# REGULATING NON-MUSLIM COMMUNITIES IN THE SEVENTEENTH-CENTURY OTTOMAN EMPIRE

## CATHOLICS AND CAPITULATIONS

Radu Dipratu

# Regulating Non-Muslim Communities in the Seventeenth-Century Ottoman Empire

This volume investigates how the peace and trade agreements, better known as capitulations, regulated Catholics in the Ottoman Empire.

As one of the many non-Muslim groups that made up Ottoman society, Catholic communities were scattered around the Empire, from the Hungarian plains to the Aegean Islands and Palestine. Besides the more famous cases of the French capitulations of 1604 and 1673, this work explores the evolution of often ignored religious privileges granted by the Ottoman sultans to the Catholic rulers of Venice, the Holy Roman Empire, and Poland-Lithuania, as well as to the Protestant Dutch Republic and Orthodox Russia. While focused on the seventeenth century, precedents of the fifteenth century and later developments in the eighteenth century are also considered. This volume shows that capitulations essentially addressed the presence and religious activities of Catholic laymen and clerics and the status of churches. Furthermore, it demonstrates that European translations, the primary sources of previous scholarly works, offered a flawed perspective over the status of Catholics under Muslim rule.

By drawing heavily on both original Ottoman-Turkish texts and previously unpublished archival material, this volume is an ideal resource for all scholars interested in the history of Catholicism in the seventeenth-century Ottoman Empire.

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To the memory of my grandmother, Elena Gheorghe.

# Contents

# Figures

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# Notes on transliterations, translations, and dates

Transliterations of Ottoman-Turkish letters in this book are done according to the Modern Turkish alphabet. Long vowels are not indicated, hence *name*, not *nāme*; the letters *ʿayin* (ع) and *hemze* (ء) are marked through an apostrophe ('), such as in *ʿahd* or *taʿife*. Terms that have commonly entered the English language are rendered accordingly, hence pasha not *paşa*.

Since this book highlights the importance of turning to original Ottoman-Turkish texts, translations of religious articles are accompanied by complete transliterations. Quotations from French or Italian are given directly in English, except for problematic translations of Ottoman-Turkish texts which need to be highlighted.

Readers will note that the Hijri dates of many Ottoman documents cited in this book correspond to an interval, not a precise day: *evaʿil* represents the first ten days, *evasıt* the second decade, and *evahır* the last ten days of any given month in the Islamic calendar. Hence, the Gregorian date conversion also preserves these intervals: *evahır-ı Ziʿl-hicce* 1012/20–29 May 1604.

# Introduction

The Ottoman Empire has fascinated both scholars and the general public alike through its multi-confessional society. Apart from the ruling Muslim elite and majority of its population (from the sixteenth century onwards), the Porte ruled over many different non-Muslim communities, in contrast to early modern Europe which tended to be divided politically along confessional lines. The manner in which the Ottoman imperial administration governed and interacted with its non-Muslims has been the topic of countless studies. Catholics, in particular, are said to have benefited from special regulations inserted in the so-called capitulations, documents through which the Porte framed its relations with other powers.

This book will provide an in-depth analysis of the religious articles included in the Ottoman capitulations of the seventeenth century, focusing on those granted to Catholic polities. Capitulations (*'ahdname-i hümayun*) were formal documents, usually drawn up in the form of unilateral sets of privileges, through which the Porte regulated its relations with foreign communities or heads of state. Because scholars often invoke them as the basis of both Catholic presence and intervention in the Ottoman Empire, the book's main objective is to examine how and in what extent did capitulations regulate the Roman faith within the Well-Protected Domains. This work is not intended to be a history of the Catholic church in the Ottoman Empire, but to see how the capitulations regulated the religious aspects of Catholics, one of the many non-Muslim communities that formed Ottoman society. Readers will find an ample presentation of the historical developments of religious articles, their terminology, and provisions; however, an equally comprehensive study over the practical implementation of each case would exceed the purpose of this current book.

Orthodox Christians formed the largest non-Muslim population of the Ottoman Empire (or the 'Well-Protected Domains' *Memalik-i Mahruse*, as it was known in official chancery documents) throughout all of its existence. They were commonly referred to as *rum*, since the Byzantines considered themselves as 'Romans', and while this term described Greek-speaking Orthodox Christians in particular, it was also generally applied to various other ethnolinguistic groups such as Bulgarians, Serbs, or Vlachs. *Rumeli*,

'the lands of the Romans', was the European part of the Empire, south of the Danube and Sava rivers. However, *rum* were found wherever the Ottoman state expanded, from Anatolia to the Balkans and even the Middle East. With Mehmed II's conquest of the Byzantine capital of Constantinople in 1453, the Orthodox Ecumenical Patriarchate also came under Ottoman rule, and its patriarchs would be invested by sultans through diplomas (*berat*), just like any other official in the Ottoman administrative apparatus. With the conquest of Syria, Palestine, and Egypt in 1517, by Selim I, the other three Orthodox Patriarchal sees of Antioch, Jerusalem, and Alexandria were for the first time united under a single political entity since the Muslim-Arab conquest of the seventh century.

In contrast, Catholics, both foreigners and resident *zimmi*s, regardless of their ethnicity, were commonly known to the Ottomans as 'Franks' (*frenk*, pl. *efrenc*), a term borrowed from Arabic, which initially designated people from the Frankish kingdoms of Western Europe and the invading Crusaders. Hence, *firengistan*, 'the land of the Franks', was what one might call today Central and Western Europe, as the people of Orthodox faith who inhabited the eastern reaches of the continent, and with whom the Ottomans were more accustomed with, were never described as *frenk*. *Frenk* did not necessarily have a religious connotation, but since all Westerners were Catholics up to the sixteenth century, it became almost synonymous with 'Catholic'. Even after the Reformation, Protestants could just as easily be described as Franks.[1] However, Protestants who ventured into the Ottoman Empire were reluctant to embrace the label, since the Franks whom they encountered there were almost exclusively Catholics. For the English traveller Fynes Moryson, Franks were 'Papists', and their religion was Catholic.[2]

Even after the Ottomans conquered territories with considerable Catholic population, *frenk* remained a marker of alterity throughout the early modern period, as Catholics and their religion were most often perceived as foreign. In Galata, they were the descendants of Genoese colonists; in the islands of the Archipelago, they were the last remnants of the Frankish polities established after 1204; *frenk* crusaders invaded Syria and Palestine centuries before these lands came under Ottoman control, and fear of another crusade was still very much present in the sixteenth and seventeenth centuries. Even more, whereas the *rum* had their spiritual leader in Constantinople, appointed through a *berat* just like any other official of the Porte, the *frenk* were followers of the Pope, who not only resided outside the Well-Protected Domains, but was also the leader of an influential polity who frequently called upon crusades and formed alliances directed against the Ottomans. The Greek Orthodox were also interested in maintaining this perception.[3] It is no wonder then that capitulations granted to foreign states could include regulations concerning Catholics in the Ottoman Empire, both *müste'min* and *zimmi*; religious concessions for Orthodox *müste'min*s eventually found their way in the Russian *'ahdname*s, but these texts remained void of any dispensations regarding Orthodox *zimmi*s.

