

The Treaty of 723 AH / 1323 AD Between the Hafsid Dynasty, Bejaia, and Aragon*

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Abstract

This study examines the treaty that was signed between the King of Tunisia, Abu Bakr ibn Abu Zakaria ibn Abu Ishaq, his son, the King of Bejaia, Abu Zakaria, and the King of Aragon, James II in 723 AH / 1323 AD and shows the reasons why this treaty was signed. The significance of the study lies in analyzing and categorizing the clauses of the treaty into several topics including boundaries and security and consular, commercial, financial, and judicial affairs, and linking them to the political and commercial conditions in that period. The relations between Aragon, Tunisia, and Bejaia were based on the two main axes of trade and diplomacy, and trade relations were at the forefront of interests between the two countries. The consular representation of the Kingdom of Aragon was in the cities of Tunis and Bejaia with their ports and markets, where the consul resided in a hotel and had wide powers.

Keywords: Tunisia; Aragon; Bejaia; Hafsid Dynasty; James II of Aragon.

Introduction:

The history of political and diplomatic relations during the medieval period is an important topic for researchers. The diplomatic relations that were developed between the Hafsid Dynasty, Bejaia and Aragon were of great importance for the development and stability of peoples, which was reflected in internal affairs.

This study analyzes the treaty between the King of Tunisia, Abu Bakr ibn Abu Zakaria ibn Abu Ishaq; his son, the King of Bejaia, Abu Zakaria; and the King of Aragon, James II.

The Kingdom of Aragon was part of the Crown of Aragon, which included a group of political, legal and cultural territories since its establishment in the twelfth century until its disappearance in the eighteenth century. This name, which first appeared late in the fifteenth century, came from the union of dynasties between Aragon and Catalonia and culminated after merging other kingdoms such as Mallorca, Valencia, Sicily, Sardinia, Naples and the Greek duchies (Athens, Yenopatria) as a result of its expansion during the thirteenth century to the fifteenth century (Sarasa Sánchez 1979 and 2001).

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The Kingdom of Aragon began spreading outside the Iberian Peninsula into the western Mediterranean in the middle of the 7th century AH / 13th century AD, when conditions were suitable to form an Aragon Empire in the western part of the Mediterranean; this was a prelude to controlling trade and finding a role for Aragon in trade between the East and the West.

The Kingdom of Aragon was associated with treaties with Islamic countries, including the Hafsids Dynasty; as relations were characterized by a peaceful commercial nature rather than a military one. Through these treaties, the Kingdom of Aragon was able to obtain many privileges, including trade, fees and taxes, the opening of consulates, and supervising the communities residing in Islamic countries, including the Hafsids Dynasty.

The founder of the Hafsids Dynasty in Africa is considered to be Abu Zakaria Yahya ibn Abu Muhammad 'Abd al-Wahed al-Hintani (634-647 AH/1237-1249 AD), who came to rule in Africa when he was governor of the Almohad state in the Far Maghreb, taking advantage of the weakness of the Almohad caliphs to establish his state in 634 AH/1237 AD (Ibn al-Qunfudh 1968: 107-109). The Hafsids state had a strong presence, as European countries were seeking to build relations with it, especially those with political and economic interests, security treaties and trade exchange, due to the power and distinguished position of the Hafsids Dynasty in the Mediterranean basin. At the time of the treaty, Tunisia was under Abu Bakr, Bejaia was under his son, Abu Zakaria, and Constantine was under his son Abu 'Abd Allah (Ibn Khaldūn 2000 vol. 6: 485-486).

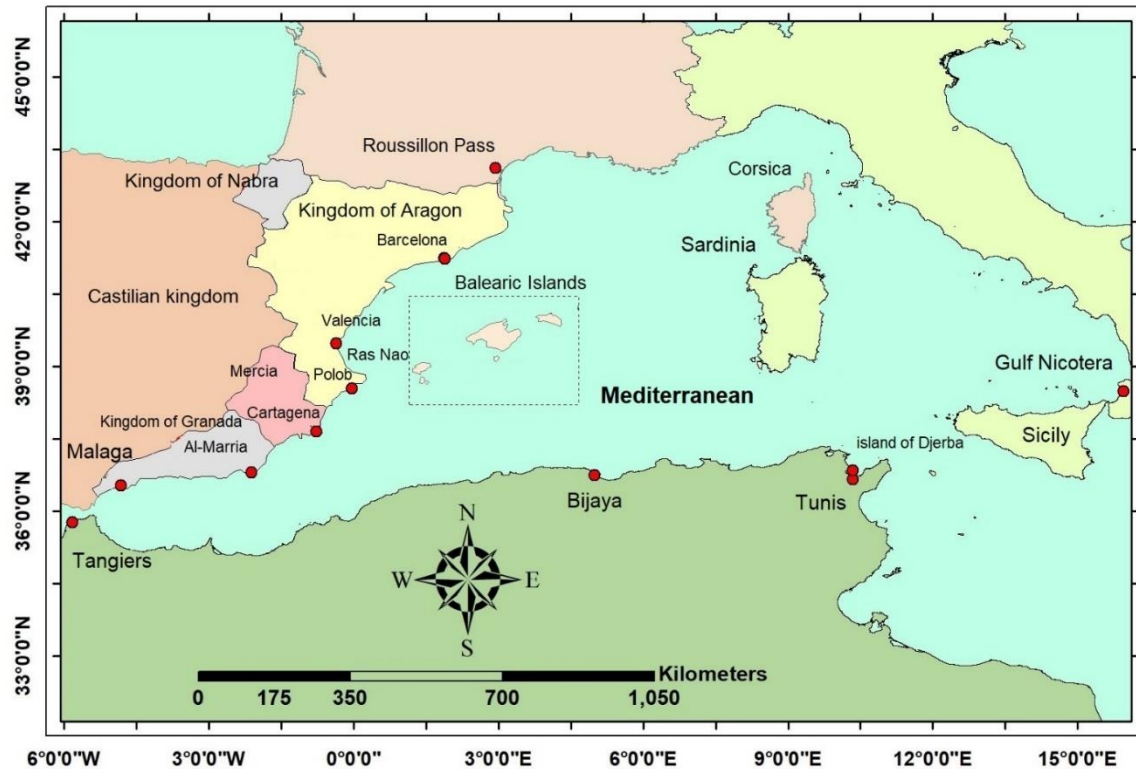
Bejaia came under the control of the Hafsids dynasty at the time of Abu Zakaria I since 626 AH/1229 AD, and at a time of general turmoil, the conflict reached Bejaia, which led to its separation in 712 AH/1312 AD up to 718 AH/1318 AD until Abu Bakr recovered it and appointed his son Abu Zakaria as its governor in 720 AH/1320 AD, Abu Zakaria remained there until his death in 747 AH/1346 AD (Ba'īzīq 1998: 67-74). Sultan Abu Bakr assigned Abu Zakaria the task of ruling the state of Bejaia, which enjoyed full independence, and he was assisted by a chamberlain from the administrative corps, the son of the master of people (Ibn Khaldūn 2000, vol. 6: 484-485; Brunschvik 1988 vol. 1: 184, 190).

