Corsairs' activity and contracts

Isabella Lambert[1,*]

ABSTRACT

The redemption of captives in Barbary occupied a considerable place in the diplomatic relations between the Barbary and Christian powers in France during the modern period. Many actors, it is true, intervened to varying degrees. The best known were the religious orders, specializing in the redemption of captives, mainly in the Middle Ages, the Trinitarians and the Mercedarians, acting on the scale of Christendom, but also more local orders in Spain, France, or Italy. Similarly, we note that civil, secular people played a major role as intermediaries in these transactions, not only for commercial purposes, transforming the buyback operations into real commercial transactions, using the probative force of the signing of contracts to obtain their execution as if they were trading in goods.

Merchants were subrogated by families of captives. They were used to charter ships, trade, barter or smuggle men and goods. Finally, to help the poorest being the object of land raids, sailors forming part of the crews, or merchants kidnapped with their cargoes, the municipalities could carry out redemptions, collective or individual, by resorting to notaries in France. On the other side of the Mediterranean, private agreements were taking place between customs intermediaries, traders, consuls, and Ottoman authorities in the Regencies.

In all cases, the terms of the negotiation, fixing of the price, payment of taxes and commissions to the intermediaries followed purely commercial logics, with a sometimes vague or extremely standardized legal framework, depending on whether one was within the framework of the application of peace treaties, respect for "capitulations", or private agreements between traders, contracts signed before a notary. But sometimes also, words or verbal oaths were exchanged only according to one's religion, within the framework of "rescatti" contracts.

Finally, some captives escaped any normative rule and any writing. They could either be released immediately on the boat which was to bring them back into captivity in Barbary, thanks to the process of the "Alafia" and the payment of a verbally agreed ransom, or fled, sometimes by returning to France and escaping the trials of the Inquisition, thus diverting attention from a momentary Muslim conversion that they forgot as soon as they reached their country.

1. Introduction.

The stakes in the western Mediterranean from the twelfth century to eighteenth century were less the struggle between Christianity and Islam than internal rivalries specific to each of these spaces. The French crown was too busy protecting its borders against Spain or England, or restoring its finances, to embark on an expansionist policy in the Maghreb. She needed to keep the peace in that sector of the Mediterranean. Similarly, Spain or the Italian republics had always sought to privilege commercial relations over war with the Ottoman countries[2].

The Maghreb powers, preoccupied with their internal economic and social problems, considered the question of piracy and the ransom of captives as an obstacle to the maintenance of peace. This was to prevent problems from escalating into

[1]La Rochelle Universit, France.
*Corresponding author: Isabella Lambert. E-mail Address: ilcinearts@gmail.com.

[2] V. Lagardère, Histoire et société en Occident musulman au Moyen Âge : analyse du Mi'yār d'al-Wanšarîsî, (Madrid, 1995).

a breach of the truce. The principle, affirmed from the first treaties, was that any captive had to be handed over without financial compensation, therefore without ransom[3]. For this, the captive had to be a subject of one of the sovereign signatories of the peace, the pirate also, and finally his capture had to be made after the signature and the ratification of the treaty.

Diplomatic correspondence, however, testifies to the frequency of disputes relating to the origin of the captives[4]. In times of peace, the ransom was certainly not required, but the fear of reprisals or a breach of the peace could lead, punctually, to its settlement. In this sense, one could consider that these ransoms, not provided for by the treaties and not obligatory, were a means of avoiding a breach of this peace and a return to a state of war. They could be seen as a pragmatic mode of conflict regulation.

Only captives taken outside the truce period were therefore subject to a ransom demand[5]. If the state of war persisted, then only the laws of the market prevailed, which did not necessarily exclude diplomatic or even military pressure. Basically, the captive had to negotiate with his master a redemption price and collect, one way or another, the agreed sum. If the truce was signed, then the calculation and settlement of the ransom were more strictly framed and codified in writing. They called for long and difficult negotiations, because the main obstacle to the enactment of peace was the settlement of the question of the captives, as the important diplomatic correspondence of the time shows.

The negotiators distinguished two types of captives, which did not bind the State in the same way: either those held by the sovereigns themselves – their number was sometimes considerable; or those that were privately owned. In the first case, the political dimension meant that the captives constituted a lever of pressure for whoever held them[6]. But, insofar as the captives were on both banks, the interest was to exchange them. The sultan did not always want to free his captives first[7]. He then had to deposit in Paris a guarantee in money which acted as surety. This would be lost if, within a period fixed by the treaty, the Muslim captives had been freed and the Christians still remained captive. Conversely, the King of France had to put a sum of money on bail while the exchange took place.

2. A private captivity.

For those detained by private individuals, the settlement seemed more complex. When their number was too great, or when the resources of the Treasury were insufficient, it was left to each captive to redeem himself by his own means. But, unlike the conditions provided for in the peace treaties, these redemptions were framed by rules, which aimed to guarantee the interests of the captive, without harming those of the owners. It could then happen that the captives sought outside help, that coming from religious or political institutions, from their families or from merchants, consuls, and their intermediaries.

To read the notarized contracts kept in the archives and instrumented in these ports, French merchants arrived in Muslim ports only to do business with other French, and this included signing contracts for the redemption of captives. However, the presence of written documents signed by Arab traders in the municipal archives of the city of Tripoli invalidates this impression of compartmentalization between the various communities that the historian Dominique Valérian gave when reading the French archives[8].

The apparent partitioning between the various communities and the weakness of the contacts with the local actors of the trade was caused, in modern times, in the port cities of the Barbary powers, by the existence of "fondouks", buildings fitted out to shelter consuls and merchants, most often for the time of their journey. They could thus exercise their trade peacefully, whether for the trading of goods or for, and this is the subject that interests us, the redemption of French captives[9].

The use of writing and specialized intermediaries, in particular the dragomans and brokers often established in the ports of Barbary, made it possible to limit direct relations with the local environment as much as possible. But it was not obligatory and remained little justified, in the case of the French merchants residing in the ports for long months. In addition, most redemption transactions were cash sales. In this case, they did not necessarily require the writing of a document or the signing of a contract. Rather, they were based on the word given during a transaction[10].

