly began relations with the European states and started to constitute his foreign office and to establish reciprocal diplomacy of his own accord. His foreign office was the second effective foreign office of Europe besides that of France.¹⁵⁸ He made a journey to Western Europe in order to obtain artisans and sailors, and to secure an alliance with France.¹⁵⁹ Then Russia would always have allies through the eighteenth-century. Peter's reforms were resisted by the old style military, Streltzi, and by the Orthodox Church. But, he managed to destroy the former replacing it with a modern army, and to break the

156.S.F.Platonov, History of Russia, trans., by E. Aronsberg, ed., by F.A.Golder, (New York: The Macmillan Co.,1925),p.173.

157.Ibid,p.173.

158.Ogg, Ancien Régime 1715-1783,p.126.; Anderson,Europe in the Eighteenth Century , pp.153,157.

159.Hill,History of European Diplomacy,III,364-365.

power of the latter which was extremely conservative and hostile to foreigners.¹⁶⁰

One can deduce from the example of Russia that being isolated and inexperienced in international relations, and being absent among the founders of the state system were not obstacles to attempt to establish close interstate relations in the eighteenth-century.

On the other hand, the example of Russia may be criticized: Even though it belonged to the Orthodox sect, Russia was in the end a member of the Christian religion. The fact that Russians were coreligionists, therefore, worked towards their admittance to the European state system.

This criticism can be replied to as follows:

The states of Europe established a secular world in which the Protestants and Catholics lived side by side, and tried to constitute an international law which was commonly used and remained outside the domain of religion. But, even though they lived in a secular world, this, of course, did not mean that they all abandoned their religious customs and usages. For example the ruler of France was still called as "Christian king" or "Catholic majesty" both in the 1700's and 1800's. ¹⁶¹ The treaty of the Second Coalition signed between Russia and England in 1798 began with "the name of the most holy and indivisible trinity."¹⁶² There was no

160. Ibid, III, 291.; Anderson, Europe in the Eighteenth Century, p.173.

161. Wiener, ed., A Documentary History, pp.136, 184.

162. Ibid, p.173.

reciprocity between the Pope and the Protestant states. Rulers from 1648 until 1789 named the moral and political union of Europe as "The Republic of Europe," or "Europe's Political System," or "Assembly of Christian Rulers."¹⁶³

All these were, in fact, the instances of one of the two aspects of Europe. As for the second aspect, it can be said that, the members of the state system, by the second half of the seventeenth-century, had already ceased to distinguish the other states as to infidelity or religious sects. For example, the King of Sweden, Charles XII, took refuge with the Ottoman State for six years, since he was seriously defeated by Russia in 1709, which was a member of the coalition established against Charles and composed of the Orthodox, Catholic and Protestant states. And, the Protestant Charles XII tried to induce the Muslim Ottomans to lead an army against his Orthodox foe.¹⁶⁴

Beginning with the Treaty of Carlowitz, the European states, as Naff has pointed out, played the role of mediator many times in the eighteenth-century, to arrange the treaties between the Ottoman State and its enemies.¹⁶⁵ In 1740 Sweden made a defensive alliance with the Ottoman State,¹⁶⁶ and Prussia offered an alliance in 1756 which was refused by the Ottomans.¹⁶⁷

163. Morgenthau, Uluslararası Politika, I, 284.

164. Hill, History of European Diplomacy, III, 300-340 passim ; Uzunçarşılı, Osmanlı Tarihi, IV/I, 62-95 passim.

165. Naff, "Patterns and Trends", p. 97.

166. Uzunçarşılı, Osmanlı Tarihi, IV/I, 294.

167. Ibid, IV/I p. 345.

At this point it may be assumed that Russia, perceiving and realizing that the existence of a state system in Europe was on account of the balance of power, namely the second aspect of Europe, and not because of the effect of Christian religion, endeavoured to manipulate its international relations in accordance with the secular rules of the system, and succeeded in making use of those rules in its favour.

In fact, Russia was not accepted into the state system with a general agreement. France, even to the close of the eighteenth-century, still regarded it as an "Asiatic Power, that ought to be excluded by general assent" from the system.¹⁶⁸ The Comte de Broglie, in the 1770's wrote that Russia had to be thrown "back into her vast deserts" and to be relegated "as far as affairs went, beyond the limits of Europe."¹⁶⁹

However, the main reason in wanting to throw Russia was not its religious sect; to the contrary, the main reason was its position in the balance of power which menaced the others. And, again in the 1770's the two French writers, M.Ségur and Siour Favier agreed that "Russia needed to be checked by Franco-Swedish and Franco-Ottoman agreements and

168.Butterfield, "The Balance of Power", Diplomatic Investigations, p.143.

169.quoted in Gullick, Balance of Power, p.83. Gullick has not mentioned his exact name. Broglie was the name of a noble French family which was of Piemontese origins. The one who was mentioned might have been Victor François Broglie, who lived between 1718-1804. Larousse :Nouveau Dictionnaire Encyclopédique, (c.1922), I,304.

by an alliance with either Austria or Prussia." ¹⁷⁰ Those writers, regardless of the fact that it was Muslim, considered the Ottoman State as a useful political instrument as Austria or Prussia or Sweden. This was the main aspect of Europe which prevailed in the eighteenth-century and suppressed the other.

Russia's experience disproves the second view and shows that, a state could enter the system without regard as to its religion or sect and whether it had its signature in the Treaty of Westphalia.

But, it is a fact that, Russia managed to enter the system just because it had an effective role in the balance of power with its modern army. Peter I abandoned Russia's traditional foreign policy of defence and assumed a policy of expansion in order to reach the Baltic and Black Seas.¹⁷¹ He carried out invasions in the Baltic at the expense of Sweden. Western states perceived Russia as a new danger and intended to resist its further expansions. But, because they were engaged in the Spanish Succession War (1702-1713), western states could not prevent Russian expansion. These territorial acquisitions of Russia rendered it the greatest of the Baltic powers and compelled western states to devote their attention to it. ¹⁷² Russia, by sending diplomats to the capitals of Europe, and by establishing alliances owing

170. Gullick, Balance of Power, p.82-83.

171. Hill, History of European Diplomacy, III, 291-292.

172. Anderson, Europe in the Eighteenth Century, pp.175-177.

to its use of some international situations, began to play the game of balance of power according to its rules.

As for the Ottoman State, its army was reckoned to be weak. For this reason the sultans endeavoured to improve the army. However, the power of an army was not enough. According to the rules of the balance of power, there should be at least an ally both in the peace and in war time. Whereas, the Ottomans had no allies in the battles of the eighteenth-century but always faced the armies of enemy alliances.

France has been reckoned by some authors as the ally, friend and protector of the Ottoman State since the reign of Sultan Süleyman I. They also deemed the Ottoman State as a part of a system with Poland and Sweden, which was established by France to check the expansion of Hapsburgs in the East.¹⁷³ Yet, France has not been recorded up to now as having furnished the Ottoman State with troops, guns and weapons, or furnished it with the promised subsidies when it was at war with Austria or Russia. That is, France was a nominal ally of the Ottoman State. David Jayne Hill wrote that,

The attitude of France toward Turkey had always been that of a superior toward a useful subordinate whose services had often proved valuable, but with whom it was not expedient to make a binding engagement.¹⁷⁴

173. Ibid, p.181; Richard L.Haines, "Balance of Power", p.12; Ogg, Ancien Régime, pp.122, 142; Duggan, The Eastern Question, p.35.

174. Hill, History of European Diplomacy, III, p.472.

Yet, the Ottomans, much to everyone's surprise, notwithstanding that they had no allies, won some of the battles which they waged in Europe in the eighteenth-century. That is, their army was still effective. They formed alliances with France and Sweden.

There remained only one obstacle; that is, the privilege. It can be claimed that, the capitulatory privileges caused the absence of equal and reciprocal relations between the Ottoman State and the European states. The extraterritorial practices in the Ottoman dominions were not reciprocal, but one-sided, which were demanded and even dictated by the European states. Whereas the European states applied only their own laws over their subjects and the foreigners who reside in their territories.