The importance of the treaty examined in this article came after King James II, the ruler of the Kingdom of Aragon, took complete control of the islands of Corsica and Sardinia in 722 AH/1322 AD. The treaty included articles about boundaries, security, diplomatic, judicial, commercial and financial matters.

This study analyzes the articles of the treaty, in order to know the areas they are specialized in, and then link these articles to the political and economic conditions in that period. A map shows the locations of the cities and geographical areas mentioned in this study.

The study relies on special documentary sources in the archives of the Kingdom of Aragon which were obtained from the first researcher: *Los Documentos Arbes Diplomáticos del Archivo de la Corona de Aragón* 1940. The main source is a manuscript that includes correspondence and treaties between the Kings of Aragon and the Kingdoms of the Islamic world such as Egypt, Tlemcen, Fes, Morocco, Tunisia and Granada.

Another documentary source in Spanish that the researcher benefited from is: *Capmany y de Monpalau Antonio, Antiguos tratados celebrados entre los Reyes de Aragón y los príncipes Infieles de Asia y África* 1974, which includes treaties between the Kings of Aragon and the Kings of Egypt, Tlemcen, Fes, Morocco, Tunisia, Bejaia, and the Mongols.



First: Reasons for The Treaty

The Benu Zayan in Tlemcen were not able to expand to the west because of the power of the military garrison of the Marinids, and they had an aspiration to approach the east due to the weakness of the Hafsid Dynasty. Therefore, they attempted to take over Bejaia (al-Nashār Vol 3: 56); where they began to build castles and fortresses on the roads leading to the eastern region to control Bejaia and provide it with soldiers and supplies (Shaqdan 2002: 115).

With the continuation of the attacks of Tlemcen on Bejaia by land and sea (‘Azzawī 2006 Vol. 2: 67), the Zayanite Dynasty succeeded in taking over control of the region of Constantine from the Hafsid Dynasty, but failed to control Bejaia in many of its campaigns between 710 and 719 AH/1310 and 1319 AD (Ibn Khaldūn 2000 Vol. 6: 476-478). This led Abu Bakr ibn Abi Zakaria (718-747 AH/1318-1346 AD) to enter into friendly relations with the Kingdom of Aragon at the beginning of 723 AH/1323 AD in order to obtain naval support from them to repel the attacks of the naval forces of Tlemcen (Brunschvik 1988 Vol. 1: 184). An additional factor was the increase in the piracy movement to which the ships of Tunisia and Bejaia were subjected. This is shown by the complaint submitted by the Kings of Tunisia and Bejaia against Roger, the governor of Djerba and Frederick, King of Sicily, brother of James II and the ruler of Mallorca, in which the Kings of Tunisia and Bejaia request the release of Muslim captives (Los documentos árabes diplomáticos 1940, Documents No. 128, 129, 131, 132, 134, 135, 136: 284-302).

As for the Kingdom of Aragon, King James II found the conditions suitable for the conquest of the islands of Sardinia and Corsica. In 722 AH/1322 AD, war operations began on the two islands led by Alfonso, son of King James II. Alfonso arrived at Porto Palmas Beach in Sardinia (al-Nashār 1997: 60) and conquered the castles, and then made a peace truce with Pisa, in which Pisa ceded to the King of Aragon the rights in Sardinia, handed

over the castles that were theirs, and kept the fief of Caller to Pisa in return for the sovereignty of Aragon over it, and not to force them to provide services and assistance to Aragon outside Caller. In addition, the reasons for competition between Mallorca and Aragon over Sardinia and its conquest in 723 AH/1323 AD included economic and political motives, due to the richness of Sardinia in leather, cheese, fisheries, salt factories, gold and silver mines, and industries there (Dufourcq 1966: 452), and thus King James II was able to control the two islands (al-Nashār 1997: 60).

Second: The Terms of the Treaty

The treaty was held between the King of Tunisia (Abu Bakr), the King of Bejaia (Abu Zakaria) and the King of Aragon James II on 24 Rabi' al-Akhir 723 AH/May 1, 1323 AD, for a period of four years. Titles were mentioned in the correspondence and treaty, such as the title of Emir, 'Amir al-Mu'minin' (Commander of the Faithful), and 'al-Mutawakkil 'Ala Allāh', after Abu Bakr entered Tunisia with his son, the King of Bejaia, Abu Zakaria, into the city of Tunis, the capital of Africa then. After his stay in the capital of his Kingdom, Tunis, for seven days, he left for his hometown, the city of Constantine, to eliminate the rebellion of the tribes (Ibn al-Qunfudh 1968: 161; 'Azzawī 2006 Vol 2:309), so his title changed after taking control of both Mahdia and Tripoli in 713 AH/1318 AD, and with the unification of the African countries (Hafsid), and became the Commander of the Faithful and al-Mutawakkil (Ibn al-Shamā' 1974: 88).

As for the title of the Commander of the Faithful, the first Hafsid to be called 'Amir al-Mu'minin' was Abu 'Abd Allāh ibn Muhammad in 650 AH/1252 AD; as an indication of the independence of the Hafsid Dynasty from the Almohad Dynasty. This came after the pledge of allegiance came from Mecca, and at that time he was called the Emir (Prince) (Ibn al-Shamā' 1974: 67). The title of Commander of the Faithful continued among the Hafsid rulers, with each sultan having a set of his titles and engraving them on his coins. The title of the Emir is associated with the control of limited areas, and the title of Commander of the Faithful came after the unification of the country (Rāghib 1984 Vol.22: 125). The Hafsid rulers were likened to the Abbasid caliphs in titles, giving themselves religious and political legitimacy (Ajlan 2017 Vol. 10, No. 37: 126); as these titles indicate the conditions experienced by the Hafsid Dynasty (Ibn al-Qunfudh, 1968:152).

