

Some Characteristics of the Ottoman Capitulations in the Sixteenth Century: The Cases of Dubrovnik and Venice

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Introduction

The Ottoman Empire, in its classical age, had took active policy toward the Christian world in the west, such as the conquest of the Balkan lands during the fourteenth and fifteenth centuries and the campaigns against the European powers by land and sea in the sixteenth century. The Ottoman expansion, however, involved not only the conquest and war but also the protection and friendship. The Islamic law (*Sharī'a*) approves Muslims to conclude treaty ('*ahd*, *ahd*) of granting the protection (*dhimma*) or the safe-conduct (*amān*) with non-Muslims under certain conditions¹. The Ottomans, in the case of concluding *ahd* with the Christian states, granted *ahdnames* (capitulations) in which the conditions of *ahd* were written to the other parties. The states with which the Ottomans concluded *ahd* can be classified into two categories: the Christian dependencies (tributary states) and the foreign powers in Europe². The system of *ahd* covering them kept the order of relationship between the Ottoman Empire and the Christian world from the Later Middle Ages to the Early Modern period.

This paper treats the *ahd* between the Ottomans and Dubrovnik (Ragusa) and Venice in the first half and the middle of the sixteenth century. The Ottomans put Dubrovnik, a city-state on the Adriatic coast, as tributary state from the second half of the fifteenth century, and on the other hand seized the Venetian dependencies in the Levant gradually from the fifteenth to the seventeenth centuries. At the same time, the Ragusans, based on the Balkan trade, advanced into the Mediterranean trade from the fifteenth century, and the Venetians kept their commercial activities from the Middle Ages; both of them contributed to the continuation of the Levant trade in the Early Modern period. In this process, the first half of the sixteenth

1 J. Schacht, " 'Ahd,'" *Encyclopaedia of Islam*, new ed., vol. I, Leiden, 1986, p. 255a-b.

2 A. H. de Groot, "The Historical Development of the Capitulatory Regime in the Ottoman Middle East from the Fifteenth to the Nineteenth Centuries," *Oriente moderno*, vol. XXII (LXXXIII), part 3 (2003), pp. 575-604. For the development of the Ottoman capitulations granted to the European powers, see H. İnalçık, "İmtiyāzât, ii," *Encyclopaedia of Islam*, new ed., vol. III, Leiden, 1971, pp. 1179a-1189b.

century is noteworthy as a period that the Ottomans expanded its power to the greater part of the Eastern Mediterranean especially by the annexation of Mamlük territory in 1516 and 1517.

This paper attempts to find the legal framework appearing in the *Ahdnames* granted to Dubrovnik in 1513 and 1556³, and the *Ahdnames* granted to Venice in 1502, 1513, 1517, 1521, 1540, and 1567⁴. One of the points of view for the analysis is that how the structure of the space covering the Ottoman Empire and the Christian world was recognized, and the other is that how the persons entering the Ottoman territory from the Christian world were classified and treated.

1 *Spatial Structure*

(a) Territories

In the Ottoman *ahdnames*, the Ottoman and the other parties' territories are recognized clearly. The Ottoman land is expressed as "Divinely Protected Territories (*Memalik-i Mahruse*)", and Dubrovnik and Venice were promised nonaggression from the Ottoman side. The Ottoman *sancakbeyis* and *subaşı*s could not injure "forts, provinces, and persons" of Dubrovnik and "provinces, fortresses, and persons" of Venice; if the other parties were

3 The *Ahdname* of 1513 (hereafter "Dub. 1513"): Državni arhiv u Dubrovniku (hereafter "DAD"), Acta Turcarum (hereafter "AT"), no. 93; the *Ahdname* of 1556 (hereafter "Dub. 1556"): DAD, AT, no. 207. The edict issued in 1550 to the *kadis* of Rumeli to confirm the clauses of *ahdname* (hereafter "Dub. 1550"); DAD, AT, no. 178) is also consulted here. All of them are the copies issued by the *kadis*. The clauses in Dub. 1556, while lacks words in some places, are same with those of Dub. 1550, and also with those of the *Ahdname* of 1575 (DAD, AT, no. 301) which is the oldest original *ahdname* extant in the DAD (N. H. Biegman, *The Turco-Ragusan Relationship According to the Firmāns of Murād III (1575-1595) Extant in the State Archives of Dubrovnik*, The Hague and Paris, 1967, pp. 54-59). The characteristics of the *ahdnames* granted to Dubrovnik are discussed generally in B. I. Bojović, *Raguse (Dubrovnik) et l'Empire ottoman, 1430-1520: Les actes impériaux ottomans en Vieux-Serbe de Murad II à Selim I^{er}*, Paris, 1998, pp. 121-134; Biegman, *The Turco-Ragusan Relationship*, pp. 46-54; Z. Zlatar, *Between the Double Eagle and the Crescent: The Republic of Dubrovnik and the Origins of the Eastern Question*, New York, 1992, pp. 26-37. For the documents of DAD, AT, see V. Miović, *Dubrovačka Republika u Spisima Osmanskih Sultana: S Analitičkim Inventarom Sultanskih Spisa Serije Acta Turcarum Državnog Arhiva u Dubrovniku*, Dubrovnik, 2005.