When, in 1725, the Ottoman State appointed Ömer Efendi, as a sehbender (consul), to the position of Ambassador at Vienna, in accordance with the Treaty of Passarowitz, the Austrians raised difficulties for the Ottoman ambassador. Austria received the ambassador, but did not wish the communication to be held through him. Upon the complaints of Ömer Efendi to Istanbul, the Porte wrote him that

...the Austrian ambassador has been advised to write a letter to Austria that, they should show respect and honour to you in exactly the same way as the Austrian ambassador here has been shown respect and honour...Moreover, the Prime Minister of the Emperor has been sent a dispatch...it is also written to him that, the Muslim merchants should be given their

passports and let reside in Austria in exactly the same way as it has been applied here.¹⁷⁵

Taking into consideration the Austrian conduct which Ömer Efendi faced, and the extraterritorial privileges in the Ottoman dominions, it can be said that, the European states did not establish close relations with the Ottoman State not because it was Muslim or absent when the state system was constituted, but because they did not prefer to treat it as equal to themselves owing to their interests in the Ottoman lands.

Hence, an assumption can be made that, this attitude of Europe towards the Ottoman State, engendered an Ottoman imagination of Europe composed of "fear" and "suspicion." Some Ottomans imagined Europe as an integral whole which consisted only of enemies and rivals.

This Ottoman imagination of Europe can be observed in an official report dated November 27, 1789 and sent by the Ottoman Imperial Army which resided at the winter quarter in Şumnu during the Austrian-Russian-Ottoman War.¹⁷⁶

The report informed the Porte of the decision of the Ottoman Imperial Army which held the fourth meeting to discuss whether or not it was necessary to form an alliance with Prussia and whether Prussian conditions should be met. The Ottoman Imperial Army was against having an alliance with Prussia:

175. Uzunçarşılı, Osmanlı Tarihi, IV/1, 170-171.

176. Hatt-ı Hümayun No.14615

9 Rebiülevvel 1204.

The matter of the alliance¹⁷⁷...appears as if a protection and aid [in favour of] the Ottoman State. But,...if it is observed it will be [seen] that there are many dangers pertaining to the religion and the state¹⁷⁸...The enemies will be five or eight whereas they are two now,...and the Sublime State will have no power. It is clear that, the Christian states never wish the Ottoman State to be in tranquility, [instead] they wish it to be in a continuous struggle...Prussia never sees any advantage in the security of the Sublime State for it is neither contiguous to, nor has commercial relations with the Sublime State. Perhaps, it [Prussia] may bring into being the requisitions little by little in the dominions of Poland, which it wished, while Russia and Austria were occupied with the Sublime State. It come to one's mind that it [Prussia] may also desire some lands of the Sublime State...¹⁷⁹

In the report, there is a comment of the Army on the European balance of power. It is understood that the Ottoman officers perceived the European balance of power as if it had been established from the very beginning especially against the Ottoman State:

Russia, Austria, Prussia, Netherlands and the others, whether they are allied or opposed to each other, do not assist the Sublime State... They do not want Muslims in the European continent. If attention is paid to the matter of balance¹⁸⁰ which they respect, it [will be understood] that, it is a kind of an alliance against the Sublime State. Until 1591, 1630 and 1640¹⁸¹ alliances were not valid among states as they are now and they engaged in wars, occasionally asking for each others assistance. [But], from that time when the frontier of the Sublime State approached Vienna, the seat of the Caesar, [d.d.]¹⁸² and a dominion of Poland was

177.The word ittifak was used in the document in the sense of an alliance, or coalition or unanimity in accordance with the context.

178.mahazîr-i diniyye ve mülkiyye

179.Hatt-ı Hümayun No. 14615.

180.muvaazene.

181.1000, 1040, 1050/Hicri.

182.damaged document.

added to the dominions of [the Sublime State], the states of Austria, Poland and [d.d.]¹⁸³ corresponded with each other in order to establish an alliance...They said: "If [d.d.]¹⁸⁴ we do not ally ourselves with each other according to a system,¹⁸⁵ the Ottomans will take all our lands." [Therefore] they allied themselves with each other against Muslims in such a way that, they would never be separated. But, whenever, one of them became powerful and coveted the other's dominion, the alliance¹⁸⁶ to which they remain respectful suffered harm...Therefore, they invented a rule of balance among themselves: Every state is to have this much army and this much power...The balance that they established was not to waver a hair's breadth to one side or the other...This general agreement is a matter which is kept secret among them and of which they advise no-one. If we approach a friendly state about this matter of balance, they freely admit of its existence, but they do not reveal that it is a result of the afore-said alliance (against the Ottoman State). Our Greek subjects who feign loyalty to the Sublime State, and are cognizant of the affairs of Europe, [in fact] only pretend to inform us of these affairs. Although they know of this secret, [of the general alliance against the Ottoman State], they act according to their dissimulated religious loyalties which work definitely against the Islamic faith...But, the instrument for alliance could not have been offered by Prussia without the knowledge of Russia and Austria. Here too, there lies a trick, which can be discovered, given enough thought. ¹⁸⁷,

Cevdet Paşa, later, criticized this image of Europe, and blamed the Ottomans of the past for the rupture of the relations with Europe:

In the past the whole Christian states were deemed as a united power because there was no knowledge which was pertaining to the conditions of Europe. When there was need to have an alliance, it was not wished for. Although the Sublime State in the past

183.damaged document.

184.damaged document.

185.The word used for "system" is nizam.

186.The word ittifak was used in the sense of a coalition.

187.Bunda dahi bir hileleri vardır. Hatt-ı Hümayun No.14615.

was reminded that it should make alliances with some European states in compensation for the alliance between Russia and Austria, this was not wished for. However, the European states, apart from the fact that they were opposed to each other by reason of their conflicts in principles and sects, for a time, abandoned wars of religion and sects. Their wars and struggles have been limited to their special profits, and the object of alliances among them have [become] taking a share in the state-owned profits.¹⁸⁸

But, the above-mentioned comments of the Ottoman Imperial Army, of course, cannot be attributed to all Ottomans; otherwise, there could have been no Ottoman resident ambassadors at the capitals of Europe, and no alliances with the European states during the reign of Selim III. Those comments only reflected how the Ottoman State was isolated although it was within Europe.

The absence of relations caused a diversity of conception and terminology between the Ottoman State and the states of Europe in international subjects.

There was no longer, for example, a war held in the name of religion in Europe, but expansion, compensation, and the ambition of sovereigns. However, the reasons that were shown by Defterdar Sarı Mehmed Paşa (d.1717), and Müneccimbaşı Ahmed Dede (1631-1702), the Ottoman historians, to open a war according to the decrees of Islamic

¹⁸⁸. menafi'-i mülkiyye. Cevdet, Tarih-i Cevdet, 1303), V, 11.

religion,¹⁸⁹ were not different than the reasons mentioned by the Reis in 1804.¹⁹⁰

The wars were not waged for heroism, but tactics in order to check the other's expansion. Whereas, there was no difference between Sultan Süleyman I and Selim III in their concept of war. Süleyman I sent letters which contained harsh words to the Emperor of Austria for he did not show himself in the battlefield and abstained from fighting.¹⁹¹ Selim III, two centuries after this, stated the same things: "The wars of these infidels are peculiar. They do not show themselves and wage wars in a brave manner."¹⁹² However, Selim III differed from his predecessors by having ordered a book to be translated which was written by a French marshal in order to understand the European art of war.¹⁹³

Infidelity was replaced with alliances and coalitions in Europe. Defterdar Sarı Mehmed Paşa, half a century after the Treaty of Westphalia, wrote the historical events happened in the seventeenth-century from the Islamic religion point of view. To him, the Europeans

189. Defterdar Sarı Mehmed Paşa, Zübde-i Vekayiat :Olayların Özü, trans. by., Abdülkadir Özcan, IV vols., (Istanbul: Tercüman 1001 Temel Eser, 1977), passim.; Müneccimbaşı Ahmet Dede, Münecimbaşı Tarihi: Sahaif-ül-Ahbar fî Vekayi-ül a'sâr, trans., by İsmail Erünsal, (Tercüman 1001 Temel Eser: 37, Kervan Kitapçılık A.Ş., nd.), III vols., passim.

190. Enver Ziya Karal, Halet Efendinin Paris Büyükelçiliği 1802-1806, (Istanbul: İstanbul Üniversitesi Yayınları, No: 102, Edebiyat Fakültesi Tarih Semineri No. XI, 1940), p.69.

191. Uzunçarşılı, Osmanlı Tarihi, II, 334.

192. Tahsin Öz, "Selim III'ün Sirkâtibi Tarafından Tutulan Ruznâme", Türkiye Maarif Vekâleti Tarih Vesikaları, III, No.13 (1944), 26.

193. Ibid, p.26.

were "infidels." ¹⁹⁴ As has been mentioned above Selim III, too, used the phrase infidel.