Third: Terms of The Treaty

1. Boundaries:

The boundaries include all borders of the Hafsid Dynasty. The treaty did not specify the borders of the Hafsid state, only mentioning "all the borders" of the Hafsid state. The borders included Tunisia under the rule of Abu Bakr, Bejaia under the rule of the daughter of Abu Zakaria, and Constantine under the rule of his son Abu 'Abd Allah (Ibn Khaldūn 2000 vol. 6: 485), and what is under its control, in addition to what the Kingdom of Aragon includes: Valencia, Sardinia, Corsica, Count Barcelona.

Since there is no common land border between the three areas, the treaty was limited to the maritime boundaries. The Hafsid Dynasty is not connected to the Christian Dynasties by land. After the increase in the maritime, economic and military influence of Aragon in the late fifth century AH/eleventh century AD, it reached Africa; where the aspects of contacts between the Hafsids, the Christian Kingdoms and European countries were various and limited to establishing relations at the diplomatic level, exchanging ambassadors, and signing peace treaties (Brunschvik 1988 Vol.2:452).

2. Security and Protection

Article 1:

People under the rule of the Kings of Tunisia and Bejaia are safe on sea and land, as well as their goods and properties, as they will not be seized for any reason, as long as they pay the fees that they have to pay for them. The same applies to the nationals of Tunisia in Aragon.

However, every merchant, or any other person of the domain of the King of Aragon, who is somewhere in the domain of the Kings of Tunisia and Bejaia, and wishes to leave them to go to another place by land, will be obliged to declare this to the person in charge in the area of the Kings of Tunisia and Bejaia, so that they can go safely to the place where they want to go, and in another way, if any merchant does not do so; the Kings of Tunisia and Bejaia will not be responsible for any damage caused to him. The same must be understood by the Muslim merchants belonging to the region of the Kings of Tunisia and Bejaia, who leave some places from the region of the King of Aragon, wanting to go to another place by land, as they will be subject to the same conditions mentioned (Capmany 1974: 80).

Article 28:

The Kings of Tunisia and Bejaia safely keep the ships of the people of the King of Aragon in his ports (Capmany 1974: 89).

Article 32:

Any ship coming from the land of the Kings of Tunisia and Bejaia to the Kingdom of Aragon carrying Muslims from outside the Islamic countries, they and their money are safe, and this applies similarly to the people of the Kingdom of Aragon (Capmany 1974: 93).

Articles 1, 28, and 32 of the treaty included the issue of security and protection between the two countries, whereas Article (1) ensured this for all nationals of the two parties within the political boundaries of both countries throughout the treaty period. Furthermore, the article touched on the issues of safety and security concerning land trade, where traders were allowed to move by land within the land borders of both countries, with a person who is responsible for their safety, therefore, if any merchant changes his place, and did not inform the person responsible, both countries will not be responsible on any harm that may happen to him.

Article 32 allowed non-nationals of the two countries arriving onboard their ships to apply the terms of the treaty to themselves. As it is customary that the terms of peace only apply to the nationals of the two dynasties, and those who are not their nationals are treated according to the laws of the dynasty in which they are present (Los documentos árabes diplomáticos 1940, No. 116: 247-249).

The Europeans established cities, inhabited by merchants, which were better organized and safer than the cities in the Islamic countries along the Mediterranean. In the treaties, the word security was used in the application of Islamic law related to security contained in the books of Maliki jurisprudence; whereas, in the opinion of the jurists, security represented a non-fixed and very specific guarantee in its duration and purpose for a non-Muslim; because at the end of the treaty period, the merchant is treated as a 'Dhimmi', and

is subject to the authority of the Hafsid Dynasty (Hammad 2017 Vol. 15: 5; Brunschvik 1988 Vol. 1: 462).

Christian ships can also dock freely in all the ports of the Hafsid Dynasty; where they are welcomed, in addition to their protection, as the treaties gave them the right for these demands from the officials of the King and the population in times of peace. Moreover, it is possible to provide them with food, water, and equipment for sailing, and in the event of a storm, they can seek refuge and remain safe (Mas Latrie 1866: 185).

The Hafsid governors followed a flexible policy based on appeasement and security. The features of this policy appeared in many diplomatic documents, especially in the correspondence exchanged with Aragon, which confirmed the interest of the Hafsids to follow the policy of conciliation with the powers in the Mediterranean despite the violations and breaches that occurred in the treaties between the two parties. As well as the attempt of the Hafsid Dynasty to secure its economic interests in the face of the increasing security threats in the Mediterranean (Ṣamāirī 2020: 139).

3. Trade

Article 11:

If the four years have ended, which is the term of the treaty, and the treaty was not renewed for a longer period between the Kings of Tunisia, Bejaia and Aragon, traders are allowed within six months to evacuate and transport goods, and safely leave the place where they were, without any impact or damage to their goods and belongings (Capmany 1974: 86).

Article 12:

If the pirates, who caused damage to ships and armed ships of the nationals of the King of Aragon, set up an auction in Tunis and Bejaia for persons or goods belonging to the King of Aragon, and the consuls in Tunis and Bejaia rejected that after providing evidence, then the Kings of Tunisia and Bejaia must compensate all the damages caused by the persons who have agreed to that auction on their land, and the King of Aragon similarly exercises the same on his land with the nationals of the Kings of Tunisia and Bejaia and their goods (Capmany 1974: 86).

Article 13:

It is not permissible to take any ship, goods, or any other tool from any ship to the beach and leave them unprotected, the consul should protect that ship to obtain its usual right before leaving the port (Capmany 1974: 87).

Article 14:

Since there are guards in the ports with representatives of merchants and the location of the goods, the King is obligated to make up any shortage (if found) of all goods unloaded in the ports of Tunis and Bejaia (Capmany 1974: 87).

Article 20:

No merchant from Aragon may take property, goods, or money from the ministers of the Kings of Tunisia and Bejaia by force and without the consent of the owner (Capmany 1974: 89).

Article 22:

The goods or boxes of merchants of the nationals of the King of Aragon will not be searched or opened after their departure (Capmany 1974: 90).

Article 23:

It is not permissible for ships to be wrecked in the territory of the Kings of Tunisia and Bejaia, or there be damage to persons or properties; likewise in the lands of the King of Aragon (Capmany 1974: 90).