4 The *Ahdname* of 1502 (hereafter "Ve. 1502"): Archivio di Stato di Venezia (hereafter "ASV"), Documenti Turchi (hereafter "DT"), no. 73; the *Ahdname* of 1513 (hereafter "Ve. 1513"): ASV, DT, no. 161; the *Ahdname* of 1517 (hereafter "Ve. 1517"): ASV, DT, no. 167; the *Ahdname* of 1521 (hereafter "Ve. 1521"): ASV, DT, no. 188; the *Ahdname* of 1540 (hereafter "Ve. 1540"): ASV, DT, no. 426; the *Ahdname* of 1567 (hereafter "Ve. 1567"): ASV, DT, no. 793. All of them are the original documents. Part of the analysis of these *ahdnames* in this paper is an application of Y. Horii, "16seiki-zenhan no Osumanteikoku to Venetsia: Afudonāme bunseki o tōshite (The Relation between the Ottoman Empire and Venice in the First Half of the Sixteenth Century: From the Analysis of the *Ahdnames*)," *Shigaku-zasshi*, vol. CIII, no. 1 (Jan. 1994), pp. 34-62 (in Japanese). The major study on the *ahdnames* granted to Venice is H. Theunissen, "Ottoman-Venetian Diplomats: The '*Ahd-Names*. The Historical Background and the Development of a Category of a Political-Commercial Instruments together with an Annotated Edition of a Corpus of a Relevant Documents," *Electric Journal of Oriental Studies* (<http://www.let.uu.nl/oosters/EJOS/EJOS-1.html>), vol. I, no. 2 (1998), pp. 1-698. For the documents of ASV, DT, see M. P. Pedani-Fabris, *I "Documenti turchi" dell'Archivio di stato di Venezia*, Rome, 1994.

injured, the Ottomans had to recover their loss and punish the violator⁵. The Ottoman and the other parties' territories are not described concretely in the usual *ahdnames*. However, in the *Ahdnames* of 1502 and 1540 granted to Venice to settle the wars of 1499-1502 and of 1537-1540, the names of several towns and islands in the frontier zones, such as Morea, Bosnia, and the Aegean Sea, are described to make clear to which territory they belong⁶. In the case of Venice, the nonaggression of Venice to the Ottoman side was also prescribed in the *ahdnames* until 1521⁷. The disappearance of this rule in the *Ahdname* of 1540 may be a reflection of the Ottoman superiority over Venice.

The distinction between inside and outside of the Ottoman territory was not completely clear. In the *ahdnames*, this ambiguity appears in the rules of *harac* (*kharāj*, poll tax or tribute paid by non-Muslim subjects in the Ottoman usage) paying. Dubrovnik was prescribed to pay annually 12,500 florin of *harac* to the Sultan's court⁸. Therefore, as well as Wallachia, Moldavia, and Transylvania, it was a tributary state and often regarded as part of the Ottoman territory⁹. Venice was independent power, but also obligated to pay *harac* for ruling some dependencies. For the island of Zante, paying 500 florin annually to the Ottoman treasury had been prescribed in the *ahdnames* from 1502¹⁰. The island of Cyprus was made nominally dominant by Mamlūk Sultan Barsbāy in 1426; Venice had been sending tribute annually to the Mamlūk sultan since 1489 when the island was annexed to Venetian territory. After the conquest of Mamlūk Egypt in 1517, the Ottoman Empire inherited this right of receiving tribute; Venice had been prescribed to pay 7,000 florin annually to the Ottoman treasury in the *ahdnames* from 1517¹¹. Therefore, these Venetian dependencies were, if nominally, part of the Ottoman sphere of influence.