It is true that business relations between Christian and Muslim merchants were not always limited to simple transactions[11]. They sometimes required the drafting of a contract before a notary. This recourse to the probative value of writing, that ap-

[3] Archives Générales de Simancas, Série K, 1533B36, Correspondance de Charles IX à Philippe II pour la libération de Turcs retenus à Rome (pour échange).

[4] Frère Cerone, (affaire concernant Tunis), Alfonse le Magnanime et Abu Omar Othman, traités et négociations pendant le règne de Sicile d'ici et de là, du phare du règne de Tunisi, (« Alfonso il Magnanimo ed Abu 'Omar Othmân, Trattative e negoziati tra il Regno di Sicilia di qua e di là dal Faro ed il Regno di Tunisi, 1432-1457 »), A[rchivio] S[torico] S[icilia] O[rientale], (1912).

[5] D. Valérian, Le facteur économique dans la politique catalane à Bougie (XIIIe-XVe siècle) et M.T Ferrer et D. Coulon, L'expansion catalane en Méditerranée au Moyen-Age, (« L'Expansió catalana a la Mediterrània a la baixa edat mitjana »), (Barcelone, 1999).

[6] Guillaume Calafat, Les interprètes de la diplomatie en Méditerranée. Traiter à Alger (1670-1680), dans J. Dakhlia, W. Kaiser (dir.) : « Les Musulmans dans l'histoire de l'Europe. II. Passages et contacts en Méditerranée », (Paris, 2013).

[7] Abdallah al-Targuman, Frere Anselmo Turmeda, La Tufa, autobiographie et polémique islamique contre le christianisme (« Autobiografía y polémica islámica contra el Cristianismo » de 'Abdall āh al-Tarğumān, Fray Anselmo Turmeda), trans. de Elpaza), (Rome, 1971).

[8] D. Valérian, Les archives de Marseille, sources de l'histoire du Maghreb médiéval : le cas du port de Bougie (XIIIe -XVe siècle), Annales du Midi 2001, nr 113, 5-26. Et Le fondouk, instrument du contrôle sultanien sur les marchands étrangers dans les ports musulmans (XIIe -XVe siècle), in C. Moatti (dir.), « La mobilité des personnes en Méditerranée, de l'Antiquité à l'époque moderne, procédures de contrôle et documents d'identification », (École française de Rome, 2004).

[9] J. Revault, Le fondouk des français et les consuls de France à Tunis, (Paris, 1984) et J. Revault, La grande synagogue de Tunis, (Cahiers de Tunisie, Nr 41).

[10] W. Kaiser, Échanges non coopératifs en Méditerranée. Les rachats de captifs aux XVIe -XVIIe siècles, in : S. BOUBAKER et A. ZYSBERG (éd.), « Contraintes et libertés dans les sociétés méditerranéennes aux époques modernes et contemporaines, XVIe-XVIIe siècles, Tunis et Caen », (FSHSU Caen/CRHQ/CNRS, 2007).

[11] G. Calafat, Les juridictions du consul : une institution au service des marchands et du commerce, (École Française de Rome, 2017).

peared above all in French port cities such as Marseille, Narbonne, Arles or Montpellier, could pose a problem, in an intercultural context bringing together merchants of different religion, language, and origins, rules and practices in matters of commercial law, if not opposed, at least dissimilar.

Hence the question of the need for writing between Muslims and Christians, to regulate relations with the "dhimmis," that is to say with any citizen of a Muslim State who was not of this faith[12]. In principle, such associations were prohibited, because they implied a formal equality between contractors, which would have challenged social and political hierarchies[13]. It should be noted that French merchants were also subject to specific taxes, especially customs, even in the case of the redemption of captives. In practice, and for the redemption of French captives, the legal rules concerned the "dhimmis" and often served as a reference for regulating relations with Latin merchants, even if they did not work mechanically[14].

Moreover, this lack of official regulation applied, except in cases of piracy, for which the provisions of the Capitulations or the peace treaty signed by the Muslim sovereign with the royalty of the country came into force. In any case, this is what Gabriella Airaldi affirms, in her collection "Genoese in the Islamic world. »

Similarly, on the other hand, the papacy, faced with the number of commercial associations between Christians and Muslims in France, did not see them with a lenient eye. But how to control relationships across borders that were not limited to simple sales operations? Thus, in 1347, the Genoese notary of Bougie reported several claims owed by Muslims.

It should not be forgotten that Muslims only exceptionally went to Christian ports. They therefore rarely had the opportunity to appear in the meticulousness of notaries. As for the contracts made in the Muslim ports, they have only rarely been preserved, most being contracts drawn up by French notaries that can be found in the archives of Mediterranean cities.

Thus, according to the municipal archives of Libya, the agreements between Christians and Muslims were more numerous than what we can see today from the documentation preserved in Europe. The fact remains that such contracts raise questions for us: about the authority in place to register them, the forms required, the mandatory information, the necessary witnesses, and the probative value of the act[15]. The phrase "under penalty of double," so common in Latin documents, was never found in Arab or Judeo-Arab contracts. For example, the 1422 treaty between Florence and the Mamluks only specified

that sales had to be made before notaries ('udül) and according to the law (Sharï'a). The contracts instrumented by the Latin notaries did not differ in their form from the other acts present in the clerks' minutes and therefore followed the rules in use in the Christian powers.

In other cases, all the witnesses could be Christians[16]. This was not a rule always followed, and everything indicated relatively flexible practices. But, when the contracting parties took the oath, they did so according to a form specific to each one. In modern times in Tunis: "Following an ancient practice, an oath by each of the signatories on his own religion could be used to sanction legal acts. The Beys of Tunis recognized Christian and Jewish oaths as judicial evidence[17]."

In general, any contract had probative value when it complied with the law of the notary who had signed it. The treaties that laid down the need to respect notarial contracts never specified that these had to be subject to double validation by both Muslim and Christian authorities. The question of language also posed other difficulties, because the document had to be readable and understood by everyone. If necessary, the use of dragomans made it possible to provide immediate oral translation.