The treaty included Articles 11, 12, 13, 14, 20, 22, and 23, and the area of trade between the two parties, where Article 11 indicated that in the event that the treaty between the two parties ended and was not renewed, the merchants and other people would be given a grace period of six months to safely leave with their goods from Aragon or Tunisia. Article 12 affirmed that the nationals are not allowed to buy prisoners/ captives and goods from pirates after the peace treaty, and they are not allowed to establish places within the Dynasty for sale and purchase. If this happened, then the King of Tunisia, Bejaia and Aragon must pay compensation to the affected, and hold everyone responsible for this auction accountable, thus ensuring that each of the two countries confronts piracy, while Article (13) shows that, in the event that goods were transported or a ship was towed from outside the port or was damaged before arriving at the port by another ship, the consul must protect the ships and goods of his country's merchants that arrive in African ports.

Article 14 emphasized the right to compensate merchants in the event of missing materials when unloading their goods at the ports, as the port guards' responsibility is to protect these goods. Article (20) stipulates that it is not permissible for any merchant from Aragon to take property, goods, or money from Tunisia and Bejaia by force, and without the consent of the owner, while Article (22) indicated to give the merchants of Aragon immunity; this is by preventing Tunisia and Bejaia from inspecting them in the event that any merchant wants to leave, and finally Article (23) stated that it is not a condition when any ship is wrecked that damage to persons or property occurs.

Due to its commercial activity, the Hafsid state worked on a special administration that looked after its interests, known as the "Diwan al-Bahr" (the Maritime Diwan/Bureau), which is an administrative and financial institution specialized in collecting tithes and other taxes on the imports of European merchants (Aragon, Genoa, Pisa). It was one of the most important institutions in the Maghreb (Ba'izīq 1998: 225) where the "Diwan al-Bahr" supervised several tasks, including:

- Collecting tax duties on exports and imports, which were 10% of the value of a commodity (Sharif 2006: 113).

- Monitoring the movement of purchasing and selling inside the port (Ba'izīq 1998: 226). Sales and purchases for Christian traders are made in customs by translators, and they are under the authority of customs to give guarantees to traders to facilitate transactions (Mas Latrie 1866: 186). The sale was done in two ways; The first is the sale by mutual consent or by "halaqa" (a group of merchants around the seller with a translator) (Brunschvik 1988 vol. 2: 251) under the auspices of brokers designated for each community and in the presence of inspectors and witnesses from the Diwan/Bureau (Mas Latrie 1866: 193). The second method is selling without an auction inside the customs area through the Bureau's translators and in the presence of the inspectors. Selling inside the

Diwan/Bureau was not compulsory, and merchants could sell their goods inside the hotel, but in case a sale takes place outside the Diwan/Bureau, there would be no responsibility for any dispute that may occur (Mas Latrie 1866: 193-194).

- Providing some services to foreign and local merchants, such as securing and depositing funds, registering sales and their prices, maintaining security in the port, and punishing violators or aggressors by administrative and police agents (Ba'izīq 1998: 226-227).

The Diwan/Bureau was handled by an employee called the “Ra'es al-Bahr” (Chief of the Sea), and he was called the owner of the sea and the commander of the sea, assisted by a group of employees, to facilitate the commercial operation of the Diwan. The Chief of the Sea supervised the commercial affairs of the port (Ba'izīq 1998: 228), and the commercial deals made between Aragonese and local merchants and were sometimes assisted by the consuls in issues related to their nation (Bourmalah 2017: 79). He was responsible to address the official authority regarding matters related to trade and merchants. He also used to supervise his assistants, organize commercial trips, monitor the processes of loading and unloading, and maintain applying the provisions of the commercial treaty related to fees, goods and privileges (Ba'izīq 1998: 229). Additionally, he had powers outside the field of his primary mission, which included tax collection and maintaining security in the port, furthermore, he has a judicial authority to resolve conflicts that occur between Muslims and Christians and between Christians and other nations. In the event of the death of a Christian merchant and there was no consul or merchants from his nation, the director of the Diwan should be responsible to preserve and protect his goods until they are delivered to people who have rights to them (Mas Latrie 1866: 187-188).

There was a group of agents in the Diwan to serve foreign merchants and facilitate their transactions:

- The “Kataba” (scribes) and sheikh of the scribes who write in the records of the administration of the Diwan, and write administrative and official correspondence.

- Agents who are responsible to collect taxes, monitor the movement of goods through unloading and shipping, and the movement of merchants in and out (Ba'izīq 1998: 232). There were Christian agents (Mas Latrie 1866: 190) particularly responsible for keeping the records of their nation's merchants and settling their accounts with “Diwan al-Bahr”.

- Translators, as their tasks include translation between foreign merchants and the “Diwan al-Bahr” employees and its agents/assistants, to facilitate dialogue between different merchants in the deal group “halaqa”. Purchasing and selling cannot be without the presence of those translators (Ba'izīq 1998: 233-234). They specialized in translating treaties, and each community had several translators. They were prohibited from refusing to provide their services, and they do not receive gifts or dues more than once in a single transaction, moreover, the merchant is not allowed to use his own translator (Mas Latrie 1866: 190).

The control of the Europeans over foreign trade in the Hafsid ports led to the Europeans negotiating with the Hafsid to ensure freedom of navigation and trade for the benefit of their nationals, through peaceful diplomatic relations that are legally based on peace treaties and commercial treaties different in time and duration of their renewal. The treaties became more detailed in the seventh century AH/thirteenth century AD (Brunschvik 1988 Vol.2: 453), and more important in terms of respecting the laws and customs of the people of the country, whether from Muslims or Christians, and this is a conditional matter despite the fact that it is not explicitly mentioned in the treaties (Mas Latrie 1866: 114).

4. Renting Boats/Ships

Article 31:

If there was any ship, boat, or any other cargo vessel belonging to the nationals of the King of Aragon at the ports of the Kings of Tunisia and Bejaia; and the King of Tunis and Bejaia needed any of them to be sent somewhere in the land of the treaty, they can take it and send it for a fare, but the captain of that ship or cabin will not be obligated to pay one-fifth of the fare of that said freight (Capmany 1974: 92-93).

Article 34:

If the Kings of Tunisia and Bejaia need boats or ships from the land of the King of Aragon, then he has to pay for each one of them three thousand pieces of gold for four months. If he needs them for a longer period, he can obtain them at the same price, provided that he does not use those ships against Christians (Capmany 1974: 94).

Articles 31 and 34 included renting ships where the King of Tunisia or his nationals could charter ships from Aragon, but on the condition that the ships were not used against the Christians.