The Porte also ruled over many other non-Muslim populations. Apart from the various Eastern Christian denominations, such as Armenians and Copts, Jews were also found throughout the Well-Protected Domains, usually in and around important trading hubs.

Classic historiography determined that a so-called 'millet-system' was established as early as the fifteenth century, after the conquest of Constantinople.[4] In short, this theory maintains that Mehmed II institution-alised the three major non-Muslim *millet*s (nations) – the Orthodox (*rum*), the Armenians (*ermeni*), and the Jews (*yahudi*) – by appointing supreme spiritual leaders for each of them in his newly established capital. The Porte would have governed in a unitary manner these three *millet*s, through the intercession of their patriarchs (*patrik*) and chief rabbis (*hahambaşı*) in Istanbul. However, modern-day scholars generally reject the existence of a pre-nineteenth-century 'millet-system', arguing that it was a transposition of later reforms, when indeed the Porte institutionalised its non-Muslim com-munities, which is nowhere to be found during the fifteenth and eighteenth centuries. Documentary evidence shows that far from treating Orthodox, Armenians, and Jews across the Well-Protected Domains as unitary enti-ties, the Porte approached them as individual, local communities.[5] While *millet* does appear in pre-nineteenth-century documents, it certainly did not represent the monolithic constructs portrayed in the 'millet-system' theory.

Non-Muslim communities were most often described in Ottoman doc-uments as *ta'ife* or *cema'at*. *Ta'ife* could have been a Catholic community (*efrenc ta'ifesi*), a group of merchants (*tüccar ta'ifesi*), or a professional category (*bakkal ta'ifesi*). Equally, a *cema'at* could just as well designate a Jewish community (*Aragon cema'ati* – those of Aragonese descent) or a Janissary regiment. It is essential to understand that in the seventeenth century Ottoman Empire, *millet*, *ta'ife*, and *cema'at* did not represent precise concepts and they were used somewhat interchangeably to designate vari-ous groups of people, whether ethnic, religious, or professional.[6]

Classical Islamic precepts dictated the position of non-Muslim communi-ties within the Ottoman Empire. According to Muslim belief, as expressed in the Qur'an, the Prophet Muhammad's practices (*sunnah*) and sayings (*ha-dith*), Christians and Jews are one of the 'People of the Book' (*'ahl al-kitab*),[7] meaning that their Scriptures are considered to have been revealed by the same monotheistic divinity as the God of Islam. However, it is believed that with time these non-Muslims have corrupted their message, and thus, the Qur'an written in Arabic represents God's final and true revelation. While still considered to be 'unbelievers' (*kafir,* pl. *kuffar, kafarah*), People of the Book had a better standing than polytheists, whose only option was conver-sion to Islam. Christians and Jews could not be forced to convert (though abuses naturally occurred) and they could maintain their beliefs under Islamic rule, given that they subdued to the Muslim ruler (*imam*) and ac-cepted an arguably inferior social and religious status than that of Muslims.

The principal condition was the payment of a poll tax – *jizya* (Tk. *cizye*) – and a land tax – *kharaj* (Tk. *harac*) – in exchange for which they would

receive legal protection by the *imam*. Protected non-Muslims were called *dhimmi* (Tk. *zimmi*). Non-Muslims who remained in the 'Abode of War' (*dar al-harb*), which comprised territories outside those ruled by Muslims, the 'Abode of Islam' (*dar al-Islam*), were considered enemies (*harbi*) and could be legally enslaved, be killed, or have their properties confiscated by Muslims. To safely travel and stay for a limited time within the *dar al-Islam*, *harbi*s first needed to obtain a safe-conduct (*aman*) which rendered them as *müste'min*s ('holders of *aman*'). Upon doing so, foreign non-Muslims beneficiated from the same protection and needed to abide by the same restrictions as the *zimmi*s, albeit without paying the *jizya* or *kharaj*.

Apart from the Qur'an, *sunnah*, and *hadith*s, the status of non-Muslims was codified through the so-called Pact of Umar. Drafted as a letter written by Christians in Syria to caliph Umar ibn al-Khattab, nowadays scholars accept that it was produced at a later date. There are several versions of this document, sometimes contradictory, through which Christians accepted restrictions on the public display of religious symbols and exercise of rituals, on the construction and repair of churches, as well as on clothing, arms bear and riding animals.[8] Converting Muslims was out of the question and even punishable by death. Thus, the Qur'an, *sunnah*, *hadith*s, and Pact(s) of Umar formed the fundamentals of Sharia (Tk. *şeri'at*), the Islamic Holy Law, with regard to relations between Muslims and non-Muslims. When matters remained unclear, Islamic jurists (*mufti*) could be asked to deliver legal opinions (*fatwa*, Tk. *fetva*) which were nevertheless non-binding.

The various interpretations offered by Sunni Muslim scholars over the Sharia led to the development of four primary schools of Islamic jurisprudence (*madhhab*, Tk. *mezheb*) in the first centuries following the Hegira: Hanafi, Hanbali, Maliki, and Shafi'i. The Ottoman Empire officially followed the rulings of the Hanafi *mezheb*,[9] although various heterodox beliefs were also tolerated, sometimes even embraced by the ruling elite, including sultans.

In addition to the Sharia, the Ottomans introduced a more secular body of law (*kanun*), comprised of customary law and regulations issued by the sultans mostly through commands (*ferman*, *hükm*) and lawbooks (*kanunname*). The purpose of the *kanun* was to complement the Sharia, that is to provide regulations that the Sharia either vaguely discussed, completely missed, or were unapplicable in day-to-day affairs.[10] To give just one example, the Holy Law did not stipulate any taxes due to be paid by Christians visiting Jerusalem, whereas *kanunname*s not only listed them, but divided them according to various categories of pilgrims. The latter feature even contradicted the Sharia, which ruled that no distinctions should be made between infidels.[11] To avoid conflicts between the two bodies of law, in the sixteenth century, Grand Mufti (*şeyhü'l-islam*) Ebussu'ud Efendi undertook a process of harmonising the *kanun* with the Sharia by issuing an impressive number of *fetva*s, thus essentially establishing the Ottoman legal system for centuries to come.[12]