It also appears, in certain contracts, that French captives had the right to appoint special or general prosecutors, depending on the terms used in the contracts, to assert on their behalf their rights to their property located far from them. The appointment of this attorney for the management of land, often in inheritance cases, in the country of origin, was common and required the use of writing[18]. This was the case, for example, of Pierre Troulecty, a slave of the Bey, who elected as Attorney General Madeleine Couronna, living in Venice, "so that in his name she could withdraw everything that the late Joane Haura had left him during his death and to do all that is appropriate in this regard as if the said settlor were present and in the event of refusal on the part of the heirs of the said Joane Haura to compel them by way of justice[19]. »

Also, for Frédéric Hitzel:

"[...] the condition of the slave in the Ottoman world was much better than that of the Greek or Roman slave, because of Koranic precepts. A master, for example, owed his slave medical care, proper food, and maintenance in his old age. If a master failed in his obligations, the judge or kâdî could oblige him to fulfill them, or push him to sell or free him. Likewise, a master should not overload his slave with work and, if he did so out of cruelty, he would be liable to punishment."[20] »

[12] J. Ulbert, La fonction consulaire à l'époque moderne : définition, état des connaissances et perspectives de recherche dans J.Ulbert et G.Le Bouëdec, (dir), « La fonction consulaire à l'époque moderne, l'affirmation d'une institution économique et politique (1500-1700) », (Paris, 2006).

[13] P. Grandchamp, Une mission délicate au XVIIe siècle en Barbarie, J.B Salvago, drogman vénitien à Alger et à Tunis, 1625, Revue Tunisienne, nr 30, (Paris, 1937).

[14] M. Fontenay, Pour une géographie de l'esclavage méditerranéen aux Temps modernes, Cahiers de la méditerranée, 65, (Paris, 2002), URL [http://cdlm.revues.org/index42.html]

[15] M. TALBI, Les courtiers en vêtements en Ifriqiya au IXe-Xe siècle, d'après les Masa'ilal-Samasira d'al-Ibyani, Journal of the Economic and Social History of the Orient, (Tunis, 1962).

[16] D. Valérian, Ports et réseaux, op.cit., 77.

[17] A. Udovitch, Aux origines de la "commanda" dans l'ouest, Islam, Israel, Byzance, ("At the origins of the western Commenda, Islam, Israel, Byzantium"), The University of Chicago Press Journal, (Chicago, 1962).

[18] D. Valérian, Ports et réseaux d'échanges dans le Maghreb médiéval, Bibliothèque de la Casa de Velázquez, 77, (Madrid 2019).

[19] Sebou Alsnian, "Commenda and the family firm in Julfan Society", (2007), [https://brill.com/view/journals/jesh/50/2-3/article-p124_3.xml?language=en] et J-C Zeltner, Tripoli, carrefour de l'Europe et des pays du Tchad, 1500-1798, (Tripoli, 1997).

[20] F. Hitzel, L'Empire Ottoman, XVe- XVIIIe siècle, (Paris, 2002) et J. Heers, Les Négriers en terre d'Islam, (Paris, 2003).

3. The different categories of captives.

The very ambiguity of the French captives 'status, appeared in the French, Algerian and Tunisian archives of the 17th century and made any attempt at legally valid accounting more difficult. Nevertheless, Laurent Charles Féraud mentioned, in 1671, a count of Christian captives[21]:

"Osman-Bey wanted to give himself the satisfaction of seeing parade before him, as an army general would have done, all the Christian slaves captured by his corsairs. On this occasion, his generosity went so far as to gratify each of these almost naked unfortunates with a bonnet, a camisole of bad cloth, a piece of linen to make shirt and underpants. The number of captives held in these prisons was listed by one of these unfortunate "slaves": slaves from the old prison: 490, slaves from the new prison: 474, slaves from the new prison: 475, slaves from the castle and private houses: 120, forming a total of 1,559 captives, including six religious[22]. »

However, in 1685, the military intervention of Estrées allowed the release of one thousand two hundred slaves. In the meantime, the Tripolitan corsairs made numerous raids on sea and on land, as evidenced by the construction of new prisons. But the system where slaves released voluntarily or forcibly had to be replaced remained, hence the need for new catches. Nevertheless, it seems that the number of Christian slaves in Tripoli did not exceed two thousand souls[23].

The redemption contracts from the Montpellier archives tell us that educated captives could sign their redemption acts themselves[24]. This represented 23% of the captives, against 77% of the illiterate. It should be noted that the social origin of the captives was not indicated in the repurchase contracts, but, given the high percentage of illiterates unable to sign, one guessed their extraction. Most "had previously been peasants, fishermen, ordinary soldiers or simple sailors unable to write or sign – officers and masters were enlisted as crew members rather than rowers." (1644).

In the various documents consulted at the time, between November 1593 and August 1594 for example, there were 28 taken and 1 722 captives held in the prisons of Algiers. Between 1628 and 1634, the Algiers took 80 merchant ships from France, for a total of 986 captives. Between 1628 and 1641, they took 131 ships and three-masters from the English, totaling 2 555 subjects' prisoners of his Majesty. As for the pirates of Tripoli, although among the least active in slavery, they succeeded in bringing back 75 Christian ships and 1085 captives between 1677 and 1685[25].

Ellen Friedman[26], from a corpus of 4 500 captives, shows how more than 90% of them remained in Barbaria for less than ten years, only 5% between 11 and 20 years old and approximately 2% more than 20 years[27].

At the same time, the three regencies of Barbary, who thought only of freeing themselves from the yoke of Constantinople, advocated independence[28]. This did not facilitate the task of the Sultans of the Porte[29] who wished to honor their promises made to the King of France.

Tunis was the last city in North Africa to remain under Ottoman rule. She was the first to get rid of her pasha, at the end of the 16th century. The region was then governed by a dey, before a former slave founded, in 1613, a dynasty of beys or former army officers, and this until 1705. In Tripoli, annexed in 1551, the pashas became simple masters of ceremonies in 1603. Then, it was a succession of deys who came to power, chosen from among the janissaries or the Ra'is.

And during almost all the 17th century, Algiers was governed by pashas appointed for three years by Constantinople. The interior provinces were governed by the Beys and a divan, a council composed of Ottoman soldiers or janissaries, shared power with the tai'fa, the assembly of ra'is. In 1659, the Pasha lost all his powers during a revolution and an Agha (military commander), then, from 1671, an elected dey reigned. But of the eleven elected, ten were assassinated. It was only after 1750 that power stabilized[30].