5 Dub. 1513: DAD, AT, no. 93, ll. 7-8, 8-9, 18-19; Dub. 1550: DAD, AT, no. 178, ll. 7-8, 8-9, 25-26; Dub. 1556: DAD, AT, no. 207, ll. 5-6, 6-7, 22-23; Ve. 1502: ASV, DT, no. 73, ll. 11-12; Ve. 1513: ASV, DT, no. 161, ll. 9-11; Ve. 1517: ASV, DT, no. 167, ll. 9-11; Ve. 1521: ASV, DT, no. 188, ll. 9-11; Ve. 1540: ASV, DT, no. 426, ll. 21-23; Ve. 1567: ASV, DT, no. 793, ll. 13-15. In the *Ahdname* of 1513 granted to Dubrovnik, the clause of punishment of violator is as follows: "*Ve mezburların illerine ve kendülerine benüm Memalik-i Mahrusemde olan kimesnelerden bir kimesne ziyān edecek olur ise ki bana arz oluna, gereği gibi hakkından gelüb rızkların tazmin etdirim*"; however, in the same clause in the documents of 1550 and 1556, the words "*mezburların illerine ve*" are omitted.

6 Ve. 1502: ASV, DT, no. 73, ll. 2-8; Ve. 1540: ASV, DT, no. 426, ll. 4-6, 11-16, 18-21, 86-91 (Ve. 1567: ASV, DT, no. 793, ll. 3-4, 8-11, 12-13, 54-57).

7 Ve. 1502: ASV, DT, no. 73, ll. 13-14; Ve. 1513: ASV, DT, no. 161, ll. 11-12; Ve. 1517: ASV, DT, no. 167, ll. 11-13; Ve. 1521: ASV, DT, no. 188, ll. 11-12.

8 Dub. 1513: DAD, AT, no. 93, ll. 5-6; Dub. 1550: DAD, AT, no. 178, ll. 6-7; Dub. 1556: DAD, AT, no. 207, ll. 3-5.

9 Biegman, *The Turco-Ragusan Relationship*, p. 33; M. Berindei and G. Veistein, *L'Empire ottoman et les pays roumains, 1544-1545*, Paris, 1987, pp. 320-321.

10 Ve. 1502: ASV, DT, no. 73, l. 6; Ve. 1513: ASV, DT, no. 161, ll. 49-50; Ve. 1517: ASV, DT, no. 167, ll. 55-56; Ve. 1521: ASV, DT, no. 188, ll. 60-61; Ve. 1540: ASV, DT, no. 426, l. 78; Ve. 1567: ASV, DT, no. 793, l. 49.

11 Ve. 1517: ASV, DT, no. 167, ll. 56-59; Ve. 1521: ASV, DT, no. 188, ll. 61-62; Ve. 1540: ASV, DT, no. 426, ll. 78-79; Ve. 1567: ASV, DT, no. 793, ll. 49-50.

(b) Order on the Seas

As far as seeing the *ahdnames*, the Ottoman, Ragusan, and Venetian spheres of influence on the sea were not as clear as on the land. For the Adriatic Sea, the Ottoman Empire took attitude of noninterference on the traffic to the territories of Dubrovnik and Venice. In the case of Dubrovnik, one clause in the *ahdnames* prescribes that “from their neighboring countries, whether alien or native, whether by land or by sea, anyone may come to their fortresses and go; no one shall prevent this and interfere,”¹² and another one prescribes that “if the merchants come to their countries for trade from the countries of infidels which are in hostilities with me (sultan), no one shall prevent it”¹³. Therefore, Dubrovnik, subjecting to the Ottoman Empire ruling the hinterland, had their own connections with Europe through the front sea. In the case of Venice, the free navigation in the Adriatic Sea was prescribed more clearly: the Venetian and other ships could come and go from “the straight above the island of Corfu” to Venice for trade¹⁴.

For the sea between the Ottoman Empire and the other parties in general, while the Ottomans made no rules in the *ahdnames* granted to Dubrovnik, they made rules minutely for Venice: When the Ottoman fleet and ships meet the Venetian ships, both sides shall show friendship each other and shall not inflict any harm¹⁵. The Ottoman fleet shall not go to the Venetian territory, and the Venetian fleet shall not take hostile action against the Ottomans¹⁶. When the Ottoman or Venetian ships are going to sea, the commander (*kapudan*) shall not be with them, and the captain (*reis*) shall pay security (*kefil*) in order not to inflict harm to the other parties’ territories¹⁷. And the Ottomans and Venice shall not support “ships of robbers (*harami*) from the outside countries” and, if possible, shall catch them and punish¹⁸. In short, the fleets and ships of the Ottomans and Venice had to keep order on the sea bilaterally, and they had to be distinguished clearly from the ships of the enemies.