The European fleets in the Mediterranean outnumbered the Hafsid fleet, especially in maritime trade and long voyages between Islamic countries, which made them rent Christian ships (Brunschvik 1988 Vol.2: 97), due to the shortage of timber in Africa, and the difficulty of importing it after the Church's decision to prevent its sale, as well as the decline of the Islamic and African navy, in particular (Hassan 1999, Vol.1, p.490), the security factor that made traders in Africa rent part of the European ship's cargo; in order not to be attacked by European pirates. Furthermore, the distance of the coastal strip extending from Tripoli in the east to Algeria in the west was big, the Hafsid sultans compensated for the shortage in the number of ships through the right they have to use a third of the Dynasty's ships anchored in their ports in return for certain fees (Brunschvik 1988 Vol. 2: 97).

The Hafsid Dynasty needed wood suitable for the manufacture of ships, due to the lack of it in Africa, thus, Hafsids sought to obtain wood to manufacture ships in their ports, they also bought ready-made ships from the Catalan merchants (S'edān 2002: 75). This trade was profitable; as the profit reached one hundred percent, the ship on which a thousand dinars was spent, can be sold easily for an amount of up to two thousand dinars, in addition to the costs of the ships from the requirements of their preparation and reconstruction (S'edān 1985: 21). The Kings of Aragon took advantage of this opportunity to interfere in the affairs of the Hafsid Dynasty and work on renting ships and boats to them and helping them to fight wars with competing countries. This was noted in the initiative of the Hafsid Sultan in the year 709 AH/1309 AD in a rental contract with King James II (S'edān 2002: 57-76); where the wages for some ships from Barcelona to Tunisia were equal to 100 golden dinars, and from Sicily to Tunisia were equal to 200 golden dinars (S'edān 1985: 21).

The jurists of the Maliki school will consider that the ship rent contract is terminated between the merchant and the owner of the ship if a merchant hires a ship at a time when it is suitable to sail in the sea, and the ship could not move or was prevented from sailing because of power, or some other obstacle, or because of fear of piracy. If the ship with its cargo was broken, and if it reached the destination country or was damaged, and it was not possible to unload the cargo, then there will be no rental fees to the shipowner. If it is

possible to unload the cargo, and the delay was on the part of the owner of the goods, then he must pay the fees of the ship's charter. And if he also unloaded part of the goods and the ship was damaged due to storms, or any other reason, then he should pay the rent for the goods that were delivered(al-Ifriqī n.d.71-72).

5. Fees and Taxes

Articles 2, 3, 4, 5, 8, 9, 24, 25, and 30 were limited to the fees, taxes, and customs that must be paid by merchants in Tunisia, Bejaia and Aragon, while Article 35 was about the tax that must be paid by the Kings of Tunisia and Bejaia to the King of Aragon.

Article 2:

Every merchant from Aragon, who docks at the ports, which are under the sovereignty of the Kings of Tunisia and Bejaia, and pays the fees due on his goods, is given a customs proof that proves that the fees have been paid so that he can go by sea or land to anywhere in the Kingdom of Tunisia and Bejaia, use the currency, and sell those goods for which the duties had already been paid and exempted from customs duties. The same applies to the merchants of the land of the Kings of Tunisia and Bejaia, who came to the land of the King of Aragon.

The money circulating in commercial transactions is the Hafsid dinar, which weighs 5 grams of gold, the double Hafsid dinar, including the sixty-dinar coin(Los documentos árabes diplomáticos 1940, No.140: 313-314; Al Nabarawi, 2000, p.289; S'edān1985: 22; Pashā 1976: 92)³, the double Spanish dinar (doubloons)(Bourmalah 2017: 265), and the Sicilian once (Once Sicile en or), which weighs 26.5 grams of gold and is divided into thirty tarins(al-Mazrou' 2019: 65-66)⁴, and the Spanish besants, which weigh 15 grams of silver. Aragon and Mallorca did not mint gold dinars until 710 AH/1310 AD. African money was the best money to be traded with the Catalan and Sicilian merchants, as it retained its value for a long period, which increased the merchants' demand for it(S'edān 1985: 22; Pashā 1976: 92).⁵

Article 3:

The merchant is free to transfer goods from one ship to another or to sail in another ship to any place he wants(Capmany 1974: 82).

Article 4:

If any merchant, sailor, or any other person from Aragon enters any goods illegally into the territory of the Kings of Tunisia and Bejaia, and that had been exposed. He will only pay the fees and compensation imposed on him(Capmany 1974: 83).

Article 30:

The consuls, merchants and nationals of the King of Aragon who are on the lands of the Kings of Tunisia and Bejaia, have the right to leave, and they and their money are safe without being bothered by others after paying what they owe to the customs or other

³ It is one of the double Hafsid dinars, the value of which is equal to 60 Hafsid gold dinars, as the weight of the Hafsid dinar is equal to 5 grams of gold, therefore the weight of the sixty dinar coin is equal to 300 grams of gold (Al Nabarawi 2000, p.289; S'edān, 1985, p. 22; Pashā, 1976, p. 92; Los documentos árabes diplomáticos 1940, no. 40, pp. 313-314).

⁴ It is a silver coin in a quadrilateral shape, as was mentioned in the Catalan texts for the first time in 705 AH/1305 AD, Al-Mazrou'2019, pp. 65-66.

⁵ Each Hafsid dinar equals 5 besants, every 4 Hafsid dinars equal to a Sicilian once and every 20 besants equal a Sicilian once, S'edān 1985 p. 22; Pashā 1976 p. 92.

people(Capmany 1974: 92).

Customs was supervising the collection of customs duties and taxes imposed on goods exported and imported to Tunisia and Bejaia through the Diwan al-Bahr (sea) in charge of this(Mas Latrie1866: 192). The jurists set the rate of customs duties and taxes at ten percent on goods imported by foreign traders to Tunisia(Mas Latrie1866: 194-195, 495)(Brunschvik 1988Vol.2: 252; Khalaf Allah 1985: 307-308).

There were attempts to smuggle goods by merchants with the intention of evading paying customs duties. Therefore, it was required that merchants wishing to leave Tunisia and Bejaia must submit statements of their accounts with all documents, after settling accounts and paying fees and taxes, upon that, Diwan al-Bahr gives clearanceallowing them to leave Tunisia or Bejaia(Brunschvik 1988 Vol.2: 251).