The capitulations, being issued by sultans, were also part of the *kanun*, and their main purpose was to regulate the Ottoman Empire's relations with

other polities or communities, complementing shortages in Islamic law and codifying elements of customary law. For example, if the Sharia provided a fix term for *müste'min* presence in the *dar al-Islam*, usually one year, capitulations from the sixteenth century onwards rendered their presence as indefinite. Because the Hanafi *mezheb* postulated a continuous struggle (*jihad,* Tk. *cihad*) between the *dar al-Islam* and the *dar al-harb* until the latter would be brought under Muslim rule, peace with a foreign non-Muslim political entity could only be temporary and sanctioned through an agreement (or covenant, *'ahd*).[13] In Ottoman diplomatic practice, these written agreements were expressed through documents known as *'ahdname-i hümayun* ('imperial covenant-letter'), compiled around a series of articles (*madde,* *şart*) formulated as commands addressed to local officials, like in *ferman*s. From the Latin term *capitula* used to describe these articles, *'ahdname*s began to be known in various European languages as 'capitulations'.[14] As I will argue especially in Chapter 2, some of the documents known as *nişan-ı hümayun* (lit. 'imperial signs'), the ones that supplement *'ahdname*s with additional articles, should also be considered as 'capitulations'.[15] An important distinction should nonetheless be mentioned right from the start: in *'ahdname*s, the sultan solemnly vouched to respect the clauses, whereas in other documents he did not.[16] This also meant that *'ahdname*s were less prone to revocations in peace times, although exceptions did occur.

The main function of capitulations was to provide a legal framework for peaceful relations with non-Muslim polities. Hence, one may first encounter them as documents through which the Porte established peace with its neighbours such as Venice, Poland, or Hungary. From the sixteenth century, *'ahdname*s of an almost exclusive commercial nature began to be granted to European powers with whom the Porte had never been at war, like France or England. Since peace with the *dar al-harb* was a prerequisite, even these later *'ahdname*s were first and foremost awarding a general safe-conduct (*aman*) for the recipients' subjects.

A tribute (*harac*) was in some cases demanded by the Ottomans from the non-Muslim entities with whom they established peaceful relations, sanctioned by an *'ahdname*. This was foremost encountered with those that accepted the sultan's suzerainty, hence the term 'tributary principalities'. However, polities that certainly retained their independence also paid *harac* on some occasions: *'ahdname*s granted to Venice regularly demanded a payment of tribute (from 1573 it was fixed at 300 000 ducats, payable in three years), as well as separate ones for its keeping of certain territories, notably Cyprus, from 1517 to 1571 (as it previously did so to the Mamluks), and Zakynthos, from 1503 to 1699; the Habsburg capitulations also provided a tribute for their possession of Hungarian territories, from 1547 to 1606. Poland-Lithuania was briefly subjected to the payment of tribute from 1672 to 1676, although it did so more often to the Crimean Tatars (themselves tributaries of the Porte) until 1699, as did Russia until 1700.[17]

Although labelled many times as treaties, seventeenth-century *'ahdname*s essentially comprised a series of privileges granted unilaterally by the sultan

to a foreign head of state. In some cases, articles referring to the exchange of captives and commerce were bilateral (though never the ones referring to religious issues); more importantly, *'ahdname*s were the product of bilateral negotiations, even when they appeared as unilateral. Foreign diplomatic representatives would discuss at length with their Ottoman counterparts the contents of articles, and in certain situations, provisional documents (*temessük*) were produced prior to the issuing of an *'ahdname*.

Notwithstanding, the unilateral or bilateral nature of an agreement seems to have been determined by whether or not one ruler expected the other to send his confirmation. Thus, up to the middle of the sixteenth century, most if not all peace agreements between the Porte and foreign Christian rulers had a rather bilateral nature: the sultan sent his *'ahdname* and expected his counterpart to do the same. In the seventeenth century, however, this rule applied only to Poland-Lithuania and the Holy Roman Empire. The Porte did not require that the *'ahdname*s granted to Venice, France, England, and the Dutch Republic, not to mention its tributary polities, to be confirmed by their respective rulers.[18]

Most Ottoman capitulations initially specified a precise number of years over which they were valid, thus abiding to the Islamic principle which dictated that no permanent peace could be conducted between a Muslim ruler and a foreign non-Muslim one but only temporary truces.[19] For example, treaties with Hungary and Poland conducted in the fifteenth and early sixteenth centuries specified a duration ranging from one to ten years. In case the sultan or the recipient died or was replaced before the term expired, the document became void. Naturally, they were suspended upon the outbreak of war, but in rare occasions they could be suspended or have some of its provisions revoked even during times of peace if the Porte considered that the agreement was breeched. However, Ottoman-Venetian peace agreements did not specify any durability (a practice already implemented in the Republic's earlier treaties with other East-Mediterranean Muslim polities), meaning that they were valid as long as the donor sultan reigned. Beginning with 1533, Polish *'ahdname*s also began to adopt this feature, as did the ones later given to France, England, and the Dutch Republic. On the other hand, capitulations given to the Holy Roman Empire and Russia continued to specify their validity term well into the eighteenth century.[20]

Renewals were therefore necessary upon the enthronement of a new sultan. A previous *'ahdname* could be reconfirmed simply through letters (*name-i hümayun*) or *ferman*s, but the issuing of a new document was always preferable and was a good occasion for European ambassadors to negotiate further concessions.[21]

The Ottoman imperial chancery would usually issue more than one original *'ahdname*: one would remain in the European embassies in Pera, while others would be sent back home. Legalised copies without the sultan's tughra but containing the seal and statement of the judge (*kadı*) who authorised the copy would be sent to consulates in the most important trading centres. This explains the existence of multiple original and legalised documents in European archives.[22]
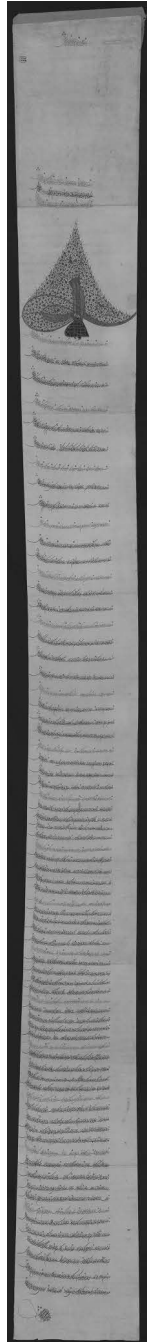
*Figure 0.1* The rolled-out Dutch *'ahdname* of 1612 (courtesy of http://www.nation aalarchief.nl/).

*Figure 0.2* The container of the Dutch *'ahdname* of 1612 (courtesy of http://www.
    nationaalarchief.nl/).

Because *'ahdname*s were granted to foreign rulers and dispatched either
by their representatives in Istanbul or directly by Ottoman emissaries, one
will seldom find original *'ahdname*s in Turkish archives, since the Porte did
not keep original documents.[23] Hence, the vast majority of those that sur-
vived to this day are preserved in archives and libraries around Europe,[24]
some of them providing free online access to digitised reproductions.