The expansion of the Ottoman seapower is also reflected in the *ahdnames* granted to

12 Dub. 1513: DAD, AT, no. 93, ll. 9-10; Dub. 1550: DAD, AT, no. 178, ll. 9-10; Dub. 1556: DAD, AT, no. 207, l. 7.

13 Dub. 1513: DAD, AT, no. 93, ll. 17-18; Dub. 1550: DAD, AT, no. 178, ll. 24-25; Dub. 1556: DAD, AT, no. 207, ll. 21-22.

14 Ve. 1502: ASV, DT, no. 73, ll. 39-40; Ve. 1513: ASV, DT, no. 161, ll. 47-49; Ve. 1517: ASV, DT, no. 167, ll. 53-54; Ve. 1521: ASV, DT, no. 188, ll. 57-58; Ve. 1540: ASV, DT, no. 426, ll. 75-76; Ve. 1567: ASV, DT, no. 793, ll. 47-48.

15 Ve. 1502: ASV, DT, no. 73, ll. 15-17; Ve. 1513: ASV, DT, no. 161, ll. 14-17; Ve. 1517: ASV, DT, no. 167, ll. 16-19; Ve. 1521: ASV, DT, no. 188, ll. 14-15, 17-19; Ve. 1540: ASV, DT, no. 426, ll. 28-29, 30-32; Ve. 1567: ASV, DT, no. 793, ll. 17-18, 18-19.

16 Ve. 1513: ASV, DT, no. 161, ll. 17-18; Ve. 1517: ASV, DT, no. 167, ll. 19-21; Ve. 1521: ASV, DT, no. 188, ll. 21-22; Ve. 1540: ASV, DT, no. 426, ll. 34-36; Ve. 1567: ASV, DT, no. 793, ll. 21-22.

17 Ve. 1502: ASV, DT, no. 73, ll. 26-30; Ve. 1513: ASV, DT, no. 161, ll. 29-33; Ve. 1517: ASV, DT, no. 167, ll. 33-38; Ve. 1521: ASV, DT, no. 188, ll. 38-42; Ve. 1540: ASV, DT, no. 426, ll. 53-57; Ve. 1567: ASV, DT, no. 793, ll. 32-35.

18 Ve. 1502: ASV, DT, no. 73, ll. 17-19; Ve. 1513: ASV, DT, no. 161, ll. 18-21; Ve. 1517: ASV, DT, no. 167, ll. 21-24; Ve. 1521: ASV, DT, no. 188, ll. 22-26; Ve. 1540: ASV, DT, no. 426, ll. 37-39; Ve. 1567: ASV, DT, no. 793, ll. 23-24.

Venice in 1521 and 1540 in which following rules were added: When the Venetian fleet and ships meet sultan's fleet or ships, "they shall lower the sail and show that they are on the friendship and obeying (*itaat*)"¹⁹. If the ships of "robbers and *levend*" attack the Venetian fleet or ships, the latter shall fight with the former; the sultan shall punish the captives took by the Venetians severely²⁰. And, if someone in the Venetian fleet supports the fleets of sultan's enemies, the Venetian *beys* shall punish him severely²¹. In short, the Ottoman superiority over Venice on the sea heightened, the Ottomans took the initiative in keeping order on the sea, and the regulations on the Venetian fleet and ships were strengthened.

(c) Human Movement

By granting the *ahdnames*, the Ottoman Empire intended to control not only the power relations with the other parties but also the movement of persons crossing the borders. Between the Ottoman Empire and Dubrovnik and Venice, it seems that the problems of fugitives occurred frequently. Dubrovnik was obligated to investigate the person who took someone's properties in the Ottoman territory and fled to Dubrovnik²². For Venice, more minute and bilateral rules were made: If someone comes from Venice to the Ottoman territory, or from the latter to the former, and flies away without satisfying the debt of trade, he shall be found out and the properties shall be restored to the possessors²³. If a slave (*esir*) flies from Venice to the Ottoman territory, or from the latter to the former, whether he will be backed to the possessor or the ransom will be paid shall be decided according to his religion²⁴. And, if *harac*-payer (*haracgüzar*) or tax collector (*amil*) or criminal flies from the Ottoman territory to Venice, he shall not be accepted and shall be surrendered; the Ottoman side shall do the same way²⁵.