It can be thought that, when Selim III used the phrase "infidel," maybe, he did not express it in its original sense. That is, the meaning of the phrase might have lost its original and religious significance to the close of the eighteenth-century. And, it might have changed into simply: "they," or "aliens." But, at any rate, Selim III defined the Europeans with the help of that word, which remained as an Medieval phrase conjuring up the great religious hostilities and the gap between Christianity and Islam. In 1791, Edmund Burke (1730-1797), English politician and orator, touched upon this gap:

The considering the Turkish empire as any part of the balance of power in Europe was new...He had never before heard it held forth, that the Turkish empire was ever considered as any part of the balance of power in Europe. They had nothing to do with European power; they considered themselves as wholly Asiatic. Where was the Turkish resident at our court, the court of Prussia, or of Holland? They despised and condemned all christian princes, as infidels, and only wished to subdue and exterminate them and their people. ¹⁹⁵

This was a European statesman's imagination of the Ottoman State. Of course, it can not be generalized for all Europeans. But, it lets one assume that, the knowledge of some about the Ottoman State, might have remained as limited with the knowledge of the historical events which occurred in the 1400's and 1500's. The reason to this was the lack of

194.i.e. küfür, küffar, küfür tek bir millettir. Defterdar Sarı Mehmed Paşa, Zübde-i Vekayiat,passim.

195.Speech in House of Commons, March 29, 1791, in Hansard, XXIX,pp.75-77, quoted in Gullick,Balance of Power,pp.14-15.

relations. And the reason to the lack of relations was the absence of the Ottoman State in the balance of power. Burke himself, revealed it as a fact that, the Ottoman State was not any part of the balance of power.

The Ottomans could not acquire the European practices directly through diplomacy or alliances, but indirectly through the treaties, and congresses made at the end of the wars, in which they were defeated. Ernest Satow counted three congresses which the Ottomans experimented in the eighteenth-century: the congress of Carlowitz in 1699, Fokchany in 1772 and Bukharest in 1773.¹⁹⁶ Abou-El-Haj wrote how the Ottoman plenipotentiaries at Carlowitz negotiated and resisted against any dictation.¹⁹⁷ There were such expressions in the Treaty of Carlowitz as "reciprocal" and "mutual."¹⁹⁸ The congresses of Fockhany and Bukharest were held when an armistice was made during the Ottoman-Russian War (1768-1774). Satow wrote that, twenty nine sessions were held between the Ottoman and Russian plenipotentiaries during these congresses. The two congresses gave no fruit in the end, but the Ottomans managed to reject the Russian demands.¹⁹⁹ By treaties and congresses the Ottomans were forced to negotiate and to accept the principle of the equality of sovereigns.²⁰⁰ The

196.Satow, Diplomatic Practice,III,4.

197.See Rifa'at A. Abou-El-Haj, "Ottoman Diplomacy at Karlowitz",Oriental Society, LXXXVII(1967).

198.Treaty of Carlowitz in Israel, ed., Major Peace Treaties, II,869-882.

199.Satow, Diplomatic Practice,II,54-55.

200.Naff,"Patterns and Trends",p.97.

effect of this development can be seen in its two treaties made with Iran.

If the treaties of peace concluded between the Ottoman State and Iran in 1639 and 1746²⁰¹ are compared with each other, it will be seen that two states progressed towards reciprocity. The former was dictated by the Ottoman State. There were verses of Koran in it.

But, the latter was in a European style of treaty with numbered articles. There were phrases such as "mutually" and "two contracting parties," that can be seen in any European peace treaty. The article II stated that,

In order to confirm the amity between the two governments and to demonstrate their good harmony, every three years the Ottoman Imperial Government and the Persian Government shall accredit ambassadors to each other's court.²⁰²

In the appendix of this treaty another example of reciprocity was included:

Persians who may go in pilgrimage to Mecca, Medina and to other cities of the Ottoman Empire shall be received with the same friendliness as that [accorded] to Muslim pilgrims, travellers and inhabitants of the Empire. No tribute or tax, repugnant to the laws and regulations, may be levied on [the Persian pilgrims]....Merchants and inhabitants of the Ottoman Empire shall be treated in the same manner in Persia.²⁰³

²⁰¹.J.C.Hurewitz, Diplomacy in the Near and Middle East: A Documentary Record 1535-1914, (Princeton etc.,:D.Van Nostand Co.,In.,c.1956),pp.21,51.

²⁰².Ibid,pp.51-52.

²⁰³.Ibid,p.52.

The Ottoman State, thus, gradually began to use European style of diplomacy just because of the expansion of Europe's balance of power. After the victory of Poltova against the Swedish king in 1709, Western Europe's attention was focused on Russia. Then in 1713 Prussia was admitted as a kingdom into the state system by the Treaty of Utrecht. These two states began to make shifting alliances with western states. Therefore western balance of power extended to the East. That is, all Europe was encompassed by the state system. The invasion of Saxony in 1756 was the first signal for the weakest states. Then came the partition of Poland in 1772.

As for the Ottoman State, it, still felt itself as a power who could intervene in the politics of Poland as before and found the energy within itself to open wars against Russia which proved futile. But, the invasion of Crimea in 1771 and especially the decisive annexation of it in 1783 by Russia can be deemed as the first serious menace it faced with. Because, until that time, the Ottoman State lost its territories only at the end of the wars in which it was defeated. However, this time, Crimea was lost by annexation without having waged a war.

Therefore, the Ottoman State began to look for alliance with France and Prussia. Ten years after Crimea was annexed, and as soon as its war with Austria and Russia was concluded, the Ottoman State sent its first resident ambassador. All these developments occurred because the

Ottoman State felt the breath of the European state system on the nape of its neck.



IV. WEAKEST STATES-GREATEST STATES

A. The Ottoman State, Poland, Sweden, Venice and Genoa

Historians have deemed Sweden, Poland and the Ottoman State to be the parties to a barrier system in the East, which was established by France in the eighteenth-century.¹

This system was in the service of France until 1756, to check the expansion of Austria and to make difficulties in the East so as to divert Austria's attention and power from the West to the East. Therefore, France would be free in the West. Because of these relations, France was the protector, ally and the friend of the three states. But, when the Diplomatic Revolution occurred, that is, when France made an alliance with its natural enemy, Austria, in 1756, the system grew weak. Russia and Prussia, which began to show their power since the 1740's, found themselves free in the East. Indeed, Poland was partitioned by Russia, Prussia and Austria in 1772. The Ottoman State, provoked by France, entered a war in order to rescue Poland from Russia's invasion but it could not resist Russia.

On the other hand, France, although it was the ally of Austria, did not hesitate to assist the three weakest

1. See Duggan, The Eastern Question; Hassall, The Balance of Power; Hill, History of European Diplomacy; Stephens, Revolutionary Europe.

states against Austria, Russia and Prussia. It could not impede the partition of Poland, and the war of the Ottoman State, but managed to assist Gustavus of Sweden to establish his absolute monarchy. Therefore, for a time the strict government in Sweden intimidated Russia. As for the Ottoman State, France furnished it with technical men, but not with essential needs. In fact, France never made a treaty of alliance with Poland, Sweden and the Ottoman State.

Its only aim was a diversion in the East which might impede the expansion of those three powerful states. France was still known as the natural ally and protector of the three weakest states until the 1807 Tilsit Treaty and it, until that time, never gave up its barrier policy. Ismail Soysal, referring to the French archives, has illustrated how France urged the Ottoman State to wage a war against Russia during 1789-1802. ■

Some historians have considered the First Partition of Poland in 1772 and the 1774 Küçük Kaynarca Treaty as the beginning of the "Eastern Question." Yet, in the same century, in the 1790's there occurred the partitions of Venice, the invasions of Genoa and the other weakest Western states. France, without any reason, invaded Venice and then used that state as a tool for a treaty with Austria. France also invaded Genoa and the other Western states without any reason. These events manifested that, there was indeed a "question," but not a mere Western or Eastern question. It

2. See Soysal, Türk-Fransız Diploması Münasebetleri.

was only the question of the big powers which aimed at expansion at the expense of the weakest states.

B. The Reliance upon the Balance of Power

As soon as the Austrian-Russian-Ottoman War decisively ended in 1792, the Ottoman State found itself for the first time just in the middle of a great European conflict which would end only in 1815. During these years coalitions followed coalitions, which were established first against revolutionary France then the French Empire. The reign of Selim III coincided with the first fifteen years of this period. The series of wars first began between France and Austria and its ally Prussia in 1792. Then it turned into a coalition war, named the First Coalition War (1793-1795). The Ottoman State during 1792-1795 found the opportunity of making use of the balance of power, attempting to send ambassadors, and using international law. This did not mean that it was at peace. It only found the opportunity of manipulating the big powers, or at least resisting their demands.