Copies of *'ahdname*s were only sporadically recorded by the Ottoman
chancery in the registers of important affairs (*mühimme defterleri*). In the

early seventeenth century, the Porte introduced a new type of registers dedicated to foreign states (*düvel-i ecnebiye defterleri*), albeit only later in the century did they begin to record *'ahdname*s with regularity.[25] Nevertheless, manuscript copies of *'ahdname*s may be found in the *kadı* court registers (*sicil*), in diplomatic compendia (*münşe'at*), as well as scattered around various archives and libraries. The most famous *münşe'at* was compiled by Ahmed Feridun Bey in 1575, and it was later published in the nineteenth century in two different editions which contain additional texts issued long after the original author's death.[26] Another important published collection of *'ahdname*s is the *Mu'ahedat mecmu'ası* which is essentially a compilation of *düvel-i ecnebiye* registers.[27]

Other copies of *'ahdname*s, more or less faithful to their chancery originals, are found in the works of various Ottoman chroniclers such as Katib Çelebi, Mustafa Na'ima, or Silahdar Mustafa Fındıklılı Agha.[28]

Translations usually accompanied *'ahdname*s, and so they may be found along with them in various depositories or separately in codices. They began to be published in stand-alone editions as early as the sixteenth century,[29] and later in treaty collections, most notably in those of Du Mont, Miltitz, Testa, or Noradounghian.[30]

The problem with translations is that they were not always accurate; more regrettably, they were sometimes deliberately modified to include privileges that the Ottoman sultans never granted. Combined with the fact that foreigners and Ottoman non-Muslim protégés (the so-called *beratlı*s)[31] benefited from reduced fiscal charges and extraterritorial jurisdiction under the protection of *'ahdname*s, by the late eighteenth century the capitulations became instruments of European imperialism and economic supremacy, eventually leading the Ottomans to demand their abolition, which was only achieved through the Treaty of Lausanne in 1923.[32] Illustrative for this case is the Russian-sponsored French translation of the 1774 Treaty of Küçük-Kaynarca, which diverted from the original text (albeit Italian, not Ottoman-Turkish) in specific points that later permitted Russia to assert rights over the Porte's Orthodox subjects.[33] Catholic religious claims in the Ottoman Empire, on the other hand, were already endorsed through such modified translations well before this point.

Our understanding of the nature and function of *'ahdname*s has greatly expanded in recent decades by scholars such as Viorel Panaite, Hans Theunissen, Dariusz Kołodziejczyk, or Maurits van den Boogert, who produced exhaustive studies based on the Ottoman-Turkish texts of these documents.[34] However, while modern studies focused on the diplomatic and commercial aspects, the role played by capitulations in regulating the presence and religious activities of non-Muslims, and especially Catholics in the Ottoman Empire, has received considerably less attention and remains largely tributary to outdated interpretations.

In the late nineteenth and early twentieth centuries, quite a number of studies dedicated to Ottoman capitulations, based mainly on translations, maintained that France obtained a unique position as official protector of

all Catholics in the Ottoman Empire. The *'ahdname* of 1604 was usually portrayed as the founding act of this supposed protectorate, while similar privileges obtained by other European powers were either discredited or not mentioned at all, on the basis that Venice, Austria, or Poland-Lithuania were almost constantly at war with the Porte.[35] Basile Homsy's 1956 study offered a different perspective, arguing that France and other polities could not have been 'protectors' since the protection of Catholics stipulated in capitulations was that of the Ottoman sultans, and no one else's. The author contends that a clear distinction should be made between a proper protectorate, which would have involved military interventions, and the privileges obtained by France, through which the sultans vouched for the Catholics' security.[36]

Some decades later, Charles A. Frazee produced an extensive monography on the Catholic church in the Ottoman Empire, drawing mostly on previous French historiography and Western ecclesiastical churches.[37] Although not discrediting the role played by other polities, Frazee's study still gave France primacy and contains more than a few inadvertencies which were perpetuated in more recent studies.

One of the rare works in which the Ottoman texts of *'ahdname*s have been analysed for their religious contents is that of Oded Peri.[38] Being focused on the Holy Land, it does not discuss provisions regarding other places of the Empire, and although the author rightfully contests France's monopoly over Catholics, capitulations granted to other nations are not thoroughly analysed. Even so, Peri's work remains authoritative on the status of Christians in the Holy Land, and readers will find it cited numerous times throughout this book.

Since the current state of the art remains very much dependent upon outdated studies and translations of *'ahdname*s, as it will be shown in numerous examples, the main goal of this book is to offer an in-depth analysis of all currently available *'ahdname*s given to foreign heads of state that contained religious regulations, based on the original language in which they were drafted, Ottoman-Turkish, to see what exactly they prescribed. It will demonstrate that besides France, several other Catholic powers obtained religious privileges from the Porte early in the seventeenth century, often more extensive than those of the French. A first step consists in identifying such *'ahdname*s. Upon doing so, one would realise that the topic of this book was not selected randomly, as religious articles were found almost exclusively in the capitulations of Catholic powers, and seldom in Protestant and Orthodox ones.

Conquered Christian communities[39] and tributary states represent the first category where one would expect to find religious provisions since the Ottomans conquered early-on territories in both Anatolia and Europe with large Christian population. Regardless of the scarcity of fourteenth and fifteenth centuries archival material, there are several known instances when the Ottoman conquerors issued protection grants for Orthodox monastic

communities on Mount Athos and in the neighbouring Serres and Thessaloniki.[40] These documents, drafted in the form of *ferman*s, not *'ahdname*s, appear to have been requested by the monks who sought to maintain their properties and financial liberties under the new authorities. It is likely that other Christian communities and cities that came under Ottoman authority in the fifteenth century also received similar guarantees of protection.[41]

Tributary states, on the other hand, are known to have received *'ahdname*s. The series of Ragusan *'ahdname*s is remarkably well preserved and were subject to numerous studies.[42] Unfortunately for the current book, none of these available documents contain any religious articles, but this can be easily explained through the fact that the Ragusan Republic retained a certain autonomy, with its territories and Catholic communities not coming under the direct control of Ottoman Muslim administration. Even so, not having religious articles in their *'ahdname*s did not prevent Ragusans from being one of the principal supporters of Catholicism in the Ottoman Empire.[43]