The merchants' visiting and trading in the Ottoman territory are the most important matters of human movement in the *ahdnames*. The rules concerned, however, are different in character between Dubrovnik and Venice, reflecting each sphere of trading activity. In the

19 Ve. 1521: ASV, DT, no. 188, ll. 15-16; Ve. 1540: ASV, DT, no. 426, ll. 29-30; Ve. 1567: ASV, DT, no. 793, l. 18.

20 Ve. 1521: ASV, DT, no. 188, ll. 19-21; Ve. 1540: ASV, DT, no. 426, ll. 32-34; Ve. 1567: ASV, DT, no. 793, ll. 19-21.

21 Ve. 1540: ASV, DT, no. 426, ll. 36-37; Ve. 1567: ASV, DT, no. 793, l. 22.

22 Dub. 1513: DAD, AT, no. 93, ll. 15-16; Dub. 1550: DAD, AT, no. 178, ll. 23-24; Dub. 1556: DAD, AT, no. 207, l. 20.

23 Ve. 1502: ASV, DT, no. 73, ll. 19-21; Ve. 1513: ASV, DT, no. 161, ll. 21-23; Ve. 1517: ASV, DT, no. 167, ll. 24-26; Ve. 1521: ASV, DT, no. 188, ll. 26-28; Ve. 1540: ASV, DT, no. 426, ll. 39-41; Ve. 1567: ASV, DT, no. 793, ll. 24-25.

24 Ve. 1502: ASV, DT, no. 73, ll. 23-24; Ve. 1513: ASV, DT, no. 161, ll. 26-27; Ve. 1517: ASV, DT, no. 167, ll. 29-31; Ve. 1521: ASV, DT, no. 188, ll. 30-31; Ve. 1540: ASV, DT, no. 426, ll. 44-47; Ve. 1567: ASV, DT, no. 793, ll. 27-28.

25 Ve. 1502: ASV, DT, no. 73, ll. 30-32; Ve. 1513: ASV, DT, no. 161, ll. 33-35; Ve. 1517: ASV, DT, no. 167, ll. 38-40; Ve. 1521: ASV, DT, no. 188, ll. 42-44; Ve. 1540: ASV, DT, no. 426, ll. 57-59; Ve. 1567: ASV, DT, no. 793, ll. 35-37.

case of Dubrovnik, their merchants (*bazirgânlar*) could visit Ottoman territory freely for trade without being interfered with their properties²⁶. They had to be levied customs duty in the place they sold goods. The *Ahdname* of 1513 prescribes that the tariff shall be two percent²⁷. This rule was changed in the first years of the period of Sultan Süleyman I (1520-66): The tariff shall be five percent in Istanbul, three percent in Bursa and Edirne, and two percent in the other places in Rumeli. The customs shall be levied directly by the Ottoman treasury in the above-mentioned three cities, while, in the other places, the customs shall be levied by tax collector (*amil*) appointed by the Ragusan government who shall send a fixed amount of money to the Ottoman treasury²⁸. This clause reflects obviously the importance of the Balkan trade in the Ottoman-Ragusan relationship.

In the case of Venice, the matters of merchants' visiting the Ottoman territory were stipulated in relation to the maritime trade. The Venetians could visit Istanbul, Galata, Trabzon, Caffa, Alexandria and other seaport towns in "Arabistan", and other places in the Ottoman territory anytime with "galleys, cogs (*kökeler*), and other small ships"²⁹. Moreover, some rules related to the navigation in the Ottoman coastal sea were made: If the Venetian ships are wrecked, the saved men shall be free and the salvaged goods shall be returned to the owner³⁰. The Venetian ships departing Istanbul, according to the "ancient customs (*âdet-i kadim*)", shall be inspected (*aranmak*) only at Istanbul and "the forts of the Strait [of Dardanelles] (*Boğaz hisarları*)"³¹. In 1540, the above-mentioned rule of free visiting was changed to the rule that the Venetian ships need the permission (*icazet*) of the warden of castle (*dizdar*) at entering the ports³². However, the visiting itself was not prohibited. In 1540, the rule that the Venetian ships, according to the "ancient manner (*üslûb-ı kadim*)", shall be able to visit Alexandria, Tripoli in Syria, and Beirut was added in the *ahdname*³³.