When the First Coalition against France began to take a shape in 1793, all states in Europe successively joined in it, except Russia, which stayed aloof, and Sweden,

Denmark, Switzerland, Venice, Genoa³ and the Ottoman State, which remained "neutral." That six states remained neutral in a war is remarkable, and the number is not to be dismissed lightly because in the past wars of the eighteenth-century there were hardly so many neutral states. To the contrary many states, without having declared neutrality, stayed aloof.⁴ The Ottoman State, for example, had never been heard before to be "neutral."

At first sight, their declaration of neutrality seems to suggest that the principle of neutrality had begun to appear in the 1790's as a widely accepted right, which ensured a legal refuge for the weakest states, which did not wish to fight.

However, the illusion that neutrality was a safeguard for the weakest states is shattered by the disasters with which four of the neutral states met. They had, in five years' time after the First Coalition War, either lost their territories or their existence.

First, Venice was invaded by France; moreover, it was partitioned between France and Austria. Genoa was occupied by France in 1797.⁵ France invaded Switzerland too, and turned it into the Helvetian Republic in 1798.⁶ Egypt, the dominion of the Ottoman State, was invaded by France in 1798.

3. Stephens, Revolutionary Europe, pp.120,124.; Woolsey, International Law, p.446.

4. See Hassall, The Balance of Power.; Hill, History of European Diplomacy.

5. Stephens, Revolutionary Europe, pp.191-192.

6. Stephens, p.199.

All these happened after the First Coalition had collapsed. Towards the close of 1794, France began to win victories, ruined the armies of allied states, and compelled Prussia, Spain and Holland to make peace in 1795. Then, it won a victory against Austria which caused the partition of Venice for compensation in accordance with the treaty of peace. There remained only England which lost all its allies. Having been encouraged by this situation in Europe, France settled down, consolidating its invaded lands without facing a state which resisted it.

This result shows that, the right of neutrality was guaranteed to those six weakest states only by the balance which was established between France and the members of the First Coalition. They enjoyed their neutrality as long as the balance remained the same. But, when the balance collapsed, states began to lose their neutrality, even their existence.

The right of neutrality was the creation of the European state system. Yet, the state system was in fact the reflection of the "actual state" of balance of power, which might collapse or be re-established. The six states were allowed to declare neutrality only in the existent balance of power. And, the duration of neutrality was dependent upon the duration and stability of the balance among states. International law was not a law which was applied within a state where the rights of the subjects were secured by judges and lawyers.

There was no supreme authority, who was to judge which state was right or not, and lawyers, who were to defend the rights of states. Only states themselves could preserve their rights. And, their rights could be preserved in accordance with their position in and in relation to the "balances of power."

On the other hand, that all weakest states participated in the war, and that six neutral states declared their neutrality shows that, the state system, or in other words, the balance of power system, had reached a level of sophistication which enabled it to put pressure on all parties to declare their stance in international crises.

The Ottoman State during the First Coalition War relied upon the balance of power that was established between the belligerents. In fact, the Ottoman State had declared neutrality before the Coalition was established. And, when the Coalition was formed it continued to remain neutral.

There is no exact date of its declaring neutrality. For the present, the earliest Ottoman document, which mentions that the Ottoman State was neutral, is dated as January 8, 1793.⁷ At this time England was still neutral and

7.Hatt-ı Hümayun No.12481-A 25 Cemaziyelahir 1207.

Enver Ziya Karal mentioned that, "The Ottoman State declared its neutrality in the face of the revolutionary wars of France which rapidly spread after 1792." Osmanlı Tarihi: Nizam-ı Cedid ve Tanzimat Devirleri, (Ankara: Türk Tarih Kurumu Basimevi, 1988),V,22. Ismail Soysal, referring to Cevdet Paşa, writes that, "The Ottoman State officially communicated the foreign ambassadors in Istanbul its neutrality right after the war began in Europe in the spring of 1792." Soysal, Türk-Fransız Diplomasi

it was not until February 1793 that France declared war against England, and England responded with its declaration of war in March 1793. ⁸ On the other hand, France was at war against Prussia and Austria since April 1792. ⁹ In Istanbul there was, as yet, no ambassador of the Revolutionary Government of France yet.¹⁰

Since there was no official representative of revolutionary France in Istanbul, and since England was neutral, it can be said that, the Ottoman State declared neutrality not because of the pressure of France or England, but because of the pressures of Prussia and Austria. Two Ottoman documents support this thought. The first is dated August 14, 1792 and has been mentioned in the previous chapter.¹¹ The second document is the above-mentioned document dated January 8, 1793. ¹²

The two documents, which deal with the audiences between the Reis Efendis and the Prussian ambassadors, show that the alliance which was made between the Ottoman State and Prussia in 1790, during the War of Austria-Russia and the Ottoman Empire, was still valid in 1792 and 1793. In

Münasebetleri, p.103. On the other hand, Cevdet Paşa himself wrote as if the neutrality was officially declared when the establishment of the First Coalition was concluded.

Tarih-i Cevdet, VI, 150-151.

8. Stephens, Revolutionary Europe, pp.120-121.

9. Ibid, p.111.

10. The last ambassador of the French monarchy, Choiseul-Gouffier, left Istanbul in December 1792. The first ambassador of the French Republic arrived in Istanbul only in January 1793. See Soysal, Türk-Fransız Diploması

Münasebetleri, pp. 114, 117.

11. Hatt-ı Hümayun No. 15178.

12. Hatt-ı Hümayun No. 12481-A.

the first document there are statements such as the following: "...the alliance which is in operation between the Ottoman State and Prussia..." "...the requirement of the alliance..."¹³ Moreover, the Reis reminded the Prussian ambassador of the "defensive" alliance that was promised once, and asked him when it would come true.¹⁴ And, it is stated in the second document that the Ottoman State refused a demand of a Prussian nobleman for his demand was against "the stipulations of the alliance."¹⁵

The Prussian nobleman was the Secretary of the Prussian Embassy in Istanbul.¹⁶ According to the document, the Ottoman envoy Ahmet Azmî Efendi, who was sent to Berlin in 1790 in order to urge Prussia to enter war against Russia beside the Ottoman State,¹⁷ had been entertained¹⁸ by that Prussian nobleman. When, the Prussian nobleman appointed as the Secretary of the Prussian Embassy, he made a visit to the Reis for he entertained Azmi Efendi.

During the audience, the Prussian Secretary mentioned that Prussia wished to have commercial relations with Algeria. However, according to the stipulations of the alliance, Prussia should send an ambassador to Algeria. But, the sending of an ambassador was too expensive for Prussia. Instead of sending an ambassador, the Prussian Secretary had

13.Hatt-ı Hümayun No. 15178.

14.Hatt-ı Hümayun No. 15178.

15.Hatt-ı Hümayun No. 12481-A.

16.His name is not written in the document.

17.Unat, Osmanlı Sefirleri,pp.150-151.

18.Devlet-i Aliyye sefiri olan Azmi Efendi Prusya'da iken onda imiş...

another formula. He asked from the Reis whether the Ottoman State might allow the Prussian ships to take passports from Algeria. But the Reis told him that his demand was contrary to the stipulation of the alliance.¹⁹

Therefore, the alliance of 1790 between Prussia and the Ottoman State was in operation in 1793. Or, at least it was assumed by the Ottomans to be valid. This situation affected the attitude of the Ottoman State towards Prussia and Austria which were waging a war against France.

As is known, until the First Coalition was concluded, only Austria and Prussia waged war against France. Austria was the ally of Prussia in this war since February 1792. ²⁰ As for Russia, although it did not join in the war it showed hostility against France. Also, Russia, Austria and Prussia had aimed at partitioning Poland since 1791. ²¹

Meanwhile the Revolutionary Government of France sent Citizen Sémonville as ambassador to Istanbul. He was charged with the mission of diverting Austria, Prussia and Russia who were about to partition Poland for the second time. France thought that the Ottoman State might impede the intentions of those three states regarding Poland.²² The Austrian, Prussian and Russian ambassadors learned of the mission of Sémonville. For this reason they urged the Porte

19."...bu suret mümkün olsa olvakit ittifaknameye şurut-ı mezkur böyle derc olunmaz idi kelamıyla adem-i imkânı cevabı verildi." Hatt-ı Hümayun No. 12481-A.