In March 1619, France began to sign a first agreement with Algeria for the raids to cease and all French captives to be freed. But this agreement, and those that followed in the history of relations between France and Barbary, were short-lived. Most were given little respect. In March 1620, a Provençal polacre had been boarded, its goods requisitioned and the entire crew decapitated[31]. The Algerian Embassy in Marseilles was soon

[21] L-C Feraud, Annales Tripolitaines 1852-1888 et Histoire des villes de la province de Constantine, Bougie, Gigelli, Sétif, Borj bou Arridj, Mesila, Boussada, Philippeville, Alger et Constantine, 1869-1876, 4 volumes, volume 2.

[22] F. Hitzel, L'Empire Ottoman, XVe- XVIIIe siècle, (Paris, 2002) et J. Heers, Les Négriers en terre d'Islam, (Paris, 2003).

[23] C. Windler, Diplomatie et interculturalité : les consuls français à Tunis, 1700-1840, (« La Méditerranée : politique, négoce et culture »), Revue d'histoire moderne et contemporaine, (2003), et L. de Mas Latrie, Traités..., op.cit.

[24] Archives Départementales Hérault, (Archives Départementales de Montpellier, Juridiction consulaire 8 B : Jugement et sentences rendus d'autorité par l'Intendant de Languedoc et des officiers de l'Amirauté, matières de contrebande et de commerce prohibé, et listes du clergé régulier (787-1794)

[25] L. Menouche, La course et ses conjonctures, 1700-1764, recherches sur l'Algérie à l'époque ottomane :[https://www.cairn.info/recherches-sur-l-algerie-a-l-epoque-ottomane-ii–9782912946959-page-5.htm?contenu=resume#]

[26] E. Friedman, Captifs chrétiens soumis à un dur labeur en Alger, XVIe-XVIIIe siècle ("Christian Captives at "hard labor" in Algiers", 16th-18th centuries"), The International Journal of African Historical Studies (1980).

[27] Archives en ligne, Liste des captifs chrétiens rachetés par les Mercédaires à Alger (1644) ; Rachat de dix-sept esclaves en la ville de Tunis par le commandeur du couvent de Marseille (1666), État des esclaves de la ville d'Agde qui sont en Barbarie (1670), Rachat de nombreux captifs en la ville de Salé (1674), Rachat de quarante-six esclaves en la ville de Meknès (1690), Relation succincte de plusieurs aventures arrivées dans le cours de la rédemption des captifs ... de 1704 à 1712 et 1644-1774 : [https://www.archiveenligne.fr/2022/10/02/liste-de-captifs-francais]

[28] A. Molho, D. Curto, Les réseaux marchands à l'époque moderne, Annales HSS, 58, (2003).

[29] The « door » or « Gorgeous door » was the central government of the Ottoman Empire.

[30] C. Moatti, (dir.), La Mobilité des personnes en Méditerranée de l'Antiquité à l'époque moderne : procédure de contrôle et documents d'identification, « École française de Rome », (Rome, 2004).

[31] F. Charles-Roux, France et Afrique du Nord avant 1830, Capture et relâche de Mas de Castellane avec une centaine d'hommes partis de la négociation pour le traité conclu en 1619 mais capture de 200 nouveaux marins français entre 1619 et 1620, Collection du Centenaire de l'Algérie, Revue « Archéologie et Histoire », (Paris, 1932).

surrounded and the besieged arrested or killed[32].

Despite the agreements concluded, the raids and captures continued unabated. Thus, the general of the galley Philippe-Emmanuel de Gondi, count of Joigny, launched a fleet of seven ships to seize two Algerian corsair ships and 160 Muslim prisoners[33]. Captives, as we have seen previously, could not be sold without the establishment of a contract written in clear and precise language[34]. The contract, most often in Latin, Italian or French, contained a description of the slave, his age, his country of origin, his sex, his price as well as all the details characterizing him. Many testimonies also attest to the use of these contracts in the Middle Ages in Islamic countries, especially in Andalusia and in the markets of the Arab Middle East.

4. Content of contracts.

The registers of the courts of Justice and the documents archived in Tripoli include many private contracts, where the identity of the seller was carefully mentioned in order to ensure his possessions in captivity[35]. If the buyer or the drafter of the contract had difficulty knowing the identity of the seller, one or the other had to call on a guarantor. It was a measure especially adopted for traders in captives, often non-Muslims, who went to the markets where they sold or bought back captives and slaves. Many documents relating to these guarantees required by those merchants trading on the markets of Fezzan, Benghazi, Tripoli, Egypt and Iraq have thus been kept in Libya[36].

These security requirements would later concern, with the same applicable legal rules, the credit sales of slaves, for a merchant who bought a certain number of captives and paid only after selling them on the markets of the north of the Libya or in the Arab East[37].

From the court records, if there was a breach of the terms of the contract by either party, it could be canceled or reviewed by lowering, for example, the price, when possible. In less than a century, from 1693 to 1783, in the chancellery of Tripoli, nearly three hundred and eighteen redemption contracts were signed and almost as many Christians freed by the Porte. These acts of redemption generally targeted men taken on ships after shipwreck or fire during the race. According to the Nantes archives, the buyout contract could be both individual and collective. In the latter case, a single act could concern two, three or six people, or even larger groups of captives.

Most of the time, the contracts were written in Italian, Latin or French. Indeed, the French consulate having been created in Tunis only from 1577, it represented, until the middle of the 17th century, all the Christians in the regency[38]. Its Chancellery ensured the recognition and recording of acts legally validated, approved and recognized by the other courts of friendly countries. The maritime consulate took care to consolidate the authenticity of the act: it recalled that the contract was drawn up in the chancellery and in the presence of "trustworthy witnesses," this expression serving as proof in the event of a violation of the clauses of the contract[39].