The role of the consul(Farḥāt 2010: 10-11)⁶, who used to have a permanent residence in the hotel as headquarters, had emerged as he was managing and organizing the hotel's internal affairs. There was no hotel without a consul. Appointing consuls in Tunisia and Bejaia was done by the King of Aragon, it was either for a limited period or for life(Ba'īzīq 1998: 244). Every consul had privileges that remained in effect as they were previously. In the event that there are privileges for other European countries such as Genoa, the consuls would have the same (Capmany 1974: 83-84). Consuls had broader powers than specified in the treaty of 701 AH/1301 AD in terms of prisoners' cases, financial matters, the appointment and dismissal of lawyers and agents, and holding concerts (Capmany 1974: 83-84).

Article 5:

When collecting the revenues, no Christian or Arab belonging to the tribe may enter by any boat or ship for registration or mortgage for any reason whatsoever, and the customs official shall be notified; as he sends two of his employees and another from the consul side(Capmany 1974: 83).

The powers of the consuls increased overtime after they were initially limited to looking after the interests of the merchants and mediating between them and the Diwan(Jabbār 2010: 116). The consul was the mediator between the merchants and their country, and between them and Tunisia, and had the powers to negotiate with Tunisia and draft peaceful commercial treaties. He was also entrusted with the task of following up on the financial matters arising from Tunisia to Aragon and was authorizedin regards tothe cases of prisoners/ captives and their resolution(Ba'īzīq 1998: 246-274).

Article 8:

The merchant should settle his accounts with customsat the end of each month on what he sold, and he has to pay the due fees as well. A receipt is received in the amountof any sum paid to the customs account(Capmany 1974:84).

The method of paying fees differed from one community/ people to others according to the agreed treaties, the merchants of Pisa in Tunisia were able to do that easily as they used to pay taxes upon leaving the port, and whoever wanted to stay among them wasfree to pay within a maximum period of three years, and then the period was reduced to six months. The Genoese merchants had a period of two months after selling the goods, while the

⁶ The first to use the word "consul" were the Romans in 509 BC, after the collapse of the monarchy, which meant the partner, as the consul was the highest Roman ruler of the foreign countries that were controlled; Farḥāt, 2010, pp. 10-11.

merchants of the Kingdom of Aragon had less period that does not exceed one month, and their payment was cash (Mas Latrie 1866: 207; Bourmalah 2017: 83).

Article 9:

Any debt previously owed to customs by the merchants of Tunis, Bejaia and Aragon and borrowed on the account by virtue of a check, voucher or witnesses, shall be due after being claimed by the merchants for each of the parties (Capmany 1974: 84-85).

Article 21:

Every merchandise arrives with the merchants of Aragon, and they cannot sell them in the areas of the Kings of Tunisia and Bejaia, they have the right to transport them to any port they want without paying the tax (Capmany 1974: 89-90).

Every commodity arrives with the merchants of Aragon, and they cannot sell them in the ports, so they have the right to transport them to any port they want without paying the ten percent tax (Los documentos árabes diplomáticos 1940, No. 116: 248).

Article 24:

At customs and in the places belonging to the Kings of Tunisia and Bejaia, the previously customary fees were collected, in addition to brokerage, docking, tools unloading goods, guide office, free zone account, oil fees (oils) as well as any other matters, and in case any other fees are found outside the old custom, they are canceled and returned to the first case (Capmany 1974: 90).

The merchants of Aragon paid the ten percent tax in addition to the taxes that were specific to the ships that docked in the ports of Tunis and Bejaia; where certain secondary fees related to docking and sailing, loading and weighing, unloading and shipping goods, entry and exit of merchants (S'edān 1985: 29; Ba'izīq 1998: 228-232), and translators. This ratio is estimated at approximately 0.25 – 1 percent (Mas Latrie 1866: 198).

Article 25:

No fee will be paid on wine when it does not exceed one hundred quintals⁷ (Pashā 1976: 89; Brunschvik 1988 Vol.2: 261-263), and from one hundred quintals and above, only one quintal will be charged (Capmany 1974: 90).

The wine brought by the merchants of the King of Aragon to Tunisia and Bejaia, the customs to take one jar out of a hundred jars, and if they were less than that, they do not take anything (Mas Latrie 1866: 196).

Wines are the most important financial sources for European consuls, especially that they are sold wholesale and retail (Abd el-Qādir 2015: 86).

Article 35:

The King of Tunisia pays three thousand golden dinars to Aragon, and the King of Bejaia pays one thousand golden dinars, paid from the fees of the merchants of the King of Aragon in Tunisia and Bejaia, and if the merchants' fees were not enough, the Kings of

⁷ A quintal is equal to about 100 pounds, which is equivalent to 16 ounces, which is 50.4 kilograms, and the unit used in measuring wine was equal to 50 liters (a jar) or a European unit of measurement called the "rhizola", as the measures differ between liquids and solids and change from place to place. In Bejaia, the same unit of measurement was used as in Tunisia.

Tunisia and Bejaia must commit to the amount of four thousand golden dinars(Capmany1974: 94).

This article was specific to the Kings of Tunisia and Bejaia with regard to tax, as it included a claim for the amount of three thousand dinars from the King of Tunisia and one thousand dinars from the King of Bejaia per year throughout the period of the treaty. They were paid from the ten percent tax paid by the merchants of the King of Aragon. If there was an excess of the required amount of tax, the increase shall be returned to the Diwan, but in the event that there was a shortage of the prescribed amount; the Diwan completes the amount from the surplus from previous years.

The King of Aragon had hoped that these annual financial claims from the Diwan's revenues on the ten percent tax paid by the Aragonese merchants would become fixed, especially when he appointed Aragonese accountants, whose job was to record and monitor the money received(S'edān 1985: 40). The administration of the Diwan had records, in which the employees wrote down the customs duties taken from the merchants(Ba'izīq 1998: 226)

6. Messengers and Diplomatic Missions

Article 6:

The King of Aragon would appoint consuls in Tunisia and Bejaia, whose privileges remain in effect, as they were previously, and if there are privileges for other European countries, such as Genoa, they have the same. The Consul of Bejaia received twenty paisas(S'edān 1985: 22;Pashā 1976: 92) per month, while the Consul of Tunisia received fifty paisas per month, which were paid to them by customs, and the previous financial obligations of the Consuls of Tunisia and Bejaia are also paid(Capmany 1974: 83-84).

Article 15:

Consuls of the King of Aragon and his assistants residing in the territory of the Kings of Tunisia and Bejaia, may not be detained or arrested in customs, or any other place for any reason, which gave them an adequate guarantee of their rights(Capmany 1974: 88).