26 Dub. 1513: DAD, AT, no. 93, ll. 10-11; Dub. 1550: DAD, AT, no. 178, ll. 10-11; Dub. 1556: DAD, AT, no. 207, ll. 7-8.

27 Dub. 1513: DAD, AT, no. 93, ll. 11-13.

28 Dub. 1550: DAD, AT, no. 178, ll. 11-21; Dub. 1556: DAD, AT, no. 207, ll. 8-18. This rule appeared firstly in the edict issued to the *kadıs* of Rumeli in 1521 (Zlatař, *Between the Double Eagle and the Crescent*, p.35).

29 Ve. 1502: ASV, DT, no. 73, ll. 14-15; Ve. 1513: ASV, DT, no. 161, ll. 12-14; Ve. 1517: ASV, DT, no. 167, ll. 13-16; Ve. 1521: ASV, DT, no. 188, ll. 12-14. The words "ve *İskenderiye-i Mısır'a ve sair Arabistan'da olan iskelelere*" were added in the *Ahdname* of 1521.

30 Ve. 1502: ASV, DT, no. 73, ll. 24-26; Ve. 1513: ASV, DT, no. 161, ll. 27-29; Ve. 1517: ASV, DT, no. 167, ll. 31-33; Ve. 1521: ASV, DT, no. 188, ll. 36-38; Ve. 1540: ASV, DT, no. 426, ll. 51-53; Ve. 1567: ASV, DT, no. 793, ll. 31-32. This rule also prescribes that the ship from the Ottoman territory shall be treated in the same way in the Venetian coastal sea.

31 Ve. 1521: ASV, DT, no. 188, ll. 58-60; Ve. 1540: ASV, DT, no. 426, ll. 76-78; Ve. 1567: ASV, DT, no. 793, ll. 48-49.

32 Ve. 1540: ASV, DT, no. 426, ll. 23-28; Ve. 1567: ASV, DT, no. 793, ll. 15-17.

33 Ve. 1540: ASV, DT, no. 426, ll. 79-82; Ve. 1567: ASV, DT, no. 793, ll. 50-51.

2 Human Categories

(a) Legal Status, Autonomy, and Jurisdiction

From the point of view of the Islamic law, the legal status in the Ottoman territory was different between the Ragusans and the Venetians. As mentioned above, Dubrovnik was prescribed *harac*-paying and regarded as part of the Ottoman territory. Therefore, the Ragusans were included among the Sultan's subjects (*reaya*) as "*harac*-payer (*haracgüzar*)", and regarded as *dhimmī* (protected non-Muslim), or placed between *dhimmī* and *ḥarbī* (habitant of the infidel world)³⁴. On the other hand, the Venetians were visiting the Ottoman territory and living inside it under the status of *musta'min* (*ḥarbī* granted *amān* or safe-conduct by Muslim ruler). The *ahdnames* granted to Venice prescribe that the Venetians shall not be demanded the *harac*³⁵. Its purport was not only to distinguish *musta'mins* from *dhimmīs* but also to ease the legal term of living as *musta'min*³⁶.

Dubrovnik was recognized autonomy in their territory³⁷. The Ragusans also practiced shipping and trading connecting east and west of the Mediterranean Sea and formed their colonies (residents' communities) in various cities in Europe and the Levant. It is known that, in the Ottoman Empire in the sixteenth century, there was Ragusan consulate in Alexandria in Egypt³⁸. However, no rule of administration of their colonies can be found in the *ahdnames* granted to Dubrovnik.

On the other hand, the Venetians, according to the traditions of the Middle Ages, kept their colonies in the Levant under the Ottoman rule. For the office of *bailo*, a head of the Venetian colony in Istanbul, the rules were made minutely in the *ahdnames*: There is no limitation on the appointee of *bailo*, and the term of office shall be three years³⁹. The *bailo* shall judge disputes (*niza*) between Venetians according to the Venetian customs (i. e., the consular jurisdiction)⁴⁰. The *bailo* shall be supported by the *subaşı* (chief of police) to stop Venetian

34 Biegman, *The Turco-Ragusan Relationship*, pp. 33-34; Berindei and Veinstein, *L'Empire ottoman et les pays roumains*, pp. 320-321.