In addition, the precise "date of the contract" was mentioned, not only the year, the month, and the day, but also the time indicated by two expressions: "before noon" or "after noon". This made it possible to have, by a logical classification, the order of the redemption operations, as well as the number of captives redeemed per day, month, and year. A preliminary contract might have been signed beforehand, but it was not systematically mentioned. Sometimes, on the contrary, the final act nevertheless revealed the existence of a promise of redemption between the parents of the captive(s), the mention of a power of attorney or the name of the intermediaries. Finally, it outlined the duration and stages of the negotiations and made it possible to calculate the time interval necessary for the completion of the negotiations[40].

Other mentions were added to the contract: on the one hand, the name of the officer in charge of drawing up the act or his replacement, in the absence of the chancellor; on the other hand, the names of the two witnesses, whose role was to attest to the authenticity of the document, with mention of their surnames and first names, their geographical origins, their professions and residences. Most of the witnesses were French merchants from Tunis or people from the Church representing the Apostolic Prefect of the Mission of Redemption on the spot[41]. Once the deed was drawn up, the redeemed captive had to sign the contract. And, if he could not write, he could just draw a cross. The deed was also signed by the Chancellor and the witnesses.

The chancellor, often a merchant residing in the towns of Algiers, Tunis, Sale, or Tripoli, then recorded the deed in his register, helped by the dragoman for the translation. These contracts were all written in the same way and were structured in three parts: date of establishment by the chancellor or his representative, indication of the identity of the captive, nationality

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[32] J. Morgan, Une histoire complète d'Alger ("A complete history of Algiers..."), (Londres, 1731)

[33] B[ibliothèque] N[ationale] de F[rance], NAF 22149-22154, Recueil des pièces relatives à l'histoire ecclésiastique, XVIe-XIXe siècle, NAF 22153 V, Clergé régulier 1403-1771, Pouvoirs donnés par frère Raymond Allard, provincial de l'Ordre de N.-D. de la Merci, aux RR. PP. Michel Auvry et Pierre Recaudon, pour aller racheter les chrétiens captifs à Alger (23 avril 1669).

[34] D. Panzac, ibidem, ROMM, 47.

[35] Ibn 'Abidin, Mohamed, Jurisprudence Islamique XVIIIe siècle, (« Radd al-Muhtar'ala al-Durr al-Mukhtar »), vol.2, (Beyrouth, 2000)

[36] R. Pillorget, Un incident diplomatique franco-turc sous Louis XIII : le massacre d'une Ambassade de la Régence d'Alger, (1974).

[37] J. Pignon, L'œuvre de Pierre Grandchamp, dans : « Études d'histoire tunisienne, XVIIe-XXe siècle », Nr 49-52, Revue de Sciences Humaines, 1965.

[38] Arnaud Bartolomei et al. (Dir.), De l'utilité commerciale des consuls. L'institution consulaire et les marchands dans le monde méditerranéen (XVIIe-XXe siècle), École Française de Rome/Casa de Velasquez, 2018.

[39] M-M. Carof, Correspondance consulaire ; consulats, mémoires et documents (Affaires étrangères BI et BIII), répertoire, Paris, 1982 et (Anonyme, récit) Relation véritable contenant le rachat de plusieurs captifs.... Détenus à rançon à Alger..., (Paris, 1672).

[40] CADN, Registre des délibérations de la Nation Française et des provisions des consuls - carton 454, du 18 décembre 1709 au 10 mai 1749, Minutes de chancellerie et papiers déposés : Exercice de Claude Balp, (24 mai 1690 – 22 janvier 1692), carton 537. Exercice d'Augustin Chaulan (23 janvier 1692 – 26 novembre 1701), cartons 538 à 543. Exercice de Jean-Baptiste Vitalis (décembre 1701-juin 1713), cartons 544 à 559.

[41] S. Bono, « Le Maghreb barbaresque et l'esclavage méditerranéen aux XVIe et XVIIe siècles », Cahiers de Tunisie, 157-158, 1991.

and identity of his master, the function of the latter and sometimes, the reason for the release.

The amount of the redemption was always specified with the accounting detail, the name of the ship and that of the captain who supported the return trip to a Christian port. One of the important elements in any contract was the mention of the "chain of liberators": the mention of all the intermediaries allowing the redemption with the written commitment of the captive to reimburse the sum paid for his redemption within a period approved by the parts[42].

The biggest disbursement was the actual ransom, to be paid to the boss. It corresponded to the value of the captive, estimated in piastres or Venetian sequins, fixed by his master. We know that certain physical characteristics came into play (sex, age, health), but also the social origin of the slave, his supposed fortune, his professional status, and his rank, as well as his talents and his intellectual merits[43].

A set of various taxes and fees, for the benefit of a few institutions, for example benefiting the Tunisian State through its agents, the raïs of the navy, with sometimes the mention "regal for the raïs of the navy", the raïs staff, the "chaoux"[44] and the customs officers. The sum included the establishment of the buy-back contract and a patent. It increased the price of the ransom. Among these "gate fees" of between 33 and 35 piastres, which could reach 60 or 70 piastres, let us note the "franchise card": a levy of 3 to 5 piastres (or a Venetian sequin), paid in exchange for a certificate given to the redeemed attesting to its issuance. The exit passport was also accompanied by a tax paid to the Turkish Divan (13 to 28 piastres) and another tax paid to the Leather Customs (14 piastres). The piastre was a Tunisian currency corresponding to the rial, made up of 52 aspres (nasri)[45].

The chancellor gave a copy of the contract to the captive. From the 1750s, the term "redemption" was replaced by that of "ransom". From then on, a list of costs incurred systematically appeared, these depending on the quality and function of the captive, his situation, and his nationality. If the captive was foreign, translation rights were added. It was also necessary to plan the cost of the return trip leaving for example from Tripoli with accommodation costs (meals and accommodation on the boat)[46].

Finally, the last part of the contract included the clauses which fixed the obligations and guarantees owed by the various contractors. These clauses first fixed the reimbursement procedures which committed the redeemed (in the case of private redemption) and the charitable institutions (in the case of public and charitable redemptions): the currency, the place, the person, and the deadlines granted for reimbursement of the total amount of the redemption, plus the exchange rate[47].

These clauses always specified the place and especially the person to whom the redeemed had to pay the money: it was often the correspondent who ordered the redemption. Finally, in most of the contracts, a repayment period of fifteen to twenty days was fixed by contract. Only a minority of contracts granted a period of thirty days from the return of the redeemed to his country or, in general, to Christendom. The maritime exchange represented, in fact, an insurance against the risk.