A similar case is that of the Orthodox tributary principalities of Wallachia and Moldavia, although documentary evidence is scarcer when compared to Ragusa. Even though past scholars have advocated the existence of so-called capitulations through which the political and religious status of these principalities would have been regulated on the long-term, it has been demonstrated that those documents were late eighteenth-century forgeries.[44] The only known copy of a genuine *'ahdname*, issued by Mehmed II to Stephen III (the Great) of Moldavia in the late 1470s or early 1480s, and the handful of *berat*s known so far to have been issued to Wallachian and Moldavian rulers do not contain any issues regarding religion.[45] Instead, religious affairs were sometimes dealt with through other documents: there are several known *ferman*s which decreed the autonomy of the Orthodox churches in Moldavia and Wallachia, for example, both from Ottoman-Muslim authorities, as well as from the Ecumenical Patriarchate in Istanbul.[46] Princes of the two tributary states, although remaining important patrons of Orthodox monasteries on Mount Athos,[47] were also responsible for the well-being of Catholics in their domains.[48]

It is still not yet clear if the princes and kings of the Orthodox Georgian kingdoms of Guria, Mingrelia, and Kartli, which submitted to the Ottomans in the mid-sixteenth century, ever received *'ahdname*s or *berat*s of appointment, and if so, what were their contents.[49]

Another case is that of Transylvania. Following the battle of Mohacs in 1526 and the crippling of the Kingdom of Hungary, the former voivodeship of Transylvania began to be treated more and more as a separate polity, eventually becoming a tributary principality of the Ottoman Porte in 1541.[50] The Reformation brought significant religious turmoil in Transylvania and Diets held between 1548 and 1571 in Turda offered official recognition to various Protestant creeds, with Catholicism being also accepted in 1576, albeit with fewer liberties.[51] In the early seventeenth century, the *'ahdname*s granted to the Transylvania's princes and noble estates (by now

mostly Protestant) began to include guarantees that the Porte would not interfere in their domestic religious affairs. In 1605, Ahmed I guaranteed to Stephen Bocskay through an *'ahdname* that his subjects would keep their own religion and rites (*'kendü din ü ayinlerinde olub'*).[52] In 1621 or 1622, the nobles of Upper Hungary were promised that the Porte would not change their 'rites and orders and rules and faith, as well as usages practiced among them from ancient times' (*kadimü'l-eyyamdan suregeldikleri ayin ve ka'ide ve töre ve dinlerin ve aralarında cari olan adetlerin tagayyür ü tebdil etmiyüb*).[53] Later in the seventeenth century, in his *'ahdname* to Emeric Thököly and the estates of the newly created kingdom of 'Middle' Hungary (*Orta Macar*, another designation for Upper Hungary), Mehmed IV abandoned the earlier non-interventionist polity and decreed that after Thököly's death 'no Papist (*papişta*) shall be accepted to rule as king of Hungary' and if a Catholic would have been elected, he would not have the Porte's consent. Conversely, protection was guaranteed to the Calvinist and Lutheran faiths (*kalvinişta ve luteran ayinlerine zarar u ziyan isabet etdürilmiye*).[54] These privileges were applicable only in Transylvania and Upper Hungary and did not regulate the status of Protestants in other Ottoman dominions.

The earliest *'ahdname*s granting religious privileges to conquered Catholic communities appeared in the fifteenth century. Following the conquest of Constantinople of 29 May 1453, Sultan Mehmed II issued his now-famous *'ahdname* to Galata, the Genoese colony sitting on a peninsula just across the Golden Horn. The people of Galata had not taken arms in the conflict and voluntarily submitted after the fall of the Byzantine capital. The original document was drafted in Greek,[55] and only later confirmations would be issued in Ottoman-Turkish.[56] As argued by Halil İnalcık, the document included provisions both for the residents that remained in the city and became *zimmi*s, and for the travelling merchants which remained Genoese subjects and could conduct their business as *müste'min*s.[57] Religious provisions were conceded to those who remained in Galata and who

> submitted and obey me as slaves and I also accepted that they may continue to carry out their customs and principles in the habitual manner in which they performed their customs and principles […]; I also impose upon them the legal poll tax which they shall pay year-by-year as others do, and my noble esteem shall also not neglect them, but I shall protect them as my other domains. Their churches shall remain in their hands, and they shall perform their rites, but they shall not ring bells or semantrons. I shall not take their churches and turn them into mosques, but they also shall not make new churches. […] no infidel shall be made a Muslim without his consent.
>
> ([…]*bana kul olmağa ita'at u inkıyad göstermişler bendahi kabul eyledimki kendülerin ayinleri ve erkanları nevecihle cari olageldiyse yine ol uslub üzere 'adetleri ve erkanları yerine getüreler* […] *bendahi üzerlerine şer'i harac vaz' edem sal be-sal eda edeler gayrılar gibi ve bendahi bunların*

*üzerlerine nazar-ı şerifim diriğ buyurmıyub koruyam gayrı memleketlerim gibi ve kiliseleri ellerinde ola ayinlerince okuyalar amma çan ve nakus çalmıyalar ve kiliselerini alub mescid etmiyem bunlar dahi yeni kilise yapmıyalar […] ve bir kafiri rızası olmadın müslüman etmeyeler*)

This was one of the few occasions through which a pact of protection (*dhimma*) was established with a conquered community through an *'ahdname*, which also includes a series of religious regulations that would outline the status of Catholic churches in Galata for centuries to come.

A decade later, during his conquest of Bosnia, Mehmed II issued another famed *'ahdname* to the Franciscans of Fojnica Monastery in Bosnia, the only known such document to be exclusively dedicated to the protection of Catholic clergymen[58]:

> I, who am Sultan Mehmed Han, inform all high and low [men] that my abundant grace has befell upon the holders of this imperial decree of mine, the Bosnian monks,[59] and I order that no one may prevent or oppose the aforesaid and their churches, and they shall remain untroubled in our domains. Those who have gone and ran away may come again, having received peace and protection, and may reside without fear in our domains, and may dwell in their churches. Not my High Majesty or my viziers, subjects, and none of the people of my domains shall interfere with, assault, or injure the aforesaid, their souls, their properties, their churches, even if they were to bring men from abroad to our domains.