20.Stephens, Revolutionary Europe,p.109.

21.Grant-Temperley,p.32.

22.Soysal, Türk-Fransız Diploması Münasebetleri,pp.97-98.

to refuse Sémonville's credentials before he arrived in Istanbul. At the end the Grand Vizier was obliged to write a letter to France in August 1792, stating that the Ottoman State could not receive Sémonville.²³

In January 1793 the partition of Poland was realized and in the same month the Ottoman State appeared as a neutral state. That is, the Ottoman State might have taken refuge behind neutrality about January 1793 and therefore it might have aimed at showing Austria, Prussia and Russia that it was not in the service of France's policies.

Austria and Prussia needed to be sure that the Ottoman State would not take sides with France. This need of Prussia and Austria can be said to have originated from the surmise that the Ottoman State and France were still allied in the 1790's²⁴ on the one hand, and from France's attitude towards the Ottoman State on the other. Ismail Soysal has given many examples of France's policy of asking the Ottoman assistance in order to divert its opponents in the East.

Although the Ottoman State declared neutrality, Austria and Prussia did not rest any easier, fearing that the Ottoman State might enter the war beside France. In the above-mentioned document dated January 8, 1793, the Prussian ambassador touched upon the probable assistance of the

23. Ibid, pp.110-111.

24. Butterfield referring to the debates held in the British parliament in the 1790's wrote that, the Ottoman State was reckoned as it had a traditional alliance with France. See Butterfield, "The Balance of Power, Diplomatic Investigations, p.143.

Ottoman State on behalf of France. It is understood from the document that, there was the question of the Castle of Hotin between Austria and the Ottoman State. The Castle should be ceded to the Ottoman state in accordance with the treaty between the Ottoman State and Austria. The mediation of the Prussian ambassador was asked. The ambassador told the Reis that he had written on the subject to his King asking him to correspond with the Austrian Emperor. But the reply of the Austrian Emperor to the Prussian King was negative. The Prussian ambassador explained the Emperor's answer this way:

The Austrian Emperor wrote that, the Ottoman State, according to the news which was heard, is inclined to France. It is carrying out secret correspondence with France, and preparing a fleet and army so as to assist France, while the allied states (Prussia, Austria) are occupied with waging a war (against France.) For this reason it is necessary to delay the (subject) of the Castle of Hotin.²⁵

The Prussian King, to the ambassador, wrote another letter in order to alter the opinion of the Austrian Emperor. According to the ambassador the Prussian King wrote as follows:

I know that the Ottoman State has no such intention and does not intend a campaign against any of the allied states.²⁶

The Prussian ambassador mentioned to the Reis that France was spreading news in Europe that the Ottoman State had decided on a campaign against the allied states. The Reis replied:

25. Hatt-ı Hümayun No. 12481-A.
26. Hatt-ı Hümayun No. 12481-A.

Although the Ottoman State is the friend of France, it does not meddle in its affairs be they that of monarchy or a republic. It can neither assist the partisans of monarchy nor the republicans. In this respect, the Ottoman State has chosen the way of neutrality.²⁷

The Prussian ambassador advised the Reis to mention the Sublime State's neutrality to Austria as well. The Reis replied to him that, "the Austrian ambassador, too, was told that the Ottoman State was neutral." ²⁸

It is understood from another Ottoman document that, Austria repeatedly inquired whether the Ottoman State was neutral or not. ²⁹ A meeting occurred among the Reis, the Prussian ambassador and the Austrian dragoman. The subject of the meeting was the Austrian demand of assurance that the Ottoman State would not wage war against it. It is stated in the document that in the meeting Austria promised to be faithful to the treaty made in Sistova³⁰ and in return the Reis promised that the Ottoman State would remain neutral:

Now that Austria will be respectful to the terms of the treaty and abstain from behaving contrary to its terms, then Austria should know that there will be no action on the Ottoman side which will injure that

27.Hatt-ı Hümayun No. 12481-A.

28.Hatt-ı Hümayun No. 12481-A.

29.Hatt-ı Hümayun No. 12481. It has no date. But from its context it is understood that the First Coalition was not established yet, and only Prussia and Austria were waging war against France.

30. In the document there is not the phrase of Treaty of Sistova, but it is mentioned by these words: "...Nemçe devleti ahd-i şarta riayet ve hilafından mübaadet eyliye..." Austria, thus, promised to be faithful to the stipulation of the Treaty about the Castle of Hotin. According to the document the Prussian King played the role of mediator in this subject.

friendship, and it should know that the Ottoman State will remain neutral.³¹

The Austrian dragoman was initially satisfied with the answer of the Reis. But, the next day the Austrian dragoman again visited the Reis. This time he insisted that,

The Ottoman State must not content itself with mentioning (its neutrality) only to us (Austria, Prussia, Russia), but it should also pronounce its neutrality to France by word and deed.³²

The Reis replied to the Austrian dragoman "in such a way so as not to give him any clue as to whether the Reis will accept or refuse his demand."³³ He made the following statement:

It is shameful to put forward these things as if dictating to the Ottoman State, although the Ottoman State has officially given the allied states against France sufficient assurances as is due...The Ottoman State has considered the matter in detail and in every respect, and signed the necessary things. There is no need to explain to you the details (of the documents which are about the declarations of neutrality). What is necessary for you is the assurance (which has been given by the Ottoman State). The Ottoman State knows well what it is doing and will do.³⁴

It is written at the end of the document that the Austrian dragoman protested to the Reis and left his chambers.³⁵

The dragoman expected that the Reis would explain that the Ottoman State declared neutrality towards France as

31. Hatt-ı Hümayun No. 12481.

32. Hatt-ı Hümayun No. 12481.

33. Hatt-ı Hümayun No. 12481.

34. Hatt-ı Hümayun No. 12481.

35. Hatt-ı Hümayun No. 12481.

well, but he was disappointed. The Reis might have wished to make Austria and Prussia suspicious of the Ottoman State's decisions. Because, it was France's old policy to urge the Ottoman State to wage war in the East; therefore, the Ottoman State found an opportunity which threatened Austria, Prussia and Russia. Those three states expected an attack from the Ottoman State. To strengthen their suspicion the Ottoman State showed tolerance to the French in the Ottoman dominions by letting them use their cockades, and go about their business. This policy of balance obtained the Ottoman State a certain leeway for a time.

For this reason, the ambassadors of Austria, Prussia, and Russia were always uneasy. As another document shows, they frequently visited the Reis and asked him whether the Ottoman State was really neutral or not.³⁶ The coming of the first ambassador of the French Republic, Marquis de Sainte-Croix Descorches, in June 7, 1793, again made the three ambassadors restless. Descorches was sent by France so as to be received by the Ottoman State³⁷ The Ottoman State did not receive him officially but let him reside in Istanbul and continued to remain neutral.³⁸ The ambassadors of Austria, Prussia, Russia and England demanded the Ottoman State not to accept Descorches.³⁹

Soysal writes that Descorches made his first secret audience with Mustafa Bey, the Chief Treasurer (Defterdar),

36. Hatt-ı Hümayun No. 12489.

37. Soysal, Türk-Fransız Diploması Münasebetleri, p.117.

38. Ibid, p.119.

39. Ibid, p.119.

and Muhib Efendi, an agent of the Reis, on July 6, 1793. The ambassador told him that France would assist the Ottoman State and its assistance would become permanent by an alliance if the Ottoman State began a war against Russia.⁴⁰ In another audience which he had with the same Descorches repeated his offers. Descorches was answered that the alliance would break neutrality.⁴¹ Soysal illustrated that France, whenever it retreated before the armies of the allied states, resorted to urging the Ottoman State through Descorches to open war in the East in order to divert the power of the allied states. And the Ottomans put off his demands by putting forward neutrality, or the weakness of the army so as to gain time.⁴²

However, Descorches insisted that his quality and functions as an ambassador of the French Republic, should be recognized by the Ottoman State. In order to threaten the Porte he sent a memorandum in August 1793 in which he repeated his demands.⁴³ It is understood from three Ottoman documents that the French in Istanbul attempted to urge the Ottoman State to receive Descorches as the ambassador of the French Republic. And, Descorches and some French threatened the Porte presenting a memorandum threatening that he might leave Istanbul. The Reis "repulsed" Descorches and the other French who attempted to urge the Ottoman State to receive

40. Ibid, pp.119-120.

41. Ibid, p.120.

42. Ibid, pp.119-120.

43. Ibid, p.120.

Descorches by "an evil disposition"⁴⁴ and by "a vain attempt at coercion."⁴⁵ Selim III praised the Reis because he repulsed them. ⁴⁶ And the Ottoman State engaged some spies so as to follow Descorches.⁴⁷

At this time, according to Soysal, the English had put pressure on the Porte and they had a great role in the refusal of the French offers. Indeed the Porte sent a resident ambassador to England for it gave an importance to its relations with England.⁴⁸ England was the founder of the Coalition. By sending an ambassador the Porte might have wished to show the allied states against France that no harm would come from the Ottoman State to the allied states. Soon after England the Ottoman State wished to send another resident ambassador to Austria as well.