Still exceptional in the 17th century, this clause on the repayment period became important in the 18th century[48]. Thus, the correspondent in Christianity or the intermediary residing in Tunis undertook to guarantee all the risks that the redeemed could run from his embarkation until his disembarkation: accidents by fire, shipwreck at sea, as well as the risk of being captured again by corsairs. Only the exception of natural death could be invoked. At the end of the contract, the redeemed undertook to repay their debt, within the time limits granted, by showing their revenues, their present and future property, inheritances, and future successions, which served as a pledge, and they often made the written promise that in case of death, the debt would be paid by their heirs[49].

4.1. The "riscatti" contract.

For most of them, the acts of redemption were written by the "professional redeemers", religious but especially consuls and merchants[50]. These could operate more occasionally, being only "small merchants" (see distinction made above). If Alain Blondy shows that during the period studied by Fernand Braudel, captivity was considered a "heroic fatality" which fell to nobles, soldiers, and sailors, he also affirms that from the moment the corsairs took away from merchant vessels (and no longer only from military vessels), "slavery no longer took on any painful grandeur, but appeared as the assimilation of human beings to merchandise, to drudgery, exchangeable or re-

[42] H. Helal, Une base de données des contrats de rachat des captifs rachetés à Tunis au XVIIIe siècle [Texte intégral], paru dans « Cahiers de la Méditerranée », 87 — 2013 [https://journals.openedition.org/cdlm/7211]

[43] M. Mollat, De la piraterie sauvage à la course réglementée, XIIIe–XIVe siècle, Mélanges de l'École française de Rome, « Moyen Âge–Temps modernes », t. 87, (1975).

[44] The "chaoux" were a body composed of the twelve most powerful Turks and a leader called ba-chaoux or chaoux-bachi or grand provost. They were not allowed to carry weapons. Nevertheless, they could proceed to the arrest of any person refractory to the law.

[45] A[rchives] d[épartementales] du V[ar] – pour la ville de Toulon, E 557-789, 3 E 3588-3594, 3 E 1/1-206, 3 E 2/1-283, 3 E 3/1-251, 3 E 4/1-493, 3 E 5/1-142, 145-212; pour la ville de Saint-Tropez : 3 E 3388-3406, 3 E 24/1-221, 3 E 66/1-176, 3 E 84/170-171, 176, 3 E 86/1-119, 3 E 92/19-211562-1914

[46] G. Poumarède, Les Consuls de la nation française en Levant et en Barbarie aux XVIe et XVIIe siècles, Annuaire Bulletin de la Société de l'Histoire de France, (Paris, 2001).

[47] CADN Nantes, archives consulaires, S/s AC 43.

[48] W. Kaiser, (dir.), Le commerce des captifs : les intermédiaires dans l'échange et le rachat des prisonniers en Méditerranée, XVe-XVIIIe siècle, Collection de l'École française de Rome, (2008).

[49] M.T Boyer-Xambeau, G. Deleplace et L. Gillard, Banquiers et princes, monnaie et crédit dans l'Europe du XVe siècle, (Turin, 1991) et R. Latouche, Les origines de l'économie occidentale, IVe-XIe siècle, (Paris, 1958).

[50] A D H (Montpellier), Archives du clergé régulier (787-1794), 50 H 47-50 (Rachat des captifs, 1638-1774) : rachat des cinquante-huit hommes d'équipage d'un navire pris par les barbaresques d'Alger (1644), liste des captifs chrétiens rachetés par les Mercédaires à Alger (1644), pièces relatives au rachat de nombreux captifs originaires du Languedoc (1644-1774), rachat de dix-sept esclaves en la ville de Tunis par le commandeur du couvent de Marseille (1666), état des esclaves de la ville d'Agde qui sont en Barbarie (1670), rachat de nombreux captifs en la ville de Salé (1674).

deemable livestock[51]."

The evolution of the very essence of corsair activity, the assimilation of human catches to living booty intended to be exchanged for ransom, led to the growth of the practice of buy-back contracts. Two types of acts were used by captives to redeem themselves. They responded to their own organization and use under the name of "riscatti." These acts, very standardized despite the changes of consuls, dealt with the redemption of the captives in their entirety.

Thus, in the departmental archives of the Var, and those of Draguignan, the deeds of registration of Provençal slaves exchanged or bought back in Algiers, established by the sieur Trubert, commissioner general of the Navy, had been written at Maître Gabriel Renoux, notary in Toulon on June 25, 1668. In this contract, a "donor", from the captive's family (or a pious foundation), advanced the money for the redemption or undertook to reimburse it, once the captive had returned to Europe. Then, the "shooter" (usually an Italian merchant) gave the order to start the procedure to his correspondent(s) in Tunisia[52]. The latter then took on the role of "drawn" by advancing the sum on the spot. The process is interesting because it predated that of the bill of exchange, but used the same operation. Finally, the "beneficiary" who had just been redeemed, undertook to repay, after his return to Europe, his ransom to the drawer, plus variable interest depending on the intermediary[53].

It seems that, logically, the captives first notified their family, who contacted recognized intermediaries in Europe and used these money transfer procedures to avoid the displacement of cash sums. For the owners of the captives, the purpose of captivity in Barbary was to obtain the payment of the ransom as quickly as possible[54].

Thus, it was possible to read, at the end of the "riscatti" contracts: "Fire, the sea, the corsairs are risks which can make them slaves again. Except natural death (God forbid), the redeemed captive binds himself with all his present and future property, and binds his heirs and successors to maintain and fulfill all that is in the contract and will be claimed in all the courts of justice, as he has promised and sworn."

Moreover, the corsair code forbade the taking into captivity of a redeemed individual who had in his possession his "franchise card"[55]. In this case, it was generally expected that the intermediaries would have to house and feed the captives until the release procedure was complete and they could return home[56].

4.2. Immediate freedom thanks to «Alafia».

Sometimes the captivity was short-lived as the exchange or ransom was made immediately off the coast of France. In this case, there was no recourse in writing[57]. The use of the "alafia" process shows how relative the weight of writing in the ransom economy could be. Under the same term "captivity," there were actually very different situations, depending on whether the conditions of capture and detention varied: from just a few hours to several decades[58].