> (*ben ki sultan Mehmed Hanım cümle havass u 'avvama ma'alum ola ki işbu darendegan-ı ferman-ı hümayun Bosna rahiblerine mezid 'inayetim zuhura gelüb buyurdum ki mezburlara ve kiliselerine kimesne mani' ü müzahim olmıyub ihtiyatsız memleketimizde toranlar ve kaçub gidenler dahi emn ü aman ola ki gelüb bizim hassa memleketimizde havfsız sakin olub kiliselerinde mütemekkin olalar ve yüce hazretimden ve vezirlerimden ve re'ayalarımdan ve cümle memleketim halkından kimesne mezburlara dahl ü ta'arruz etmeyüb incitmeyeler kendülere ve canlarına ve mallarına ve kiliselerine ve dahi yabandan hassa memleketimize adam getürlerise*)

A recent study by Michael Ursinus shows that Mehmed II issued similar provisions (in the form of 'bails of protection') at least to one other Catholic monastic community in Bosnia, to the Franciscans of Srebrenica in 1462.[60]

For the Aegean Islands, on the other hand, available sixteenth-century *berat*s and *'ahdname*s given to the Catholic dukes of Andros (1538),[61] Chios (1559),[62] and Naxos (1565)[63] do not contain any religious privileges. However, as the Porte began to exercise more direct control over these islands which contained a significant Catholic population, there are quite a number of investiture *berat*s known to have been given to Catholic bishops in the seventeenth century which detail their rights and privileges more thoroughly.[64]

The *'ahdname*s of 1453 and 1463 are fundamentally different from those granted to foreign heads of state, which make the topic of this book. Since the first were given to conquered Catholic communities, they should be seen as pertaining to the Ottoman Empire's internal affairs, while the former were international agreements. Moreover, the *'ahdname*s of Galata and Fojnica were clearly not meant to regulate the status of Catholics throughout the Ottoman Empire, but were strictly local affairs, whereas the capitulations of foreign states have been invoked as a determinant in establishing a broader legal framework for Catholics. Although capitulations were granted to foreign heads of states as early as the fourteenth century,[65] it is only in the seventeenth century that they began to include religious articles.

This book was devised in two sections. The first part aims to make a complete inventory of religious articles included in the capitulations of the seventeenth century (although necessity pushed the chronological boundary also into the following century), while the second part delves into how these stipulations actually regulated Catholics in the Ottoman Empire, stemming from the three categories for which regulations were prescribed: laymen, clergymen, and churches.

The first part examines the evolution of the religious articles over the course of five chapters, four of them being dedicated to the *'ahdname*s of France, Venice, the Holy Roman Empire, and Poland-Lithuania. These chapters are arranged according to the chronological order in which European states obtained religious articles in their capitulations. A fifth chapter is dedicated to the religious articles of Protestant and Orthodox states, namely, the Dutch Republic (England never obtained religious privileges) and Russia, to see how they compare with the ones granted to Catholic polities. By religious articles, this book designates sets of provisions through which the Ottomans guaranteed the protection of Christians in their domains or pre-scribed more concise regulations. As with other articles of the capitulations, the religious ones were essentially drafted as commands to local officials, and they were usually formulated as prohibitive commands such as 'they shall not be interfered with or attacked' (*dahl u ta'arruz olunmıya*). Though not naming the potential aggressors, Catholics were supposed to be pro-tected from anyone, including other Christians.

The first chapter addresses the *'ahdname*s granted to France, the first Catholic power to obtain Ottoman concessions in religious matters. First, it will show how the 1604 *'ahdname* was the end-result of decades of French support for the Franciscans in Jerusalem and how its often-cited transla-tions have led to flawed interpretations. Since developments of these priv-ileges occurred only seven decades later, in the second subchapter it will bring evidence suggesting renewals of *'ahdname*s between 1604 and 1673, a period for which scholars have so far produced unconvincing arguments.

While France obtained the first religious concessions, Venice had much older diplomatic relations with the Porte, and had been long involved both in transporting pilgrims and in providing for the Catholic monks in

Jerusalem. Despite this, its capitulations did not include religious articles until 1701. Instead, in the seventeenth century, the *Serenissima* kept up with its Mediterranean rivals, both in trade and in religion, by obtaining privileges through *nişan-ı hümayun*s. This second chapter will argue that sultans invoked the *nişan*s – essentially extensions of the *'ahdname*s – as legal sources in their commands issued for the well-being of Franciscans in Jerusalem. It will also argue that these documents allowed Venice to be an active supporter of Catholics in the Ottoman Empire. The Genoese *'ahdname* of 1666 will also be briefly addressed here.

Given the predominantly adversarial nature of Habsburg-Ottoman relations throughout the early modern period, scholars have largely neglected the Holy Roman Empire's role in protecting Catholics in the Ottoman domains. However, as the third chapter will demonstrate, the religious articles included in Habsburg capitulations were more comprehensive and more frequently reasserted than those of other Catholic powers, showing the Porte's disposition to settle religious issues with their rivalling neighbour. Habsburg religious privileges were not limited to Jerusalem and were also encompassing Catholic subjects of the sultan (*zimmi*), marking a first instance of Ottoman religious concessions over their own subjects.

Similarly, the instruments of peace concluding the Polish-Ottoman War of 1672–1676, analysed in the fourth chapter, touched not only upon the issue of Catholic visitors to Jerusalem (already petitioned by Polish-Lithuanian envoys decades earlier), but also upon the status of Catholics in the newly established *eyalet* of Kamaniçe, created on the territories of Podolia, ceded to the Ottomans in the aftermath of the war. This suggests a changing attitude in Ottoman diplomacy, since such guarantees did not follow past conquests. As their diplomatic relations with European powers became more and more intricate, in which religion played an ever-important role, the Ottomans were careful to regulate the issue of their newly acquired Catholic subjects.

A comparison between religious articles granted to Catholics heads of state, on one side, and Protestant and Orthodox, on the other side, is treated in the fifth chapter. Both Dutch and early Russian religious articles were inspired by the model imposed by the French 1604 *'ahdname*, with the former recording Catholic aggression towards Protestants in Jerusalem, while the later made no reference to faith, adding further regulations concerning travel conditions instead. Eighteenth-century Russian treaties will continue to develop their religious articles, giving precise regulations in matters such as pilgrimage, unlike their Catholic counterparts which, for the most part, maintained their generalities. This shows that while customary practices, only generally regulated through capitulations, worked fine for the Catholic cases, the more recently arrived Russians, potentially dangerous because of the doctrinal similarities with the Greek Orthodox, required more precise stipulations at the highest diplomatic level.

The second part of the book follows a more thematical approach. Opening the second part of the book, Chapter 6 discusses the topic of secular Catholics,

with an emphasis on pilgrims travelling to Jerusalem, which formed the first religious category mentioned in *'ahdname*s. The importance of their status was further increased by the fact that the fees they paid along the way constituted an important source of revenue for the Porte. However, in spite of their crucial role and concerns regarding their legal status, the issues relating to them were treated only in a cursory manner, leaving considerable leeway making travellers vulnerable to abuse. In compensation to the *'ahdname*s, this chapter also tackles religious regulations inserted in other Ottoman documents, such as lawbooks (*kanuname*) and safe-conducts (*yol hükmü*).