It is written in a Hatt-ı Hümayun that, the Ottoman ambassadors, according to a memorandum, should be chosen on an ad hoc basis ⁴⁹ and appointed first to England, then to Austria and then to the states as occasion requires.⁵⁰ That is there was a scheme of resident ambassadors. It is not indicated in the document which other states would be chosen besides England and Austria. But, that England and Austria were chosen as the first two states is remarkable. Because, both were the leading members of the Coalition. According to

44. şirretlik

45. ayak patırtısı. Hatt-ı Hümayun No.13195.

46. Reis Efendi şunları güzel def`eyledi. Hatt-ı Hümayun No. 13195.

47. Hatt-ı Hümayun No. 15265, and 15265-A.

48. Soysal, Türk-Fransız Diplomasi Münasebetleri, p.125.

49. refte refte

50. Hatt-ı Hümayun No.12332.

the mentioned document Yusuf Agâh Efendi was chosen and sent to England, now it was the turn of Austria. The ambassador of Austria was to be sounded unofficially about the matter.⁵¹ With this aim the head dragoman of Austria was told about the issue. According to the message which the head dragoman brought from the ambassador of Austria, the ambassador stated that an Ottoman ambassador should not be appointed to Vienna unless it was asked by Austria.⁵²

The Porte was discontented with the message of the Austrian ambassador, and it was eager to appoint a resident ambassador to Vienna. The Austrian head dragoman was replied to in this way :

Why is it necessary (to ask for the reply of Austria)? We broached the subject not officially, but in a friendly way. Does Austria say no, when the friendly states send ambassadors to each other, especially a state such as the most glorious Ottoman State sends an ambassador to its neighbour, Austria? Austria will be pleased of this...If the ambassador is received at the border in accordance with the law of nations the friendship will be confirmed once more.⁵³

The Porte aimed at giving the impression to the head dragoman that, the Ottoman State delayed "the appointing of the Ottoman ambassador not because it awaited the answer from Austria, but because it expected the return of the candidate who was in Anatolia."⁵⁴ This time the head dragoman

51.Nemçe'ye dahi elçi irsal resmen olmayarak bir defa bu tarafda olan Nemçe elçisi hakimane istimzac olunmak münasib add olunmaktan naşi..

52....devletinden sual ve istimzac olunmaksizin elçinin tayin olunmamasını münasib görmüş... Hatt-ı Hümayun No. 12332.

53.Hatt-ı Hümayun No. 12332.

54.Hatt-ı Hümayun No. 12332.

asked the name of the candidate. He was Seyyid Mehmet Naili Efendi.⁵⁵

The head dragoman stated that his ambassador wrote on the subject once or twice to Austria. But the answer could be received only after the Emperor's return to Vienna, because he was at war at the present. ⁵⁶

The head dragoman was replied to this way:

The Sublime State does not expect any answer from you on these subjects. And it does not wish to know whether the (Austrian) ambassador wrote (to his state) or not. Our delay is due to only the late arrival of Naili Efendi. ⁵⁷

The Emperor returned to Vienna. But, since his return the head dragoman of Austria had not mentioned the subject of the Ottoman ambassador to Vienna. According to the Porte the ambassador of Austria did not consent to the appointment of an Ottoman ambassador to Vienna. Nonetheless, because of the news reaching the Ottoman capital about the situation of European states, ⁵⁸ there was more need than ever to send an Ottoman ambassador to Austria. For this reason, the Austrian ambassador was made to know that the time of the sending of an Ottoman ambassador approached and afforded an opportunity which would confirm the friendship between the two states once more. ⁵⁹

55.Divan-ı Hümayun Kalemi'nden esna-yı seferde rikab kisedarı Seyyid Mehmet Naili Efendi kulları eyalet yoklaması memuriyetiyle Kütahya'da bulunduğundan... He was also considered for the embassy at Saint Petersburg.

56.Hatt-ı Hümayun No.12332.

57.Hatt-ı Hümayun No.12332.

58.The content of the news were not explained in the document.

59.Hatt-ı Hümayun No.12332.

It is understood that for a time the Ottoman State insisted on sending a resident ambassador to Vienna. This was largely because, although the Ottoman State rested upon the balance of power, it was always uneasy. For example, when Toulon was retaken by the French in December 1793, ⁶⁰ Sultan Selim III was anxious at this news. Two Ottoman documents show this anxiety. ⁶¹

At that time the Ottoman State was occupied with the revolt of Kara Mahmud in Rumelia. The council of the State ⁶² decided to send an army against Kara Mahmud. But, this decision of the Council made Selim III hesitate. Because, he was informed by Mihail Bey, the Voivode of Moldavia that Toulon was regained by the French. He wrote his opinion to his Grand Vizier as follows:

The Council of the State decided to prepare an army against Kara Mahmud. It has been written to the Governor of Rumelia...But, if (the army) is send upon Kara Mahmud as if going to a war, of course given the situation in Europe, this can be taken as a step leading to threats against us...My opinion should be secretly discussed...I do not aim at forgiving Kara Mahmud. But, how will it be possible to collect soldiers from Anatolia and send them from Istanbul while the situation (of Europe appears) in this manner? It must be discussed. ⁶³

The order of Selim III was discussed in the Council. At the end it was decided that the sending of army from Anatolia and Istanbul was not right. The Governor of Rumelia was not to go to against Kara Mahmud. But, it would be tried

⁶⁰.Stephens,Revolutionary Europe,p.140.

⁶¹.Hatt-ı Hümayun No. 8554, and 8427.

⁶².Meclis-i şura.

⁶³.Hatt-ı Hümayun No. 8554.

to unite his power with the power of other Paşa's in Rumelia. ⁶⁴

The Ottoman State abstained from sending an army against Kara Mahmud, because the allied states, Austria, Prussia and England might suppose the action of the Ottoman army to be against themselves. And, they might have thought that the Ottoman State began a war in Rumelia to support France.

Beginning from the spring of 1794 France began to win victories one after another which would soon put an end to the Coalition. ⁶⁵ It was heard in Istanbul that Venice recognized the French Republic. Selim III wrote his Grand Vizier that, it must be discussed in the Council whether the Ottoman State should recognize the French Republic or not. But, Selim III had already made his own decision. He ordered the Grand Vizier as follows: "It is just the time and opportunity. We should show our inclination to France. And Descorches should be treated with favour. Otherwise, difficulties will arise." ⁶⁶ This time the Ottoman State intended to make an alliance with France. This intention was told to Descorches in secret meetings. But, the Ottoman State was eager to make the alliance when the general war ended. On the other hand, France had already given up hope of making an alliance with the Ottoman State or of urging it to wage a war against its opponents because the French

64. Hatt-ı Hümayun No. 8427.

65. Stephens, Revolutionary Europe, pp.144-157.

66. Enver Ziya Karal, Selim III.ün Hatt-ı Hümayunları, (Ankara: Türk Tarih Kurumu Yayınları, V.Seri-No.10, 1942), p.159.

armies' success now made this redundant.⁶⁷ Although Selim III ordered to show an inclination to France, the attribution of Descorches, in other words the French Republic, was not recognized.