Indeed, for Christian captives of high extraction or high price, the rule was that, as far as possible, the corsairs did not take them to Barbary. They anchored their ships off the French or Spanish coasts and conducted their negotiations from their boats. This mediation of the name of "Alafia" remains less known. The traces left by this type of negotiation and release were much more discreet[59]. They differed from the cases of redemption carried out, for example, by the religious orders of which we have the official lists, the detailed description of the missions and the journeys carried out, as well as that of the celebratory ceremonies, with the procession of the captives in the streets of the cities of Paris or Marseille.

The non-drafting of a contract in the event of "alafia" and the release of the prisoner under cover of payment of an immediate deposit would not be quantified to date. They were mainly archived on the Mediterranean coasts, on the Spanish, Portuguese, and Marseille sides, where the person captured immediately called on the savings and funds held by all the members of his family, even sometimes the crew, neighbors, or commercial relations.

If the ransom could not be paid on board and the crew could not, for example, settle it, the group then joined the ports of Barbary to be put with the captured men into captivity. This sharing of prizes was dependent on the generosity of the captain-privateer, but above all the Bey. Nevertheless, custom dictated that the corsairs received half the value of the catches. The hostages were presented to the Bey who kept the best elements. If no means had been found to pay the ransom, the captives would be staying in prisons or would take the road to the slave markets[60].

5. The escape with the help of "metadores".

At the end of the 17th century, people began to envisage a new way of alleviating the sufferings of captives and increasing the number of those released. It was therefore appropriate to give credit to this new possibility. It was on his return from

[51] A. Blondy, « Les Hospitaliers de Jérusalem », Rhodes et Malte [Texte intégral], Cahiers de la Méditerranée, 97/2 — 2018

[52] A.D du Var, 1B401-441, 3E4/103, fº 774, et Œuvres de rédemption des captifs à Toulon, Gustave Lambert, (Toulon, 1882), BIB 40075, Bulletin Historique et Philologique, (Paris,1906).

[53] R. Guemara, Réflexions sur la course en Tunisie à l'arrivée des Ottomans lors de l'expédition de Lord Exmouth (« Riflessioni sulla corsa a Tunisi dall'arrivo degli Ottomani alla spedizione di Lord Exmouth »), in « Corsaires, esclaves, libérés entre la Ligurie et l'Afrique du Nord au XVI et XVIIe siècle ("Corsari, schiavi, riscatti tra Liguria e Nord Africa nei secoli XVI e XVII"), Convegno di Ceriale, 2004, (Ceriale, 2005).

[54] A D H (Montpellier), Séries C, H, L, 39M, Rachat de dix-sept esclaves en la ville de Tunis par le commandeur du couvent de Marseille (1666).

[55] H. Helal, Une base de données. . . , ibidem, 87, 2013

[56] A. Abidi, Le processus de rachat des captifs dans la Régence de Tripoli de

Barbarie au XVIIIe siècle, [https://journals.openedition.org/abpo/508]

[57] S. Bono, ibidem, p. 203 et G.Calafat, La juridiction des consuls français en Méditerranée, Livourne et Tunis au XVIIe siècle : litiges marchands, arbitrages et circulations des procès (2017).

[58] Archiu historic de la pabordia de Santa Maria d'Eivissa, Formentera, 4.028,1, 18 avril 1708, AHPSME, 4018, 43 (s/d), AG OSLE Cyrua criminal, « Proceso de contrabando sobre la sera de Argel (1703) », Archivo Historico Nacional, Registres des archives de l'Alhambra, mars et avril 1552, AHPA, Prot.65, fol 246.

[59] AGS, Leg. 18-65, Avril 1552 et AHPA, Prot.65, fº 246.

[60] R.C. Davis, Esclaves chrétiens. . . , op.cit., p. 147

his third redemption in Morocco (1712) that Moroccan subjects contacted Father Busnot to offer their services[61].

To leave the Moroccan territory at the time, it was imperative to obtain authorization from the sultan in person, authorization which served as a passport. Obtaining this document was subject to the exposure of a valid reason for absence from the territory and its validity was only for a few months. Failure to respect the validity period exposed the beneficiary to severe penalties, which could go as far as physical elimination. It was also possible that certain wealthy families, who had one of their captives in Morocco, entrusted a Christian merchant residing in one of the country's ports with a sum of money sufficient to negotiate the release of the unfortunate prisoner. It turned out that some merchants had failed in the missions entrusted to them and had embezzled the sums received. It would then seem, without being able to support this with convincing facts, that individuals who wanted the rapid release of a loved one in captivity then turned away from the merchants in favor of these "metadores".

The redeemers gave their adhesion to the proposal of the guides without asking any questions. Provided with letters of recommendation, and on their way to Madrid, the "metadores" seemed to be known in Cadiz and circulated freely. The French Trinitarian Fathers, since Father Dan, knew the region well, both on the Spanish and the Maghreb side, and otherwise did not lightly commit the money painfully amassed in France through alms[62]. To keep it safe, they always took care to deposit it at the French consulate in Cadiz or to entrust it to the owners of known trading houses.

The organization of redemptions by the redeeming fathers was carefully prepared. It all started long before the crossing: a role drawn up by the religious order specified which captives were to be ransomed. Sometimes families presented themselves spontaneously to the redeeming fathers to ask them to redeem one of their own[63]. Once the number and the identity of the captives had been defined, the redemptive fathers had to obtain the obligatory agreements when they left France[64]. Only the king could provide them with the necessary diplomatic documents, as well as the right to take with them the goods and sums useful for exchanges or redemptions. As soon as they entered the foreign country, the consul in place ensured their protection by lodging them. Before their departure, the money was exchanged for the only coins usable in Barbary, namely Sevillian piastres.

The journeys remained long, often taking several months, sometimes even several years. Once there, the authority of the country issued the fathers a passport to allow them to circulate freely. The work of locating the sought captives, followed the fixing with the owner of the redemption price. The latter could be very variable and depended a lot on how the negotiations were conducted. The age, the work force (age, origin, corpulence, dexterity, promptness), but also the social condition of the captive, were determining factors[65].