The seventh chapter undertakes a thorough analysis of the terminology used to describe Catholic clergy in the Ottoman capitulations. It will show that in these documents, the Porte refrained from naming Catholicism in issues regarding Jerusalem until the late seventeenth century, so that no Christian group was privileged to the detriment of others. In locations other than Jerusalem, nominal mentions of some Catholic orders do appear, and for specific reasons. Terminology in some Habsburg peace agreements was influenced by Latin and Hungarian, languages used in the negotiations, thus appearing much different from what one may encounter in other capitulations. This chapter will also discuss another type of document through which the presence and activity of Catholic clergymen were regulated in the Ottoman Empire: the investiture diplomas (*berat*).

Apart from dealing with people, the religious articles of the *'ahdname*s also addressed the status of the places of worship within Ottoman domains, which are examined in Chapter 8. In keeping with the Sharia, capitulations stipulated that Catholic communities were allowed to maintain and repair churches on the condition that they were not enlarged. However, this chapter will show that capitulations did not prescribe the building of new churches, as sometimes interpreted. Instead, they were meant to complement legal areas in which the Sharia remained unclear or to facilitate otherwise intricate procedures of obtaining authorisations for renovating or even rebuilding churches. To this end, a *ferman* containing the legal approval of a *fetva*, whereby one of the most important Catholic churches in Galata received approval for rebuilding, will be analysed.

Relations between Catholics and the various Christian denominations of the Empire were not always amicable, especially when it came to shared places of worship and overlapping bishoprics. The protection of Franciscans at the Christian Holy Sites in Ottoman-ruled Palestine is what determined European ambassadors to petition for religious articles in capitulations in the first place.

Possession over the Church of the Holy Sepulchre (*Kumame*)[66] in Jerusalem and the Church of the Nativity in Bethlehem[67] was shared between several monastic groups which competed over their altars, chapels, and other sacred areas. However, in the early seventeenth century, Franciscans were in possession of the most important parts of both churches. This pre-eminence began to be contested in the 1630s by the Greek Orthodox,

who by 1637 deprived the Catholics of the keys to the Nativity Grotto, as well as of some areas of the Holy Sepulchre.[68] The Franciscans' reinstatement was from now on a principal objective of representatives of Catholic powers in Istanbul. The problem appeared to be solved through the French *'ahdname* of 1673, however, no less than two years later, taking advantage of ambassador Nointel's rupture with the Porte, the Greek Orthodox managed not only to revert the capitulatory provisions but to obtain exclusive possession over the site of the Sepulchre and the Rotunda. Only in 1690 did the Catholics reobtain supremacy both in Bethlehem and in Jerusalem, and they managed to hold this position until the mid-eighteenth century.[69]

The Greek Archipelago witnessed a similar struggle in the seventeenth century. Most of the islands had been ruled by Catholic lords since the thirteenth century, and although the Ottomans replaced the last of these rulers during the sixteenth century, important Catholic communities remained on some islands (notably Chios, Naxos, Syros). Catholic and Orthodox priests and bishops would fight to control churches, church assets, as well as believers. Moreover, France and Venice competed with each other over candidates for Aegean bishoprics.[70]

Having a patriarch in Istanbul, near the Ottoman centre of power, was crucial to the success of the Orthodox. To counter this advantage, Catholic ambassadors in Istanbul tried to win over the Ecumenical Patriarchy to their cause. In the 1620s and 1630s, however, they found a most redoubtable adversary in Cyril Loukaris who sympathised with Calvinist doctrines and was therefore supported by the Protestant ambassadors. Fascinating as the struggle around Loukaris is to this day,[71] capitulations contain no discernible traces of it, and consequently, this book will mention it only in passing.

The presence of Catholics at the Holy Places, on the other hand, represents the first religious element that began to be regulated through the Ottoman *'ahdname*s of the seventeenth century.

## Notes

1 Ioana Feodorov, 'Les *Firanğ* – Francs, Européens ou catholiques? Témoignage d'un chrétien syrien du XVIIe siècle', *Orientalia Christiana Periodica*, vol. 82, 2016, pp. 179–210.
2 Fynes Moryson, *An Itinerary Containing His Ten Yeeres Travell through the Twelve Dominions of Germany, Bohmerland, Switzerland, Netherland, Denmarke, Poland, Italy, Turky, France, England, Scotland & Ireland*, vol. 2, Glasgow, James MacLehose and Sons, 1907, pp. 30, 33; Eva Johanna Holmberg, 'In the Company of Franks: British Identifications in the Early Modern Levant c. 1600', *Studies in Travel Writing*, vol. 16, 2012, pp. 363–374.
3 Bruce Masters, *Christians and Jews in the Ottoman Arab World. The Roots of Sectarianism*, Cambridge, Cambridge University Press, 2001, p. 85.
4 Hamilton Gibb, Harold Bowen, *Islamic Society and the West. A Study of the Impact of Western Civilization on Moslem Culture in the Near East. Volume 1: Islamic Society in the Eighteenth Century*, London-New York-Toronto, Oxford University Press, 1967.

 5  Benjamin Braude, Bernard Lewis (eds.), *Christians and Jews in the Ottoman Empire. The Functioning of a Plural Society*, New York-London, Holmes & Meier Publishers, 1982. For a more nuanced interpretation see Michael O. H. Ursinus, 'Millet', in *Encyclopaedia of Islam*. 2nd Edition (henceforth *EI-2*), edited by C.E. Bosworth, E. van Donzel, W.P. Heinrichs and Ch. Pellat, vol. 7, Leiden – New York, Brill, 1993, pp. 61–64.

 6  Daniel Goffman, 'Ottoman Millets in the Early Seventeenth Century', *New Perspectives on Turkey*, vol. 11, 1994, pp. 135–158; Paraskevas Konortas, 'From Tâ'ife to Millet. Ottoman Terms for the Ottoman Greek Orthodox Community', in D. Gondios and C. Issawi (eds.), *Ottoman Greeks in the Age of Nationalism*, Princeton, NJ, Darwin Press, 1999, pp. 169–179; Vjeran Kursar, 'Non-Muslim Communal Divisions and Identities in the Early Modern Ottoman Balkans and the Millet System Theory', in M. Baramova, P. Mitev, I. Parvev, and V. Racheva (eds.), *Power and Influence in South-Eastern Europe. 16th–19th Century*, Berlin, LIT Verlag, 2013, pp. 97–108. for the Jewish *cema'at*s see Minna Rozen, *A History of the Jewish Community in Istanbul. The Formative Years, 1453–1566*, Leiden-Boston, MA, Brill, 2010.

 7  Clifford Edmund Bosworth, 'The Concept of *Dhimma* in Early Islam', in B. Braude and B. Lewis (eds.), *Christians and Jews*, vol. 1, New York-London, Holmes & Meier Publishers, 1982, pp. 42–44.

 8  The Pact of Umar and other early 'pacts' or 'covenants' are examined in detail by Antoine Fattal, *Le statut légal des non-musulmans en pays d'Islam*, Beirut, Imprimerie Catholique, 1958.