Articles 6 and 15 included the issue of consuls. Article 6 indicated that the King of Aragon has the right to appoint consuls in Tunisia and Bejaia and to determine the salaries that the King of Tunisia had to pay to them. It is noted in this Article that the Kingdom of Aragon was demanding privileges like the rest of European countries; as each community had different privileges than what preceded it during the period of permitting the payment of customs. This gives us an indication of the trade competition between the European powers. While Article 15 gave consuls and their assistants' diplomatic immunity so that they cannot be detained or arrested in customs, or any other place for any reason, which indicates the strength of the influence of Aragon and its interference in the affairs of Tunisia and Bejaia.

The permanent residence of the Consuls was in the hotel, which represents their residence, as the Consuls used to manage and organize their internal affairs(Ba'izīq 1998: 244). The powers of the Consuls increased over time during the period between the sixth and tenth centuries AH/13th and 16th centuries AD after they were limited at the beginning to the care of the interests of merchants and mediation between them and the Diwan(Jabbār 2019: 116).

The Consul was the mediator between the merchants and their country, and between them and the Hafsid authority. They also had the powers to negotiate with the Hafsid

authority and set peaceful commercial treaties, and they were entrusted with the task of following up on the financial matters from Tunisia to Aragon and authorized in the cases of prisoners and solving them (Ba'izīq 1998: 246-274).

It can be concluded that the importance of the Consul lies in representing his country in protecting commercial interests and merchants, and dealing with the Hafsid authority as a representative of the highest authority in his country.

7. Residency

The issue of residency was included as part of Articles 6 and 27, which gave merchants the right to build ovens inside the boats and use them for baking (Capmany 1974: 83-84).

Article 27

The ships and fleets coming from the Kingdom of Aragon to the ports of Tunisia and Bejaia were allowed to buy food and water, and the same was true for the nationals of the Kings of Tunisia and Bejaia (Capmany 1974: 88).

Christian ships were also allowed to dock freely in all the ports of the Hafsid Dynasty, as they were protected. The treaties gave them the right to demand their right of food and water from the officials of the King and the population in times of peace, as it was possible to provide food, water, and equipment necessary for sailing, and in the event of a storm, they were able to seek refuge and remain safe (Mas Latrie 1866: 185).

Article 26:

The King of Aragon was allowed to build ships in the cities of Tunis and Bejaia at the expense of the King of Tunisia and Bejaia, so that the consuls, merchants, and nationals of the King of Aragon could reside there with all their possessions and goods (Capmany 1974: 91).

He was also allowed to have places to reside and store their goods, as the Kingdom was keen on staying in the ports of Tunis and Bejaia, and the presence of its employees in the customs Diwan to monitor the records, and claim financial obligations.

The hotels were the headquarters of Christians and consuls for each community from Aragon, Genoa and Pisa, and were located in the coastal cities and outside the city, which together form a complex resembling a small city half a mile from Bab al-Bahr (al-Wāzin 1983 Vol. 2: 74). They were visited by merchants from Tunis, Tripoli, Mahdia, Bejaia and Pune (Mas Latrie 1866: 92), and sometimes they were in the inner cities such as Constantine (al-Wāzin 1983 Vol. 2: 74).

The hotel was a two- or three-storey building, surrounded by a large courtyard, used for unloading and loading goods, allowing the tax officials to monitor that (Filālī 2002 Vol. 1: 137). The ground floor contained the bakery, warehouses and stores for the sale of goods, and consulate offices (Brunschvik 1988 Vol. 1: 664; Ba'izīq 1998: 242), and there was a translator for a sum of money (Filālī 2002 Vol. 1: 137), a church, private shops, bathrooms and cafes for the community (Bou 'Omrān 2007: 315). The second and third floors were allocated to merchants for rest and stay, and the hotel was surrounded by a high sage (Filālī 2002 Vol. 1: 137).

The hotels had officials at their entrances, chosen from the local population, and their job was to monitor the visitors of the hotel, and they had the right to not let any Christian or Muslim person who was suspected to enter, or to prevent who was not authorized to enter by the Consul unless he was accompanied by one of the translators or customs officials (Mas Latrie 1866: 171).

Policemen were prevented from entering the hotel, and if a resident merchant commits a violation, they must contact the Consul to settle the matter(Filālī 2002 Vol. 1: 138), as hotels enjoy diplomatic immunity, and only their residents are allowed to live in them(Ba'izīq 1998: 242).

8. Jurisdiction

Article 7:

The boats will be under the jurisdiction of the Consuls, since no Muslim from the customs may enter to make any registration unless the consul agrees. Consuls shall apply justice to every merchant or other person from the land of the King of Aragon, whether Muslim or Christian. No Arab is allowed to complain about a Christian for any reason, except through the Consul, unless another judge prevents the trial(Capmany 1974).

Article 10:

If piracy occurs between Tunisia, Bejaia, and Aragon during the peace period, this will not harm the conciliation concluded, and its terms will remain in effect, and compensation will be provided for the damage they have suffered after the aggrieved party files a lawsuit or in writing, or through an agent within a maximum of three months from the time the damage occurred. If this period has passed without a complaint being filed, and the person causing the damage is not wanted or prosecuted; then he will not be responsible for that in front of the Dynasty. As for the damages caused by the pirates, the Kings have the ability to respond and take revenge on the merchants and those residing in their lands, but he will not imprison them or seize their money, and they will be allowed to enter and leave with all their goods and possessions safely,as merchants are under the protection of their princes, and it is not their fault to be harmed by an act of others(Capmany 1974: 85-86).

Article 16:

No Christian shall be expelled from the areas of influence of the King of Aragon on account of a debt or other civil or criminal case, and the Consul shall keep them by law, and in the absence of the Consul, the customs official is responsible for that(Capmany 1974: 88).

Article 17:

In any civil or criminal case between the Christians who belong to the King of Aragon within the territory of Tunis and Bejaia, the Aragonese Consul shall undertake the trial of their conviction or exoneration on behalf of his King, and neither the King of Tunisia, the King of Bejaia nor his officials interfere in this(Capmany 1974: 88).

Article 18:

In the event of referring any Aragonese merchant to the King of Aragon because of a civil or criminal case,this merchant will not be subjected to any embarrassment by the officials of the King of Tunisia and the King of Bejaia(Capmany 1974: 88).