In addition, the price of the captive could also vary according to the social rank of the one who sold him. Thus, the prices demanded by the dey were always higher than those set by private individuals. The Sieur de Vento, because of his social rank, for example, experienced difficulties in being redeemed, because an extraordinary ransom - the price of which was not indicated by the monks - had been requested by the Dey of Algiers. Ten years were necessary for him to succeed in being freed from captivity[66].

The precious consular archives of Tunis delivered for example four thousand different prices. It should be noted, in terms of currencies, that the gold shield of Spain was mainly used until 1625. It was in competition with other currencies such as Sicilian ounces, Naples's ducats, Venetian sequins, Tournament books, Sultanas[67]. The Spanish piastre appeared in 1616 and won quantitatively from 1628, to be used systematically from 1635. This mutation could correspond with new monetary exchanges and marked the victory of the silver system over the gold system[68].

In the seventeenth century, the fluctuations varied from one hundred to five hundred piastres for captives of average value. For captives of exceptional quality, the price could reach five thousand piastres, depending on the professional quality or the noble origin of the captive. But each captive was a special case. In the absence of a scale between seller and buyer, professional categories and social categorization nevertheless remained the only point of reference for setting the price. The Nordics (English, Dutch, Germans) were more expensive than the French since the Capitulations had forced the pirates to turn away from the French hold[69].

According to the situation, as for example in 1686, during the siege of Tunis by the troops united by the Beys and the Algerians, the Pasha freed a captain for three hundred piastres, whereas the tariff amounted at that time to more than two thousand piastres[70]. The Tunisian archives make it possible to fix the prices of the captives and to establish a comparison between

[61] Ahmed Farouk, *Captifs et captivités en Méditerranée à l'époque moderne, quelques cas d'évasions de captifs chrétiens au Maroc, fin XVIIe-début XVIIIe siècle, selon le père Dominique Busnot*, p. 255-264 - https://doi.org/10.4000/cdlm.7262

[62] Op.cit. Père Pierre Dan, *Histoire de Barbarie et de ses corsaires...*, 1637, 2e éd. 1649

[63] A[rchives] de la C[our] de J[ustice] de T[ripoli], Prix des captifs, prix des esclaves et A.G.L, lettre de 1273, dans le corpus de lettres et reçus d'achats et de rachats jusqu'en 1856, A[rchives] G[énérales] de L[ybie], lettre de 1273, dans le corpus de lettres et reçus d'achats et de rachats jusqu'en 1856.

[64] A D H (Montpellier), Séries 50 H 47-50, Rachat des captifs, 1638-1774 : Rachat des cinquante-huit hommes d'équipage d'un navire pris par les barbaresques d'Alger (1644), liste des captifs chrétiens rachetés par les Mercédaires à Alger (1644) et pièces relatives au rachat de nombreux captifs originaires du Languedoc (1644-1774).

[65] A. Blanc, *Le livre de comptes de Jacme Olivier*, 1899 t. II-A, https://gallica.bnf.fr/ark:/12148/bpt6k55403b.texteImage

[66] J. Mathiex, « Trafic et prix de l'homme en méditerranée aux XVIIe et XVIIIe siècles », Annales « Economie et civilisations », 2, 1954.

[67] M. Hedi Chérif, « Introduction de la piastre espagnole (Ryal) dans la régence de Tunis au début du XVIIe siècle », Cahiers de Tunisie, 61-64, 1958.

[68] R. Latouche, *Les origines de l'économie occidentale (IVe-Xie siècle)*, (Paris, 1958).

[69] J. Hilaire, « Grandeur et servitude de la justice consulaire : la controverse de l'équité », Revue d'Histoire de la justice, 11, 1998.

[70] H. Maurits Van den Boogert, *Les Capitulations et le système juridique ottoman au XVIIIe siècle*, ("Capitulations and the Ottoman Legal System in the 18th Century)", Studies in Islamic Law and Society, (Leyde-Boston, 2005).

the different places where the captives were bought. Another example, we are interested in the distribution of redemptions in Tunisia, according to the counts of Mohamed Hedi Chérif as follows:

- France 762.

- Islands 934.

- Italian Peninsula 1323.

- Iberian Peninsula 158.

The same archives show a decline in the number of captives ransomed in Tunis at the end of the 17th century, even if Italy continued to pay a large tribute, due to the demographic relief of the Mediterranean world and the difficulties for ransom payments due to the economic crisis that raged from 1680. As for the French captives, diplomatic action and public redemptions explained the fall in redemptions, the number of which fell from 712 to 49 from 1662 to 1700.

Conclusions.

In conclusion, the weight of writing in the negotiation of the ransom of French captives remained key for their release. Nevertheless, in addition to the process of "alafia", very different means were used to negotiate the price of a captive downwards and without a written contract[71]. But it should be noted that all our research and our findings in the archives will never be able to count the exact number of captives who took an oath and obtained a conditional release, or escaped the hands of their masters, fled without recourse to the redeeming monks or to any official takeover. Not to mention those who avoided investigation by the courts of the Inquisition but still returned to their country of origin after temporarily converting to Islam in one of the Regencies to escape harsh treatment.

In general, hiding its origin as well as possible was part of a logic of liberation at a lower cost. Germain Moüette indeed explained, in his account of captivity that, when he was imprisoned by the Moroccans, the latter inspected the hands of all his companions in misfortune, in order to determine their social origin[72]. Those whose hands were not damaged by manual work sold for much more than the others.

[71] L. Rostagno, « Un visage turc » (« I faccio turco »), commentaires par Maurice Aymard, supplément à Orient Moderno, IV, (Paris, 1983) (« Esperienze ed immagini dell'Islam nell'Italia moderna », Supplemento n. 1 a « Oriente Moderno », Studi e materiali sulla conoscenza dell' Oriente in Italia).

[72] G. Moüette, Relation de la captivité du Sr. Mouette dans les royaumes de Fez et de Maroc, où il a demeuré pendant onze ans, chez Jean Cochart, au cinquième pilier de la grand'salle du Palais, au Saint Esprit, 1683, (récit).