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**THE 'AHDNÂME "REVISITED":
SOME NEW APPROACHES AND PERSPECTIVES ON A MUCH-DISCUSSED OTTOMAN
INSTITUTION**

Between the fifteenth and the nineteenth century, the agreements known collectively as *'ahdnâme* (capitulations in English) played many different roles in the socio-economic life of the Ottoman Empire, its provinces, its neighbors and its commercial partners. These documents were political and economic treaties between the sultans and other actors, including tributary polities, specific communities within the empire, and, more famously, some European political entities. The *'ahdnâme* came to serve many different roles over time, sometimes all at once, including that of domestic agreements, peace conditions, or grants of legal and commercial privileges for foreign merchants. These collections of numbered chapters (*capitula*) oscillated between a more bilateral form at the beginning of their existence and an increasingly unilateral one during the so-called Golden Age of the sixteenth and seventeenth century. The formal changes that accrued during this period created the fiction of a document granted solely by the sultan's will, at least before the empire suffered significant territorial losses in the late seventeenth century, which brought about new adaptations¹.

The multiple and crucial roles played by the *'ahdnâme* have undoubtedly made them one of the most famous and studied products of the Ottoman chancery, especially in the last fifty years. Studies chiefly divide into two main trends, which of course, have many points of intersection. The first focuses on the genesis and composition of the documents themselves. Having departed from a more legalist approach that focused on fitting the capitulations into the long history of Islamic law², these studies now tend to privilege the analysis of the context that birthed

¹ For a recent etymological and historical presentation of this diplomatic form, drawing from Seldjukid and Mamluk precedents, but adapted to Byzantine and Latin customs, Işiksel, "Capitulations".

² On this point, see De Groot, "Historical Development".

the *'ahdnâme* and on their formal characteristics. The trend includes diplomatic and geopolitical perspectives and bottom-up ones exploring the role of various actors involved in the document's creation³. The second trend places, instead, a strong focus on the daily application and implementation of the *'ahdnâme* and on how these lofty agreements took practical form in the life of many Ottoman and foreign individuals in different places of the empire. This approach highlights the importance of different provincial authorities, and therefore the highly composite nature of a political structure such as the Ottoman Empire⁴.

The growing literature on the *'ahdnâme* keeps confirming a remark brought forward in 2003 by Kate Fleet and Maurits Van den Boogert, editors of the collection: *The Ottoman Capitulations: Text and Context*⁵. In their preface to the collection of articles, the two scholars insist that a core feature of the capitulations was their remarkable capacity to adapt to the many different uses that Ottoman administrators wanted or needed from them. In this regard, previous scholarship had maintained that the *'ahdnâme* retained a largely homogenous form throughout their history, often at the cost of rhetorical claims or even legalist fictions that created a narrative of power and continuity emanating from an increasingly more potent sultan⁶. Conversely, the many examples provided by Fleet and Van den Boogert's collection showed how the transformation of power balances, the experience of previous treaties, as well as a good amount of conservatism when dealing with a specific community or "nation", accounted for the sometimes quite different contents and purposes associated with the *'ahdnâme*.

The present collection of essays provides a specific angle to these reflections. The last decades of work on the capitulations have proven how malleable they could be and how varied their applications on the ground were. Nonetheless, the relevance of the capitulations as a source for history and historiography remains clear: the constant archival references

³ Skilliter, *William Harborne*; De Groot, *The Ottoman Empire*; Theunissen, *Ottoman-Venetian Diplomats*; Kołodziejczyk, *Ottoman-Polish Diplomatic Relations*.

⁴ Some milestones among a growing literature: Faroqi, "The Venetian Presence"; Eldem, *French Trade in Istanbul*; Veinstein, "Le statut des musta'min"; Van den Boogert, *The Capitulations*; Eldem, "Capitulations and Western Trade"; Kadı, *Ottoman and Dutch Merchants*; Olon, *Brought under the Law*; Talbot, *British-Ottoman Relations*; White, *Piracy and Law*; Signori, "Il ruolo delle risorse".

⁵ Fleet, Van den Boogert, "Editor's Preface".

⁶ On this idea, see also Theunissen, *Ottoman-Venetian Diplomats*, and Kołodziejczyk, *Ottoman-Polish Diplomatic Relations*.

to this relatively well-preserved and often serial source prove its importance for early modern actors. However, this importance is now better understood and contextualized as a social and documentary construction inserted in a web of, sometimes, provincial transactions, as well as a canvas for other less famous documents constantly circulating within and around the Ottoman Empire. Put differently, the capitulations' importance is not merely historiographical. Historically, they remained hard to by-pass and their variety, as well as the constant negotiations surrounding their creation and implementation, are also a sign of the structuring role they came to play or, instead, the documentary role they took for the social and political structures of some communities or regions at the time. Indeed, it is far from anecdotal that some capitulations, even when never-ratified-one like the French capitulations of 1536 or suspected to be fake like the Franciscan capitulation of Bosnia, kept being mentioned and used in political discussions⁷. Therefore, through five examples drawing from new archival work, the present collection aims to continue assessing what role the capitulations could assume in various social and documentary contexts and to what point they were essential, necessary, or valuable by the contemporary actors.