On April 13, 1795 Raymond Verninac, the new ambassador of France arrived in Istanbul. The French policy was again changed and the old policy of diversion was put forward by the French government. Ismail Soysal writes referring to the French archives that, Verninac was charged with provoking the Ottomans against Russia on the pretext of the Polish issue. He would suggest to the Ottomans that Poland should be rescued from Russia, otherwise the Ottoman State would remain alone before Russia. According to the policy of France, once the Russo-Ottoman War began in the East, Austria would also engage in war beside Russia. Therefore, France would be free in the West while the Ottoman State diverted Russia and Austria. But, Verninac would abstain from signing a written treaty of alliance. If the Ottoman State insisted on making a written treaty Verninac would add a special term into it which stipulated that the alliance required confirmation by the government of France. His other mission was to make the Porte recognize the French Republic.⁶⁸

Verninac had an audience with the Reis on May, 14 1795. ⁶⁹ Verninac mentioned the recognition of his embassy

67. Soysal, Türk-Fransız Diplomasi Münasebetleri, pp.127-129.

68. Ibid, pp.134-135.

69. Hatt-ı Hümayun No. 15709.

and the French Republic. Besides, he told the Reis about a common action against Russia.⁷⁰ The Reis only stated how the Ottoman State was eager to have an alliance.⁷¹ It is written in another document that, Mouradgea, the chief dragoman of Sweden, had three secret meetings with Raymond Verninac.⁷²

The subjects of the meetings were the recognition of the Republic by the Ottoman State and the proposal of an alliance by France. Verninac pointed out that, up to present, the Republic was recognized by Venice, Switzerland, Genoa, and Tuscany. Sweden and Denmark were ready to recognize it. Therefore, it would be better for the Ottoman State, too, to acknowledge Verninac as the ambassador of the French Republic, and to accept an alliance.⁷³

Verninac with suitably veiled threats, laid before the Ottoman State the probable dangers that might be occur if it did not accept the conditions which France put forward:

Clarity as to the attitude of the Sublime State is necessary for the French. Because, according to the ticklish situation [of Europe]...it is necessary to form a new order...It is clear that, France will offer its services and give assistance to the Sublime State and will pay its debt, if...the Sublime State is inclined to and wished for a connection [with France]. There is no need to explain that, if the Sublime State chooses the way of refusing either one of the two subjects (recognition and alliance), the French will be obliged to chose at once the way which will suit their own affairs. It is true that, it is

70.Hatt-ı Hümayun No. 15709.

71.Hatt-ı Hümayun No. 15709.

72.Hatt-ı Hümayun No. 16142-C.

73.Hatt-ı Hümayun No. 16142-C.

exceedingly advantageous for the Sublime State to establish connections with France and the friends of France as soon as possible. This is its chance! 74

Verninac also sent messages to the Ottoman State through Mouradgea that, there was no longer a coalition. The situation of Europe had wholly changed. The pressure which prevented the Ottoman State from establishing relations with France was absent at present. In order to reassure the Ottoman State, Verninac gave negative information about Russia, from which the Ottoman State always expected an attack:

Forty thousand Russian soldiers have been killed in Poland...The revenue of Russia is ruined...All the European states are opposed to the Russian Empress because of her ambition of assuming mastery over others. All of them are jealous of Russia's tyrannical invasion that occurred in Poland. It is apparent that there is no need to beware of Russia. 75

Verninac told Mouradgea that the Ottoman State should prevent Russia from invading Poland. Otherwise, Russia would have its way in Poland. Thus, the Ottoman State would be in danger. Moreover, it would miss the opportunity of being included into and enjoying the advantages of the general peace which would be concluded soon: 76

After peace is concluded, Russia will assume a mastery and perform its plot against its neighbouring states; (that is) the Ottoman State and Sweden...Therefore, it has no need of explanation of how it is advantageous for the Ottoman State not to miss the chance which is in its hand in order to put down the intentions of Russia and in order to be included in the peace. 77

74. Hatt-ı Hümayun No. 16142 C.

75. Hatt-ı Hümayun No. 16142 C.

76. Hatt-ı Hümayun No. 16142-C.

77. Hatt-ı Hümayun No. 16142-C.

It is written in another official report that, the Ottoman high officials, at the end of a meeting, unanimously came to the decision of receiving Verninac as soon as possible as the ambassador of France. And, when the official report was presented to Selim III by his Grand Vizier, the Sultan wrote on the paper that, without delay, Verninac should be received. 78

The Grand Vizier mentioned that, Verninac hurried them every day to affirm the recognition of the Republic and let them know that he might return to France, if the subject was delayed. The Grand Vizier wrote that, the Ottoman State should recognize the French Republic, because many states either recognized or were about to recognize it:

The peace between Prussia and France is on the point of coming to fruition...It is heard that, Spain, too, is ready for peace; Denmark and Sweden are about to recognize the Republic of France; and very soon, the German states, even Austria and its other allies in Italy will be obliged to make peace with the French. Now that the Duchy of Tuscany, the Republic of Venice and especially, of the kings, the King of Prussia has recognized the Republic of France; Spain, Denmark and Sweden are ready to recognize the Republic; and now that the other belligerents may be obliged to accept the peace, it will be contrary to the sincerity and friendship between France and the Ottoman State to delay the recognition of the Republic and to fall behind the other states. 79

The Grand Vizier meant that, the Coalition did not exist any more. Moreover, its members were fighting for survival. Now, only France was the preponderant state:

It is believed that, delaying of the recognition of the Republic is not opportune. Because, the previous

78. Hatt-ı Hümayun No. 15352.

79. Hatt-ı Hümayun No. 15352.

claim of the allied states was to restore the monarchy (of France). Now, their claim has changed into the protection of honor and dominions because France is predominant. In order to exist, all the German states negotiated with each other and agreed that peace with France was necessary...Even Prussia nowadays makes peace with France. It is admitted by all that the matter of monarchy is already delayed.
#0

That is, the Ottoman high officials grasped that the balance had collapsed. They witnessed the victories of Republican armies before the armies of Prussia, Austria and England. Prussia was suing for peace. And, the smaller and weaker states had already understood the new situation and quickly recognized the French Republic in order to secure their existence. There was no reason to fear Austria, Prussia and England as before. Those states lost their claim of restoring the Monarchy in France. Thus, the Ottoman State could and should recognize the Republic at once.

But, there was the question of Russia. It was not a belligerent state and a member of the Coalition. But, it had issued a declaration which manifested its hate for the Revolution. Russia had also sent a copy of it to the Ottoman state.#1

Russia was the great power neighbouring the Ottoman State which threatened its existence. It is understood from the explanations of the Grand Vizier that, the Ottoman high officials prepared their replies taking into consideration

80.Hatt-ı Hümayun No. 15352.

81.Hatt-ı Hümayun No. 15664 is the translation of declaration which was issued by Russia on February, 14, 1793.

the probability of Russia's intervention. The Ottoman State would remind Russia of its neutrality:

If Russia inquiries into the matter it will not be exaggerated. Russia will be answered this way: "What need is there (for the inquiry)? Did only the Ottoman State recognize the Republic? The Sublime State is still firm in its neutrality. And, you were not even a not belligerent! You did not accept the memorandum which they (the members of the Coalition) officially despatched to you concerning your [duty] upon the regulations of seas." ⁸²

Thus, neutrality again appeared as a refuge for the Ottoman State. For this reason, the Ottoman high officials, found the declaration of neutrality necessary once again as to the changed international situation now. ⁸³

Then, it was heard that the peace between Prussia and France was concluded. On June 11, 1795 Verninac was received by the Grand Vizier. ⁸⁴ Therefore the Ottoman State recognized the Republic of France. That is, when France became preponderant and the Coalition collapsed, the Ottoman State was obliged to recognize the French Republic like the other states.

The Ottoman State, during the First Coalition War, relied upon and watched the balance between the belligerents. The Ottoman State assured its security by remaining neutral. France frequently urged it to open a war against Russia or Austria. The Ottoman State made use of these demands of France as a card to use against Austria and Russia. It intended to send ambassadors to the states which

82. Hatt-ı Hümayun No.15352.

83. Hatt-ı Hümayun No.15352.

84. Soysal, Türk-Fransız Diplomasi Münasebetleri, p.136.

were against France. Therefore it would show them its good will.

But when the Coalition collapsed as a result of France's success before its enemies and as a result of peace treaties that France made with Prussia, Holland and Spain, the Ottoman State gradually began to lose the opportunity to make use of the balance of power. In 1797 France defeated Austria too, and compelled it to make peace. There remained England and Russia, which were hostile to France.