Article 19:

If any case or any crime is committed by a Muslim against a Christian, the latter may complain about this matter to the Consul, the case will be civil, and the Consul may be

aware of this, and he will not be blamed by the ministers of the Kings of Tunisia and Bejaia before the case is determined, as usual (Capmany 1974: 89).

Articles 7, 10, 16, 17, 18, and 19 clarified the subject of the jurisdiction. Article 7 indicated the boats of Aragonese merchants under the Aragonese jurisdiction through the Consul and prohibited any Muslim or Arab from complaining about a Christian except through the Consul. Article 10 was about piracy, and if piracy occurs during the peace period, each of the parties may file a lawsuit within a specified period of three months to recover their rights. The King of Aragon and the Kings of Tunisia and Bejaia must compensate the affected parties, and if a complaint is not filed within three months, they are not entitled to hold the person responsible for the damage accountable, nor to compensation for what they lost. As for Articles 16 and 17, they mentioned that the Consuls' powers are expanded to prosecute Christians among themselves without the intervention of the Kings of Tunisia and Bejaia, and prosecuting a Christian if he commits a civil or judicial felony in the territories of Tunisia and Bejaia.

Articles 18 and 19 stated that the King of Aragon is allowed and authorized by the officials of the Kings of Tunisia and Bejaia to consider the judiciary of his nationals in civil and criminal cases. Furthermore, the consul is allowed to monitor cases that occur by Muslims against Christians until the final decision is issued against them by his officials. The judiciary in Tunisia and Bejaia was based on the Maliki school of thought approved by the princes, and it does not contradict the teachings of the monotheists that they adhered to, and judges used to rule among people in different regions, and the army had its own judge (Ben 'Amer 1974: 33).

Article 26 of the treaty of 701 AH/1301 AD between the Hafsid Dynasty and Aragon calls for the appointment of two consuls who have the right to claim their rights in the Diwan and elsewhere, protect commercial interests and recover them from the Diwan and Muslim merchants. This treaty granted the consul the status of the authority of the judge who judges between the Aragonese among themselves, and his powers included issues outside the hotel on land and sea (Los documentos árabes diplomáticos 1940, No. 116: 249).

9. Prisoners/ Captives

Article 29:

All merchants from the Kingdom of Aragon who went with their goods to the land of the Kings of Tunisia and Bejaia as they used to at all times, and were imprisoned and their goods were seized, must be released with their goods. If some of their property is seized, it will be released and returned to them after the case is fixed (Capmany 1974: 92).

Article 33:

If a captain from the Kingdom of Aragon carried a Muslim merchant or any person from the land of the Kings of Tunisia and Bejaia, and then sold him or handed him over to pirates for money, or caused him harm, then the King of Aragon must punish this captain and return the merchant if he was found within the boundaries of his Dynasty. If the captain handed over a Muslim for his inability to defend him by combat or otherwise; the King of Aragon is not obligated to indemnify (Capmany 1974: 93).

Articles 29 and 33 were concerned with prisoners, as Article 29 indicated the demand for the release of the prisoners from the merchants whose money and goods were seized without paying a ransom; as they were enjoying freedom and security. Article 33 stated that the King of Aragon must punish the Christian ship owner/captain if he sold or handed a

Muslim merchant to the pirates in return for a sum of money, and the King has to work on returning the merchant if he was within the boundaries of the Dynasty, and compensate him for what he lost. However, if the shipowner/captain had handed over a Muslim merchant for not being able to defend him, the King of Aragon does not have to take him back, nor provide compensation for that.

Conclusions

The study has reached several conclusions, the most important of which are:

1. Political circumstances played a major role in the reconciliation between the two parties, through the conflicts and wars that were between the powers over control of the Mediterranean, and the conflict between the Hafids and Bani Zayan.
2. The relations between Aragon, Tunisia and Bejaia did not break off, although they sometimes stopped due to piracy carried out by the rulers of the islands such as Sicily, Corsica and Mallorca in the Mediterranean. The relations were based on two main axes: trade and diplomacy, and trade relations were at the forefront of interests between the two countries.
3. The consular representation of the Kingdom of Aragon was in the cities of Tunis and Bejaia with their ports and markets, where the consuls resided in a hotel exercising their powers including looking after the interests of the merchants and acting as mediators between them, the Diwan, and the merchants themselves in the hotel. The consul was responsible for defending their rights at the Diwan and regulating their relationship with Muslim merchants, translators, and everyone who dealt with Aragonese merchants.
4. The treaty regulated the taxes and duties imposed on goods, as the collection of customs duties and taxes imposed on goods exported and imported to Tunisia and Bejaia was supervised through the Office of the Sea (Diwan) in charge of collecting those taxes and fees.
5. The Hafsid dynasty was able to secure its boundaries and provide security for its citizens, merchants, and diplomatic groups in the Mediterranean, as Aragon assumed this task.
6. The Kings of Aragon were aware of the political and military weakness of the Hafids, which made them impose fixed annual payments on the Kings of Tunisia and Bejaia.
7. From a judicial aspect, this treaty granted the consul the capacity of a judge who judges between the Aragonese among themselves and with others, and his powers included matters outside the hotel on land and at sea.

معاهدة عام 723هـ / 1323م بين الدولة الحفصية وبجاية وأراغون

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ملخص

تناولت هذه الدراسة المعاهدة التي وُقعت بين ملك تونس أبي بكر بن أبي زكريا بن أبي إسحاق وابنه ملك بجاية أبي زكريا وملك أراغون خايمي الثاني عام 723هـ / 1323م، وبيّنت أسباب عقدها. وتكمن أهمية الدراسة في تحليلها بنود المعاهدة وتصنيفها إلى مجالات عدّة، منها: حدودية، وأمنية، وقنصلية، وتجارية، ومالية، وقضائية، وربطها بالأوضاع السياسية والتجارية في تلك الفترة من خلال تحليل تلك البنود. وقد توصلت إلى نتائج كان من أهمّها أنّ العلاقات بين أراغون وتونس وبجاية كانت تقوم على محورين أساسيين، هما التجارة والدبلوماسية، وقد كانت العلاقات التجارية في مقدّمة المصالح بين الدولتين، وكان التمثيل القنصلي لمملكة أراغون في مدينتي تونس وبجاية بموانئهما وأسواقهما، وكان القنصل يتمتع بصلاحيات واسعة.

الكلمات الدالة: تونس، أراغون، بجاية، الدولة الحفصية، خايمي الثاني.

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