In the collection's first article, "Qui a lu les capitulations ? Note à partir d'une copie crétoise de 1454", Pauline Guéna relies on fifteenth and sixteenth-century sources, especially a Cretan copy of the 1454 Venetian *'ahdnâme*, to explore how the contents of these agreements were perceived along the Veneto-ottoman borders shortly after their concession. The available documentation, limited for this period, suggests that provincial administrators and local elites often requested copies of the recently signed peace treaties from the Venetian center but could sometimes struggle to obtain them. This finding contains two implications.

First, it proves that Venetian central authorities lacked at this time a well-defined policy to share the contents of the agreements across their dominion⁸. Second, it demonstrates that actors on the ground had a keen interest in gaining access to the potentially valuable contents of these documents. Besides these insights, the available evidence suggests that Venetian authorities compensated for their apparent lack of official policies to relay the capitulations' content by deploying written and verbal

⁷ See here the articles of Işıksel and Sekulić.

⁸ This 15th century irregular internal transmission of the capitulation to provincial authorities has been remedied in the second half of the 16th century, as Ian Hathaway proves in his own article.

orders and even threats aimed at immediately limiting violence along the borderlands. Gradually, these interventions reverberated within the imperial frame, thus contributing to the practical applications of *'ahdnâme*.

Güneş Işıksel's subsequent article "Les capitulations accordées à la nation française en 1569. Essai de contextualisation et édition critique", shifts decisively towards the sixteenth century and provides a first crucial critical edition of one of the less-studied *'ahdnâme*. The 1569 Ottoman-French agreement is usually seen as a secondary treaty, or even as a faded copy of the one signed earlier in 1535/1536 between Francis I and Süleymân I, even though it is quite likely that this earlier text was only a draft. Işıksel's essay moves beyond these assumptions and offers an important new perspective from which to understand better not only an important stage of the relations between France and the Ottoman Empire but also, more broadly, the historical development of the documents generally called "capitulations". To arrive at this conclusion, the article first revisits the previous, possibly non-ratified, 1536 agreement to draw out the peculiarities of the 1569 text.

In the third essay, "Layers of Protection: Safe-Conduct Practices and Diplomacy in the Sixteenth-Century Mediterranean", Ian Hathaway explores Mediterranean safe-conduct practices as a lens to study the multilayered and imbricated nature of Mediterranean mobility and protection regimes. He does so by examining sixteenth-century practices of safe conduct/*aman* specifically within Veneto-Ottoman and Hospitaller-Ottoman relations. On the surface, these two contexts could not have been more different: Venice was known across the Mediterranean as one of the Ottoman Empire's closest allies; the corsaring Order of St. John, instead, prided itself on being a Christian bulwark against the advancing Ottoman tide. Yet, these stances concealed the fact that, in different measures and for various purposes, Venetian, Ottoman, and Hospitaller administrators shared a need to protect selected mobility between their jurisdictions. To do so, they relied on safe-conduct practices that could take at least two administrative forms: macro agreements such as the *'ahdnâme*/capitulations or micro-instruments such as individual travel papers. Based chiefly on a corpus of hundreds of Venetian and Hospitaller travel papers placed within the context of the broader diplomatic relations of the time, this essay suggests that Mediterranean rulers shared the institutional framework of safe-conduct but chose to deploy the specific layers of protection that best suited their political, economic, and diplomatic goals.

Tommaso Stefani's article continues to situate the *'ahdnâme*

within a comparative Mediterranean-wide framework by comparing these agreements with different institutions designed to regulate the residence and business activities of foreign merchants in Venice and the Grand Duchy of Tuscany. Indeed, the Ottoman *'ahdnâme* provided a charter of legal and economic privileges to communities of Western European merchants as part of bilateral commercial and diplomatic agreements. In the Italian peninsula, Venetian and Tuscan authorities issued similar charters, called *condotte* in Venice and *livornine* in the port of Livorno, of trade privileges to attract merchants from the sultan's domains. The article argues that, despite differences in the legal and economic systems of these polities, their officials devised comparable solutions to regulate the residence and business activities of merchants. Drawing on common medieval safe-conduct practices for communities of foreign merchants, all charters restricted the residential and movement freedom of the individuals they protected while granting them fiscal exemptions, self-administration in legal and administrative matters, and a privileged legal procedure in state courts. At the same time, the article also demonstrates that despite these comparable legal and economic arrangements, the political economies of the Ottoman Empire, the Republic of Venice, and Grand Duchy of Tuscany played an essential role in defining the status of the foreign merchants.