The Ottoman State wished to make a defensive alliance with France in order to assure itself against Russia. Ismail Soysal writes how the Ottomans attempted to make a defensive alliance with France in 1795. In fact, France, at the time did not wish to make neither a defensive nor an offensive alliance with the Ottoman State. Indeed, the defensive alliance, which was prepared in Istanbul as a result of negotiations held between the Reis and the French ambassador, Raymond Verninac, was not accepted by the French government.⁸⁵

The defensive alliance that the Ottoman State wished was refused by France. But, the main thing here was the demand of the Ottoman State to have an alliance. Had it been realized the French alliance would have been the third alliance of the Ottoman State during the reign of Selim III, after the alliance of Sweden and Prussia, which were made successively in 1789 and 1790 during the war with Austria

85. Soysal, Türk-Fransız Diploması Münasebetleri, pp.134-145.

and Russia. The Ottoman State in the 1790's changed its old foreign policy and resorted to the tools of the balance of power system in order to defend its lands, to maintain its survival. The sending of ambassadors was one of the tools which it endeavoured to realize. The Ottoman State sent an ambassador to England so as to have good relations with the founder of the First Coalition. It also wished and attempted to have an ambassador at the capital of Austria which was the second member of the Coalition, but did not realize it. The Ottoman State, according to Cevdet Paşa, wished to send resident ambassadors to Austria and Prussia in June-July 1795 (H 1209 evahiri). But their departures were delayed until the French ambassador Auber du Bayet arrived in Istanbul. Because, France insisted that the Ottoman State should send a resident ambassador to France before it sent one to Austria and Prussia. After du Bayet had arrived, resident ambassadors were sent to France, Prussia, England⁸⁶ and Austria.⁸⁷

The Ottoman State wished to send an ambassador to Russia as has been shown in the previous chapter. This attempt was also delayed. The Ottoman State always watched Russia during the War of the First Coalition. Russia had partitioned Poland in 1793. It might attack the Ottoman State too. Indeed Russia, Austria and Prussia were ready to partition Poland for the third time in 1795. And at that

86.Cevdet Tarih-i Cevdet,VI,191-192.

87.Kuran , Osmanlı İkamet Elçilikleri,p.43.

time Russia and Austria had a secret and new treaty between them to partition the Ottoman State. 88

According to the document which has been mentioned in the previous chapter, the Ottoman State, because it heard that Russia had some military preparations at sea and land, delayed the sending of a resident ambassador. 89 This document has no date and there is no statement as to whether Poland was partitioned or not. The document is about some measurements that must be taken against Russia. According to the document, Yusuf Agâh Efendi was in London. And a resident ambassador was advised to be sent to Prussia. Hence, its date might be 1795. It is stated that, Russia might resist against the alliance between the Ottoman State and France. 90 Now that Russia would insist on its demands the sending of the resident ambassador to Russia should be delayed. 91

The Ottoman State decided to take some measurements at the borders and wished to send resident ambassadors to the capitals of Sweden, Denmark and Prussia:

The appointment of a resident ambassador (to Russia) is to be delayed. But, (ambassadors) should be appointed to Sweden and, if it is possible, to Prussia. If there happens a war (with Russia), their assistance will be expected from the resident ambassadors, who are to be appointed to those two states (Sweden, Prussia). It is heard that, the warmth that Denmark has showed to Russia is nowadays

88. Soysal, Türk-Fransız Diploması Münasebetleri, pp. 149-150.

89. Hatt-ı Hümayun No. 12969.

90. By the alliance it might have been mentioned the defensive alliance which was being prepared by the Ottomans and the French ambassador Raymond Verninac in 1795.

91. Hatt-ı Hümayun No. 12969.

converted to Sweden. If it is true, then...it will be necessary to appoint a resident ambassador to Denmark as well. 92

The Ottoman State might have wished to resort to the assistance of Prussia, Sweden and Denmark, because it had no trust in France. France was only a moral alliance to the Ottoman State. But, a real alliance could not be realized between them.

It is understood from another Ottoman document, which has been previously mentioned that, the Ottoman State did not trust in France. According to the document, the Prussian ambassador stated that the French ambassador Citizen Sémonville, who was about to come and was charged with inducing the Ottomans to wage war in favour of France, should be imprisoned when he entered the Ottoman Lands. On this occasion, the Reis manifested the Ottoman distrust to France. The Reis replied:

He (Sémonville) may state that, 'we will support [the Ottoman State] and send [war]ships if it wages war against its neighbouring states.' If he states these kind of things which may cause incitements, let us suppose he says that, 'we will assist the Ottoman State if he takes the Crimea,' the Ottoman State does not trust him. (Because), they [France] are not contiguous to the Ottoman State and could not assist it with soldiers. They, at the very most, may pronounce that they will send their [war]ships. (But), it is impossible to [consider] it as trustworthy. 93

For this reason the Ottoman State did no longer serve France to wage war against Russia or Austria when

92.Hatt-1 Hümayun No. 12969.

93.Hatt-1 Hümayun No. 15178.

France demanded. But it diverted the French ambassadors as Soysal illustrated.

In 1798 the Ottoman State became one of the targets of France. France had invaded Venice and become a neighbour to the Ottoman State. The Ottoman State was uneasy from this situation. In order to watch the activities of the French the Ottomans sent spies to the border of Venice.⁹⁴ Then France had some activities in Mora and about it. According to a document dated October 26, 1797 the French provoked the Ottoman Greek subjects.⁹⁵ The French also provoked the Albanians.⁹⁶ This "attitude of the French was like a declaration of war" to the Ottomans, and "France could not be trusted."⁹⁷ Soysal writes that, France wished to invade the dominions of the Ottoman State, and this was especially the wish of Napoleon.⁹⁸ At the end France invaded Egypt in 1798.

The Ottoman State again attempted to make use of the balance of power when Egypt was invaded by France. It made an alliance with Russia in December 1798 and England in January 1799. Thus a second Coalition was established against France which included the Austria and Naples as well.⁹⁹ Thus the Ottoman State became for the first time a party to a coalition. The Ottoman State regained Egypt owing to its alliance with England and Russia. However, the

94.Hatt-ı Hümayun No. 7123 and 15001.

95.Hatt-ı Hümayun No. 5417-C.

96.Soysal, Türk-Fransız Diploması Münasebetleri, p.173.

97.Hatt-ı Hümayun No.7941.

98.Soysal, Türk-Fransız Diploması Münasebetleri, pp.161-174.

99.Ibid, p.305.

coalition collapsed in a short time. From that time onwards the balance among the great powers would not be established. The Ottoman State could not find a balance of power to rely upon, as there was no longer such a balance in Europe. It would hardly resist against the demands of the powers. For example, when a war started between England and France in 1803, the Ottoman State, according to an Ottoman document, was compelled to declare neutrality because its allies, Russia and England, urged it to do so.¹⁰⁰ The French entered Vienna and Berlin. That is, there was no security even for the great powers, let alone the weakest ones. For this reason, when the French armies beat the Austrians in the battle of Austerlitz in 1805, the Ottoman State hurried to recognize the title of Emperor Napoleon, which he delayed to recognize because of the pressure of Russia and England. It was compelled to recognize the title because, the Ottoman State feared of "600 thousand French soldiers."¹⁰¹

And, after Selim III was dethroned, the Emperors of France and Russia made successive interviews in Tilsit in June 1807 which was concluded by the Treaty Of Tilsit. The two Emperors by this treaty decided to partition Europe among themselves.¹⁰²

100.Hatt-ı Hümayun No. 7018.

101.Arşiv Dairesi S.12. H.64 quoted in Karal, Halet Efendi'nin Paris Büyükelçiliği,p.75.

102.Stephens, Revolutionary Europe,p.250.

V. CONCLUSION

The Ottoman State at the very beginning of the reign of Selim III found itself for the first time in the middle of a great European conflict. Because, the realm of the state system, or in other words the balance of power, extended and comprised all states in Europe in the eighteenth-century.

The Ottoman State could not remain aloof any more, but had to take a certain attitude. Either it would participate in the conflict or make use of the tools of the balance of power in order to preserve its security. It chose the second way and resorted to all the tools of the system not to play a major role in the system but to secure its existence as a weak state. Was this an integration to the system?

The state system firstly meant the relations, correlations among the big powers. But, there were also smaller and weaker states in Europe. Whether their security was always in danger the weaker and smaller states also formed the state system besides the bigger states.

If the Ottoman State had entered in the First Coalition War, the current of the war would have been changed. For this reason Prussia and Austria and England checked the Ottoman State. The Ottoman State remained neutral. In one respect it remained outside the balance of

power. But, neutrality was a tool of the state system or balance of power system. It was a mechanism of checking the states who did not join in the war. Therefore, by remaining neutral the Ottoman State took a part in the balance of power system as the other weakest states took. By sending or intending to send ambassadors to the European capitals in order to manipulate the enterprises, and decisions of those states, by remaining neutral and being respectful to the rules of neutrality during the war and by seeking for establishing alliances the Ottoman State became a part of the balance of power system during the War of the First Coalition.

The Ottoman State was obliged to apply the European style of diplomacy and international law because of the pressure of the balance of power system that extended in the Continent. But, these experiences let it to accept the European mode of conduct in international relations.

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