 9  Guy Burak, *The Second Formation of Islamic Law. The Ḥanafī School in the Early Modern Ottoman Empire*, Cambridge, Cambridge University Press, 2015.

10  Colin Imber, *The Ottoman Empire, 1300–1650. The Structure of Power*, Basingstoke, Palgrave Macmillan, 2002, pp. 244–251; Boğaç Ergene, *Local Court, Provincial Society and Justice in the Ottoman Empire. Legal Practice and Dispute Resolution in Çankırı and Kastamonu (1652–1744)*, Leiden-Boston, Brill, 2003, pp. 202–205; Maurits H. van den Boogert, *The Capitulations and the Ottoman Legal System. Qadis, Consuls and* Beratlıs *in the 18th Century*, Leiden-Boston, MA, Brill, 2005, pp. 58–61.

11  See Chapters 6 and 7.

12  Vjeran Kursar, 'Some Remarks on the Organization of Ottoman Society in the Early Modern Period: The Question of "legal dualism" and "Societal Structures"', in E. Čaušević, N. Moačanin, and V. Kursar (eds.), *Perspectives on Ottoman Studies: Papers from the 18th Symposium of the International Committee of Pre-Ottoman and Ottoman Studies (CIEPO) at the University of Zagreb*, Berlin, Lit Verlag, 2008, pp. 837–856.

13  Viorel Panaite, *Ottoman Law of War and Peace. The Ottoman Empire and Its Tribute-Payers from North of the Danube*, 2nd revised edition, Leiden-Boston, MA, Brill, 2019, pp. 4–48. The foreign non-Muslim polity would become a *dar al-'ahd* or *dar al-sulh* ('Abode of the covenant' or 'Abode of peace') which, according to the Shafi'i school, lay outside the *dar al-Islam*; thus, when one of its inhabitants ventured into the later, they would do so as *müste'min*. However, the Hanafi school followed by the Ottomans prescribed that the *dar al-'ahd* was part of the *dar al-Islam* and its inhabitants were *zimmi* (Hans Theunissen, 'Ottoman-Venetian Diplomatics: The *'ahd-name*s. The Historical Background and the Development of a Category of Political-Commercial Instruments together with an Annotated Edition of a Corpus of Relevant Documents', *Electronic Journal of Oriental Studies Utrecht*, vol. 1/2, 1998, pp. 25–26).

14  Panaite, *Ottoman Law*, pp. 174–176.

15  The vast majority of *nişan*s were, however, not capitulations. On the other hand, Ottoman *'ahdname*s began to incorporate diplomatic elements typical of

*nişan*s, in what Hans Theunissen described as a 'process of nişanization'. Most seventeenth-century *'ahdname*s contain the *nişan* introductory formula, with the exception of the ones granted to the Holy Roman Empire, the Dutch Republic, and Poland-Lithuania (only the 1667, 1672, and 1678 Polish-Lithuanian *'ahdname*s were drafted as *nişan*s). For a detailed discussion see Theunissen, 'Ottoman-Venetian', pp. 227–265.

16 A common oath formula found in early seventeenth-century *'ahdname*s is: 'As long as (*madamki*) they shall keep their words of loyalty and devotion regarding these mentioned topics, I too shall accept their friendship and I pledge and swear (*'ahd u yemin ederim ki*) in the name of the Supreme God – may His glory be exalted! – who is the creator of the lands and heavens, and on the noble souls of my exalted forefathers, that from this side also no action shall be made contrary to the covenant and solemn promise (*'ahd u misak*), and against the pact and agreement (*'akd u ittifak*)'. Viorel Panaite, Radu Dipratu, 'A Forgotten Capitulation (*'ahdname*): The Commercial Privileges Granted by Sultan Ahmed I to Emperor Matthias in 1617', *Revue des Études Sud-Est Européennes*, vol. 58, 2020, pp. 74, 84. English capitulations up to 1641 lack the oath formula (Susan A. Skilliter, *William Harborne and the Trade with Turkey, 1578–1582: A Documentary Study of the First Anglo-Ottoman Relations*, Oxford-New York, Oxford University Press, 1977, p. 102).

17 Theunissen, 'Ottoman-Venetian', pp. 204, 667; Kołodziejczyk, *Ottoman-Polish Diplomatics*, p. 83; Imber, *Ottoman Empire*, p. 125; Panaite, *Ottoman Law*, pp. 88–89.

18 Venetian *'ahdname*s up to 1540 also needed to be ratified by the Doge. The sultan's *'ahdname* was usually issued after a European sovereign's instrument, to avoid any modifications; however, in the early seventeenth century the Habsburgs could just as well disapprove of the sultan's instrument and require another *'ahdname* (see Chapter 3). For further discussions on the bilateral vs. unilateral nature of *'ahdname*s and the ratification of peace agreements see Theunissen, 'Ottoman-Venetian', pp. 192–256; Dariusz Kołodziejczyk, *Ottoman-Polish Diplomatic Relations (15th–18th Century). An Annotated Edition of* 'Ahdname*s and Other Documents*, Leiden-Boston-Köln, Brill, 2000, pp. 68–80; Panaite, *Ottoman Law*, pp. 176–178.

19 According to Mamluk scholar al-Qalqashandi, a truce should have lasted only four months to a year, if the Muslims were stronger than the *harbi*s, and a maximum of ten years if the latter were stronger. While the Maliki *mezheb* did not provide any durations at all, the Shafi'i one stipulated that a duration should be expressed in order for the truce to be valid (Theunissen, 'Ottoman-Venetian', p. 27; Kołodziejczyk, *Ottoman-Polish Diplomatics*, p. 4).

20 Theunissen, 'Ottoman-Venetian', pp. 76–103; Kołodziejczyk, *Ottoman-Polish*, pp. 80–85; Panaite, *Ottoman Law*, pp. 179–185.

21 van den Boogert, *The Capitulations*, pp. 24–25.

22 Panaite, Dipratu, 'A Forgotten Capitulation', pp. 54–55.

23 Such as the Hungarian 1503 *'ahdname*, currently preserved in the Topkapı Museum Archives, presumably being brought back to Istanbul after the Ottomans conquered Hungary. Sándor Papp, 'The System of Autonomous Muslim and Christian Communities, Churches, and States in the Ottoman Empire', in G. Kármán and L. Kunčević (eds.), *The European Tributary States of the Ottoman Empire in the Sixteenth and Seventeenth Centuries*, Boston, MA, Brill, 2013, p. 505, n. 101.

24 However, one may find original *'ahdname*s in places not associated with their recipient. For example, no original of the Venetian 1733 *'ahdname* is kept in Venice, but one specimen is kept in Paris: Bibliothèque nationale de France, Département des manuscrits (henceforth BnF, DM), Supplément turc 728.