35 Ve. 1513: ASV, DT, no. 161, ll. 39-40; Ve. 1517: ASV, DT, no. 167, ll. 44-45; Ve. 1521: ASV, DT, no. 188, ll. 50-51; Ve. 1540: ASV, DT, no. 426, ll. 67-68; Ve. 1567: ASV, DT, no. 793, l. 43.

36 The *Ahdname* of 1502 granted to Venice prescribes that the Venetians shall be able to live for one year with exemption (Ve. 1502: ASV, DT, no. 73, ll. 34-35).

37 Biegman, *The Turco-Ragusan Relationship*, pp. 51-54.

38 Biegman, *The Turco-Ragusan Relationship*, pp. 67-69; Zlatar, *Between the Double Eagle and the Crescent*, pp. 37-38.

39 Ve. 1513: ASV, DT, no. 161, ll. 24-26; Ve. 1517: ASV, DT, no. 167, ll. 28-29; Ve. 1521: ASV, DT, no. 188, ll. 29-30; Ve. 1540: ASV, DT, no. 426, ll. 43-44; Ve. 1567: ASV, DT, no. 793, ll. 26-27. The *Ahdname* of 1502 prescribes that the appointee of *bailo* shall not be from the "Venetian great *bey*s (*Venediğin ulu beyleri*)" and the term of office shall be one year (Ve. 1502: ASV, DT, no. 73, ll. 22-23).

40 Ve. 1502: ASV, DT, no. 73, l. 32; Ve. 1513: ASV, DT, no. 161, ll. 35-36; Ve. 1517: ASV, DT, no. 167, l. 40; Ve. 1521: ASV, DT, no. 188, l. 44; Ve. 1540: ASV, DT, no. 426, ll. 59-60; Ve. 1567: ASV, DT, no. 793, l. 37.

merchant who are going to “Bursa or other places” without *bailo*’s permit (*icazetname*)⁴¹. And the *bailo* shall not be imposed the responsibility for the debts of other person⁴², and the dispute that involves the *bailo* shall be judged in the sultan’s council (*divan*)⁴³. In short, the *bailo* was recognized the jurisdiction in his colony and given the support and protection of the Ottoman power.

In relation to the matter of autonomy or consular jurisdiction, the Ragusans and the Venetians were granted same right concerning the administration of inheritance in the *ahdnames*. If the other parties’ merchants dies in the Ottoman territory, their inheritance shall be administered independently without interference of the Ottoman official of distributing inheritance (*beytülmalci*); in the case of the Ragusans, their inheritance shall be delivered to the heir coming from Dubrovnik, and, in the case of the Venetians, it shall be delivered to the *bailo*⁴⁴.

(b) Adjusting Interests in the Local Societies

The interests in which the Ragusans and the Venetians were involved in the Ottoman societies were adjusted by the Ottoman power. For their interests with the persons of other categories, the *ahdnames* prescribe the extent of responsibility and the method of adjusting. The Ragusans and the Venetians could not be took into custody for the debts of other persons (i. e., the prohibition of collective responsibility)⁴⁵. The matters in which they were involved were under the jurisdiction of *kadı* (*qāḍī*, judge). The *kadıs* presiding Islamic law courts in the Ottoman cities and administering judicial and civil affairs played a role in adjusting people’s daily interests. The rule concerned in the *ahdnames* granted to Dubrovnik prescribes the way of settling the Ragusans’ claims with Muslims. The *ahdnames* granted to Venice, on the other hand, prescribes the way of judging their disputes with *harac*-payers. However, these rules were same in the point that the Ragusans and the Venetians were allowed to call persons who

41 Ve. 1502: ASV, DT, no. 73, ll. 32-33; Ve. 1513: ASV, DT, no. 161, ll. 38-39; Ve. 1517: ASV, DT, no. 167, ll. 42-43; Ve. 1521: ASV, DT, no. 188, ll. 48-49; Ve. 1540: ASV, DT, no. 426, ll. 65-66; Ve. 1567: ASV, DT, no. 793, l. 42.

42 Ve. 1513: ASV, DT, no. 161, ll. 36-37; Ve. 1517: ASV, DT, no. 167, l. 41; Ve. 1521: ASV, DT, no. 188, ll. 47-48; Ve. 1540: ASV, DT, no. 426, ll. 64-65; Ve. 1567: ASV, DT, no. 793, ll. 40-41.