Finally, Ana Sekulić's essay turns to the history of the *'ahdnâme* granted to the Bosnian Franciscans by Mehmed II, which, in contrast to the other concessions discussed in this collection, still provides diverse discursive templates to frame Catholic belonging within the Bosnian political and historical milieu. Rather than trying to regulate mobility and trade, this document has been used to shape narratives of rootedness in the Bosnian soil and the contours of communal control and authority. In contrast to the previous studies preoccupied with discussing the document's authenticity, this essay argues that the *'ahdnâme* significance lies not only in its role as an identifiable text but also as a symbol and discourse. The Franciscan's deployment of the *'ahdnâme* for several centuries was bound with the successful evocation of ideas that pervaded Ottoman diplomatic, political, and cultural spaces, including ideas of foreignness, social hierarchies, religious competition, diplomatic genres, and bureaucratic practices. Ultimately, this essay puts this document in conversation with the broader literature on the *'ahdnâme* and calls for a broadening of the methodological repertoire – from paleography to hagiography – through which these texts can be studied.

Taken together, this collection of essays showcases complementary approaches to the study of the *'ahdnâme*, ranging from

focusing on their conditions of redaction and diffusion to analyzing their formal and normative aspects, to emphasizing local practices of implementation, negotiation, and even transformation of the agreements. As such, the essays overlap in several aspects.

Both Işıksel and Guéna's articles show how text editions remain necessary to understand better the capitulations' genesis, but also a perception by their contemporaries, even for seemingly already well-known treaties. At the same time, Hathaway and Stefini's works remind us that keeping a comparative perspective is also needed to avoid essentializing the content of these documents. Conversely, these two essays situate the *'ahdname* in the documentary practices of the time, which varied from one power to the other, by looking from different perspectives at the relations between safe-conducts and capitulations. Stefini suggests a diachronic viewpoint, arguing that capitulations could be one among the various Mediterranean document deriving from common medieval precedents that helped frame mobility practices well into the early modern period. Hathaway builds a quantitative synchronic corpus to show how the line of demarcation between individual safe-conducts and collective privileges granted through the capitulations was drawn differently by each power during the sixteenth century. Placing the *'ahdname* within various documentary contexts can therefore help us understand how they served different purposes while retaining, overall, a stable form.

Moreover, each article of the collection places a specific emphasis on the interests, aims, and agency of the actors involved. Sekulić for instance, analyses how the Franciscan discourse on what they came to present as their own *'ahdname* evolved from the Ottoman to the Habsburg period to match the different historical perceptions of the past by the new rulers. This essay effectively blurs the distinction between the historical and historiographical value of these texts, which become indeed what successive actors managed to make of them. Comparably, Işıksel underlines the fact that the 1569 French capitulations, in effect the first to be granted to a commercial nation not in the empire's immediate geographic vicinity, were criticized by several French diplomats at the time as a degrading document comparable to the capitulations of Venice, which indeed were not perceived as matching the status of the King of France. Both articles, therefore, recast our contemporary notion of the capitulations as a decisive and set agreement – and therefore a decisive moment – in the history of a region or a commercial nation.

Crucially, a strong common point that links together this short collection is their geographical scope and their focus on mobility. Most of

the cases examined deal with mobility within specific areas, including the Ottoman Empire, mainly Istanbul, the Western provinces, including Bosnia and the borders with Venetian *Stato da Mar*, and Egypt, where the precedent to the 1569 French capitulation, the 1528 *mersûm*, was first issued. Other areas of interest are several Italianate powers: the Order of St. John, Venice and its dominions, particularly Crete, and the Medici's territories, above all Livorno. This specific geographic and thematic focus suggests that the study of the capitulations can contribute insights and questions to the much broader history of mobility and mobility regulation in the early modern world. By way of conclusion, this essay provides two examples of this possibility.

First, we may ask how far the mobility control tradition that the *'ahdname* belonged to extend? It was, no doubt, diffused through many provinces, and therefore archives, in and around the Mediterranean. However, the reach of Ottoman chancery culture and diplomatic relations exceeded this area, which might provide a crucial consideration to begin deconstructing the deeply rooted idea of a specifically Mediterranean mobility culture. Eastern Europe, for instance, was equally part of Ottoman commercial and mobility traditions: does this region thus share signs of the common administrative practices highlighted by this collection? Second, if framing mobility was one of the primary purposes of the capitulation, the regulation of spatial stability was likewise central. Allowing individuals or communities to stay, through the creation of long-lasting fiscal exemptions and legal protections, must bring us to question what is exceptional and what becomes, over several centuries, normalized. This question further calls for the integration of the very rich corpus of the Ottoman capitulations with various other historical fields, such as the history of Europe, the history of the development of administrations and administrative cooperation, and multi-disciplinary studies that investigate ways of belonging and of building social identities. Thus, the capitulations as a documentary and social construct remain a multi-faceted historical object that is still open to relevant historical inquiries.

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