43 Ve. 1521: ASV, DT, no. 188, ll. 44-46; Ve. 1540: ASV, DT, no. 426, ll. 60-62; Ve. 1567: ASV, DT, no. 793, ll. 37-39.

44 Dub. 1513: DAD, AT, no. 93, ll. 16-17; Dub. 1550: DAD, AT, no. 178, l. 24; Dub. 1556: DAD, AT, no. 207, ll. 20-21; Ve. 1513: ASV, DT, no. 161, l. 45; Ve. 1517: ASV, DT, no. 167, ll. 50-51; Ve. 1521: ASV, DT, no. 188, l. 55; Ve. 1540: ASV, DT, no. 426, ll. 72-73; Ve. 1567: ASV, DT, no. 793, ll. 45-46. The clause concerned in the *Ahdname* of 1502 prescribes that, for the Venetian’s inheritance, the testimony of *harac*-payer shall be given at the nomination of heir (Ve. 1502: ASV, DT, no. 73, ll. 36-38). Therefore, the rule of 1513 was eased from that of 1502. However, the *Ahdname* of 1482 prescribes the *bailo*’s administration of inheritance (ASV, DT, 26, ll. 34-36). Thus the rule in the *ahdname* of 1502 granted to settle the war was a temporary limitation of the Venetians’ right.

45 Dub. 1513: DAD, AT, no. 93, ll. 14-15; Dub. 1550: DAD, AT, no. 178, ll. 22-23; Dub. 1556: DAD, AT, no. 207, ll. 19-20; Ve. 1513: ASV, DT, no. 161, ll. 37-38; Ve. 1517: ASV, DT, no. 167, l. 42; Ve. 1521: ASV, DT, no. 188, l. 48; Ve. 1540: ASV, DT, no. 426, l. 65; Ve. 1567: ASV, DT, no. 793, ll. 41-42.

belong to the same nation as witness (*ṣahid*)⁴⁶. Since the Islamic law regards testimony given by witness as important evidence, it seems likely that these rules were indispensable for them to protect their own interests in the Ottoman society. Especially for the Venetians, this was a rule stipulated in the *Ahdname* of 1513 for the first time. The *Ahdname* of 1502 prescribes that the Venetians shall call witness from *dhimmīs* in the case of dispute with *harac*-payer⁴⁷. By its change, the Venetians' right of witness was made as same as the Ottoman subjects⁴⁸. Here, we can find out the phenomenon that the difference between *dhimmī* or *harac*-payer and *musta'min* was becoming ambiguous.

Conclusion

In the Ottoman *ahdnames*, while the territories of the Ottomans, Dubrovnik, and Venice were recognized clearly, the distinction between inside and outside of the Ottoman territory was partially ambiguous. For the sea, while the spheres of influence of the powers were ambiguous, the friendly fleets and ships were distinguished clearly from that of the enemies, and the Ottoman seapower was heightened. For the human movement crossing the borders, it was recognized that the Ragusans visit the Ottoman territory for the Balkan trade and the Venetians for the maritime trade. For the Ragusans and the Venetians in the Ottoman territory, while the distinction between the Ottoman subject and the *musta'min* was clear, there was a same right shared by both of them in relation to the matter of autonomy or consular jurisdiction, and also there was a trend that the difference of above-mentioned legal status was becoming ambiguous in the Ottoman society. These characteristics of the Ottoman capitulations in the sixteenth century may provide useful points of view for clarifying the general structure of the system of the Ottoman *ahd*, and also for observing the societies in the Eastern Mediterranean in the Early Modern period.

46 Dub. 1513: DAD, AT, no. 93, ll. 13-14; Dub. 1550: DAD, AT, no. 178, ll. 21-22; Dub. 1556: DAD, AT, no. 207, ll. 18-19; Ve. 1513: ASV, DT, no. 161, ll. 41-43; Ve. 1517: ASV, DT, no. 167, ll. 45-48; Ve. 1521: ASV, DT, no. 188, ll. 51-53; Ve. 1540: ASV, DT, no. 426, ll. 68-71; Ve. 1567: ASV, DT, no. 793, ll. 43-45.

47 Ve. 1502: ASV, DT, no. 73, l. 35.

48 For the Venetians, it was prescribed in the *ahdnames* from 1521 that the attendance of their interpreters (*tercūmanlar*) shall be the condition of *kadı*'s judgment (Ve. 1521: ASV, DT, no. 188, ll. 46-47; Ve. 1540: ASV, DT, no. 426, ll. 62-64; Ve. 1567: ASV, DT, no. 793, ll. 39-40). This was also a rule not to make the Venetians less advantageous than the Ottoman subjects.